

MÉRTÉK MEDIA MONITOR

FOUR SHADES OF CENSORSHIP

State Intervention in the Central Eastern European Media Markets



MERTEK BOOKLETS
Volume 19



MERTEK BOOKLETS
Volume 19

2021 JUNE

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MÉRTÉK MEDIA MONITOR

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Published by

Mérték Médiaelemző Műhely
Közhasznú Nonprofit Kft.
[Mertek Media Monitor
Nonprofit Ltd.]
H-1042 Budapest, Árpád út 90-92.

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The editing of the report was
finished at 30 of June 2021.



ISSN 2559-8937
ISBN 978-615-01-3364-5

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INTRODUCTION

This paper presents the results of the project “Good practice sharing for a more open and transparent media across developing democracies in CEE”. The project, funded by the National Endowment for Democracy, aims to provide a comprehensive picture of media policy processes in the Czech Republic, Hungary, Slovakia and Romania, based on up-to-date data.

The project was led by Mertek Media Monitor (HU), and involved MediaForum (CZ), ActiveWatch (RO) and MEMO 98 (SK).

The research pays special attention to the specificities of the media market and the situation of journalism, and analyses the legal environment not only on the basis of legislation but also on the basis of the practice of law enforcement. In contrast to other media policy analyses, the most important specificity of the research is that it focuses on the collection and processing of primary data instead of the secondary processing of expert interviews and literature sources. With its broad methodological background, it provides an evidence-based report that is a relevant starting point for media policy decisions by industry, government and the European Union.

BACKGROUND

The democratic transition since 1989 sought to build up constitutional liberalism and a pluralistic public sphere in Hungary and in the whole Central Eastern European region. Media transformation occurred as a part of comprehensive political and economic change. Liberalisation, privatization and deregulation took place at the same time as a bout of “shock therapy” in the media system.

While seeking the objectives of the CEE media transformation, it should be considered that it was tightly bound to the common European legal frameworks. After the collapse of the Soviet bloc, the countries from the CEE region made the decision immediately that they would make all possible efforts to join Trans-Atlantic and European integration bodies.

However, in the last years several CEE countries witnessed a very serious escalation of attacks against the core values of democracy and the respect for human rights. These countries suffer from a substantial democratic deficit, although most of them are EU member states. The optimism of the 90s and the euphoria over the process of democratic transition have since long passed or gradually faded away. In the first decade of the new millennium, it became apparent that even though the institutions of the constitutional state and the privatisation of public corporations had been performed swiftly, these changes were either unsatisfactory or only superficial. The acceptance of fundamental democratic values remained subpar. Market economy has also become a term laden with negative connotations. In the meanwhile, and more recently with alarming resonance extremist ideologies are spreading. There are numerous signs which indicate that democratic transition in the countries of the CEE region proceeds much slower than anyone would have anticipated based on the trends observed in the early '90s.

The emergence of a democratic deficit in some of the CEE countries is the result of a long and complex process that cannot be tied to single parties or politicians. It is not a narrow party political issue but a broad social problem. A key reason for this failure is the inefficiency of the public sphere, and one of its prime victims is press freedom. The public sphere has not proven robust enough to make this process and its consequences intelligible to wide swaths of society, nor has it presented alternatives or moved social discourse along. Through reinforcing self-censorship and media market distortions, measures that stifle press freedom have damaged the prospects of a working public discourse. A vibrant public sphere/free press are key preconditions for strengthening democratic values. Thus, it is crucial to raise the awareness of all stakeholders, so that they can understand/handle the impact that a politicised media and the political/business pressures brought to bear on the media exert on the democratic public sphere.

Illiberal democracies do not need the broad variety of competing opinions and well-informed voters. They are supported by indisputable political proclamations and a unified public opinion that, of course, limits the citizens' political choices. The main function of the public sphere is the legitimisation of the predominant party's power. These are the media policy instruments that led to a media system where the market leaders of all media sectors are owned by business people with strong political ties to local public spheres without any independent and critical media outlet, and to an election campaign full of fear-mongering and hateful political messages, devoid of debate on the party programmes. Nevertheless, this media policy need not push all critical opinions and independent media outlets out. The existence of some critical media outlets is important for the maintenance of a democratic façade. On the other hand, the reach and the impact of the critical outlets can be significantly limited by shaping their working conditions, the financial background against which they work and their access to information.

All in all, the framework of illiberal democracy yields, of necessity an illiberal, anti-pluralistic media policy, and the recent history of Hungary gives the most spectacular example of this process. But this media policy is not understandable without considering the broader context. The media re-transformation meshes perfectly with other measures concerning the rule of law and social diversity.

Step by step, the cumulative impact of the media policies of the past years in the CEE countries (and in Hungary in particular) has resulted in a comprehensive transformation of the media systems. This has gone hand in hand with the weakening of the safeguards of media freedom and a contraction in the room for manoeuvre of independent media practitioners and outlets. On the basis of our research it is clear that this process rests on three pillars. These are:

- the undermining of the independence of the organisations responsible for overseeing private and public media;

- the manipulation of access to the market resources necessary for media market activities; and
- the manipulation of the information environment by controlling the access to public information and the political agenda (political interference to the PSM) .

These pillars establish a media environment where the pro-government media have unlimited access to market sources and information, their expansion is supported by the decisions of the media authority, and the governing party uses the established media system to exercise tight control of public discourse. This complex system is based on formal-legal means and on informal interventions, on economic manipulation in the whole media value-chain, as well as appointment practices and the curtailment of the freedom of journalists, media managers and advertisers. All these interventions lead to a public sphere where government messages receive preferential and unobstructed access to the broadest possible audience, while critical voices, though present, emerge in dampened or muffled form.

The countries under review, the Czech Republic, Hungary, Slovakia and Romania, share a number of similarities, mainly due to their historical and geographical position. After the fall of the communist regimes in 1989, each of these countries embarked on a process of democratisation, but not in the same way. Until the 2010s, the Czech Republic and Hungary, the most economically developed countries, were seen as model countries for European integration and democratic transition. In Hungary, Viktor Orbán's rise to power in 2010 led to the abolition and replacement of all institutions of the democratic transition, which ultimately undermined the whole process of democratisation. In the Czech Republic, Andrej Babiš, the second richest man in the country and a major media owner, came to power in 2017. His government has also been accompanied by attempts to weaken the democratic acquis, but so far this has brought neither social acceptance nor fundamental institutional change. After the Mečiar era, Slovakia in the 2000s was characterised even more by a search for a democratic path. However, after the murder of investigative journalist Jan Kuciak in 2018, the democratic sensibility of society has increased and this has significantly changed the balance of power. Romania's democratisation has been the slowest, but the trends are clearly positive: social discontent is leaving less and less room for corrupt power. Despite the similarities, the four countries thus offer significantly different boundary conditions for media freedom and the functioning of media market players. This is also reflected in the Reporters Without Borders World Press Freedom Index.

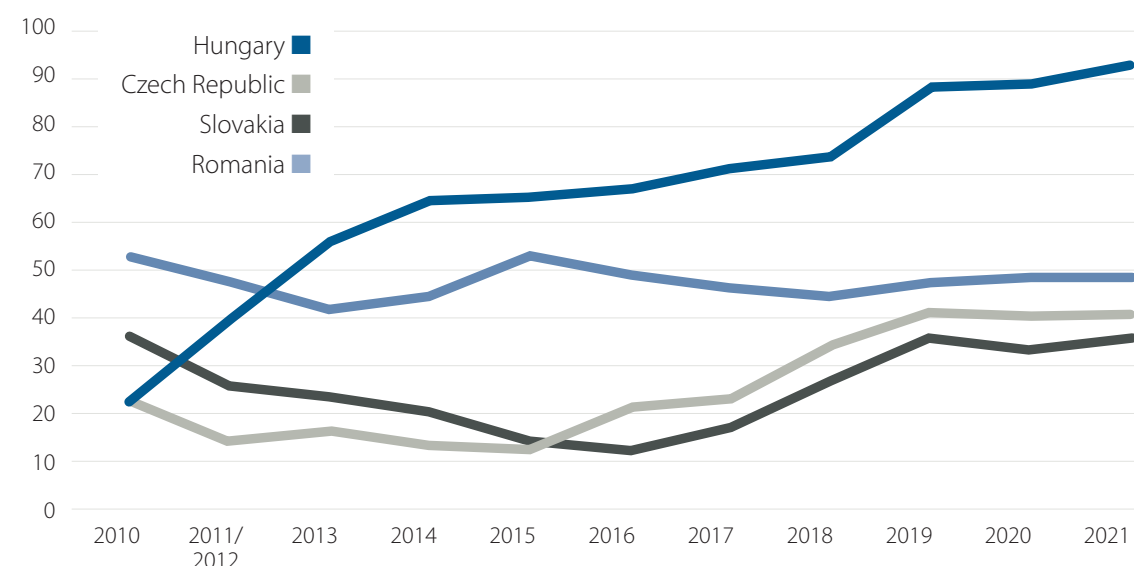


Figure 1. Reporters Without Borders World Press Freedom Index

MAIN FINDINGS

Media Market Trends and Distortions

The media market in Central and Eastern Europe has changed significantly in recent decades. The Soviet bloc collapsed in 1989, the building of market economies commenced, foreign investors appeared, and many countries of the region joined the European Union. In a historical perspective, a veritable success story appeared to be taking place. Everyone believed that progress would be irreversible, that media freedom would flourish in the region and that market forces would guarantee development. Today, the picture is much worse: market forces are increasingly being replaced by political forces, ownership is becoming more concentrated and oligarchs are playing an increasingly important role in the region's media market.

The problems and difficulties in the media market are rather similar in each country.

- Politics and business are everywhere intertwined, and some media companies are directly politically connected. The most extreme situation is in the Czech Republic, where the Prime Minister Andrej Babiš himself has significant media interests.
- It is notable that in recent years several foreign investors left these countries, being replaced by domestic and regional investors. It is interesting to note that while in Hungary domestic investors have clearly dominated, in Slovakia regional players are more important.
- The remaining independent media are fighting for survival everywhere and subscription and crowdfunding models become more widespread. However, the low willingness to pay is a challenge, e.g. in Romania, which is clearly slowing down the spread of the model. In the region, prominent journalists have left their former jobs due to political pressure and started new, independent projects, relying on the loyalty of the public.
- The impact of the Covid-19 pandemic was felt everywhere in the advertising market. Revenues have fallen, but in none of the countries has the advertising market collapsed and the overall decline seems manageable. However, there may be media companies that have been much worse affected than average.
- Political aspects are clearly identifiable in all state advertising spending. Hungary clearly has the strongest market distortion.
- Online media and social networking sites play a significant role in the news consumption everywhere. Large digital platforms are dominant, but the exception is the Czech Republic, where a domestic platform, Seznam, is the largest search engine, ahead of Google.
- The fight against disinformation is also notable in the Czech Republic and Slovakia.

Legal Guarantees and Practical Shortcomings of Independence of the Media Authorities

Independent media regulators are fundamental condition for media freedom. Ultimately, the independence of the media regulatory bodies is at stake in whether the public bodies entrusted with these tasks, in ensuring access to scarce media market resources and enforcing media content bans and obligations, promote a free and pluralistic media market and media supply.

In relation to the independence of media authorities, the analysis presents the legal safeguards to ensure that they operate free from unilateral political and economic pressures in the countries under review. Based on the Hungarian experience, the research originally aimed to focus on the practice of frequency tendering. However, in the other three countries, tendering practices were found to be less problematic, and therefore the analysis also paid more attention to the practice of sanctioning media content.

As regards the independence of the media authorities, the general trend is that the Czech and Slovak authorities are basically professionally reliable and impartial, the Romanian authority shows more signs of political interference and the Hungarian authority has serious problems.

According to the Media Pluralism Monitor 2021¹, the independence and effectiveness of the media authority in the Czech Republic and Slovakia is low risk. Romania also scores low risk in this measure, but with a risk score bordering on medium risk. Hungary is rated as medium risk by the Media Pluralism Monitor on the independence of the authority.

Key lessons from the analysis:

- The Czech media authority has a rather restrained practice in the application of sanctions. It did not prosecute the largest broadcasters during the period under review, and its proceedings were largely for minor formal infringements.
- The regulatory background and decision-making practices of the Hungarian Media Council also raise serious concerns. While formal guarantees of independence are enshrined in the Media Law, the election of the Media Council's members and chairman clearly ensures the possibility of political influence. As in previous years, the most obvious evidence of politically biased decision making in the period under review was the practice of allocating radio frequencies. The Media Council's practice continues to serve almost exclusively the expansion of those close to the ruling party, effectively eliminating independent local radio.
- In the case of Slovakia, there used to be very close connections between the Council members and political parties. In fact, the members of the Council were interacting with politicians and financiers with interest in the media. Close links may influence their independence, particularly in the area of the licensing or while penalizing broadcasters for breaches of the legislation. However, no such obvious action has either been unveiled by our desk research or reported by any credible source in the past few years.

¹ <https://cmpf.eu.eu/mpm2021-result>

- In Romania, the National Audiovisual Council has weakened its respect as a media watchdog, and as a key player within the democratic system. Given its' dependence to the political algorithm and the constant critiques of politization and partisanship, the Council has limited scenarios to recover its credibility. The Council should invest consistent efforts to increase its authority among the audiovisual media outlets by proactive interventions when regulatory sideslips occur – especially during electoral campaigns or during various social and political crisis. However, the Council has proven that it does not conflict with the freedom of expression and does not interfere into editorial processes.

Freedom and Social Role of Journalists

In each country, we conducted structured interviews with at least 10 journalists based on a pre-defined set of questions. Journalists participated anonymously in the research, except in Slovakia. In selecting the journalists, we sought to cover as much as possible the diversity of the media system in each country, both in terms of ideology and type of media.

Key lessons from the interviews:

- A recurring element of the conditions that make journalism difficult is the ownership of the media, the presence of oligarchs (media moguls), i.e., owners with strong political connections and motivations, which was mentioned by respondents in all countries.
- Among the threats to the freedom and quality of journalism, economic instability and low levels of financial dignity are recurrent. In particular, Hungarian and Romanian journalists mentioned the role of public funding and its distorting effect on publicity.
- It was also reported in all countries that journalists are increasingly verbally attacked, including by leading politicians. Difficulties in access to public information were the most frequently mentioned by Romanian journalists during the interviews, but this problem is also a problem for Hungarian journalism (while the period after the murder of investigative journalist Ján Kuciak in 2018 led to substantial decline of such instances in Slovakia, as of 2020 the verbal abuses re-appeared again).
- Economic difficulties and political pressure have also motivated positive changes. The spread of crowdfunding and the launch of innovative independent projects could help the democratic development of these media systems in the long term.
- Journalists in all countries perceive their own social image as rather poor. In addition to the general, but varying degrees of political pressure on the media, they believe that the specific characteristics of digital media also play a role. In this media environment, it is becoming increasingly difficult to maintain journalistic credibility among the many sources of information, and journalists themselves are being forced to adapt to this environment at the expense of professional standards.
- In all countries, there has been self-criticism that more and more journalists are becoming activists, which is hampering the many functions of journalism.
- Self-censorship is a well-known phenomenon in all countries. If not the respondents themselves, other journalists they know are reported to have withheld information in the past in order to avoid negative consequences.

Overall, despite the difficulties, Czech and Slovak journalists have a much more positive perception of their own situation and their role in society than their Hungarian and Romanian counterparts. In the Czech Republic and Slovakia, respondents do not feel that there is a systemic lack of transparency in the work of journalists. Hungarian and Romanian colleagues, on the other hand, have a fundamentally dark and pessimistic view of the situation.

Illusion of Public Service Media

Public service media (PSM) in the region is in many ways different from the model that has developed in Western Europe. In well-established democracies, public service media are impartial, objective, culturally diverse and work for the public good. Of course, there are problems and controversies everywhere, but public service institutions are independent of the political powers and government politicians cannot exert direct political pressure. The situation in Central and Eastern Europe is quite different. The public service tradition and the political culture are very different from those in Western democracies: the region is much more politically influenced and the PSM cannot function as a truly independent institution. This also means that professional standards are typically lower, PSM has a lower image and this is reflected in the audience share. In the region, the PSM cannot play the role that it does in Western Europe.

There are also many similarities in the public service media in the countries studied, although there are of course differences, too.

- Underfunding of the PSM is a problem in most countries, except for Hungary; there is a spectacular increase in support for public service media
- The funding model is rather mixed. The Czech Republic has a licence fee system, in Slovakia the PSM funding is based on license fees and state funding too, while in Hungary and Romania PSM is state-subsidised.
- The organisational structure of the PSM varies between countries, but political pressure can be observed everywhere. Political influence can be seen in the appointment of management and oversight body members.
- In Romania, the high salary of management is striking compared to the overall wage level.
- In Hungary the political bias is absolutely obvious, leaked audio footage proves that the editorial policy is clearly representative of pro-government communication. In other countries, journalists and editors try to adhere to public service principles despite pressure from above.
- The PSM still has prestige in the Czech Republic and in Slovakia, even though the reputation of the latter has been significantly undermined recently. Interestingly, in Romania and Hungary, public service radio stations are relatively popular, but television channels are not. In Slovakia, neither radio nor television are very successful in the audience market.
- In the Czech Republic and Romania, television and radio are run by separate organisations, but in Hungary and Slovakia they are in the same organisation.
- News agency is separate in each country, except in Hungary, where it is part of the public service media.



RECOMMENDATIONS

CZECH REPUBLIC – MEDIAFORUM

- support of independent media from Western democratic countries
- international pressure on Czech government to stop discrimination of independent media,
- encouraging European Commission to ensure plurality of media scene through financial support of independent media ,
- change of legislation concerning PSM to make the process of appointing of councils members more democratic and independent from current political representation.

HUNGARY – MERTEK MEDIA MONITOR

- Closer cooperation between independent journalists, joint projects, strong solidarity
- Detailed media policy programs n the opposition parties' side
- Consistent enforcement of the AVMSD rules on the independence of the regulatory bodies, monitoring of the activities of the regulatory bodies
- European Commission should react to the state aid complaints submitted by Mertek and its partners (public service media financing and market distortion effect of state advertising)

ROMANIA – ACTIVEWATCH

- The public radio and television law needs to be reformed, granting more independence of these two public service media.
- The law on access to information needs to be enforced at all levels.
- Public funds should not distort the advertising market and should be spent in a transparent manner.
- The fundamental right to freedom of expression and public interest journalism should be protected in courts.
- Transparent and predictable enforcement of the existing audiovisual legal framework.

SLOVAKIA – MEMO 98

- [1] Strengthen transparency and accountability in the area of advertising commissioned by state-owned entities (including state-controlled companies).
- [2] The Broadcasting Council should actively oversee broadcasting during election campaigns. In this context, the Council should be obliged to carry out monitoring of news and current-affairs programmes during the campaign and to publish the results both during and after the campaign. In addition, the law should be amended to enable a rapid response, including an appropriate sanction mechanism, to any breach of the legal requirements.
- [3] The independence of public media should be strengthened. The process of selecting the management and supervisory bodies of RTVS (Director General, Council) should be changed to minimise political influence. It is advisable to consider transferring the election of the Director General to the Council. Competences, composition and selection process of the Council should be reconsidered in the first instance, allowing for the appointment of experts of value and standing.
- [4] The model and sources of funding (e.g. licence fees) of public service media should be regularly reviewed with a view to linking it as far as possible to objective economic indicators (e.g. share of GDP).
- [5] Journalists and other media practitioners, public service media in particular, should be free to present their reservations about adherence to professional and ethical rules, without fear of being sanctioned by their employer. At the same time, journalists should strive to uphold professional and ethical standards even during non-work-related public communications, including public profiles on social platforms.
- [6] Defamation (§373, §423) should be exempted from the Criminal Code and claims for such conduct should be brought exclusively within civil proceedings.

- [7] Public officials and other public figures should refrain from interfering with journalists and other media professionals in order to influence their work. Any form of intimidation, threat, coercion or humiliation of journalists by any public authority is unacceptable and should be condemned.
- [8] Hateful, harassing tendencies noted at public accounts of social networks are of a growing concern and various projects and activities aiming to document and identify them should be further supported. Law enforcement bodies as well as legal units of media outlets should exercise maximum effort, including the existing legal methods to prevent aggressive verbal attacks against journalists; and to halt inflammatory rhetoric and hate speech against them, other citizens or different minority groups.
- [9] Authorities should consider all forms of systematic promotion and strengthening of media and digital literacy, including in the formal education system from the primary level, with an aim to better equip citizens to critically receive information and counter misinformation.





METHODOLOGY

Beyond censorship narrowly understood – i.e. the pre-publication review of media contents by the state –, the public sphere may also be distorted by all those state interventions which aim to or effectively promote the public presence of certain information, viewpoints, political or other ideological values, or to encumber the presence of opposing information, viewpoints or values. These measures serve in part to reinforce journalistic tendencies towards self-censorship, and in part they can be categorized as instruments of indirect and soft censorship.

Censorship constitutes a set of instruments to exert pressure on the media and to manipulate the selection of available media. It always involves an abuse of a position of power, be it state/ political or religious/ideological power - or economic power, for that matter, which is frequently connected to the two former. The existence of any form of censorship inevitably leads to a situation wherein distortions emerge not only in the media offerings of individual media outlets, but throughout the entire media system. Rather than being governed by considerations involving newsworthiness and public interest, censorship subordinates those to particular interests, power interests (that is, from the vantage point of our analysis, political interests).

Derek Jones, author of the book *Censorship: a World Encyclopedia*, defines censorship as “a variety of processes are involved, formal and informal, overt and covert, conscious and unconscious, by which restrictions are imposed on the collection, display, dissemination, and exchange of information, opinions, ideas, and imaginative expression”.² This broad definition obviously points beyond the requirement to obtain the preliminary permission of authorities for materials intended for publication. It does not limit censorship to politically motivated interventions, but also extends the concept to encapsulate any type of political, ideological or economically oriented interventions. Nor does it specify the method of intervention. Instead, it includes all types of practices under the heading of censorship, as long as their effect is to forestall or encumber the public dissemination of any communication. This definition also extends to interventions that influence journalistic and editorial decisions (self-censorship) and those that manipulate the selection of available contents by shaping the structure of the media market (soft censorship).

² Derek Jones, *Censorship: a World Encyclopedia*, vols. 1-4 (London, Chicago: Fitzroy Dearborn Publishers, 1990) (p. xii).

Fundamentally, the pressure exerted on the media through censorship is politically or ideologically motivated, often even if journalists are confronted with it through pressure conveyed by media owners. Two objections may be raised to qualifying economic pressure as censorship. For one, as a subject of the right of free expression, a media owner is free to render decisions concerning the media outlet she maintains. Second, pressure by individual media owners or advertisers in the market does not inevitably result in systemic problems affecting the entirety of the media system. Nevertheless, these objections does not imply that economic pressure is not a real problem that is liable to seriously limit press freedom.

SELF-CENSORSHIP

Measures which aim to ensure that journalists, editors or media owners conceal or distort certain viewpoints because they fear the consequences of failing to do so or hope to attain some advantage – which runs afoul of professional rules and in some case even of legal provisions –, or measures having the same effect, promote self-censorship. Self-censorship does not manifest itself only in journalistic activities but also in the decisions of editors or media owners. Media owners' impact on content may be limited by internal rules and practices, but ultimately they always have means of intervening.

Types of consequences that justify fear on the part of journalists include disproportionate sanctions that seriously encumber the operations of a media outlet, the withdrawal of advertisements, the loss of jobs, official actions against the media company – which may be technically legal, such as audits by the tax authority, but nevertheless constitute harassment – or even legislative action aimed at weakening the economic position of a company.

A third of journalists contacted by Mérték Media Monitor in the course of this research indicated that they experienced certain proceedings by authorities as severe forms of pressure.³ This suggests that the respondents do not view these proceedings and the underlying institutional structure and regulatory environment as an objective and transparent framework of operation. Fundamentally, the legal environment should not be an instrument of pressure but a framework for delineating the rational and constitutional limits of public communication, an instrument for striking a balance between the freedom of the press and other constitutional values. Yet the greater the probability that the law is applied arbitrarily, or worse, drawn up arbitrarily, the more likely journalists will regard the regulatory environment as an instrument of political pressure. The United States Supreme Court has referred to a so-called chilling effect in describing a situation when otherwise legitimate regulations have the effect – which may be intended or unintended – of deterring the person who wishes to communicate from her expression.⁴ This can be prevented if

- The regulatory environment is designed in a transparent manner and is professionally sound;
- The rules governing the conduct of newsrooms and journalists are clear, and their application is consistent and transparent;
- potential sanctions do not threaten the existence of media outlets that may be subject to it (with the exception of the most severe and legally unequivocally specified violations of the law);
- regulatory decisions are well-founded and subject to appeals and judicial review.

³ Navratil Szonja, 'A Mérték Médiaelemző Műhely sajtószabadság-indexe [Mertek Media Monitor's Press Freedom Index]', in *Foglyul ejtett média. Médiapolitikai írások* [Captive media. Essays on media policy], ed. by Gábor Polyák and Erik Uszkiewicz (Budapest: Gondolat Kiadó, 2014), pp. 148-88.

⁴ Frederick Schauer, 'Fear, Risk and the First Amendment: Unraveling the Chilling Effect', *Boston University Law Review*, 58 (1978), pp. 685-732.

The quality of the regulatory system is also significantly influenced by the institutional setting which applies the relevant laws. If the political or economic independence or professional reliability of the respective institutions is subject to legitimate doubts, then media companies, newsrooms and journalists cannot count on the consistent and fair application of the law.

SOFT CENSORSHIP

As "soft censorship" or indirect censorship we classify those types of media policy interventions which significantly enhance the chances of certain viewpoints reaching media audiences, while they reduce the chances of other viewpoints to achieve the same, and do so by changing the structure of the media market. Over time, such interventions cause lasting distortions in the way the public sphere works. Following Podesta's definition, soft censorship or indirect censorship is "the practice of influencing news coverage by applying financial pressure on media companies that are deemed critical of a government or its policies and rewarding media outlets and individual journalists who are seen as friendly to the government". Typical forms of such interventions are the targeted placement of state (or municipal) advertisements – independent of market performance –, pressure on commercial advertisers to follow the state's lead and also allocate their advertising orders accordingly, and to provide indirect payments to journalists.⁵

In Podesta's approach, the most important characteristic of soft censorship is that it manipulates the way the media system works with financial instruments, including the corruption of journalists. "Rewarding" individual media companies is also corruption, but its impact on media selection is more complex than the corruption of individual journalists. Corrupting journalists has an influence on the content of specific items published in the media, while pressure on media companies – be it in the form of threats or rewards – is not aimed at influencing any particular item of content but the entire media system which shapes the conditions under which all items of content are created. In our categorisation, the corruption of journalists is more likely to fall into the category of self-censorship, and it involves a situation when the concealment or distortion of information is not motivated by a fear of the consequences but by the hope of gaining rewards.

Based on our analysis of the Hungarian media system, we delineate the boundaries of soft censorship differently. In our understanding, soft censorship involves arbitrary interventions aimed at the structure of media markets and at limiting private companies' latitude in making business decisions. The objective of such interventions is to boost throughout the entire media value chain enterprises which promote the dissemination of the government's views, and to weaken or impede the financial viability of media outlets that publish critical views about the government, or to compel them to abandon the communication of such views. Soft censorship leads to rather slow and gradual, but nevertheless lasting changes in the way the entire media system operates. The influence is not aimed at generating certain individual pieces of content but to shape available content in general, and hence its target are not individual journalists but media companies. The impact of soft censorship is directly perceived by media owners and media managers, and such interventions impact the work of editors and journalists through the influence exerted by these two groups.

⁵ Don Podesta, 'Soft Censorship: How Governments Around the Globe Use Money to Manipulate the Media' (unpublished thesis, 2009), p. 4.

The first research on the subject investigated Argentina's media system. See Asociación por los Derechos Civiles; Open Society Justice Initiative, *Buying the News. A Report on Financial and Indirect Censorship in Argentina* (New York: Open Society Institute, 2005).

INSTRUMENTS OF SOFT CENSORSHIP

State interventions that have a distorting impact on media selection can be informal or formalised interventions. Informal interventions are those instruments that shape the media market with an apparatus outside the scope of the legal arsenal specifically designed to this end, which are generally assigned to the media authority. By formalised interventions we mean those which are realised through some regulated procedure, primarily in the framework of the media authority's proceedings. Informal interventions - such as for example market acquisitions or the allocation of state advertising - are mostly non-transparent, they are not subject to legal control or public scrutiny. Formalised interventions, however, rely on the arbitrary and abusive uses of the legal system. Though there may be legal remedies available to counter them, they cause systemic distortions in the operations of the media which cannot be redressed by legal remedies pursued in individual cases. Such abusive applications of the law cast doubt on the reliability and consistency of the entire legal system. The most obvious distortion is wrought by the manipulation of the content provision markets, but soft censorship can affect all elements of the value chain. Positions won in the media agency market can serve to efficiently allocate advertising revenue among market players. Similarly, influence over sales houses is also a crucial instrument for shaping the revenues and business opportunities of numerous players in a given market, since it allows for setting the value of advertising airtime or other advertising surfaces. Indeed, entry into the audience measurement market is also a method for shaping the business opportunities of all players in the market, for audience measurement underlies advertising decisions.

The foremost media policy instrument of soft censorship is market expansion. In certain cases, the state will install itself at some level of the value chain by establishing a state-owned company or institution, or by nationalizing an already working private company. In the Hungarian experience, the more frequent phenomenon - which is at the same time difficult to recognize in practice - is to expand the market of pro-government media companies through acquisitions or launching new services. Launching new content services in the radio and television market takes place in the form of regulated proceedings.

While nationalisation is an obvious and easily identifiable measure, determining which enterprises have ties to political parties is always fraught with uncertainty. The political ties of media companies and media entrepreneurs are identifiable especially in the form of party or governmental offices previously occupied by the media owner, the success of their companies in public procurement tenders, or the leading positions they previously held at state-owned companies. Enterprises with political ties or oligarchs are not legally defined terms. Moreover, the range of enterprises or entrepreneurs who could be defined as such can fluctuate rapidly depending on changes in the prevailing balance of political power.

The expansion of politically motivated private enterprises - which do not promote pluralism in the media system - can also be facilitated by formal and legally regulated interventions. The structure of the media market can be efficiently shaped through proceedings aimed at the allocation of terrestrial frequencies and other distribution capacities - for example cable capacities falling under the transmission obligation - or through changing the conditions for the use of frequencies - license fee, license periods, etc. The transparency of procedures for allocating transmission capacities and licences, and other decisions that influence the structure of the media market, such as for example the consistency and transparency of decisions limiting media market expansion and media market concentrations, are all crucial safeguards for preventing soft censorship.

Public service media are very particular players in the content provision market, since they always use public funds to operate. Publicly funded players who simultaneously compete with commercial players and perform identical activities as the latter always constitute a risk for the entire market. These risks are significantly diminished when public responsibilities are clearly defined and the use of public funds is contingent on the discharge of these responsibilities. The European Union places special emphasis on the market-distorting impact of public funding for public service media.

Lacking transparency in public service media funding or excessive funding for public service media always lead to disorders in the entire media system. Excessively funding public service media constitutes a threat to the financial stability of private media companies and thereby to the stability of the entire media market. Excessive funding is often a government's instrument for ensuring biased coverage in public service media.

Soft censorship is often realised with measures that focus on those elements of the value chain through which the widest possible range of content services can be manipulated. This applies especially to the advertising market and the broadcasting market.

A key instrument of reshaping market relations - and simultaneously applying political pressure - is the withholding of advertising, and especially the withholding of state advertising. As Hallin and Mancini also point out,⁶ the size of the media market indirectly also influences the way the public sphere operates: The more a given media outlet depends on individual advertisers, the less it can afford to relate critically to certain critical advertisers. Correspondingly, if the role of state advertising is substantial, then this prevents critical reporting on the state and the government itself. Already in the early 1990s, Keane classified the distribution of state advertising as an instrument of political censorship: "[W]hen governments threaten to withdraw their funds, then [media] are compelled to compromise in the face of this pressure, and in some cases media enterprises even collapse."⁷ In a small market, the risk of such pressure is especially great, for "few newspapers can afford to subsist entirely on commercial income. Thus they need to seek out politically motivated funding, but they forgo their independence to receive the latter"⁸. Several analyses on Hungarian media market processes have shown that there is a strong causal relationship between the selection of media outlets that benefit from state advertising spending and the ideological orientation of the government. According to a report by the Budapest Corvinus University Corruption Research Centre, "over the past decade and a half the trends in advertising revenue stemming from the state's advertising purchases have been among the most sensitive points of contact between politics and the media sector in Hungary."⁹ The analysts who examined the print press arrived at the conclusion that "governments 'rewarded' the allied press by making state institutions and state-owned corporations buy advertising space in these press products. Fluctuations in the shares of state advertising printed in left-wing and right-wing press products very closely followed changes in control of government". In the case of certain print publications, state advertising made up over 40% of total revenues in 2012, which practically rules out the possibility that these publications assume any role in acting as a check on public power.¹⁰

⁶ Daniel C. Hallin and Paolo Mancini, *Médiarendszerek* [Media systems] (Budapest: Alkalmazott Kommunikációtudományi Intézet - Gondolat Kiadó, 2008).

⁷ John KEANE, *Media és demokrácia* [Media and democracy], Budapest 1999, p. 80.

⁸ Péter Bajomi-Lázár, *Média és politika* [Media and politics] (Budapest: PrintXBudavár, 2010), p. 60.

⁹ Budapesti Corvinus Egyetem Korrupciókutató Központja, *Kormányzati intézmények és állami cégek médiaköltségei a nyomtatott sajtóban Magyarországon, 2003-2012. Leíró statisztikák és megfigyelések. I. Riport* [Governmental institutions and media spending by state companies in the Hungarian print press, 2003-2012. Descriptive statistics and observations. I Report], Budapest 2013.

¹⁰ Ágnes Urbán, *«Médiapiaci folyamatok Magyarországon»* [Media market processes in Hungary], in *Foglyult ejtett média* [Captive media], ed. by Gábor Polyák and Erik Uszkiewicz (Budapest: Gondolat Kiadó, 2014), pp. 306-39.

Not only have these interventions siphoned off substantial resources from a media market that has been struggling for years, but they have also rendered the financial manoeuvring room of media market players unstable and unpredictable. Such interventions would cause disturbances in any economic sector, but in the case at hand the measures which resulted in strengthening certain market players and weakening others were intended to serve political objectives that had naught to do with public interest. In this case, the state incentivised the rearrangement of the market with instruments that unequivocally classify as soft censorship. That is because these measures

- have failed to reinvest the funds they extracted from the media and communications market by investing in the development of a pluralistic media system, and the withholding of funds has thus weakened the performance of the entire communications system, including its ability and willingness to realise media policy objectives that serve the public interest;
- are liable to directly influence decisions concerning media contents and the viability of certain media market players on account of the magnitude of funds extracted;
- have increased the political and economic vulnerability of certain players in the media, and have boosted the probability of editorial compromises in the interest of obtaining funds;
- are unpredictable, cannot be planned for and have compelled revisions of operative business plans;
- were discriminative in several cases, that is they affect certain market players considerably more severely than others, which suggests that there is an underlying intention of restructuring the market to reflect interests other than the public interest.

THE INTERDISCIPLINARY ANALYSIS OF MEDIA POLICIES

A vast and diverse array of stakeholders, processes and interests are affected by the potential scope of media policies, and any academic discipline dealing with the media will find relevant ways of approaching these policies. In interpreting media policy, companies active in the media market, political parties, authorities and lawyers applying the media laws, the public seeking information or scholars researching the evolution of the media system will each apply different emphases. Regardless of whether we analyse media policy with normative goals or with the aim to provide a descriptive account, the defining characteristic of any analysis will be “a multi-disciplinary and multidimensional approach.”¹¹ Media policy may be regarded as an interdisciplinary area of media research that has obvious and close ties to media theory, media sociology, media law, media economics or media history, for that matter. Papathanassopoulos and Negrine argue that “közpolitikai elemzéseket érintő problémák egyszerűen túl komplexek ahhoz, hogy megengedjék az egyetlen diszciplínára alapozott megoldásokat.”¹²

¹¹ Stylianos Papathanassopoulos and Ralph Negrine, ‘Approaches to Communications Policy: An Introduction’, in *Communications Policy. Theories and Issues*, ed. by Stylianos Papathanassopoulos and Ralph Negrine (Basingstoke - New York: Palgrave MacMillan, 2010), pp. 3-22.

¹² Stylianos Papathanassopoulos and Ralph Negrine, ‘Approaches to Communications Policy: An Introduction’, in *Communications Policy. Theories and Issues*, ed. by Stylianos Papathanassopoulos and Ralph Negrine (Basingstoke - New York: Palgrave MacMillan, 2010), pp. 3-22.

This approach provides the needed broad perspective that the practice of media policy requires for rendering well-founded media policy decisions. It also shows in the context of media law legislation that regulatory decisions cannot be made exclusively on the basis of legal considerations. A media policy decision maker has to be capable of identifying the external factors which impact the media system, as well as the mutual interplay between these factors and the media system. An interdisciplinary approach to media policy is also necessary because media policy measures also exert a diverse range of impacts: They appear in statutory provisions and other legal documents, they influence journalistic conduct, they shape the media market and promote or impede the spread of individual technologies, shape media contents, indeed, they even affect media consumption patterns. Their effect on conduct and attitudes, as well as their economic and broadcasting policy/media content impact can be analysed with diverse disciplinary frameworks and diverse analytical methods.

- Those impacts of media policy which shape journalistic conduct and attitudes also exert a major influence on the quality of public discourse. Some of these impacts are planned and track the intentions of media policy decision-makers, while others are previously unplanned, unintended consequences. At the same time, some impacts reflect media policy makers’ publicly defined objectives, while others are the result of undeclared and concealed intentions underlying media policies. Attitudes, knowledge and opinions relating to the role of journalists, the latitude journalists enjoy in their work, the reliability and predictability of limitations pertaining to journalistic work, economic and political pressures, and the esteem in which the profession is held - these all influence journalists’ conduct and performance, and thereby ultimately the selection of available content. These attitudes, this knowledge and these opinions depend on the regulations circumscribing the journalistic profession’s particular legal situation - from the protection of sources all the way to media law sanctions -, on the consistent and reliable application of the law, as well as media policy decisions that shape the business latitude of media companies. Particularly suitable instruments for exploring the impact of media policy may be surveys of journalists and other stakeholders - a method also employed by various press freedom indices¹³ - and in depth interviews with them. Qualitative and quantitative analyses of media contents also allow for conclusions regarding the impact on journalists.¹⁴
- From the evolution of ownership structures and the competitiveness of local providers all the way to the relocation of media service providers to other countries, media market processes are also shaped by numerous media policy measures. Statistical analyses of market data and market processes will also reveal media policy intentions, even if these processes are often the result of numerous economic factors that are independent of media policy decisions.¹⁵ A surge in the advertising income of a media company, for example, is very likely the result of a successful innovation in its offerings. At the same time, in exceptional cases it is conceivable that political pressure on the advertising market leads to the rapid rearrangement of the market. Similarly, though a rapid expansion of individual media outlets is typically the result of successful business performance, but an accelerated fluctuation among media owners may reflect changes in the rules governing media concentrations, as could the politically-supported expansion of individual media owners. Analyses of media markets always presume a knowledge of the applicable regulatory and media policy framework.

¹³ Szonja Navratil, ‘A Mérték Médiaelemző Műhely sajtószabadság-indexe [Mertek Media Monitor’s Press Freedom Index]’, in *Foglyul ejtett média. Médiapolitikai írások* [Captive media: Essays on media policy], ed. by Gábor Polyák and Erik Uszkiewicz (Budapest: Gondolat Kiadó, 2014), pp. 148-88.

¹⁴ Kenyon, for example, used the method of content analysis to analyse the chilling effect of liberal regulations. Andrew T. Kenyon, ‘Investigating Chilling Effects: News Media and Public Speech in Malaysia, Singapore, and Australia’, *International Journal of Communication*, 2010, pp. 440-67.

¹⁵ Ágnes Urbán, ‘Médiapiaci folyamatok Magyarországon’ [Media market processes in Hungary], in *Foglyul ejtett média* [Captive media], ed. by Gábor Polyák and Erik Uszkiewicz (Budapest: Gondolat Kiadó, 2014), pp. 306-39.

- Media policy interventions are ultimately aimed at influencing media content and the media selection that reaches audiences. The publication of certain types of contents is stimulated with various instruments - examples are domestically produced content, broadcasting for children, local content, etc. - while other types of content - such as for example sexual contents, advertisements, and in fact through quality requirements even informational content - are subject to restrictions or outright prohibitions, as in the case of hate speech. The empirical analysis of media contents is hence an important instrument for analysing media policies. The relationship between media policy and media content is not necessarily as obvious as it is in a situation when a given communication is either mandatory or interdicted. Decreasing or increasing the ratio of public affairs content, the content of public affairs information, the selection of public figures who appear in the latter and the mode of their representations are all issues which are substantially influenced by transparent and non-transparent changes in the media policy climate, even if the changes do not directly pertain to informational activities but to, say, the business opportunities of media companies.¹⁶
- The audiences' opinions on press freedom and the way the media system works are also important imprints of the impact of media policies. The results of public opinion surveys seeking to explore these opinions are also important components of efforts at analysing the state of press freedom.¹⁷ So-called media proficiency indicators, which use various criteria to assess the audiences' levels of media literacy or digital literacy, offer the way to analysing a particular aspect of media policy, namely measures aimed at promoting media literacy.
- A significant portion of media policy decisions manifest themselves in the form of legal statutes or decisions rendered by public authorities or judicial bodies. Their legal analysis - the interpretation of statutes and their comparison with international legal solutions, and the analysis of the lawfulness and legal foundations of such decisions, as well as their trends - provides important information for revealing the intentions underlying media policies and the efficiency of media policy measures.¹⁸

¹⁶ Szonja Navratil, 'A médiapolitika és a médiaszabályozás hatása a médiatartalomra' [The impact of media policy and media regulations on media content], in *Foglyul ejtett média. Médiapolitikai írások* [Captive media. Essays on media policy], ed. by Gábor Polyák and Erik Uszkiewicz (Budapest: Gondolat Kiadó, 2014), pp. 188-216.

¹⁷ Szonja Navratil, 'A médiapolitika és a médiaszabályozás hatása a médiatartalomra' [The impact of media policy and media regulations on media content], in *Foglyul ejtett média. Médiapolitikai írások* [Captive media. Essays on media policy], ed. by Gábor Polyák and Erik Uszkiewicz (Budapest: Gondolat Kiadó, 2014), pp. 188-216.

¹⁸ Krisztina Nagy, 'A Médiatanács frekvenciapályáztatási gyakorlata 2010-2013' [The Media Council's frequency tender practices, 2010-2013], in *Foglyul ejtett média. Médiapolitikai írások* [Captive media. Essays on media policy], ed. by Gábor Polyák and Erik Uszkiewicz (Budapest: Gondolat Kiadó, 2014), pp. 68-105.

- Comparative and historical analyses are important methods of media policy analysis. The classic comparative analysis is a volume by Siebert, Peterson and Schramm entitled *Four Theories of the Press*, which used research conducted in the 1950s to compare and contrast liberal and democratically-controlled models with authoritarian and totalitarian models of the press (Fredrick S. Siebert, Theodore Peterson and Wilbur Schramm, *Four Theories of the Press. The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concepts of What the Press Should Be and Do* (Urbana - Chicago - London: University of Illinois Press, 1956)). Hallin and Mancini's comparative analyses had the greatest impact in the past years. In their work, the scholars drew up a model of three types of media systems distinguished on the basis of the interrelationship between the political system and the media system: The polarised pluralist or Mediterranean, the democratic corporatist or Northern and Central European, and the liberal or North Atlantic media systems (Daniel C. Hallin and Paolo Mancini, *Médiarendszerek* [Media systems] (Budapest: Alkalmazott Kommunikációtudományi Intézet - Gondolat Kiadó, 2008)). These analyses revealed general media policy trends and connections between media policies and the prevailing social-political structure, and they help create a typology of media systems. At the same time, a comparative analysis may also be aimed at investigating individual elements or phenomena in the media system rather than the system in its entirety. It may aspire to simply describe identical features across systems or to explain certain phenomena and the underlying reasons, to compare not only geographic regions but also various historical periods (Manuel Puppis, *Einführung in die Medienpolitik*, 2nd edn (Konstanz: UVK Verlagsgesellschaft mbH, 2010)).



MEDIA MARKET TRENDS AND DISTORTIONS

in the Czech Republic,
Hungary, Romania
and Slovakia



CZECH REPUBLIC

MEDIA MARKET

Media ownership in the Czech Republic went through several major changes since 1990. Foreign owners entered the market shortly after the fall of communism. They acquired nearly all existing media and established many new titles of printed media. New TV channels and radio stations were started. Majority of their content was non-political - entertaining, that for on TV and radio market just the public service media play important role concerning new coverage and political programs.

Foreign owners transformed existing media and established new media as successful business units which brought them lot of profit. Owners of printed media focused on the quality of content as well and that for during their ownership those media served as reliable independent content providers.

After the economic slowdown in 2008 and due to rising influence of internet news media, the financial situation of media changed and most of printed media were not capable to generate as big profits as before. At the same time Czech oligarchs started to be interested to acquire media to get their content under control and to use them for the support of their business interests.

Andrej Babiš was not only one of strongest among them, he differed also in the reason for the acquisition, as his interests was not pure business but political as well. Although from some point of view it also can be understood as business interest, because his entrance to politics was led by the intention to help his business as well.

1. OWNERSHIP STRUCTURE/CHANGES

Publishers

German, French, Swiss and US owners were among those engaged in Czech media organizations. Three international publishing companies—Ringier AG, Rheinisch-Bergische Verlagsgesellschaft and Verlagsgruppe Passau—gradually gained critical mass in the Czech newspaper market. The Verlagsgruppe Handelsblatt became the last to join the group of international newspaper owners (from the 1990s onward, Zdeněk Porybný, editor-in-chief and main shareholder of the Právo daily, remained the only Czech owner).

Under foreign ownership the content was not influenced by political interests as owners had no interests on the Czech market other than their media businesses. Those ownership resulted in the shaping of the new Czech media system according to western models of journalism. The post- Communist media phase placed greater emphasis on independent reporting, developing public service media, reducing state intervention, and liberalizing the media market.

What had been a relatively stable ownership environment over nearly 20 years, started to transform radically in 2008 - after the global economic slowdown. Economic problems in the core businesses of the foreign media owners in their home countries caused an urgent need of immediate funding. This was probably the main reason for them to decide to disinvest from their businesses in the Czech Republic.

The departure took place at the onset of the impact of a global economic crisis, which reduced advertising revenues and the paid circulation of daily newspapers, resulting in the rapid expansion of Internet news services.

The major change came in 2008, when Handelsblatt exited the Czech market. Czech billionaire Zdeněk Bakala was the buyer who acquired Economia Media Company from the German owner. Needless to say, his intention was not political, but rather economical. He already owned one news weekly and wanted to broaden his scope in this area.

The key turning point in the ownership structure of Czech dailies occurred in 2013, coinciding with a major political change in the Czech Republic, and resulting in a radical re-alignment of the political, economic, and media power in the country. Czech billionaire Andrej Babiš (that time No.3 among the richest people in the Czech Republic) and his company Agrofert acquired the Mafra media group from Rheinisch-Bergische Verlagsgesellschaft. Among others, Mafra publishes the major national dailies Mladá fronta Dnes and Lidové noviny.

At the same time Andrej Babiš decided to enter the politics. In order to succeed, he decided to buy Mafra as he believed that the control over important media would be essential for his future success. In autumn 2013 Czech parliamentary election, his political party ANO obtained the second highest number, which earned ANO a place in the government and gave Andrej Babiš the positions of Minister of Finance and the Deputy Prime Minister. Many foreign sources are calling Andrej Babiš the Czech Berlusconi. But whereas Berlusconi earned money in media sector, A. Babiš spent the money in media sector to get into the power!

Through acquisition of Mafra he got control over several dailies, important websites and some other media as well. The multimedia company Mafra ranks among the strongest media company in the Czech Republic that addresses on regular basis 3.4 million readers and 7,4 million users of its internet-based projects. Thus, Babiš is considered as the first who took-over media company to influence its content.

Switzerland-based Ringier Axel Springer AG exited the market before the end of 2013. Its place was taken by J&T, a Czech-Slovak investment group, or to be precise, its members Daniel Křetínský and Patrik Tkáč who launched Czech Media Invest company As a result, they became the owners of Blesk, the biggest Czech daily. And moreover 3 more dailies, 45 printed magazines and supplements and 30 online magazines.

The last of big international newspaper owners, Germany's Verlagsgruppe Passau, which controlled the regional newspaper market and part of the magazine market, sold its holdings in the Czech Republic in August 2015. Penta, a Czech-Slovak investment group, which had tapped the Slovak media market earlier in 2014 and announced its media expansion in Central and Eastern Europe became the new owner. The acquired VLM media company publishes 70 regional dailies and dozen of weeklies.

As a result, the ownership structure of Czech newspapers in two years changed completely. For Czech newspapers, owned primarily by international media companies for 20 years, 2013 marked a radical shift to ownership by large Czech-Slovak business groups, some of which were involved in politics. This also signified transition to a different type of ownership; from what Jeremy Tunstall and Michael Palmer call „pure” media owners, whose holdings are restricted to media, to what they call to industrial/ media owners, whose holdings extend into industries other than media (Tunstall and Palmer, 1991).

To be totally precise, there is one more daily on the market - the left-wing Právo (with its news website novinky.cz) owned by Borgis company. The majority owner of Borgis is Zdeněk Porybný, the minority stake acquired in 2013 Seznam.cz, internet and media company owned by Czech IT mogul and billionaire Ivo Lukačovič.

Overview of Czech newspapers

Owner	Media Company	Newspapers	Non-Media Business	Readership share of newspapers
Agrofert (Andrej Babiš)	Mafra	Mladá fronta Dnes, Lidové noviny, Metro	chemistry, agriculture, food processing, forestry and timbering, renewable resources and fuels, technologies	33%
Czech Media Invest (Daniel Křetínský, Patrik Tkáč)	Czech News Center	Blesk, Aha!, Sport, E15	banking, financial services, energy business, real estate	38%
Penta (Marek Dospiva, Jaroslav Haščák)	Vltava - Labe - Media	Deník	healthcare, financial services, retail, manufacturing, real estate	17%
Zdeněk Bakala	Economia	Hospodářské noviny	corporate finance, M&A, corporate management, public relations and marketing	4%
Zdeněk Porybný, Ivo Lukačovič	Borgis	Právo	none	8%

Source: Readership based on Media Projekt - continuous survey made by agencies Median and STEM/MARK for the Association of Publishers.

Speaking about the new media landscape in the Czech Republic, we are using the term „oligarchisation“. But is necessary to add that a billionaire is not necessarily an oligarch. Who is and who is not an oligarch? A strong player who uses political contacts and business ties - often gained before 1989 - transfers government property to himself and makes money doing business with the state. Thus he need to influence politics, media and the public for his business interests.

After Andrej Babiš and other Czech oligarchs entered the media market, the situation of Czech journalists changed as well. Some of them got used to it and are writing in accordance with the instruction or guidelines of their owners (censorship, self-censorship). Some of them were fired or left because they did not want to work for the new owner.

But one positive thing arouse: a couple of journalists decided to quit their managerial positions at the newspapers and start their own media project. They argument that it would be difficult to exercise their profession with integrity and credibility with a political player as owners and they launched their new independent (digital) products (Dotyk, Echo 24, Forum 24, Neovlivni, Hlidaci pes, Reporter - see: 3.1.8 Online/Social Media - Independent Media Projects). The owners of those independent project are the respected senior journalists and personalities of Czech media sector. As for the business models of these media: operating expenses are very low. Editorial teams are composed most often of less than 10 employees and they do not have much other fixed costs.

To finalize the owners of different print and internet products, we need to add a few more publishers that are focusing at the magazines mainly and with only one exception (Burda International - that publishes over 40 magazines mainly women magazines), the owners are again the local players.

Unfortunately, majority of them are as well connected with scandals and problems.

Jaromír Soukup is the owner of Empress Media Group (Chinese company CEFC invested into it in 2015) which publishes a range of news and gossip magazines. Moreover, he is the owner and chief presenter of the country's most controversial television channel TV Barandov. Most of his programs have a political theme and some have been investigated by the Council for Radio and Television Broadcasting in the past for imbalanced pre-election coverage (pro-Kremlin, anti-immigration stance). In 2019, Soukup announced the creation of his own political movement. But it is not active any more.

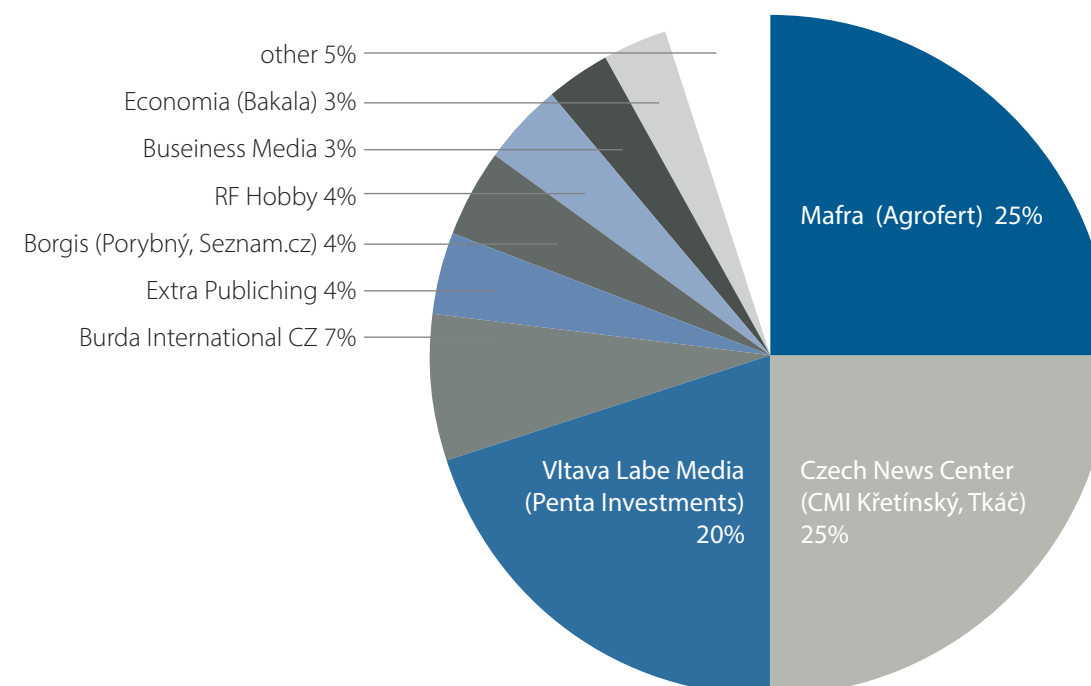
František Savoy was the owner of Mladá fronta publishing house until recently. Mladá fronta published a print business weekly and car and kids magazines with their online version, and books. Savov escaped into UK few years ago and is wanted in the Czech Republic on the suspicion of tax evasion and money laundering going into the hundreds of millions of crowns. Last year Mladá fronta got into bankruptcy and all divisions were sold in an auction. Pavel Boušek is the new owner of economic daily and magazines, traditional book publisher Albatros Media bought the book division of Mladá fronta.

Ivo Valenta (Czech billionaire, owner of big lottery company and Member of Senate) and Michal Voráček (former CEO of Ringier Czech Republic) are the owners of manipulative web sites company Our Media. It publishes Parlamentní listy - a website with the wide range content of political news and opinions. Its content is mostly manipulative.

Pavel Kvoriak is the owner of RF Hobby (publishes more than 70 magazines - mainly women, historic, army, paparazzi magazines) and PK 62 (erotic magazines).

Share of publishers on readership:

Print Media Market, share 12-79%



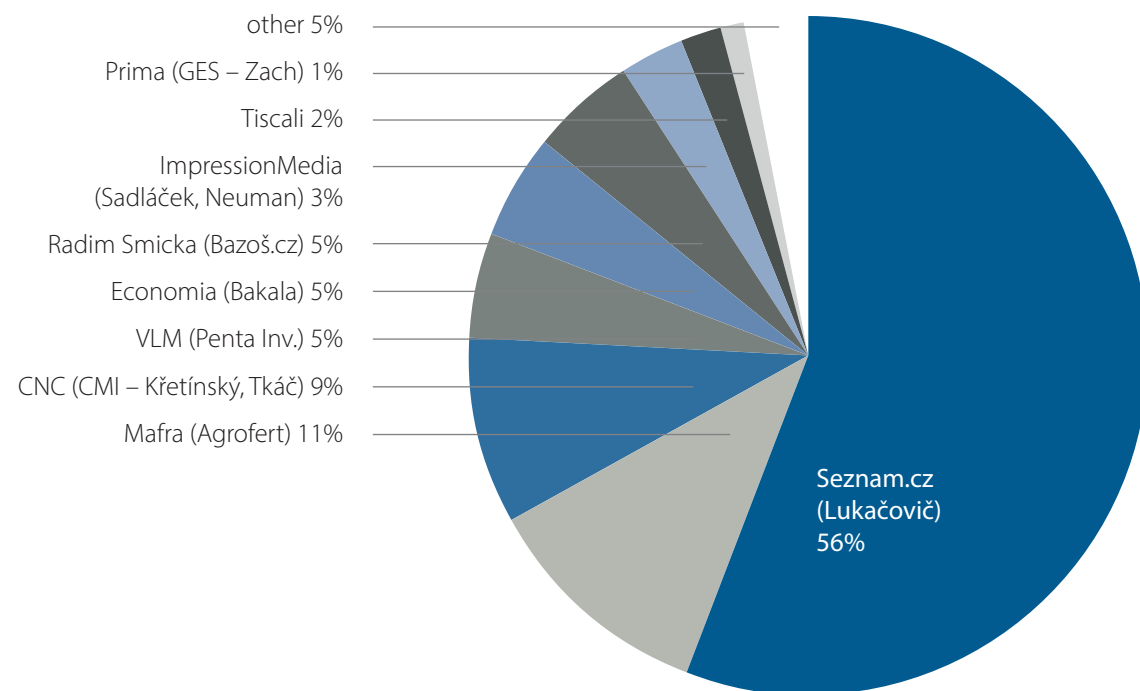
Source: Readership based on Media Projekt - continuous survey made by agencies Median and STEM/MARK for the Association of Publishers.

Seznam - leading search engine and media company

Ivo Lukačovič is the Czech IT mogul who nowadays has a strong media division. Seznam (=index) started in 1996 as a private search engine established by then a student Ivo Lukačovič who was inspired by yahoo.com - that time a leader among search engines. After having been mainly a search engine for most of the time since its launch Seznam started to enter step by step other businesses. Nowadays, Seznam has strong news division - it runs its own news-website called seznamzpravy.cz and it has also a terrestrial television named TV Seznam.

Czech Republic is one of only few countries where Google is not the dominant search engine, but Seznam is.

Share of internet on page views (%), (Facebook and Google are not included)



Source: Results from Netmonitor by Gemius S.A. for SPIR (Association for Internet Development)

Television and Radio Market

Commercial TV market is now fully controlled by Czech owners as well.

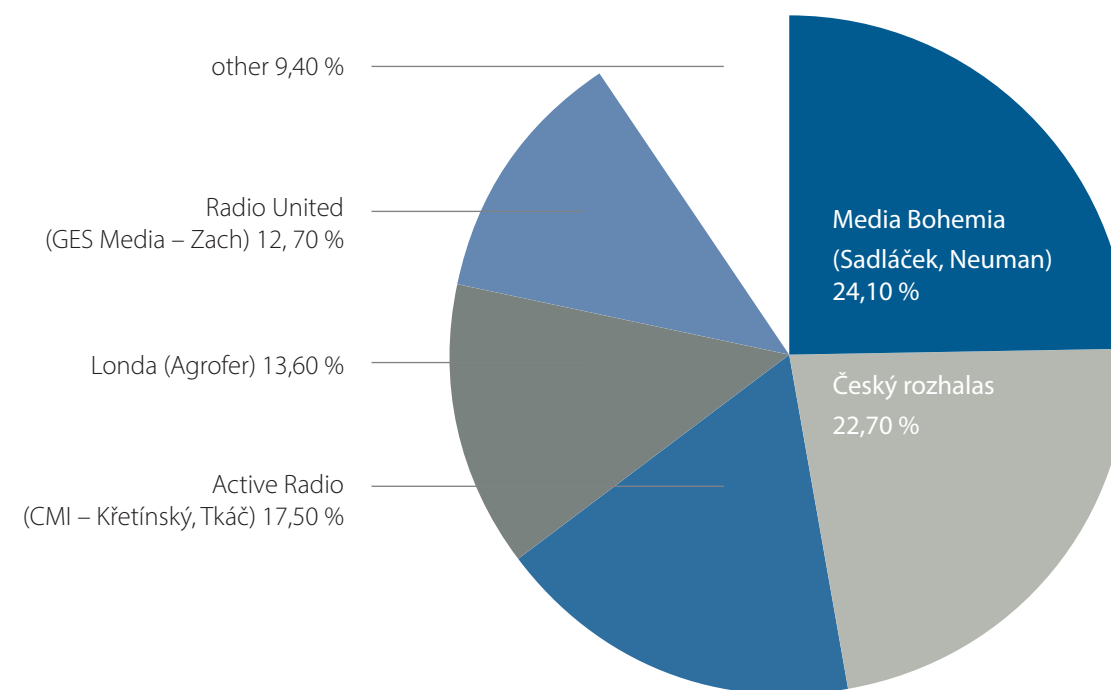
PPF company (owned by the richest Czech, Petr Kellner, who tragically died in March 2021) is taking over the country's most popular TV station, Nova. The purchase of Nova operator CME by PPF Group will also give it control of a number of other channels in the region. However, critics say the move is politically motivated and have warned of a new danger to press freedom. PPF's operations span finance, telecommunications, biotech, real estate and engineering. Its Home Credit Group unit is one of the largest consumer lenders in Central and Eastern Europe, and has expanded into China, Vietnam, India, Indonesia, the Philippines and Kazakhstan.

Although it does not seem so in the age of the Internet, TV's is still the media with the greatest impact, especially their news programs. The main political actors (PM Andrej Babiš, Pro-Kremlin President Miloš Zeman, xenophobe Tomio Okamura or the Communists) are well aware of this and are using commercial TVs (TV Nova, TV Prima and TV Barrandov) to address their electorate. TV Nova is quite often neglecting the scandals that are connected with PM Andrej Babiš and his conflict of interests.

The similarities you can find in the case of TV Prima, the second biggest commercial channel in the Czech Republic. It is the only TV who has been having the interviews with president Zeman, as the moderators are not asking the unpleasant questions. Its coverage in general is highly unbalanced (anti-immigration stance etc.) and it has been criticized few times by the regulator. The owner of TV Prima is Ivan Zach, a Czech billionaire who is active in real-estate and machinery industry. Apart from TV Prima (a total of nine television stations,

including the CNN Prima News), Zach also owns other media: Playboy magazine, the Kiss and Country radio network, as well as the alternative Radio 1. Moreover, he is the owner of the Media Club (originally Radio United Services), which represents over 44% of Czech radio stations at the advertising

Radio Market Share, share 12-79%



Source: Share on the listeners marked based on Radio Projekt - continuous survey made by agencies Median and STEM/MARK

Speaking about radio market, a shift in favor of domestic ownership occurred within the radio market, too.

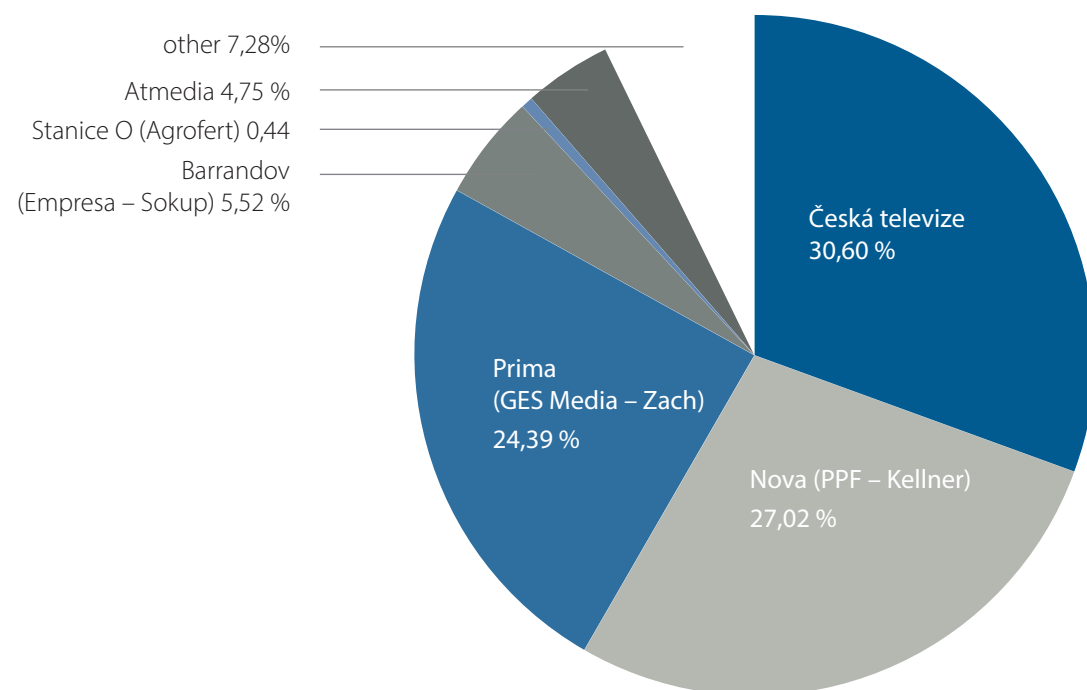
French company Lagardère sold its assets – the nationwide commercial stations Frekvence 1 and Evropa 2, and several other local stations – to Czech Media Invest, namely Czech Radio Center, controlled by one of the richest Czech businessmen Daniel Křetínský. The transaction involved Lagardère's radio stations in other Central and Eastern European countries, as well as its many French magazines, including the popular brand Elle. Křetínský's expansion in the French market continued with the purchase of the news weekly Marianne and a minority stake in the legacy newspaper Le Monde, which sparked concerns about the impact on editorial autonomy among French journalists.

Andrej Babiš and his Agrofert company owns a company Londa which with its stations represents more than 10% market share. Above mentioned Ivan Zach, the owner of TV Prima, has in his media portfolio Radio United Broadcasting, which represents approx. 13% market share.

No. 2 among radio station players is Media Bohemia Holding owned by Daniel Sedláček and Jan Neumann. Sedláček is a matador in the field of radio broadcasting as he was among the few people who created the Czech radio market just after the Velvet Revolution in 1989.

Fortunately, Public Czech TV and Public Czech Radio are still playing an important role as a safeguard of democracy. There are a couple of investigative programs, debates, professional news break (in comparison to private TV stations). But the situation can change quite quickly (Czech TV Council - body that controls the activities of Czech Television, named by MPs, may become the tool of politicians).

TV Market, share 4+ (%)



Source: Figures for TV market from Peoplemeter measuring realised by Nielsen ADMOSPHERE.

2. MARKET CONDITIONS AND LAWS

Existing Czech media environment was formed in early 1990s just after the fall of communist regime in Czechoslovakia. Communist control over media was removed and replaced with - to a large extent - liberal conditions. There is no state control over starting a publishing business, over practising journalistic profession etc.

Freedom of the Press and Speech

Freedom of the press and freedom of speech are guaranteed by the 1992 Constitution, i.e. Charter of Fundamental Rights and Freedoms. In Division Two of the Charter, Article 17, these rights to freedom expression are defined. However, the Charter prohibits speech that might infringe on national security, individual rights, public health, or morality.

Article 17

1. Freedom of expression and the right to information are guaranteed.
2. Everybody has the right to express freely his or her opinion by word, in writing, in the press, in pictures or in any other form, as well as freely to seek, receive and disseminate ideas and information irrespective of the frontiers of the State.
3. Censorship is not permitted.
4. The freedom of expression and the right to seek and disseminate information may be limited by law in the case of measures essential in a democratic society for protecting the rights and freedoms of others, the security of the State, public security, public health, and morality.
5. Organs of the State and of local self-government shall provide in an appropriate manner information on their activity. The conditions and the form of implementation of this duty shall be set by law.

Defamation is still a crime in the country, but prosecutions are rare, and courts have generally given only suspended sentences in recent years. A 2005 Constitutional Court ruling clarified defamation legislation, finding that value judgments are legally protected.

The Press Law (No. 46/2000) provides a sound basis for independent journalism, and media protections have been bolstered by Constitutional Court decisions and other institutional rulings. Freedom of information is provided for under the law.

Other important regulations are the Act on Czech Television (No. 483/1991) and the Act on Czech Radio (No.484/1991). Both went into force in 1991 and have been amended several times. They provide councils that control public service media - Czech Radio and Czech TV.

The Free Access to Information is guaranteed by the Law No. 106/1999 which nevertheless doesn't give any special rights to journalists concerning access to information. The law defines procedures how to obtain information for every citizen.

Competition and Ownership

In the Czech Republic, the main legislation covering the area of economic competition is the Act on the Protection of Economic Competition. The Competition Act became effective on 1 July 2001.

Cross-ownership in the media industry is legally limited under the Law on Radio and Television Broadcasting No. 231/2001, which defines the license and regulation policy for broadcasting and the role of the regulatory body - The Council for Radio and Television Broadcasting (RRTV).

However, these ownership restrictions do not apply to foreign ownership and are considered to be minimal.

There are no specific thresholds to prevent a cross-ownership between the different types of media. None of the Broadcasting Act, the Press Act or the Act on the Protection of Competition contains any limits on cross-media ownership. The decisions of the Office for the Protection of

Competition always depend on the definition of the „relevant market“ which allows for high degree of flexibility in interpretation. The unavailability of certain figures (e.g. market share of the Top4 owners across the different media sectors) also contributes to the high level of risk for this indicator.

Copyright

The discipline regarding copyright is provided by Law No. 121/2000. The law is based on principles of continental law and is inspired by German and French bills. It reflects international agreements and the law system of EU.

GDPR

Media are effected by new EU GDPR regulations which were implemented in The Czech Republic by the Law No. 110/2019. It influences the way how publishers have to maintain their databases of subscribers and how web providers have to deal with readers data.

Advertising

The Law No. 40/1995 regulates advertising. This Act incorporates the relevant regulations of the European Union governing the regulation of advertising that constitutes an unfair commercial practice, comparative advertising, advertising of tobacco products, of medicines for human use, veterinary medicines, for food and initial and follow-on baby food formulas, and regulates the general requirements for advertising and its dissemination, including penalties for breach of obligations hereunder and the establishment of supervisory authorities. It also regulates advertising for alcoholic beverages, products for plant protection, firearms and ammunition, and funeral activities. It effects advertising in all media sectors - print, radio, TV and internet.

The law bans the advertising of goods, services or other performances or values, whose sale, provision or dissemination is in conflict with the law, an advertisement that constitutes an unfair commercial practice and sets other limits. Advertising must not be contrary to good morals, they may especially not contain any discrimination on grounds of race, gender or nationality or attacking religious or national sensibilities, threaten morality in a generally unacceptable manner, reduce human dignity, contain pornography or violence. Advertising may not challenge political beliefs.

Advertising of tobacco products and also sponsoring, the purpose or the direct or indirect effect of which is advertising for tobacco products, are prohibited. Comparative advertising on medicinal products intended for administration to humans or on health services is admissible subject to the conditions laid down by the Civil Code if it is directed at persons entitled to prescribe or supply such medicines or provide such health services.

Taxes

Czech VAT is charged at three rates.

The standard rate of 21 % on the sale of goods and services.

The first reduced rate of 15 % on the transfer of certain residential houses, on the sale of certain goods such as food, gas, etc. and certain services such as waterway, accommodation, air transport of passengers, certain cultural activities etc.

The second reduced rate of 10 % on the pharmaceuticals used for health care and also for sale of books, magazines and newspapers both printed and on-line.

Advertising is taxed by the standard rate of 21%.

In 2018 Czech government implemented the change of the law which cancels the possibility for media of public service to deduct the VAT. This possibility was implemented for PSM the previous year to give them the same possibilities as commercial media have. Thus public broadcasters could claim VAT back on goods and services to the same degree as commercial radio and TV stations.

Government explained the cancellation of VAT deduction for PSM by the EU regulations which according the government doesn't allow it and that the amendment will end a discrepancy between Czech law and European Union legislation. However, the Czech Television chief said the amendment breached a principle agreed with the government under which it was to invest savings made on VAT into the station's shift into DVB-T2 digital broadcasting until the year 2021. The CEO of Czech TV said that if the government did not offer some form of compensation the change would impact Czech TV's digitalization process and asked the Czech PM to support him and to proceed with the deduction of value added tax after 2021.

Czech TV calculated that this change will cost it up to 400 mil CZK (15 mil €) per year and Czech Radio 120 mil CZK (4.5 mil. €) per year.

The income tax for companies in The Czech Republic is 19% and relates to media as well.

3. ADVERTISING TRENDS

NET media investments on the Czech media market in 2019 were increasing vs. 2018 (ix.104,1), but the pace of growth was lower than in 2018. The main drivers of the growth were: TV (+6,8%) and online advertising which is growing mainly due to performance formats, programmatic buying models, i-video and rich formats, while standard banner advertising is rather stagnating. Also investments into social media and influencers' activities increased in 2019.

Also radio advertising was growing slightly in 2019 (0.5 %) after previous years of decline. On the contrary investment in print is falling continuously. In 2019 it dropped - 2.5 %, in 2018 -1.3 %. Out of home (OOH) advertising investments dropped as well (-2.5 %).

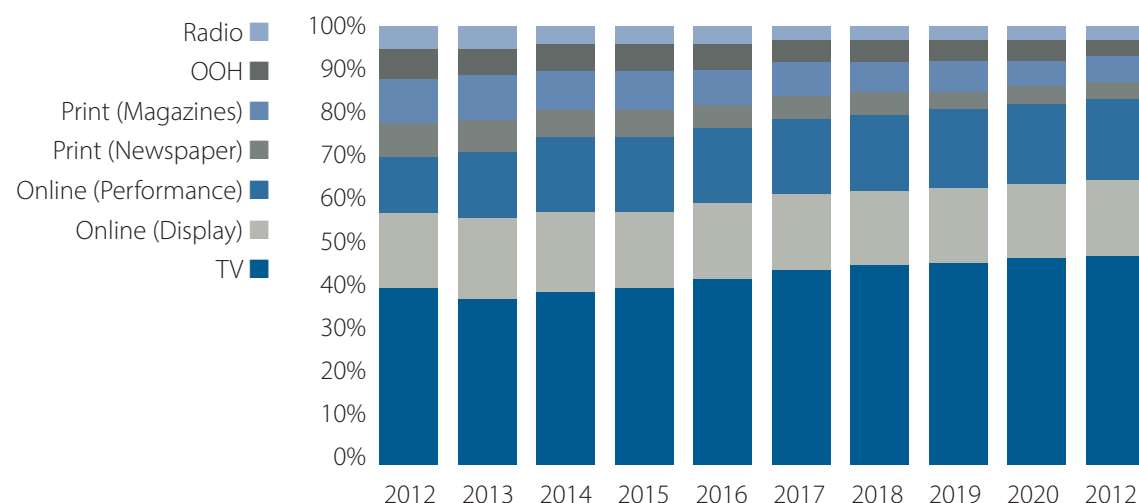
Total gross expenditures was CZK 92,1 mil. (€ 3.5 mil) in 2018 and CZK 105 mil. (€ 4 mil.) in 2019. Which represented increase of 14.2%.

In 2020, Czech advertising market was highly effected by the Covid-19 global crisis. Print and radios suffer from the biggest y-y drop. This loss of revenues highly effects economy of the media industry which was weak anyway. Publishers and other media companies reacted immediately with organizational changes. Some magazines were stopped and staff cuts were introduced.

Czech advertising market is dominantly operated by global advertising media groups. That for Czech advertising industry is effected by the economy and media slowdown in a same way like in other developed countries. Nevertheless, there is one local Media Agency Medea which has the highest Market share (13,6 %) according Recma (international agency). Medea is nearly 30 years on the market. Currently is co-owned by Czech owner Jaromír Soukup and Chinese investment group CITIC. Jaromír Soukup who at the same time owns TV station Barrandov and couple of magazines is known for using his media power for support of his political goals.

Media Mix

Net estimation Advertising Expenditures



Source: Media mix forecast by Group M Czech Republic

In 2019 OMD and Mediacom (Group M) shared position two and three. PHD was on position four and Wawemaker was fifths according Recma.

Retail chains, financial sector, car manufacturers, food&drinks and pharmaceutical products were the top advertisers in media.

4. STATE ADVERTISING

Advertising of ministries and organizations controlled by the government as well as advertising of political parties plays a special role on the Czech market.

Main spenders fully or partly controlled by the government are Czech Post, Czech Railways, ČEZ (electricity provider), Czechtourism, Czech Trade. In the past it was also Czech Telecom, Czech Airlines but they are not owned by the state anymore.

In the past most of these special advertisers were represented by the only non-global media agency Medea which was also buying advertising space for political parties. On contrary with the global media agencies, privately owned Medea was not subject of any external control concerning following of ethical and professional standards. That for, it was only on the decision of the owner which price he will ask to be paid by his clients. His clients' list allowed him to offer cross financing, so for instance company controlled by politicians could advertise for higher prices than their own political party. Nevertheless, due to absence of external control no such suspicion was ever proved.

Other misusing of advertising money of state controlled bodies is the selection of media where the advertising goes. It rarely goes directly to any media, but the usual way is to use media agency as the company which officially makes the selection of media. This principle is hard to criticize as it resembles the way how commercial companies do it. Nevertheless, in the case of state advertising it allows the above described misuse of the state money and it also camouflages the selection of media because the responsible state agency may always say the selection of media was done by the media agency with their professional methods. In reality the media mix which is composed by the agency may intentionally include media recommended by the state agency as well as omit others.

There is no summarized information concerning state advertising and state money in total going to media. The monitor of Nielsen Admosphere may be used but it may work only with standard formats and price list prices. Due to our knowledge that this advertising intentionally uses non-standard formats and is not sold for standard prices and even not with standard discounts, it is hard to compare advertising based on standard monitoring.

In May 2020, a Czech reporter Markéta Chaloupská published an investigative article on the web of Czech Radio iRozhlas.cz about advertising spendings of Czech Railways in Mafra group media company (owned by the trust fund of Czech PM Andrej Babiš). She discovered that since 2015 this state owned company spent over CZK 112 mil (€ 4.2 mil) for promotion in the Mafra group

(owned by the trust fund of Czech PM Andrej Babiš). Most of these spendings were paid without any tender. Czech News Center, the competing publishing group with even bigger market share in the same time got only CZK 17 mil (€ 640 K) from Czech Railways. Shortly, Czech Railways spent seven times more on advertising in Mafra publications than in the country's other similar sized media company the Czech News Centre. Former CEO of Czech Railways told to the journalist that it was demanded to buy the advertising from Mafra. With no discussion. He admitted that there was clear interest in Mafra to receive biggest ad deals. Former minister of transport said that PM Babiš was giving his orders to the CEO of Czech Railways directly himself.

Other investigative web site investigace.cz (investigation) published series of 14 articles by Hana Čápková and Eva Kubániová focused on state advertising in 2019. They addressed their requests based on Free Information Act to 14 governmental resorts and they got answer from 12 of them. Ministry of Agriculture and Ministry of Regional Development refused to answer for free.

Journalists discovered that the strategy of spending is often influenced by the minister himself. For instance, they write about the case of Environment Minister Tomáš Chalupa (ODS party) who decided in 2011 that the most of the advertising budget of his ministry will be given to the Young Conservatives organization to provide „room for independent exchange of opinions“.

Authors of the article also revealed that ministers of Social Democratic Party who are coalition partners and members of government of Andrej Babiš decreased spendings to Mafra group and in return increased spending in Parlamentní Listy which are often criticized for publishing pro- Kremlin opinions, manipulative articles and fake news.

From figures provided, Ministry of Education spent the biggest amount in 2015 for promotion of EU programmes. It was nearly CZK 80 mil. (€ 3 mil). Distribution of advertising money during the years 2014 - 2018 spent by this ministry may be generally seen as fair enough.

Ministry of Interior spent nearly no money on promotion over the observed period. Altogether only about CZK 9 mil (€ 340 K) during 9 years. Ministry of Foreign Affairs had no advertising at all nearly in all observed years. In other years it was minimum. Also Ministry of Justice showed nearly no advertising during 2010 - 2018. The exception was 2014 and 2016 - total spending of CZK 1.3 mil. (€ 50K.) was spent in Mafra group (owned by the trust fund of Czech PM Andrej Babiš).

Ministry of the Environment and Ministry of Labour and Social Affairs were also among ministries who declared no ad spendings in last years. But in the case of the second one, it is due to the fact that only ads bought by the press department of the ministry were disclosed. Information about advertising connected with the EU programme Employment was not reported to the journalists. Ministry of Culture has no ad money in its budget, so it is not advertising at all.

Ministry of Finance in most of observed years reported only a minimum advertisement - probably just those announcements that are required by law. Only in 2013 and 2017, the advertisement was significantly higher. In 2017, part of ad money was spent in Radio Impuls which was in 2013 acquired by Andrej Babiš. In 2017 Andrej Babiš used to be the minister of finance. Nevertheless, no more detailed figures concerning the amount of money spent in Radio Impuls was provided by the ministry - with explanation that it was distributed through the media agency. Total money spent by the ministry in 2017 was CZK 5.8 mil. (€ 220K).

Over nine years, Ministry of Health showed higher ad spending only during two years. In 2014 and 2015, total amount of CZK 35 mil. (€ 1.3 mil.) was spent on the anti-cancer campaign. 44 % of total ad costs went to Mafra group. Parlamentní Listy was the second largest advertising medium for the Ministry of Health with 16 % rate.

The advertising strategy of Ministry of Industry and Trade changed in 2015 where the ministry was under the supervision of the Social Democratic Party. Nearly all money went to Parlamentní Listy. Nevertheless, yearly ad spending all together were less than CZK 0.5 mil. (€ 19K) yearly.

Ministry of Defense changed its advertising strategy as well and started to advertise since 2016. However, total spending for 2016 - 2018 even in this case were only CZK 7,3 mil. (€ 270K). From the printed media - other than internal PR ones - most of advertising money flew to Mafra group.

Ministry of Transport shows the history of a significant advertiser compared to other ministries. In 2017, it spent CZK 15.6 mil. (€ 585K), which was the highest amount in the observed period. Most of the money (64 %) went to commercial televisions - TV Prima and TV Nova. The rest was divided among big publishing houses and other media.

In 2020, the government needed to promote the fight with Covid 19. Before the campaign started, the government was urged by both Czech and international media association like International Press Institute or European Federation of Journalists to spread the budget of the campaign among all media industry and not to omit independent media. Despite this appeals the government placed all ads only to selected media which are either directly part of the PM Babiš's blind trust fund or at least are not critical to the government.

5. FINANCIAL PERFORMANCE OF MEDIA COMPANIES

TV Nova, internet company Seznam.cz and TV Prima Group belong to the three strongest media on the Czech market according to the size of sales revenues in 2019.

Revenues of Nova rose to CZK 5.45 billion (EUR 210 M) in that year, Seznam.cz reached CZK 4.7 billion (EUR 180 M) and FTV Prima CZK 3.28 billion (EUR 130 M). Thus we can state, that televisions in general and "Czech Google - Seznam" are the most successful media sector in the Czech Republic. In case of commercial TV's, the main source of income is still revenues from television advertising, which increased by 6% year on year last year. As for Seznam, the business model is quite easy: Seznam participates on news-providers' advertising revenues.

On the other hand, the traditional publishers are facing the economic troubles - their circulation, sales and ad revenues are gradually falling down since 2008 economic recession and because of the digitalisation. Media advertising gains are pouring into the pockets of technology giants, and large publishers are unable to come up with business models for the digital age. The situation is worsened by a society's distrust to classical institutions, such as media houses.

The most successful media publishing house in the Czech Republic is Mafra group, now a part of a trust fund that belongs to Czech PM Andrej Babiš. Last year, the media group Mafra, which acquired the Bauer Media publishing house a year earlier, also exceeded CZK 3 billion in sales.

However, the comparison of media companies according to their turnover is complicated as different companies are using the consolidated bookkeeping for the entire group - specifically in the case of Vltava Labe Media, printers are also included in the result.

	Media House	Owner	Sales Revenues 2019 (T CZK)	Sales Revenues 2019 (T EUR)	Comment
1	TV Nova	PPF (Kellner)	5 453 979	213 882	
2	Seznam	Seznam (Lukačovič)	4 690 242	183 931	
3	FTV Prima	GES Media	3 275 130	128 436	
4	Mafra	Agrofert (Babiš)	3 027 877	118 740	
5	Vltava Labe Media	Penta (Dospiva)	2 120 885	83 172	
6	Czech News Center	Czech Media Invest (Křetínský)	2 039 186	79 968	
7	BigBoard Praha	JOJ Media House (majority owner)	1 265 343	49 621	
8	Economia	Economia (Bakala)	740 967	29 058	
9	Barrandov TV	Empresa Media (Soukup)	645 050	25 296	2018
10	O2 TV	PPF (Kellner)	636 902	24 977	
11	Czech Print Center	Czech Media Invest (Křetínský)	635 513	24 922	2017
12	Borgis	Borgis (Lukačovič)	614 978	24 117	
13	Burda International	Burda Eastern Europe	506 625	19 868	
14	Empresa Media	Empresa Media (Soukup)	383 058	15 022	2017

	Media House	Owner	Sales Revenues 2019 (T CZK)	Sales Revenues 2019 (T EUR)	Comment
15	Europlakat	JCDecaux	273 602	10 729	
16	JCDecaux Městský	JCDecaux	266 999	10 471	
17	Rencar Praha	JCDecaux	231 546	9 080	
18	Active	Czech Media Invest (Křetínský)	159 687	6 262	
19	Stanice O	Agrofert (Babiš)	152 313	5 973	
20	Londa	Agrofert (Babiš)	133 013	5 216	
21	Evropa 2	Czech Media Invest (Křetínský)	103 674	4 066	
22	Our Media	Synot Invest Limited	100 826	3 954	
23	Frekvence 1	Czech Media Invest (Křetínský)	95 042	3 727	2018
24	Media Bohemia	Media Bohemia	78 378	3 074	
25	Radio United Broadcasting	GES Media	76 623	3 005	

Source: www.mediaguru.cz:

<https://www.mediaguru.cz/clanky/2021/02/obratove-nejsilnejsi-media-v-cesku-jsou-nova-seznam-a-prima/>

If you look closer at the economic result of main Czech publishers owned by Czech moguls, they are generating the billions revenues, but finally end in red figures - therefore in losses. Economia (owned by Zdenek Bakala), VLM (owned by Penta) and CNC (owned by Daniel Křetínský) are doing a special accounting operations. When buying the companies, they financed it by taking banking loans and used the publishing companies such a warranty. Now they are repaying their debts by current profits of their media groups.

Because of the COVID 19, the situation will be much worse as far as the revenues and profits. The professional association of the press - Union of Publishers - calculates that in last year 2020, the shortfalls in advertising sales and sales of newspapers and magazines reached almost two billion CZK due to the coronavirus pandemic.

If you take the independent projects, it is necessary to say that they are doing their best to succeed on the market, but this is really difficult for them. They cannot use the advantage of a strong and well-off owners, they do not have a huge editorial teams or other divisions that would support their sales, ads or promotions. As for the business models of these media: operating expenses are very low. Editorial teams are composed most often of less than 10 employees and they do not have other important fixed costs. A healthy portion of revenues come from advertising and from different kinds of crowd funding activities, grants and donations - predominantly from domestic sources. Foreign donations (popular in some other countries) are not documented.

If you look closely at their figures (if published), they are aggregating the revenues of a couple of millions CZK (which is a small fraction of results that traditional big publishers have. The break- even comes most often after 3-5 years of existence but hardly exceed million CZK.

Radio companies are reporting profits - thanks to ads and because their salaries as well as other costs are quite low.

6. INFLUENCE OF ONLINE AND SOCIAL MEDIA

Over 7 million Czechs are on the internet (81 %). Over 6 million of them are using internet on the daily basis.

Average time spent on the internet is 143 minutes per day. Number of people according to networks:

- Facebook – 5.3 million
- Instagram – 2.3 million
- LinkedIn – 1.6 million
- Twitter - 389 thousand
- Snapchat - 615 thousand¹

There are several aspects why online media play exceptional role on the Czech media scene:

Role of seznam.cz

Czech Republic is one of only few countries where Google is not the dominant search engine. Historically, domestic venture Seznam (=index) plays this role. Seznam started in 1996 as a private search engine established by then a student Ivo Lukačovič who was inspired by yahoo.com - that time a leader among search engines. For a long period of time, Seznam was equal to the whole internet for many Czech people. It was similar what Google means for some people today. After having been mainly a search engine for most of the time since its launch Seznam started to enter step by step other businesses. Nowadays, Seznam has strong news division - it runs its own news-website called seznamzpravy.cz and it has also a terrestrial television named TV Seznam.

Moreover, Seznam plays another important role on the news-media market. It offers to other content providers placing their articles on the home page of Seznam and thus securing them high increase of their readership rate. The business model of seznam in this case is pretty clear.

Seznam participate on news-providers' advertising revenues. Especially for smaller companies, like independent media projects, it is attractive as otherwise they are not able to reach high traffic and revenues by themselves. Simply: they are reaching higher traffic and the costs they pay to Seznam is about the amount they do not get without Seznam anyway. Nevertheless, this approach has started a vivid discussion. The main issue is if the cost for the whole media market is not too high as this model is strengthening the Seznam's market position and the company becomes by far the strongest internet company on the Czech market.

Independent Media Projects

Since 2008, the most Czech newspaper publishers have changed its ownership. For many years, foreign (mostly German) publishing companies were the owners of Czech media companies. Nevertheless, after the financial crises, they started their disinvestment process. Foreign media professionals were replaced by Czech oligarchs whose core businesses are outside media business. The most important change happened in 2013. The most influential news publishing house Mafra was acquired by Andrej Babiš, the second richest

¹ AMI Digital, Digital 2019 by HootSuite, Czech Statistic Bureau

person with monopoly over a few sectors, who made money thanks to doing business with the Czech state, Slovak oligarch who decided to enter politics. His decision to buy the influential newspaper was quite clear - he needed media to help him to start his political career and to discredit his opponents.

And it did help. He won the election and became the prime minister.

Many leading journalists refused to stay in Mafra publishing house after the change of the owner. They considered it as the end of its independence. Couple of them started their own news web- sites and printed magazines as well. After several years, these small and independent media outlets create a significant part of Czech media scene and got an important reach of the readership market. Their traffic is (also thanks to Seznam - see above) comparable with traditional news media houses they left before.

As for the business models of these media: operating expenses are very low. Editorial teams are composed most often of less than 10 employees and they do not have other important fixed costs. A healthy portion of revenues come from advertising and from different kinds of crowd funding activities, grants and donations - predominantly from domestic sources. Foreign donations (popular in some other countries) are not documented.

Entering of Czech oligarchs into media business and the “oligarchisation” of domestic media scene provoked another reaction and the launch of another important non-profit organization - Endowment for Independent Journalism. It was formed by number of successful Czech entrepreneurs who care for press freedom in the country and want to help to finance independent media outlets. Yearly, this non-profit organization raises about 10 mil. CZK (350 T€) which is then granted to support independent journalism. All the money flow is transparent and under public control.

Denik N daily is a special case among independent media. It was initiated by Slovak Denik N and is being funded as a non-profit project by a group of (less than 10) Czech entrepreneurs directly.

Denik N provides a paid news website and a printed daily paper. Differently from other independent projects, it has a large editorial team (of about 60 people) which means its costs are several times higher. Despite the large editorial team and high costs, its market share is extremely limited as it has no free content and the market is highly competitive and offers a lot of free news websites (made as well by independent journalists) While in Slovakia Denník N has already a small profit, its Czech daughter company is still in red figures.

Media started by leading journalists who left media after they had been acquired by oligarchs

Medium	Form	Publisher	Editor	Figures
Forum 24	News web	Pavel Šafr	Pavel Šafr	1.8 M RU
Echo 24	News web	Dalibor Balšínek	Dalibor Balšínek	1.8 M RU
Reportér Magazín	Monthly	Rober Čásenský	Robert Čásenský	25 T sold copies
Hlídací pes	News web	Robert Neumann	Robert Břešťan	300 T RU
Echo 24	Weekly newsmagazine	Dalibor Balšínek	Dalibor Balšínek	Thousands
Revue Forum	Monthly	Pavel Šafr	Johana Hovorková	Thousands
Neolivni	Investigative web	Sabina Slonková	Sabina Slonková	N/A
Investigace	Investigative web	Pavla Holcová	Sabina Slonková	N/A
Deník N	News web (pay)	Ján Simkanič	Pavel Tomášek	20 T subscribers
Deník N	Printed daily	Ján Simkanič	Pavel Tomášek	Thousands

Before starting their own media, these senior journalists were in following positions:

- Robert Čásenský, editor-in-chief of Mladá Fronta Dnes, acquired by Andrej Babiš.
- Dalibor Balšínek, editor-in-chief of Lidové Noviny, acquired by Andrej Babiš.
- Sabina Slonková, editor-in-chief of Mladá Fronta Dnes, acquired by Andrej Babiš. (She was named the editor-in-chief of Mlada fronta Dnes daily after Robert Čásenský left, but she left herself few months later).
- Pavel Šafr, editor-in-chief of Reflex, acquired by Daniel Křetínský, ex-editor in chief of Mladá Fronta Dnes, Lidové Noviny and Blesk (first two acquired by Andrej Babiš, the third by Daniel Křetínský).

Disinformation Outlets and the resistance against them

In the Czech Republic, the media ecosystem is plagued by disinformation. The shadow of Soviet- era influence still looms large over the Czech Republic. Recently, it has experienced a spate of disinformation and fake news — a blend of pro-Russian propaganda and anti-EU rhetoric.

According to various estimates, the Czech-language disinformation outlets reach about 10% of the country's population. Some of them (Sputnik) are openly financed by the Russian government, some of them seems to work „independently“ and are being financed by advertising. The financing and management of others is unclear. Nevertheless, they all spread news sourced from disinformation channels in Russia and supporting generally two goals. Supporting direct Russian interests and subverting democratic order of the country.

Although the Czech Ministry of the Interior works for internal purposes with a list of Czech- language disinformation outlets, there is still no official body in the country to identify which websites spread disinformation, let alone shut them down.

There are several governmental bodies which tries to map and oppose these activities but it is not effective as they are - in most cases - not directly breaking any laws. They are

also private initiatives opposing disinformations like several web sites (deziformatori.cz, manipulatori.sk and others) which disclose individual cases of lies and misinformation.

An initiative named „Czech Elves“ publishes its monthly reports on trolls activities and disinformation outlets. First appearing in October 2018, the Elves are dedicated to rooting out and debunking Russian propaganda, misinformation and fake news in the Czech Republic. Inspired by counter-disinformation movements in the Baltic states, their ranks include people from all walks of life — from doctors and students to members of the military. Like other fact-checking organizations, the Elves spend a great deal of time poring over suspicious online articles and social media posts. In addition to monitoring individual accounts, the collective routinely challenges disinformation from larger outlets, such as Sputnik News and the news site Aeronet.cz. Advertising agencies formed their own initiative called „Nelež“ (“a non-lie”) which offers to advertisers to be excluded from disinformation outlets in their campaigns.

Endowment for Independent Journalism (NFNZ) funded several initiatives fighting against disinformation as well. Most importantly, it mapped the disinformation scene in „Atlas konspirací“ (the Atlas of Conspiracy).

Recently NFNZ started a brand new project of „media rating“ - the complex system of evaluation of media outlets, based on a large set of criteria and on classifying them to several categories.

The worst category is formed by non-reliable media outlets which have unknown owners, do not publish names of their editors, do not follow ethical and professional criteria etc. At the end of 2020, the collaboration among NFNZ and the biggest Czech search engine started. Seznam is using the NFNZ rating to „mark“ those information which appear in searches and are based on those sources marked by NFNZ as „non-reliable“. This draws attention of users to hesitate about such information. Since 2018, Seznam, which, like Google, runs an online advertising platform, has offered its clients the option to block their ads from appearing on websites listed by Konspiratori.sk, a public database of Czech and Slovak websites that traffic in disinformation.

The most “popular” tool of spreading false information and political propaganda has been Facebook. Many disinformation originally sourced from disinformation outlets later spread on social networks and in chain emails. Czech prime minister Babiš uses Facebook as well to address his regular weekly appeals to his supporters. Content of these „reports“ are so misleading that professional media would never allow it to be printed or broadcasted as it would be breaking its own ethical rules

7. The role of the broader ecosystem in the media

The media ecosystem in the Czech Republic has been quite developed since the fall of the communist regime in 1989. Czech Publishers' Association was established already in 1991 as the first media association in post-communist countries. Other media companies - radio and TV broadcasters - followed. These associations started independent monitoring of circulations, continuous research of readership, radio listening and TV watching which followed western standards. That steps opened the Czech market for global advertisers and advertising agencies. Development of internet brought the measurement to this industry as well. All these measurements remain independent on the government and are controlled by the industry itself.

Nevertheless, as the leading players in the industry have changed its owners, it influenced the measurement indirectly.

The outbreak of coronavirus (Covid19) in 2020-21 escalated political segmentation of Czech media landscape. The health protective conditions and measures, as well as economic situation and businesses' supports were not managed properly by Czech government. The country was highly affected by Covid-19 disease and according to all figures Czech Republic was ranked the highest positions among the worse countries worldwide (record new cases per day, the highest per capita death rate etc.). On one side it worsened the economic situation of media and it increased as well the pressure on media from the side of the government not to report the situation properly and to reduce the critical coverage of the mismanagement of the Czech government.

As for commercial media landscape (print and internet), the newspapers and news websites belonging to the trust fund of the prime minister Babiš were repeatedly used to support governmental position and to publish positive news to “smooth” negative results. Moreover, PM Babiš was using Facebook to periodically speak to the nation every weekend. His presentations were carefully prepared by his PR team.

Concerning state money going to media, we should not forget that advertising is not the only way how the government may influence its money flows to private media. Because most of big publishers own printing plants, governmental and state companies printing deals are other way how money may go to selected media. Most significant case is the Mafra group (owned by the Czech PM Andrej Babiš - via his trust fund. Babiš placed the company in trust funds to avoid accusations of a conflict of interest. However, a European Commission audit did state that there is an ongoing conflict of interest despite the move.

The public service media were under high pressure as they were the main source of the latest information about the covid pandemic, the governmental response on it, the regulations, orders and prohibitions. It was typical for the Czech government to change covid rules very frequently and totally confusingly, and therefore the Czech Public TV had to provide a live coverage of the situation with experts' and politicians' interviews to explain properly the situation.

Lot of criticism was expressed against the Czech Public TV from both government and opposition. It is obvious that the Czech TV was not critical enough to the government in the scope which would be appropriate to the level of governmental mismanagement and was not critical enough in reporting about the role of prime minister Babiš in this damage. But at the same time it is necessary to say that there was lot of criticism and true reporting in TV program. So the result of the pressure was rather in the scale of the criticism rather than in its elimination. We definitely cannot call Czech TV as a part of the governmental PR weaponry as we can see it in Hungary or in Poland but at the same time we cannot mark it fully free. Paradoxically, the result of this situation may be even worse because the manipulation and distortion of information is not fully visible and recognizable.

What was just said about the PSM could be said about the Czech media scene in total. It is possible to draw the clear line between media according the ownership and to say which media belongs to oligarchs, which are public service, which are source of intentional disinformation and which are fully free. But the content cannot be categorized just and only according the ownership criterium. It is clear and may be proofed that the number of articles which are in favor of the government and the prime minister is appearing in media owned by his trust fund or those which are close to him. But it is not excluded that even these media publish critical articles from time to time, or that they may report impartially on some topics. On the other hand, only free and independent media is reporting without any pressure and covers the situation truthfully.

Although the political influence of media scene in the Czech Republic is not so transparent as in Poland or Hungary, its effect is very similar. As people are not getting the full and true information from the most of media, the political situation has worsened. Political scandals, corruption and clientelism have increased into the level far bigger than ever before. Although the prime minister himself was accused of crimes which would be never

acceptable for Czech society and media just 10 years ago, in the current situation their media coverage is not alarming enough to prevent our PM from his political positions and from continuous support of about 25% of the electorate.

The shortage of free media is endangering not only the local political situation in the Czech Republic, but the danger is wider. Weak media are failing to face the pressure coming from the pro-Russian president. Czech president is pushing economic and political interests of Putin's Russia and is getting a full support of pro-Russian disinformation and propaganda outlets while free media are not strong enough to oppose it.

There exists a real danger that 30 years after the fall of the soviet bloc, Russians will renew their influence in the former Eastern Europe. This threat is real, serious and horrible. If it happens it will destroy the unity of European Union and NATO which guarantee the post war peaceful and democratic development in Europe.

Advertising industry in the Czech Republic is controlled by global companies. There is only one non-global company - Medea. It is owned by Czech entrepreneur Jaromír Soukup who is active in the media industry (as the owner of TV Barrandov and several printed magazines). As Medea was never under control of global media owners, it was not obliged to follow international business standards. That for it was active in business with state controlled companies and political parties. Nowadays, Medea has serious economic problems and is not clear how it will survive.

The distribution system of printed media is fully independent on the government as well and is controlled by big publishers. As the number of circulated copies drops it has problem with its performance. Printed plants are also owned by publishers and are not controlled by the government in any way. There is no problem with printing capacity nor with the quality of printing.

From the early times of the internet, the Czech Republic has its specificity in the internet search. Unlike most countries around the world, Google is not the most widely used search engine in the Czech Republic. The country also has its own, home-grown search engine — Seznam. It is still the largest search engine on the market. It also has its news desk and entertaining content which - due to the company control of searches - has a leading role among internet content providers. Seznam is owned by its founder Ivo Lukačovič who started the search engine while he was a university student in 1990th. It remains fully independent of any governmental control - and due to its financial profitability may remain independent even in the near future. The owner is not politically active, but he feels his social commitment and supports full editorial independence of the editorial team.

To summarize the role of the whole media ecosystem, we have to conclude that although there is a plenty of political interferences to the media ecosystem (mainly via PM's media ownership) and pressures on public service media (through its councils) and to media owned by some oligarchs (due to their political links), there is still a plenty of room for editorial independence. The government also doesn't control wide parts of the industry and those services and service providers which the whole industry depend on.

ANNEX 1: LIST OF COMPANIES

Television Market

Public TV

Czech Television (Česká televize) is a public television broadcaster in the Czech Republic, broadcasting seven channels. It is the successor to Czechoslovak Television, founded in 1953.

7 channels of Czech Television:

ČT1

- is a general channel, showing family-oriented program, Czech movies, children's program, news and documentaries.

ČT2

- broadcasts documentaries and nature-oriented shows such as documentary films by David Attenborough. This channel also frequently shows foreign films in the original versions with Czech subtitles, including many English-language movies.

ČT3

- broadcasts programs, TV shows, and old Czech-produced movies and oriented to the older generation. This channel was launched in April 2020.

ČT24

- is the Czech Republic's first 24-hour news channel, provides news and information around the clock with bulletins every hour.

ČT Sport

- is a sports channel, broadcasts parts of major World, European, and Czech sports events (i.e. Olympic Games, World Cups or European Championships). ČT Sport HD is the high-definition version of ČT Sport, launched on 3 May 2012 and replaced ČT HD.

ČT Děčko

- is a children's channel designed for young viewers 4 to 12 years of age and was launched on 31 August 2013. ČT Děčko broadcasts from 6 am to 8 pm, and shares its frequency with cultural channel ČT art which uses the remaining hours.

ČT art

- is an arts and culture channel launched on 31 August 2013. ČT art broadcasts from 8 pm to 6 am, and shares its frequency with children's channel ČT Děčko which uses the remaining hours.

Commercial TVs

TV Nova

TV Nova is a Czech commercial television station. It began broadcasting in February 1994 as the first commercial nationwide Czech TV station.

Sister channels of TV Nova:

- Nova 2 (comedy films and TV series)
- Nova GOLD (archives films and TV series from TV Nova production, repeating) Nova Cinema (foreign films and TV series, acquisitions, reality shows)
- Nova Sport 1 (sport channel specialized on NHL, WWE, ATP, MotoGP, UEFA) Nova Sport 2 (sport channel specialized on NBA, rugby and new attractive sports) Nova Action (action movies, crime films and TV series, channel for men)
- Nova International (for Slovak market only, TV series of TV Nova own production)

TV Prima

Prima is a Czech commercial television station.

Sister channels:

- Prima Comedy Central (part of American cable and satellite network Comedy Central, specialized on comedy TV series)
- Prima Cool (premieres of new American TV series and reality shows, for young audience aged 13 - 40 years old)
- Prima Krimi (crime TV shows and series, channel for men)
- Prima Love (romantic series and love stories, channel for women) Prima Max (specialized on US blockbusters and foreign films) Prima Zoom (documentary and educative channel)
- CNN Prima News (news channel, CNN license, broadcasting since May 3rd, 2020) Prima Plus (for Slovak market only, TV series of Prima own production)

TV Barrandov

It was founded and started to broadcast in 2009. In 2015 after Chinese company CEFC China Energy invested in TV Barrandov's parent company Empresa Media, the tone of TV Barrandov's coverage of China changed with all neutral and negative reporting about China being replaced by positive reporting. Company is now being 100% by Jaromír Soukup.

Sister channels:

- Kino Barrandov (films and TV series mainly from abroad - genre: romantic, crime, western, sci-fi, family, comedies)
- Krimi Barrandov (crime tv series of its own production mainly) Barrandov News (unprofessional, manipulative news channel)

Seznam TV (Televize Seznam)

- Czech commercial TV station owned by Seznam - company of Ivo Lukačovič. It started in January 2018 and is specialized on news.
- TV Seznam is part of Seznam company which started as the internet search engine Seznam (No.1 in the Czech Republic) and the web portal. It was founded in 1996 by Ivo Lukačovič. Today Seznam runs more than 15 different web services and associated brands. Seznam had more than 6 million real users per month at the end of 2014. Among the most popular services, according to NetMonitor, are its homepage seznam.cz, email.cz, search.seznam.cz and the company database firmy.cz.

RADIO MARKET



Public Radio

Czech Radio (Český rozhlas) - is the public radio broadcaster of the Czech Republic, operating since 1923. The service broadcasts throughout the Czech Republic nationally and locally. It has four national services (Radiožurnál, Dvojka, Vltava and Plus), regional services in all regions of the Czech Republic, digital services (Rádio Junior, Radio Wave, D-dur, Jazz) and internet streams (Rádio Junior, Rádio Retro).

Four National Services

- Radiožurnál (news and information) Dvojka (entertainment, talk and news)
- Vltava (culture, classics and arts)
- Plus (analysis, context information, no music)

Digital services

- Radio Wave (service for young generation)
- D-dur (classic music since the renaissance era till today) Jazz (jazz music only)
- Junior (fairy-tales, kid songs, entertainment, education)

Internet Streams

- Junior
- Retro
- Radio Prague (international multilingual service - Spanish, French, German, English, Russian and Czech)

Commercial radio stations

Czech Media Invest

(owned by Daniel Křetínský, throughout its daughter company Czech Radio Center)

- Evropa 2
- Frekvence 1 Radio
- Bonton Radio Z

Media Bohemia

(owned by Daniel Sedláček, No.1 among the regional commercial services)

- Rádio Blaník Fajn radio Rock Radio

Londa (owned by the trust fund of Czech PM Andrej Babiš)

- Radio Impuls

Radio United Broadcasting (owned by Ivan Zach - one of the owners of TV Prima)

- Country Radio Radio 1
- Radio Beat Radio Kiss Signál rádio

Publishers (print, internet)

Mafru (the media division of the Agrofert group, owned by the trust fund of Czech PM Andrej Babiš)

- The multimedia company MAFRA ranks among the strongest media company in the Czech Republic and its coverage includes all media types: print, online, TV and radio.
- With its printed media, MAFRA addresses on regular basis 3.4 million readers, 7.4 million users of its internet based projects.
- The most important group's projects are:

Dailies:

- Mladá fronta DNES (the largest serious national daily in the Czech Republic. Its readers are presented with current and news coverage, as well as relaxed reading in specialized supplements. Lidové noviny (a daily newspaper. Established in 1893, the oldest existing Czech daily, banned during the communist regime and renewed as samizdat in 1988. It is a national news daily covering political, economic, cultural and scientific affairs, mostly with conservative view.
- Metro (the Czech version of the free-sheet Metro)

Weeklies:

- TÉMA (offers interviews with celebrities, true stories full of emotions and views into the life of high society).
- 5plus2 (free, regional weekly newspaper - published in all regions of the Czech Republic).

Internet web sites:

- iDNES.cz - the web site of Mladá fronta DNES daily lidovky.cz - the web site of Lidové noviny daily

Czech News Center - CNC (previously owned by Ringier - Axel Springer)

- CNC is one of the most powerful media organizations on the Czech market, reaching millions of readers and internet visitors. The sole owner of the company is Czech Media Invest a.s., which is indirectly owned by Czech Daniel Křetínský and Slovak Patrik Tkáč.
- The company publishes 4 daily newspapers (Blesk, Aha! and Sport), 45 printed magazines and supplements, 30 online magazines, web projects and applications and run the services of a virtual operator and printing works.

Dailies:

- Blesk (the most sold and also most read daily tabloid newspaper on the market) Aha! (the pure tabloid)
- Sport (the only daily paper in the Czech Republic which exclusively focuses on sport content) E15 (the economic daily)

Weeklies:

- Reflex (the most-sold weekly news magazine in the Czech Republic) Blesk pro ženy (the most sold women's magazine on the market)
- Blesk Hobby, Blesk Zdraví and Blesk Vaše recepty (leisure time magazines) etc.

Monthlies:

- Lidé a Země (magazine for travellers) Maminka (magazine for mums)
- Moje psychologie (magazine about psychology) Dieta (magazine for those who want to stay fit)
- A. (magazine for food lovers with recipes) Svět motorů and AutoTip (the motoring segment) ForMen (the lifestyle monthly)
- Computer (the technically-focused magazine)
- ABC, Sluníčko and Mateřídouška (magazines for kids and young people) etc.

News Web Site I

- nfo.cz
- In November 2016, the news website INFO.CZ was launched, focusing on the most important events in politics, business and more besides. It brings new perspectives, analyses and commentaries with strongly right-wing view.

VLM - Vltava Labe Media

VLM is a Czech publishing house - the second biggest in the Czech Republic. It created unique network of over 70 regional dailies and dozen of weeklies. Since November 2015, it belongs to investment group Penta Investments which acquired it from the German regional publisher Verlagsgruppe Passau.

Dailies:

- Deník (local newspapers with strong national pages)

Magazines:

- Glanc (the fortnightly women's lifestyle magazine) Týdeník Květy (women's monthly)
- Vlasta (women's monthly)
- Kondice (the magazine about how to stay fit)
- TV Star, TV Magazín, TV Mini (TV listings and gossip magazines) etc.

Borgis

Borgis publishes the left-wing daily Právo and operates internet servers Novinky.cz, Super.cz a Sport.cz. The majority owner of Borgis company is Zdeněk Porybný - the Editor-in-Chief of Právo daily. In 2013, the internet and media company Seznam.cz acquired 33,5% stake in Borgis.

Daily:

- Právo (the Czech left-wing daily newspaper, Právo emerged in 1991 following the Velvet Revolution, when some editors of the daily Rudé právo founded a new company unaffiliated with the Czechoslovak Communist Party but taking advantage of the existing readers' base).

Internet web sites:

- novinky.cz (news website) super.cz (gossip website) sport.cz (sport website)

Economia

Economia was founded in 1990 and is specialized on business publications. It is the publisher of Hospodářské noviny economic daily, Respekt and Ekonom weeklies, several news websites and also a number of B2B titles. From 1999, majority shareholder of Economia was the German Verlagsgruppe Handelsblatt (together with Dow-Jones group) until it was acquired by Czech investor Zdeněk Bakala in 2008.

Daily:

- Hospodářské noviny (first published on 21 May 1990. It is a business daily No.1 in the Czech Republic with a specific focus on economics and business)

Weeklies:

- Ekonom (No.1 business weekly in the Czech Republic)
- Respekt (a weekly opinion and news magazine, reporting on domestic and foreign political and economic issues, as well as on science and culture).

News websites:

- ihned.cz (news, business news) aktualne.cz (news)
- ekonom.cz (web site of the weekly) respekt.cz (web site of the weekly)

Burda International CZ

Burda Praha belongs to the Burda International publishing group and has been operating on the Czech market since 1991. It publishes over 40 periodicals, such as ELLE, Marianne, Apetit, Marianne Bydlení, Maxim, Marie Claire, InStyle, JOY, Svět ženy, Katka and others in the Czech Republic. The publishing house also produces annually more than 80 special editions,

Mladá fronta

The Mladá fronta publishing company was established in 1945. The company is now owned by František Šavrov - escaped Czech person who is wanted on the suspicion of tax evasion and money laundering going into the hundreds of millions of crowns and is on the brink of bankruptcy. (Mladá fronta is not the publisher of MF DNES daily).

Weekly:

- Euro (business weekly)

Magazines:

- AUTO7, auto motor a sport and Motocykl (motoristic magazines) Puntík and Tečka (kids magazines)

Books:

- The publishing company also has a Books Division, which introduces around 200 new titles onto the market every year.

Empresa Media Group

Czech publishing house owned by Jaromír Soukup which has published a range of news and gossip magazines. Many of them has been recently discontinued (Instinkt) or are on hold now because of the economic problems (Týden weekly).

Our Media

- Company of manipulative web sites. Owned by the owner of big lottery company and former member of the Senate (2014 - 2020) Ivo Valenta. Company was established by former CEO of Ringier Czech Republic Michal Voráček.

Web sites

- Parlamentní listy - website with the wide content of political news and opinions. Its content is mostly manipulative, often influenced by external influences. It offers paid-for room for political opinions and promotion.
- Krajské listy - regional version of above mentioned website.

Independent Media Project

All of them has been launched after the Czech billionaire and now PM Andrej Babiš has entered the politics and bought one of the largest publishing houses in the Czech Republic - Mafra. The owners of those independent projects are the respected senior journalists and personalities of

Czech media sector who don't accept the „oligarchisation” of the media industry.

DVTV

- The first news internet TV in the Czech Republic. Has a long term cooperation with Economia publishing house. Recently succeeded in the large scale crowd funding.

Reportér

- Independent monthly news magazine. Politics, society, culture. Established by former editor-in- chief of MF DNES daily.

Forum 24

- Established by former editor-in-chief of MF DNES and Lidové noviny daily.
- forum24.cz - Independent internet opinion daily defending liberal democracy, daily news and opinions, large scale critic of PM Babiš and his government.
- Revue Forum - monthly newsmagazine

Echo 24

- Established by former editor-in-chief of Lidové noviny daily.
- Echo 24 - conservative internet news daily.
- Týdeník Echo - weekly news and opinion magazine.

Hlídací pes

- hlidacipes.org - analytical and long-format journalism critical to the government of Andrej Babiš.

Neovlivní

- Established by former editor-in-chief of MF DNES daily.
- neovlivni.cz - investigative journalism web site.
- Magazín neovlivní.cz - monthly with investigative content.

investigace.cz

- Investigative web site - part of the international network

Out-of-Home Advertising (OOH)

JCDecaux - Czech branch of the world biggest outdoor advertising group. Active in street furniture, public transport advertising and billboard advertising.

Big Board - biggest Czech outdoor advertising agency, active through the whole Czech Republic under brands: BigBoard, CzechOutdoor, Outdoor Akzent, News Advertising, Bilbo City, QEEP



HUNGARY

MEDIA MARKET

As our previous Soft Censorship reports have shown year after year, the Hungarian media market has been subject to spectacular changes in the last decade. The ownership structure in the market has been changing continuously, and as a result several foreign investors have been pushed out of the market and the Hungarian media arena is increasingly dominated by politically affiliated domestic investors. A new development is that Fidesz, which has been the governing party in Hungary since 2010, no longer merely transforms the ownership structure of individual media corporations but has established a dominance of pro-government media throughout the entire media ecosystem.

It is widely known that state advertising has given rise to significant level of market distortion in Hungary, and this impact continues to persist. For the time being, we still do not know what kind of long-term changes will result from the pandemic once the latter has subsided; what is already apparent, however, is that in the case of several media brands the share of state advertising has grown, as has the dependence of these brands on the state. Independent media enterprises, by contrast, are increasingly compelled to turn to their audiences for revenue, often by generating income through crowdfunding.

1. OWNERSHIP STRUCTURE/CHANGES

The changes in the Hungarian media landscape have been at the forefront of international attention for years now. Substantial transformation has occurred in the ownership structure of Hungarian media, and as a result we have seen the emergence of a massive ownership concentration in the market, with the state using a variety of methods to distort the market. In the meanwhile, Hungary's position in the World Press Freedom Index compiled by Reporters Without Borders continues to deteriorate each year, and the debates in the European Union also frequently focus on the issue of media freedom in Hungary. Viktor Orbán's government is regularly the subject of international criticisms in connection with the poor state of public discourse in Hungary.

The transformation of the media ownership structure is being realised step-by-step, and the constellation that prevails today is the result of a protracted process. In the first half of the 2010s, several foreign investors left the Hungarian media market, and their stakes in the media market were generally acquired by pro-government investors who had a political outlook on their investment. During this period, Lajos Simicska, an old friend of the prime minister, was the oligarch-in-chief. As the businessman with the largest pro-government media empire, Simicska wielded exceptional influence. It was probably also on account of the latter that he became caught up in a conflict with the prime minister which devolved into open civil war over time. Once the prime minister had managed to marginalise Simicska, a new oligarch, Lőrinc Mészáros, moved to the fore in the second half of the 2010s. Mészáros had previously worked as a gas-fitter but within the span of a mere few years, he has emerged as the largest media owner in Hungary.

Another emblematic day in the transformation of the Hungarian media landscape was the day when the Central and Eastern European Media Foundation (abbreviated as KESMA in Hungarian) was established in 2018. On 28 November almost all Fidesz-friendly media owners transferred the ownership rights of their media holdings to KESMA. Their companies joined the foundation, all of them without any type of compensation for the owners. The foundation itself had been created in August 2018 by a stock corporation that is owned exclusively by Gábor Liskay, the famous media figure loyal to Viktor Orbán. The foundation's board was made up of Fidesz MPs, as well as the CEO of a Fidesz-friendly think-tank. Its mission is to "promote activities that serve value creation and strengthen Hungarian national identity in the print, radio television and online media platforms that make up Hungarian mass communication." Altogether 476 media brands joined to KESMA, and it has significantly increased the media ownership concentration in Hungary.

There have been no substantial new developments in the KESMA empire since, although some technical changes did take place. Back in 2019 Mediaworks was awarded so-called controlling rights over 29 KESMA-owned corporations,¹ and hence since that year the consolidated financial report of Mediaworks provides an overview of the financial performance of the entire corporate group.

One stunning development in 2020 was that the previous top figure of the pro-government media empire, Gábor Liskay, turned over his rights as the founder of KESMA to an attorney, Tamás József Kertész. Kertész was previously unknown in the media world, although he did work as an attorney for Lőrinc Mészáros, the prime minister's close friend.²

The most significant event in the Hungarian media market in 2020 was the change in the ownership of Hungary's leading online news site, Index. The backstory is very complex, but at the same time it is also highly illustrative a process, as pro-government forces gradually suffocated the prominent independent news site and the took full control once the existing team had resigned in protest.

The first signs of trouble at Index date back to 2011. Back then, the editor-in-chief resigned and several emblematic figures in the management also left the news site. They did not divulge the reason behind their departure, but it was obvious that political pressure had played a role. The next turning point was in 2017, which saw a change in Index's ownership structure. The publishing rights were taken over by the Foundation for Hungarian Development (Magyar Fejlődésért Alapítvány), and the foundation's board consisted of a single official, László Bodolai, who had worked as the newsroom's attorney up to that point. Bodolai's status appeared to be a sign of independence since the newsroom trusted him, but the trap that would eventually snap shut was already in place: the publisher was only responsible for the journalism-related aspects of the media organisation while the other areas that were vital in terms of corporate operations, such as finance, HR, IT, etc., were entrusted to a larger holding. What proved to be especially crucial was that advertising sales were managed by one of the companies in the holding, Indamedia (previously it was called CEMP), which meant that advertising revenue did not flow directly to the publisher. This unusual constellation prevailed right up to the summer of 2020.

In hindsight, it is difficult to tell whether the governing party had already planned from the start to liquidate Index's independence in the summer of 2020 or whether they merely seized the opening provided by the financial problems wrought by the corona pandemic. What is certain regardless is that the critical news site and its vast audience reach had been a thorn in the governing party's side for a long time now, and Viktor Orbán once referred to Index as a fake news factory.³ At the same time, it also seemed likely that they would try to avoid an intervention that was openly politically motivated: Index was too prominent and popular a target and hence a very heavy-handed and open takeover could trigger a backlash.

In any case, the pace of events accelerated rapidly in the spring of 2020. By that time, Index had become operationally completely dependent on the Indamedia holding. In March, Miklós Vaszily, the most prominent business manager of the pro-government media world, took over as the owner of Indamedia. The financial difficulties at Index propelled events further still, and the conflict between Indamedia and the newsroom was soon laid bare. Once the owner – under pressure from Indamedia – fired editor-in-chief Szabolcs Dull, the entire newsroom quit, thereby ending Index's story as an independent newspaper.

In the following months the departed newsroom drew on crowdfunding to launch its own news site called Telex. Although Index has lost a slice of its readership, it remains a major player in the online news market. Index saw an ongoing series of personnel changes in the fall of 2020, and for the time being it is difficult to discern what editorial line the online newspaper will follow in the long-run. But the brand name is so powerful that a large segment of the previous audience continues to use Index. Since the collapse of Index as an independent news source, 24.hu has emerged as the leading online news site.

¹ Kovács, G. (2019): Vége, a fideszes média hivatalosan is birodalommal alakult [The end, the Fidesz media has officially become an empire] https://hvg.hu/kkv/20190529_Vege_a_fideszes_media_hivatalosan_is_birodalommal_alakult

² Sarkadi Nagy, M. (2020): Kertész József Tamás vette át Liskay Gábortól az orbánista médiaholdingot alapító céget [József Tamás Kertész took over the company that founded the Orbánist media holding from Gábor Liskay] <https://blog.atlatszo.hu/2020/12/kertesz-jozsef-tamas-vette-at-liskay-gabortol-az-orbanista-mediaholdingot-alapito-ceget/>

³ Plankó, G. (2018): Orbán: „Az Index egy fakenews-gyár” [Index is a fakenews factory] <https://444.hu/2018/05/27/orban-az-index-egy-fakenews-gyar>

At this time, media brands in Hungary fall into one of three categories.

1. Among the media outlets that are obviously aligned with the government, an overwhelming majority are owned by Central European Press and Media Foundations, although there are a few that have not joined KESMA.
2. In the case of media that were classified as unequivocally independent, there was neither any known link between the owners and the governing party nor a significant dependence on revenues from government advertising.
3. There are media outlets which fall into what we called the grey zone: although the owners do not openly acknowledge their ties to the governing party, investigative reports have revealed that such a link does exist or, alternatively, the share of state advertising in their total revenue is significant.

Categorisation of the major media brands

Pro-government	'Grey Zone'	Independent
<ul style="list-style-type: none">• 18 county newspapers (KESMA)• Retro Radio, Karc FM (KESMA)• origo, 888 (KESMA)• Magyar Nemzet (KESMA)• Hír TV (KESMA)• TV2• Index• etc	<ul style="list-style-type: none">• ATV• Népszava• Info Rádió• etc.	<ul style="list-style-type: none">• RTL Klub• HVG, hvg.hu• 24.hu• 444.hu• Telex• etc.

The position of many media outlets in this classification scheme has been stable for a while now. At the same time, in some cases the changes in ownership or other issues going on in the background have resulted in some media brands shifting into a different category. In recent years it was clearly the category of independent media that has narrowed, with numerous media brands moving into either the pro-government or grey zone categories.

There are of course also media enterprises that are only active in the market for entertainment contents, and they have a very limited impact on public life (e.g. the Viacom group or the Ringier-Axel Springer portfolio in the market for glossy magazines).

2. MARKET CONDITIONS AND LAWS

The adoption of the media laws in 2010 not only laid the foundation for the complete overhaul of the Hungarian media system but at once represented one of the Orban-government's first measures to scale back constitutional democracy.

Two important acts were voted by the Parliament in 2010.:

- Act CIV of 2010 on Freedom of the Press and on the Basic Rules Relating to Media Content (Smtv.). It includes all fundamental regulations on media content and provisions for the legal status of journalists.
- Act CLXXXV of 2010 on Media Services and on the Mass Media (Mttv.). It fundamentally includes the regulation on the formation of the media system's structure.

These media laws fail to instate adequate safeguards for a pluralistic and autonomous oversight of either commercial or public service media. There are some major problem areas in the Hungarian media regulation.

The Media Council has been a politically homogeneous media authority since 2010. It restructured the radio market by the frequency tenders, vast majority of independent radio stations disappeared from the market in the last few years. The Media Council allowed all acquisitions and mergers involving pro-government players, while it stopped the media mergers when independent market players were involved. Moreover, Media Council president and members are appointed for a nine-year term, and it is highly problematic. The current Media Council members are in their positions until 2028.

The media laws insufficient cross-ownership rules resulted in a distorted and imbalanced media market and the results are already visible: market has become more concentrated, plenty of independent local stations disappeared and the previously flourishing segment of community radios has also been losing out. Creation of KESMA led to unprecedentedly high ownership concentration.

Funding of the Hungarian public service does not comply with the European regulations on state aid. All of the public media's content acquisition and show production is performed by the MTVA (Media Service Support and Asset Management Fund). At the same time, the editorial responsibility for the content lies with another organisation, the Duna Médiaszolgáltató Nonprofit Zrt (Duna Media Service Provider Non-Profit Corporation). It is the de jure public service media provider. The MTVA disposes of all these taxpayer funds without being subject to any meaningful outside control and no one has a clue of where and how it spends the money. On the one hand it means corruption risk, on the other hand the lack of control in financing of public service media led to market distortion.

An amendment of the Criminal Code in spring 2020 affected the journalistic work. According to the amendment, not only false statements which may disturb public order are considered criminal offences but also those capable of hindering or thwarting the effectiveness of the protection (e.g. against the virus). It also strengthens penal sanctions as the offence is now punishable by imprisonment for up to five years instead of three. The amendment can be used only in a special legal order, e.g. during pandemic. Researches of Hungarian Civil Liberties Union⁴ found that the amendment affected journalists and more intensive legal work than ever before is needed in newsrooms.

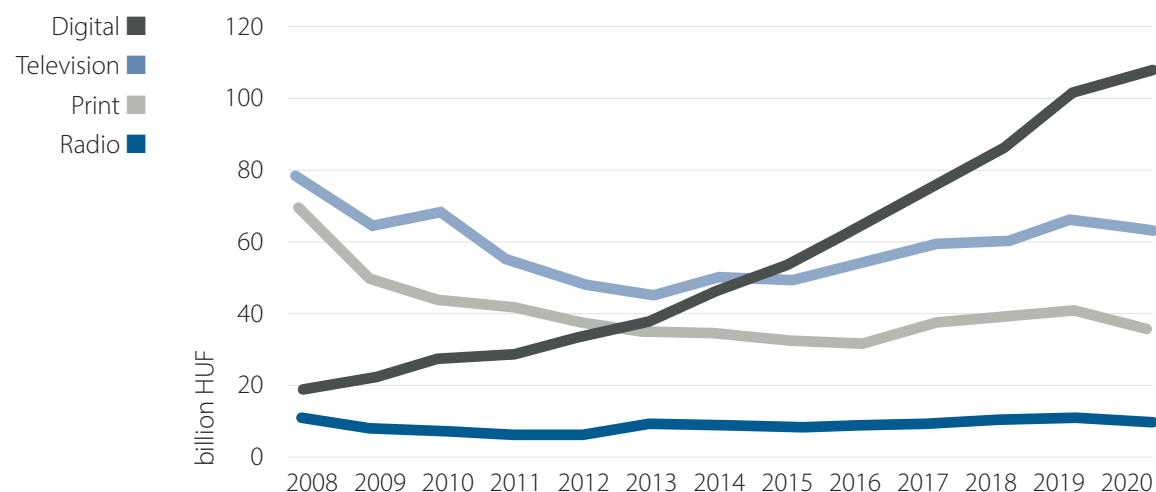
⁴ Hungarian Civil Liberties Union: Research on the obstruction of the work of journalists during the coronavirus pandemic in Hungary, 15 April 2020, https://tasz.hu/a/files/coronavirus_press_research.pdf and Kutatás a sajtó működésének állami akadályoztatásáról [Research on state obstruction of the press], 12 May 2021, https://tasz.hu/a/files/tasz_sajtokutatas_3.pdf

3. ADVERTISING TRENDS

Similarly to other countries, in Hungary, too, the dominant trend in the advertising market has been the growth of the digital segment. This is a problem especially because a significant portion of the advertising revenue arriving in the digital segment does not end up with content providers but with the major global digital platforms. According to a joint survey by IAB Hungary and PWC, 59% of the digital advertising revenues ended up with global corporations (e.g. Google, Facebook) while only 41% were paid to local providers, in other words to Hungarian companies.⁵

Advertising revenues in the main media sectors in Hungary (billion HUF)

Advertising revenues in the main media sectors (billion HUF)



Source: MRSZ [Magyar Reklámszövetség, Hungarian Advertising Association]

Because of the impact of the pandemic, advertising revenues dropped in 2020, but that does not imply that the advertising market has collapsed. The so-called media pie – that is the total revenue in the various media segments – has dropped by 2.8% in 2020. As the figure shows, revenues have even increased in the digital market, while incomes in the print newspaper, television and radio segments have declined. The long-term impact of the pandemic is not fully apparent yet, of course, much depends on whether the vaccinations will help fully stop the spread of the coronavirus, how rapid the economic recovery will be and how consumption patterns will change after the pandemic.

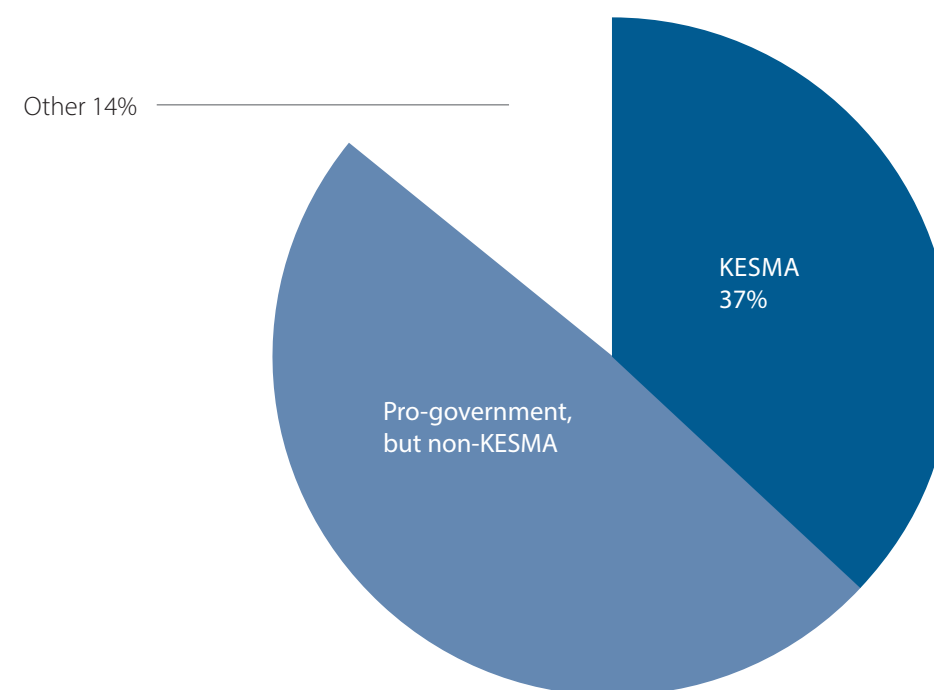
4. STATE ADVERTISING

State advertising spending has been a longstanding problem in the Hungarian media market. Even before Fidesz took power, that is prior to 2010, there were signs that the reigning governments were favouring media loyal to them when rendering their decisions about state advertising; in the 2010s, however, the political motivation behind the distribution of state advertising became unequivocal in its openness.⁶ What's more, the amount of money spent by the state on advertising has been growing each year, with the result that these days the distorting impact of state advertising in the media market has emerged as a significant factor.⁷

State advertising data can be analyzed based on Kantar Media database, which contains so-called list price advertising revenues. This calculates advertising revenues of major media brands based on publicly available lists prices and actual advertising volumes published. The database does not extend to every media outlet, important political/news brands are missing (e.g. Hír TV or ATV).

In 2020 value of all state advertising spending was 128.3 billion HUF (ca 365 million EUR) at list prices, but in reality this figure was far lower because it does not account for the discounts. What is striking is how these amounts were distributed between the various market players.

Share of state advertising spending (2020)



Source: own figure based on data from Kantar Media

The catalogue of KESMA-controlled companies is easy to compile since the official corporate registry records establish clearly which companies are owned by KESMA.

⁵ IAB Hungary – PWC (2021): Digitális reklámköltési adatok [Digital advertising spending data] https://iab.hu/wp-content/uploads/2021/04/IAB_HU_Adex_2020.pdf

⁶ Detailed figures are available here: <https://mertek.atlatszo.hu/allamihirdetesei/>

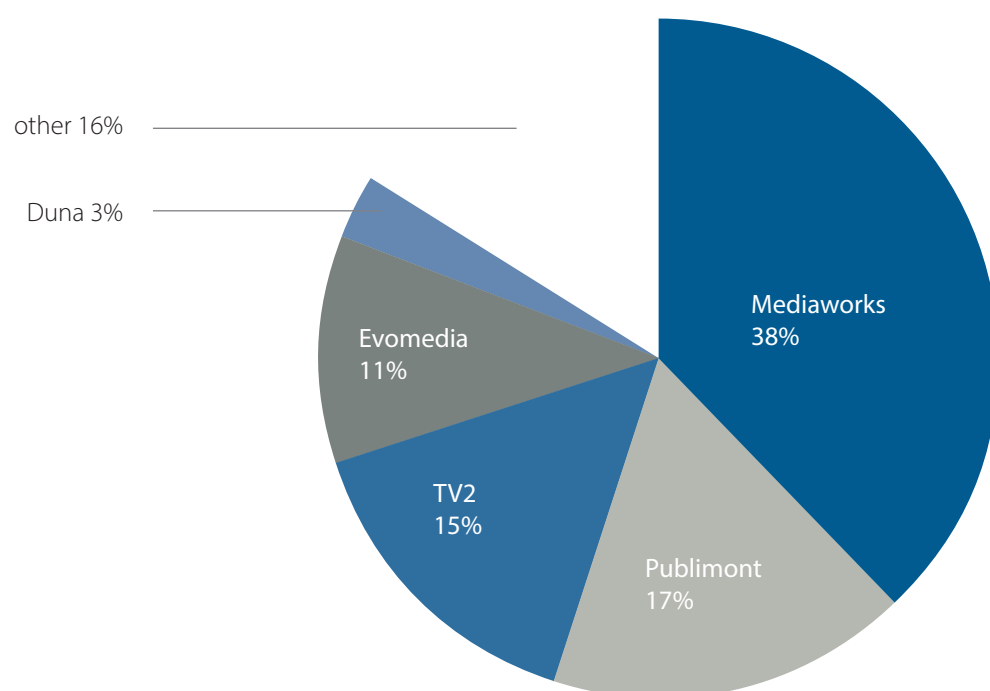
⁷ Attila Bátorfy & Ágnes Urbán (2020) State advertising as an instrument of transformation of the media market in Hungary, East European Politics, 36:1, 44-65, DOI: 10.1080/21599165.2019.1662398

We classified those companies which are not owned by KESMA but whose owners are nevertheless unequivocally connected to the government party as falling into the category of 'pro-government but owned by KESMA'. The companies in this category are those whose ownership links have been clearly investigated by journalists and/or whose owners themselves acknowledge their Fidesz affiliation.

All the remaining media corporations apart from the above were assigned to the 'other' category, even if the editorial line and practice clearly reflected that the media outlet is leaning towards the government. Thus, our classification scheme was very cautious, and we only assigned those media outlets to the pro-government category where we had unequivocal evidence tying the given media outlet to the government's sphere of interest.

It is worth taking a separate look at the spending by the largest state advertisers, the Prime Minister's Cabinet Office. At list prices, it advertised for a total of 56 billion HUF (ca. 159 million EUR), which makes up 43.6% of all state advertising spending. The advertising spending of the Prime Minister's Cabinet Office is large enough to massively influence the entire state advertising portfolio.

Advertising spending of the Prime Minister's Cabinet Office (2020)

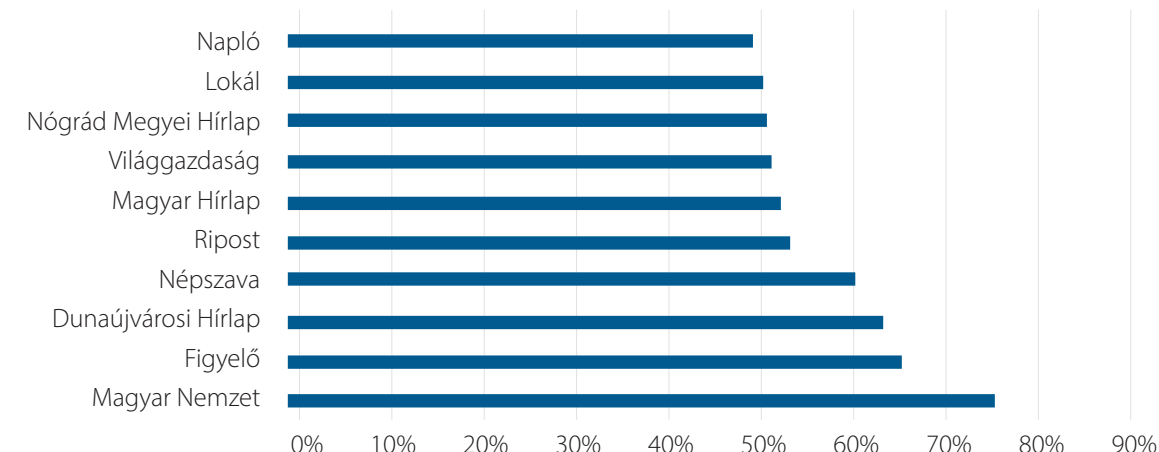


Source: own figure based on data from Kantar Media

Mediaworks and Evomedia are owned by KESMA, their overall share is 49 percent. Publimont and TV2 are clearly close to the government, their overall share is 32 percent. Duna is the public service media, and clearly part of the pro-government media empire. The "Other" category includes all other media companies, regardless of ownership structure and political orientation (so not only independent media companies, but also smaller pro-government companies are included).

Already back in 2019 the ratio of media that were predominantly dependent on the state for their advertising income was exceedingly high. In many cases, the share of state advertising revenue in total advertising revenue exceeded 50 percent.

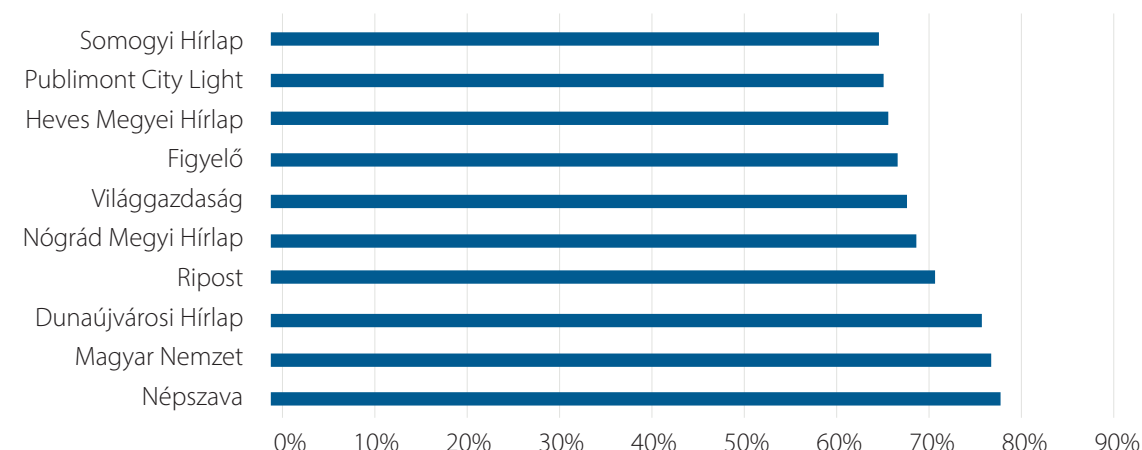
Some important media brands with high share of state advertising revenue in total ad revenues (2019)



Source: own figure based on data from Kantar Media

These data increased in 2020, which stemmed in part from the fact that during the pandemic commercial advertisers spent even less than usual on advertising, and hence the share of state advertising increased in several cases.

Some important media brands with high share of state advertising revenue in total ad revenues (2020)



Source: own figure based on data from Kantar Media

The two lists above are very similar in two respects. First, the dominance of Mediaworks is unequivocal, the media products owned by the publishing company feature several times on each of the two lists. This also implies that with respect to print publications, the share of state revenues is exceedingly high, which means that this is the segment of the media that is most exposed to state influence.

5. FINANCIAL PERFORMANCE OF MEDIA COMPANIES

An important indicator is how the media corporations' net revenue from sales have shaped up recently.

The table below features the data for the most important pro-government media brands. Primarily as a result of the establishment of the KESMA, the corporate structure of the market has been subject to a massive transformation, which makes it impossible to properly compare the revenues between 2017 and 2019. As was previously pointed out, the so-called controlling rights of the KESMA corporation were transferred to Mediaworks, and hence the data for 2019 reflects the consolidated figures for Mediaworks.

The fact is that the pro-government media are amply funded, and the substantial chunk of revenue they receive from state advertising plays a major role in this.

Most important pro-government media brands

Brand	Type	Publisher	Net sales revenue (in '000 HUF) in EUR ⁸		
			2017	2018	2019
Mediaworks portfolio	print/online + TV, radio (KESMA)	Mediaworks Zrt	20 406 205 (58 095 957€)	27 715 172 (78 904 404€)	70 840 982 (201 682 511€) (consolidated)
Bors (+ Lapcom portfolio)	print/online	Lapcom Zrt	10 477 747 (29 829 885€)	10 155 018 (28 911 083€)	
Ripost	print/online	Ripost Kft	3 042 759 (8 662 659€)	2 536 049 (7 220 068€)	
Figyelő	print	K4A Lapkiadó	835 674 (2 379 143€)	971 896 (2 766 964€)	
Szabad Föld	print	Mezőgazda Lap és Könyvkiadó Kft	1 462 233 (4 162 941€)	1 476 411 (4 203 305€)	
Mandiner	print/online	Mandiner Press Kft	70 499 (200 709€)	111 759 (318 175€)	
Retro Radio	radio	Hold Reklám Kft	49 109 (139 812€)	424 118 (1 207 453€)	
Karc FM	radio	KARC FM Média Kft	284 126 (808 900€)	360 676 (1 026 836€)	
HírTV	television/online	Hír TV Zrt	2 356 617 (6 709 230€)	2 316 436 (6 594 836€)	
Origo	online	New Wave Media Group	5 642 542 (16 064 177€)	4 145 674 (11 802 631€)	
888.hu	online	Modern Média Group Zrt	3 179 663 (9 052 421€)	2 683 912 (7 641 031€)	
TV2	television/online	TV2 Média Csoport Zrt.	34 506 529 (98 239 228€)	39 101 320 (111 320 484€)	41 150 047 (117 153 159€)
Magyar Hírlap	print/online	Magyar Hírlap Kiadói Kft.	740 730 (2 108 840€)	770 247 (2 192 874€)	768 499 (2 187 898€)
Demokrata	print	Artamondo Kft.	551 890 (1 571 217€)	465 800 (1 326 121€)	496 526 (1 413 597€)

Source: Annual financial accounts (<https://e-beszamolo.im.gov.hu/oldal/kezdolap>)

⁸ For conversion we have used the 2020 currency exchange average rate, of 351.25 HUF for 1 EUR https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ert_bil_eur_a&lang=en

The independent media corporations in the news and public affairs market have generated far lower levels of revenue; the only major company among them is the Magyar RTL Televízió Corporation, which operates the television channel RTL Klub. Although the main objective of that commercial channel is entertainment, its political news shows nevertheless play a major role in the political information of the public.

Most important independent media brands

Brand	Type	Publisher	Net sales revenue (in '000 HUF) in EUR		
			2017	2018	2019
HVG	print/online	HVG Kiadó Zrt.	3 650 887 (10 393 984€)	3 714 775 (10 575 872€)	3 931 552 (11 193 031€)
Magyar Narancs	print/online	Magyarnarancs.hu Lapkiadó Kft.	238 145 (677 993€)	233 745 (665 466€)	243 037 (691 920€)
Élet és Irodalom	print/online	Irodalom Kft.	199 477 (567 906€)	199 724 (568 609€)	235 144 (669 449€)
Magyar Hang	print/online	Alhambra Press Bt.	-	70 652 (201 144€)	193 519 (550 944€)
Blikk	print/online	Blikk Kft	5 958 230 (16 962 932€)	5 983 730 (17 035 530€)	5 943 138 (16 919 966€)
Klubrádió	radio/online	Klubrádió Zrt.	74 626 (212 458€)	74 192 (211 223€)	52 746 (150 167€)
RTL Klub	television/online	Magyar RTL Televízió Zrt.	34 257 102 (97 529 116€)	32 768 373 (93 290 742€)	39 986 729 (113 841 221€)
24.hu	online	Central Digitális Média Kft.	3 882 029 (11 052 040€)	4 072 866 (11 595 348€)	4 145 654 (11 802 574€)
444.hu	online	Magyar Jeti Zrt	510 505 (1 453 395€)	510 365 (1 452 996€)	542 478 (1 544 421€)
G7.hu	online	G-7.hu Nonprofit Zrt	2 047 (5 828€)	13 036 (37 113€)	52 996 (150 878€)
Válasz Online	online	Válasz Online Kiadó Kft.	-	280 (797€)	170 (484€)
Átlátszó	online	Atlatszo.hu Közhasznú Nonprofit Kft.	1 841 (5 241€)	6 762 (19 251€)	3 771 (10 736€)
Direkt36	online	Direkt36 Nonprofit Kft.	6 628 (18 870€)	4 223 (12 023€)	2 200 (6 263€)
Index*	online	Index.hu Zrt	1 429 804 (4 070 616€)	1 303 864 (3 712 068€)	1 244 682 (3 543 579€)

Source: Annual financial accounts (<http://e-beszamolo.im.gov.hu/oldal/kezdolap>)

* Index was an independent news portal at the time, with a mass resignation in 2020

Most of the media brands that are relevant in terms of their impact on public discourse do not generate income from advertising alone but also rely on crowdfunding (such income is not captured by the net revenue from sales statistic). A prominent case is that of Klubrádió, which has mostly depended on the donations of listeners since advertisers have begun to avoid the critical station out of caution. Online newspapers, too, are compelled to ask their readers for donations (thus, for example, 444.hu and G7 do this, and so did hvg.hu before it introduced a paywall). There are also sites (Átlátszó, Direkt36, Válasz Online) that do not even anticipate any revenue from advertising and base their operations entirely on donations.

Most important media brands in the 'grey-zone'

Brand	Type	Publisher	Net sales revenue (in '000 HUF) in EUR		
			2017	2018	2019
Népszava	print/online	XXI. század Média Kft.	1 668 716 (4 750 793€)	1 842 166 (5 244 601€)	1 960 981 (5 582 864€)
ATV	television/ online	ATV Zrt.	2 374 545 (6 760 270€)	2 396 674 (6 823 271€)	2 659 733 (7 572 194€)
Hetek	print	Hetek.hu Kft.	132 632 (377 600€)	151 050 (430 036€)	144 437 (411 209€)
168 óra	print/online	Telegráf Kiadó Kft.	291 438 (829 717€)	173 987 (495 337€)	225 286 (641 384€)
Inforadio/ Infostart	radio/online	Inforádió Kft.	394 155 (1 122 149€)	549 612 (1 564 732€)	616 992 (1 756 561€)

Source: Annual financial accounts (<http://e-beszamolo.im.gov.hu/oldal/kezdolap>)

There are media brands that cannot be assigned to the category of propaganda-style pro-government media but at the same time do not qualify as independent outlets, either. Typically, a significant portion of their revenues depend on the state, either because the share of state advertising in their total advertising revenue is fairly high or because the owner has demonstrably strong ties to the government.

6. INFLUENCE OF ONLINE AND SOCIAL MEDIA

According to a fall 2020 study, online media have emerged as a major source of news. Their reach as news sources is now on par with television, which used to predominate. As compared to online sources and television, the role of all other types of media in news consumption is substantially less significant. Social media, too, have become more prominent in individual media consumption; in 2020, 56% of users encountered political/public affairs contents on Facebook, which is more than twice the relevant value in 2018. The pandemic was probably a major factor in the increased role of online news sources and social media; users evinced a greater appetite for news than ever before as they sought to stay abreast of the most recent developments. A new public affairs YouTube channel, Partizan, also became widely known when it switched to daily programming at the start of the pandemic in 2020.

Like in other countries, fake news and disinformation were also frequently spread in Hungary, and the problem is not limited to social media. An often-mentioned feature of the Hungarian media system is that there is no need for organised Russian disinformation here, and Russia Today and Sputnik have no presence in Hungary. In Hungary, the pro-government media perform the functions that Russian media corporations perform elsewhere, that is they spread narratives that are favourable for the Kremlin. This is not limited to Russian-friendly messages but also includes efforts at portraying the European Union as weak and unviable, and undermining trust in the EU institutions in general.

Not all propaganda sites disseminate pro-government narratives, of course – similar sites exist on the opposition side, too. Nyugati Fény (an online newspaper affiliated with the Democratic Coalition) and Ez a lényeg are primarily active on Facebook, a large portion of their articles are published without a by-line and pieces discrediting governing party politicians are typical of their oeuvre. They are far more focused on incitement than journalism classically understood.

In Hungary, the online space is not exclusively a terrain for propaganda and fake news – quality contents are also more likely to be found online than in legacy media. There are several explanations for the prominent role of online media in the dissemination of quality contents. These include the relatively low costs of publishing online and the fact that doing so does not require a decision on the part of the media authority, unlike the use of a radio frequency, for example. Recent trends in the market for print newspapers also illustrate why independent/non-government media find it easier to operate online and why, as a result of the latter, pro-government players are less likely to dominate the entire online ecosystem.

It is hence no coincidence that the international players who have recognised that they need to step up in the Hungarian media market in order to defend diversity (Radio Free Europe, Deutsche Welle) only provide online services in Hungary. The presence of these highly prestigious media outlets is of course useful, but at the same time one must also note that they only reach those media users who are already very deliberate in their media use and tend to consume the most reliable and independent online news sources. The least conscious and most vulnerable – in terms of their access to quality information – users, by contrast, those who do not use the internet or are incapable of deliberately seeking out quality sources, typically encounter pro-government propaganda.

As we approach the 2022 parliamentary elections, we observe increased levels of political activity in social media. One example worth highlighting is the launching of the Megafon project in 2020, which set out with the goal of amplifying the reach of the allegedly suppressed pro-government voices. This project only became really active in 2021, and they spend large amounts of money each week on advertising the posts of pro-government opinion leaders on Facebook. As a result, the pro-government narrative on politics reaches large segments of the public, while in the process the personal brands of these political influencers is continuously boosted, too.

7. THE ROLE OF THE BROADER ECOSYSTEM IN THE MEDIA

In recent years it has become apparent that Fidesz's attempts at shaping the structure of the public sphere are not limited to its influence over media corporations. Figures with ties to the government began cropping up in every segment of the media ecosystem. The media ecosystem includes such related markets and services as advertising, as well as printing and distribution in the case of print newspapers.

The most recent changes affect the market for newspaper distribution. The state-owned Hungarian Postal Services have announced that as of 30 June 2021 they will no longer distribute daily newspapers. It is difficult to ascertain whether and in how far that decision was motivated by business considerations or whether it was more influenced by politics, although it is in fact true that these days the circulation figures of daily newspapers are very low, which makes it likely that their delivery to households generates a loss for the Postal Services. Mediaworks, which publishes a network of regional/county daily newspapers that spans the entire country, has its own distribution system, which is part of the KESMA today. Hence, the print newspapers in the KESMA portfolio are unaffected by the changes in the Postal Services' newspaper distribution policy. The biggest loser of the Postal Services' decision to end the delivery of daily newspapers is Népszava, the single remaining daily that is critical of the government.

The political weekly Magyar Hang was launched in 2018 by former staffers of Magyar Nemzet (that daily was initially shut down after it was taken over by pro-government investors and was then relaunched with pro-Fidesz staff). When Magyar Hang began its

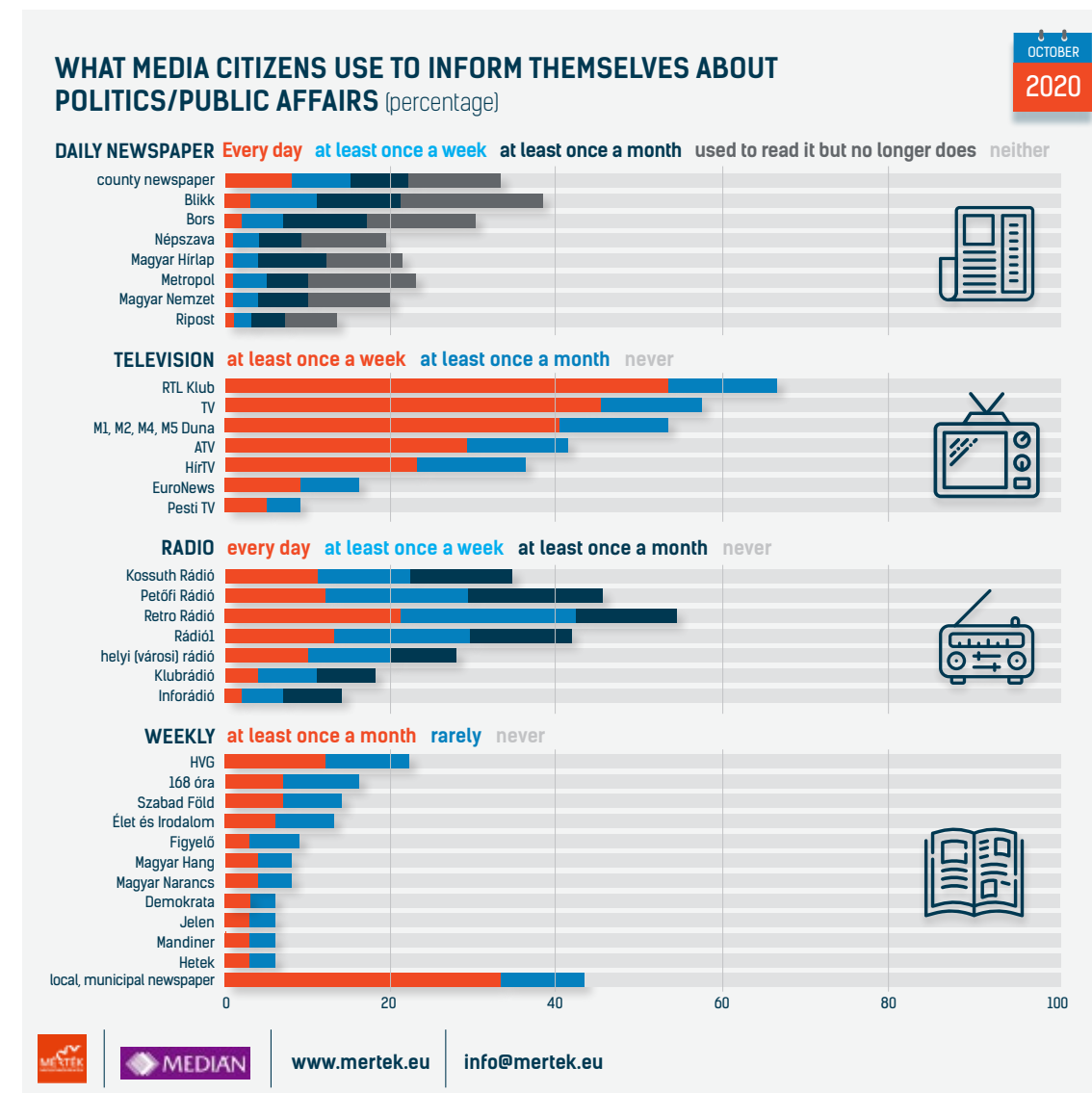
work, the staff faced a peculiar difficulty in that they could not find a single printer in Hungary that proved willing to print their newspaper, which is why the publisher ultimately had to sign a deal with a Slovakian printer. When the coronavirus pandemic began, the publisher once again tried to find a printer in Hungary due to the difficulties of cross border delivery, but wherever it turned its requests for price quotes were denied, and as a result Magyar Hang continues to be printed in Slovakia.⁹ It is difficult to explain why printers evince no interest in printing a newly published newspaper in a market that is otherwise in decline, which raises the distinct possibility that no one wants to or no one dares to enter into a deal with a newspaper that is known for its critical reporting about the government – especially since government politicians and Fidesz-aligned media figures have made clear that they have special a wrath for journalists who were once in their own camp (this was true of Magyar Nemzet before it was shut down) and then switched sides, which is considered treason and has made Magyar Hang a special target of ire on the government side.

In the past years the media agencies have been key players in the media ecosystem. This owes to the way the advertising market operates. Advertisers commission media agencies to come up with a media plan for them and to then to implement that plan. Advertisers naturally approve the proposed media plan first, and of course they also track implementation of the campaign, which the agencies conduct in coordination with them.

This is no different in the case of state advertising. The so-called National Communications Agency operates as a division within the Prime Minister's Cabinet Office. This Agency is responsible for all state advertising spending, and it discharges this responsibility by issuing public procurement tenders in which it selects the media agencies that implement the designated advertising campaigns. The winning media agencies are traditionally companies with close ties to the government; since mid-2018, the winners have been companies owned by Gyula Balásy. It is not clear why his companies have been selected to allocate the state's advertising spending in the last three years. Previously, Balásy was a background figure working in the pro-government network of private enterprises and organisations, but then all of a sudden the previous agencies that had managed the state campaigns were squeezed out of the market and Balásy's companies moved to the fore as the government's new favourites.

The significance of the control over the market for state advertising is apparent in that fact that back in 2017 Balásy's largest company, the New Land Media Ltd, had a turnover of only 25.8 billion forints (ca. 73 million euros), which then surged spectacularly, to 70.3 billion forints (ca. 200 million forints) in 2019, a huge increase in the span of just two years. Needless to say, the general trend of the advertising market in Hungary did not show any signs of the dynamic that New Land Media experienced during that time. What made the difference in the company's own situation was that this was the time when it established itself as the chief player in the market for state advertising.¹⁰

ANNEX 1 – NEWS SOURCES (2020)



⁹ Bányai-Ferenczi, R. (2020): *Elutasították a Magyar Hang ajánlatkérését, amikor a koronavírus miatt magyarországi nyomdát próbált találni, ezért amíg még lehet, továbbra is Szlovákiában nyomtatják a magyar hetilapot.* [Magyar Hang's requests for offers were rejected when it was looking for a printer in Hungary during the coronavirus pandemic, which is why they will continue to print the weekly in Slovakia as long as it remains possible] <https://media1.hu/2020/03/20/elutasítottak-a-magyar-hang-ajanlatkere-set-amikor-a-koronavirus-miatt-magyarorszag-nyomdat-probalt-talalni-ezert-amig-meg-lehet-tovab-bra-is-szlovakia-ban-nyomtatjak-a-magyar-hetilapot/>

¹⁰ Czinkóczi, S. (2018): *Rogánék váratlanul kirúgták a kormány két kedvenc PR-osát* [Rogán's ministry unexpectedly fired the two favourite PR figures of the government] <https://444.hu/2018/06/21/roganek-varatlanul-kirugtak-a-kormany-ket-kedvenc-pr-osat>



ROMANIA

MEDIA MARKET

The Romanian media landscape is diverse and dynamic, yet with gross disparities between the top 3 media players that concentrate most of the advertising revenues and benefit from the highest shares of the market, and the rest of the media entities. Being part of the global market, the Romanian media market is facing the same challenges that Internet and social media platforms raised to mainstream media in the last decade.

Despite the positive market developments that were recorded, an identity and respectability crisis increased significantly within the news media in the last three years. This is the consequence of the partisanship and polarization that manifested both within the political parties and in the newsrooms, with little respect to the general public. This critic has been constantly raised by RSF or other international bodies and it preserved the “problematic situation” within the Freedom of Expression Global Index.

Although there are no indications of state censorship or systemic abuses against media, there are numerous controversies and corruption cases that involve politicians and news media owners that complicitly distort the public agenda and contribute to polarization within the Romanian society.

1. OWNERSHIP STRUCTURE/CHANGES

In the last three years the most dominant media outlets went through various ownership and administrative changes, but with limited effects on their performance and profitability.

Established in 1995, the most powerful media brand, **Pro TV SRL** is owned by Central European Media Enterprises (since 2009) generated high rumors in 2019 when PFF Investments Group (owned by the Czech businessman, Petr Kellner, now deceased) bought CME Ltd for 2.1 billion dollars. Most worries were related to Kellner's controversial public profile, including presumptive connections to China, but also to the underestimation of Pro TV's market value. Eventually, in January 2020, Pro TV SRL announced an indirect change of shareholding, as the majority shareholder was not changed. Currently, Pro TV SRL is owned by CME Media Enterprises B.V. (99,999996%) and CME Investments B.V. (0,000004%)¹. Historically, Pro TV was part of Media Pro Group a large cross media group that was established in 1991 and dominated the market for many years. In 2009, CME owned 95% of Media Pro Group televisions.

The second media brand in Romania, **Intact Media Group**, is a multimedia platform that consist of 5 national TV stations, two national radio stations, one national newspaper, along with various online media and other capacities (including an NGO)². Currently, the group that promote itself as a "family business" is organized under two distinct divisions: Antena Group SA and Antena 3 SA. Dan Voiculescu (founder of Intact Media Group) is one of the most controversial politicians and businessmen in Romania. He was sentenced in 2014 to 10 years imprisonment for the fraudulent privatization of a key research institute in Romania. Prior to his conviction, Dan Voiculescu has been politically active, leading a small party, and keeping in close relationships with the Social Democratic Party. Although Dan Voiculescu has transferred his shares to his daughters since 2005, his political agenda has interfered constantly with the editorial agenda of Antena 3, a news channel that was in Intact Media Group portfolio. Thus, over the years, Antena 3 became the most important and vicious promotional platform for Voiculescu's political allies, especially for the Social Democratic Party, including in 2017, when the social democrats openly set on an illiberal trend that provoked massive protests across Romania. Despite all the controversies, the entire media group is one of the most popular and profitable brands in Romania. Currently, the shareholding of the two entities is dominated by Voiculescu's daughters. Antena Group SA: Camelia Voiculescu (44%), Corina Mirela Voiculescu (40,2%), Grivco SA (another company owned by Dan Voiculescu, 7,9%), Dan Voiculescu Foundation (3,9%), Mihai Sabina (2%), Sorin Alexandrescu (former general director of Antena Group, sentenced in 2017 to 4 years imprisonment for blackmail, using media institutions in the group, and released on parole two years later, with 1% share) and Intact Media Advisors SRL (0,46%)³. Since 2016, Antena 3 SA made no changes within its ownership: Corina Voiculescu (49,58%), Camelia Voiculescu (43,85%), and Dan Voiculescu Foundation (6,57%)⁴.

Kanal D (established in 2007) is a commercial TV station that is competing directly the commercial segment and productions of Pro TV and Antena Group. The TV station was owned by Dogan Media International (operating in Turkey) until 2018, when the new majority shareholder became Dogan Media Invest (operating in the Netherlands), with 99,99998% shares and Rukiye Sevda Boduroglu, with 0,00002%. The Romanian administrator stated at that time that the change was mostly administrative and for legal purposes.

According to Media Fact Book (edition 2020) the three media groups sold in 2019 63% of the 2,11 million GRP30" (CME – 30%, Intact – 22% and Dogan – 11%).

¹ CNA. Shareholding changes in several positions. B1 TV - Păunescu leaves, Păunescu enters. Pro TV, change of indirect shareholder

² <https://www.intactmediagroup.ro/despre-noi/profil-companiei/>

³ Sorin Alexandrescu became a shareholder in Antena TV Group

⁴ Felix's Philanthropy: Dan Voiculescu Foundation for the Development of Romania, shareholder in Antena 3

News channels

Competition with the generalist and commercial TV stations has always been uneven, in the last two decades news channels have been pivotal in designing the political and the media agenda. Unfortunately, most of the existing channels have contributed to the escalation of the political discourse and polarization, as the owners were using the news-rooms as war rooms, especially in tormented political contexts.

Average national monthly ratings/share 2020

(news channels)

TV Channel	Rating (000)	Rating (%)	Share (%)
Romania TV	283	1,61	7,47
Antena 3	198	1,12	5,18
Digi 24	85	0,48	2,22
B1 TV	61	0,34	1,6
Realitatea Plus	54	0,3	1,43

Source: arma.org.ro (Kantar Media Romania)

The news niche is dominated by two players Antena 3 (part of Intact Media Group, previously described) and Romania TV.

Romania TV (2011) was founded by Sebastian Ghita, a controversial businessman and politician that is currently established in Serbia where he ran away in 2017 in order to avoid criminal investigations in Romania. Although, in the last three years, he has been acquitted for some of the charges, his name is still present in other current corruption cases. Formally, Ghita has transferred the ownership of Romania TV since 2012 when he entered the Romanian Parliament as a deputy of the Social Democratic Party. Yet the perception that he is actually controlling the news station even from Serbia is very persistent. For years, the official records showed that the majority shareholder was a close friend of Ghita, Catrinel Marina Gheorghe (96%) and the other 4% belong to Radu Tronaru⁵. In 2016, Catrinel Marina Gheorghe became the exclusive owner of the station. Since 2016, Romania TV is one of the most sanctioned TV stations for misconduct in respecting the ethical standards and the provisions of the Audiovisual Code. Along with Antena 3, Romania TV has endorsed the Social Democratic Party and its allies, and in the recent years has promoted conspirative narratives that supposedly expose the "deep state", George Soros interference in the Romanian political and civil systems, and the "progressive" movements as well.

The first news channel (Realitatea TV) aired in 2001 and it was a premiere for the expanding media market. In 2019, after 11 years of financial difficulties and high debts, Realitatea TV's broadcasting licence was transferred to Realitatea Plus. For the viewers, this change reflected mostly in a minor change of the brand. But the licence transfer, as well as the shareholders political and business interests could not be the sign of a fresh new start for the oldest news channel in Romania. A Newsweek Romania report revealed⁶ that the new company that took the licence was already in debts, whilst the shareholders have significant accountability issues. Currently, Realitatea Plus operates under the licence owned by **Geopol International SRL** – 99% of its shares are owned by Strategies Research Investments International SA and 1% by Alexandra Pacuraru, the daughter of one of the shareholders. Moreover, 99,9% of Strategies Research Investments International SA are owned by

⁵ A new change in Romania TV's shareholders: The man who managed, in documents, Sebastian Ghita's television remains without shares

⁶ A new TV fraud possible with Gușă: Realitatea Plus, on a company with high losses and debts

Strategies Research Investments SRL and other 0,1% by the same Alexandra Pacuraru. The Newsweek journalists showed that actually the shareholding majority is equally distributed between Cozmin Gusa (former politician, consultant and media manager) and Marcel Pacuraru (investor in oil industry and previously imprisoned for embezzlement). Both Gusa and Pacuraru have a long history of business and media affiliations. Ideologically and politically the news station has been competing for years with Antena 3 and was perceived as a promotional platform for the National Liberal Party, the main political adversary of the Social Democratic Party. Starting 2019, the station changed its orientation as more PSD figures become more visible and prominent in their programs. Although the political leaning of the station has been self-evident over the years, Realitatea TV/Realitatea Plus never succeed to meet the financial and notoriety indicators of Antena 3 and Romania TV.

As opposed to Antena 3, Realitatea TV/Realitatea Plus and Romania TV, the other news channels, B1TV and Digi 24, are less influential and politicized in setting up the public agenda. Retrospectively, both stations have been subject to corruption or commercial misconduct scandals, but most of the time their owners have been discreet, and not so connected to the political spectrum.

Currently, Digi 24's licence is operated by **Campus Media SRL** (shareholders: RCS&RDS – 90% and Integrasoft – 10%, that is 100% owned by RCS&RDS). Over the last three years, the media group went through numerous reorganization procedures and also it extended its portfolio with various media.

In 2013, RCS&RDS (the largest cable and Internet provider in Romania, owned by Zoltan Teszari – telecom businessman) and Intact Media Group clashed in a commercial dispute that three years later transformed into a blackmail criminal investigation. In 2017, Intact Media Group was found guilty, and the executive director (Sorin Alexandrescu) was sentenced to prison, while one of the owners, Camelia Voiculescu (Dan Voiculescu's daughter; see above Intact Media Group description) was found guilty but she benefited of a suspended sentence.

In turn, in 2019, one of the RCS&RDS's vice-presidents and administrators was found guilty of commercial misconduct in negotiating the broadcasting rights for a football tournament. A month after the court sentenced Ioan Bendei, he resigned from RCS&RDS board. These economical and judicial challenges that RCS&RDS (including Digi 24) were dealing with raised some questions among journalists and influencers that were worried that Digi 24, a very respected news station, will be subject to other compromises that will reflect in their editorial policy as well.

In 2020, Digi 24 managed to increase its audience (both online and on TV programs) due to their approach on covering the COVID-19 pandemic. Also, according to Digital News Report 2020, Digi 24 is the second most trusted news source for urban audiences.

B1TV channel (established in 2001 as a generalist TV, that switched to news channel in 2011) has changed its shareholding twice in the last five years. The most recent change was in January 2020, when **ISMAR INTERNATIONAL NV** (Curacao) [50% participation] transferred all shares to Gheorghe Constantin Păunescu, father of George Marius Păunescu (aka Bobby Paunescu, the founder of B1TV Channel). This transfer was mostly administrative, as Bobby Paunescu's father has been the owner of ISMAR INTERNATIONAL NV (Curacao) since 2015. The other 50% of shares belong to Sebastian Oancea, who previously was a shareholder at Antena 3 too. Bobby Paunescu, perceived as de facto owner and founder of B1TV, is mostly known for his activity in the movie industry, where he acts as a producer and director. Paunescu did not show any political ambitions and he does not publicly affiliate with political parties. Recently he has been accused of financing the United Romanian Alliance (AUR), a nationalistic party that entered the 2020 – 2024 legislative, as an opposition party. Paunescu and AUR's leaders rejected the allegations and described their relationship as "mutual sympathy".

In terms of audience, in November 2020, the most visited news websites were⁷:

1. Digi 24.ro – 11,5 million visitors (unique client)
2. Adevarul.ro - 8.7 million visitors (unique client)
3. Stirileprotv.ro – 7.1 million visitors (unique client)
4. Libertatea.ro – 7.1 million visitors (unique client)
5. Capital.ro – 6.6 million visitors (unique client)

Apart from the above-mentioned media outlets that are affiliate to various media groups in Romania, in the recent years several alternative and independent news and investigative media platforms emerged as a counteroffer to the polarized media arena.

Rise Project, established in 2012, is one of the most visible investigative journalism platforms in Romania. Over time, Rise Project has documented high corruption and organized crime cases. The platform has 32,5 k subscribers on their YouTube channel and 177 k followers on their Facebook page. All their revenues come from individual donations and investigative grants awarded by international professional networks.

Recorder.ro, established in 2017, is one of the most dynamic investigative platforms that transitioned to almost exclusive video content. The 10 journalists team has been very influential in the public sphere in last three years, as many of their investigative reports have generated consistent debates in the society. Recorder.ro has almost 300 k subscribers on their YouTube channel and 371 k followers on their Facebook page. At this moment, 70% of Recorder.ro revenues are covered by individual donors and the difference is covered by advertising.

Other independent investigative platforms to be mentioned are Dela0.ro, Safielumina.ro and Inclusiv.ro. All of them function on donations and dedicated grants for independent journalism.

The list of independent news media outlets that cover on daily basis the national agenda is also limited. The most visible independent news websites in Romania are Hotnews.ro (established in 1999), PressOne.ro (established in 2015) and G4Media.ro (established in 2018). Most of their revenues come from advertising and donations.

Although in the recent years the alternative and independent media got some traction due to online developments, it must be stressed that these media outlets struggle to reach audiences within a market that is dominated by large media groups or by partisan media that are controlled by politicians. As most of the advertising is directed to mainstream media, the economic model should probably be subscription based. Yet, in 2020, according to Digital News Report, only 17% of the Romanians living in urban areas were paying subscriptions for online news and reports.

Over the last 20 years, the entanglement of economic and political interests that dominate most of the relevant media outlets has affected media credibility and sustainability. Although social media and independent media managed to some extent to slow down the cartelization of media, these groups must be kept under scrutiny as social and political unrest is expected in the near future due to COVID-19 global context.

⁷ [SITE TRAFFIC. Digi24.ro, again, the site of the month](#), Pagina de Media, using data provided by Internet Audience and Traffic Measurement (SATI)

2. MARKET CONDITIONS AND LAWS

In Romania there is no specific media law to regulate the functioning of the market, but there is secondary legislation that is applicable to media outlets. The Romanian Constitution (adopted in 1991 and revised in 2003) states the freedom of expression under the provisions of article 30:

Art. 30 - Freedom of expression

1. The freedom to express thoughts, opinions or beliefs and the freedom of creation of any kind, orally, in writing, through images, through sounds or through other means of communication in public, are inviolable.
2. Censorship of any kind is prohibited.
3. Freedom of the press also implies the freedom to set up publications.
4. No publication may be deleted.
5. The law may impose on the mass media the obligation to make public the source of financing.
6. Freedom of expression may not prejudice the dignity, honor, private life of the person or the right to one's own image.
7. Defamation of the country and the nation, incitement to war of aggression, national, racial, class or religious hatred, incitement to discrimination, territorial separatism or public violence, as well as obscene manifestations contrary to good morals are prohibited by law.
8. The civil responsibility for the information or for the creation brought to public knowledge rests with the publisher or director, the author, the organizer of the artistic event, the owner of the means of multiplication, of the radio or television station, in accordance with the law. Press offenses are established by law.

The Romanian Television Company (TVR) is the only media outlet that functions under a specific law (Law no. 41/1994, revised in 2017). The law recognizes that TVR is an autonomous public service of national interest. TVR has been subject to many controversies over the years as it has been targeted by political interferences both in management and editorial policies. Despite its protected role within the media landscape, TVR failed to be a flagship within the Romanian media and various reformatory projects failed as well. The financing system is also controversial for TVR. Prior to 2017, the main funding source consistent in a monthly mandatory tax that was imposed to all households that were connected to the national electrical grid. In 2017, the former PSD Government cancelled the radio-TV tax and allocated a distinct budgetary line for SRTV within the state budget. At that time, the decision was highly criticized by media organizations and the President of the state who labelled Government's decision as drastic change of status for SRTV from "public broadcaster" to "state broadcaster".

All public or private audio-visual media outlets function under the supervision of the National Audio-Visual Council (CNA) and of the National Authority for the Management and Regulations in Communication (ANCOM).

CNA was established in 2002 as an autonomous authority under parliamentary control that oversees the quality of audiovisual programs. Also, it is empowered by law in granting audiovisual broadcasting licenses.

ANCOM is the body that protects the interests of the communications users in Romania, by promoting competition in the communications market, ensuring the management of scarce resources and encouraging innovation and efficient investments in infrastructure.

In their work, both regulatory bodies have been targeted by political interferences and controversies, yet for CNA the critics are even harsher as the institution is perceived as an extremely politicized body that protects the interests of corrupt media moguls.

For the advertising and marketing industry there are several self-regulatory professional bodies that represent both the industry's interests and consumers' rights as well. The most predominant organization is the Romanian Advertising Council⁸ (established in 1999) that monitors if the industry is compliant to the Code of Advertising. The entire advertising industry is functioning under the provisions of the Advertising Law (L 148/2000, revised in 2021), as well under the provisions of the Civil Code and of the specific consumers and commercial laws.

3. ADVERTISING TRENDS

After the 2009-2010 global economic crisis and its negative impact on the media market in the following years, starting 2017 the predictions and results became more positive. Romanian televisions still concentrate most of the advertising revenues, whilst online media is consolidating its position year by year. The net loser in terms of advertising and selling revenues seems to be the print media, following the global trends.

ROMANIAN ADVERTISING MARKET (mil. Euros)

all media (TV, online, radio, print and OOH)

2017	2018	2019	2020
412	454	480	467

Source: Annual Media Factbook reports (by the Initiative Agency)

The Media FactBook report, published by the Initiative Agency in June 2018, indicated that the Romanian advertising market continued to be on an upward trend. In 2017 it amounted to 412 million euros, with estimated investments of 454 million euros for 2018. Regarding television advertising, the total for 2017 was 273 million euros, and the forecasts estimated by Media FactBook for 2018 were about 300 million euros.

The same report shows that advertising for the print media continued to decline and reached only 13.4 million euros in 2017, and the analysis of Media FactBook suggested a stagnation in this segment for 2018.

Online advertising budgets, according to the same source, were 73 million euros in 2017 and were estimated at about 85 million euros for 2018. Media FactBook also showed that radio advertising was 23 million euros in 2017 and estimated an increase up to 26 million euros in 2018.

⁸ <https://www.rac.ro/en>

In 2019, the upward trend continued for all media, excepting print media. From a total net of 480 million euros, 308 million euros were invested in television advertising and other 99 million euros in digital advertising.

The radio advertising increased from 26 million euros (2018) to 28 million euros in 2019. A one million euros increase was estimated for OOH advertising too (31 million in 2018; 32 million in 2019).

Print media advertising decreased from 13 million in 2018 to 12 million euros in 2019, and the decreasing trend was estimated for 2020 too.

At the end of 2019, 2020 estimates were optimistic and before the COVID-19 pandemic the total net advertising budget was forecast to surpass 500 million euros. If initially it was estimated that the television advertising will increase to 316 million euros (from 308 million euros in 2019) and the digital market will reach up to 115 million euros (almost 16 million euros increase compared to 2019), all the numbers were revised by mid 2020 and it was expected a major impact, similar to 2008 – 2010 economic crisis⁹. Eventually, the advertising market decreased only by 2,7% in 2020 and was estimated at a net worth of 467 million euros. The television advertising managed to reach the same amount as in 2019 (308 million euros), while the digital advertising was evaluated at 105 million euros (positive trend). The other media were negatively affected by COVID-19 economic side effects. Yet, it is expected that in 2021 the digital and television advertising to contribute slowly but steady to the economic revival of the sector¹⁰.

As for the market share, almost 66% of the advertising investments is directed to television advertising. This share is being constantly disputed by three commercial media groups: PRO TV SRL, owned by Central European Media Enterprises (the Romanian media group includes 16 media outlets, especially TV stations and online media), Intact Media Group (a Romanian cross-media platform that is divided in two distinct entities Antena Group SA and Antena 3 SA) and Kanal D, owned by the Turkish media holding Doğan Yayın Holding. Due to their high ratings and market share, but also to their decision to leave the must-carry system, they succeeded to be the most profitable media brand both nationally and regionally (Pro TV and Kanal D).

4. STATE ADVERTISING

The direct or indirect state advertising has been subject to many controversies and even to criminal investigations in the recent years. Various media investigations revealed that local authorities and political parties had various promotion or consultancy contracts with local and national media in order to keep the media more compliant and submissive when scrutinizing their activity.

In 2018, a media report produced by journalists at Recorder.ro (an independent media platform) revealed that in just three months, almost 1000 public procurements, estimated at a total cost of more than 800.000 euros, for promotional services, were signed between local municipalities or county administrations and various media outlets. The report estimated that local authorities spend up to three million euros on every year to control local media.¹¹

⁹ Compiled data from [Media Fact Book](#) produced by Initiative (2018, 2019 and 2020).

¹⁰ [The Romanian media market decreased by 2.7% in 2020](#), manafu.ro, accessed on 15 of February 2021

¹¹ [Local press, bought with public money: millions of euros for ode, arranged shows and congratulations](#)

In 2019, a media report produced by journalists at Newsweek Romania revealed¹² that, between 2017 and 2018, the Social Democratic Party (the ruling party at that time) has spent almost 2 million euros from state subsidies on promotional and consultancy contracts with various media outlets that were openly pro-governmental and very critical against the political and the civic opposition. Other media reports suggested that the presumed illegal spending was subject to a criminal investigation ran by the National Anticorruption Directorate, but by February 2021 there is no indication of an ongoing criminal investigation in this concern.

In 2020, a media report produced by journalists at G4Media.ro revealed that between 2016 and 2020, the Bucharest municipality (ran by Gabriela Firea, member of the Social Democratic Party) and various subordinate departments and companies have spent almost 10 million euros in promotional services and campaigns. The report also pointed out that some of the subordinate companies refused to disclose the contracts¹³. It is worth mentioning that this grounded practice has conflicted even with the September 2020 electoral campaign, when, despite the special electoral regulations, a significant number of advertisements promoting Gabriela Firea and the municipality have been aired while she was running for a new mandate. The Municipal Electoral Bureau recommended that all advertising should be suspended, but the decision came only a day before the election date¹⁴.

In April 2020, the Romanian Government, controlled by the National Liberal Party, who came in power in October 2019, after a censure motion against the PSD Government, has issued an Emergency Ordinance that would create a special fund for the national and the local media. The 40 million euros allocated budget was dedicated to all eligible media outlets that would run a four-month information and awareness campaign on COVID-19 effects. 55% of the allocated budget was directed to national and local televisions (47% national TV, 8% local TV), 23% was directed to online media and 12% to radio stations (8% national radio stations, 4% local radio stations). The remaining 10% were to be distributed for print media (5%), OOH (4%) and the publication of informative materials (1%)¹⁵. This consistent state aid has been subject to many critics as it lacked qualitative criteria and transparency. Moreover, this mechanism was expected to erode media credibility, as the “sold/bought media” narrative has amplified within various conservative circles in Romania, as well within the Romanians that were opposing Government restrictions. The controversies continued the following month as the Government was criticized for funding media outlets that were extremely politicized or have had major accountability and ethical issues. Thus, by mid-June 2020, the official estimates¹⁶ showed that Intact Media Group was to benefit of almost 45% of the total allocated budget for TV advertising (3,2 million euros out of 7 million euros). Paradoxically, due to the lack of qualitative criteria, among the selected traditional or online media, the Government advertising was directed to some media outlets that gained their outreach, over time, by promoting sensationalism, fake news and clickbait. Despite the generous initial allocation of 40 million euros, by the end of December 2020, the Government has reimbursed close to 16 million euros to all selected media. A report produced by the independent platform G4Media confirmed that Intact Media Group, owned by Voiculescu family, along with other media outlets controlled by corrupt moguls and politicians have benefited the most from this state aid¹⁷. At the moment of producing this report, the anti-COVID information and awareness campaign is still running on national and local level, as well as the controversies.

¹² [The octopus of “journalists” and “analysts” paid by PSD](#)

¹³ [Firea administration flooded the media market with over 10 million euros for advertising / Two companies of the mayor's office refuse to say which televisions and publications received public money](#)

¹⁴ [BEM: Gabriela Firea made a disguised advertisement on the money of the Bucharest City Hall in the middle of the electoral campaign](#)

¹⁵ [The government approved. It will give 40 million euros for the press. Half for TV. What does the press do for this money? Everything about how the money will be allocated](#)

¹⁶ [Intact Group, the most money from the Government: over 3.2 million euros. ProSport Group, Cancan and Gândul, the first online. Partial list of contracts. Who and how much does it take?](#)

¹⁷ [The trust founded by Dan Voiculescu won the big pot from the government: 14.7 million lei from public money for the anti-Covid information campaign. What amounts did the other moguls earn](#)

5. FINANCIAL PERFORMANCE OF MEDIA COMPANIES

After the devastating effects of the 2008 – 2010 economic crisis on the media market, the first positive trends in most media brands appeared in 2016. Ever since, the profitability increased in a steady manner and by 2019 only two companies were reporting losses at the end of the fiscal year.

The following data were collected from the Romanian Ministry of Finance website. The public balance sheets do not provide detailed descriptions on the sources of revenues so we cannot differentiate between advertising revenues and other types of services.

The amount registered in the tables are expressed in Euros and were converted from the Romanian Leu (RO) to EUR by applying the annual median conversion rate value.

The current list includes the most relevant national news media that reach the highest audiences.

2017					
	Media mix	Operating licence	Brand	Net revenues (EUR)	Net profit/loss (EUR)
1	Online + print	Adevarul Holding SRL	adevarul.ro	20 387 322	9 775 599
2	TV	B1 TV Channel SRL	B1 TV	3 290 386	632 513
3	TV + online	ANTENA 3 S.A.	Antena 3	14 366 086	338 424
4	Online	S.C Prestige MediaPHG S.R.L	realitatea.net	341 307	251 507
5	Online + radio	Europe Developpement International R SA	europafm.ro	5 371 203	185 438
6	Online	MEDIA BIT SOFTWARE SRL	hotnews.ro	1 076 486	185 286
7	Online	SC EDITURA EVENIMENTUL SI CAPITAL SRL	evz.ro	2 180 056	179 464
8	Online	S.C. EUROPEAN BUSINESS ENVIRONMENT S.R.L.	stiripesurse.ro	301 140	155 582
9	Online	PRESS MEDIA ELECTRONIC SRL	dcnews.ro	427 818	135 760
10	TV + online	Campus Media SRL	Digi 24 (HD)	96 764	44 020
11	Online	SC Alert News SRL	ziare.com	509 331	8 920
12	Online	ANCORE MEDIA SRL	b1.ro	253 718	1 663
13	Online	SC RTV PROPERTIES MANAGEMENT SRL	romaniatv.net, economica.net	176 782	-2 626
14	TV	SC RIDZONE COMPUTERS SRL	Romania TV	5 714 369	-1 954 190
15	Online + print	RINGIER ROMANIA SRL	libertatea.ro	25 229 247	-4 624 064
16	TV	S.C Realitatea Media S.A	Realitatea Plus	4 795 793	-6 748 852

2018					
	Media mix	Operating licence	Brand	Net revenues (EUR)	Net profit/loss (EUR)
1	Online + print	Adevarul Holding SRL	adevarul.ro	72 564 745	64 595 427
2	TV + online	ANTENA 3 S.A.	Antena 3	18 215 914	2 044 674
3	TV	B1 TV Channel SRL	B1 TV	4 003 229	1 296 755
4	Radio + Online	Europe Developpement International R SA	europafm.ro	5 472 246	353 736
5	TV	SC RIDZONE COMPUTERS SRL	Romania TV	7 142 920	351 663
6	Online	S.C Prestige MediaPHG S.R.L	realitatea.net	620 203	341 164
7	Online	ANCORE MEDIA SRL	b1.ro	631 371	240 658
8	Online	SC EDITURA EVENIMENTUL SI CAPITAL SRL	evz.ro	2 538 738	224 490
9	Online	MEDIA BIT SOFTWARE SRL	hotnews.ro	1 119 322	175 627
10	Online	PRESS MEDIA ELECTRONIC SRL	dcnews.ro	836 960	148 998
11	Online	S.C. EUROPEAN BUSINESS ENVIRONMENT S.R.L.	stiripesurse.ro	319 664	146 518
12	Online	SC Alert News SRL	ziare.com	670 919	63 115
13	TV + radio + online	Campus Media SRL	Digi 24 (HD)	153 077	55 656
14	Online	SC RTV PROPERTIES MANAGEMENT SRL	romaniatv.net, economica.net	305 337	-53 897
15	Online + print	RINGIER ROMANIA SRL	libertatea.ro	18 813 825	-1 474 861
16	TV	S.C Realitatea Media S.A	Realitatea Plus	5 834 155	-1 562 166

2019					
	Media mix	Operating licence	Brand	Net revenues (EUR)	Net profit/loss (EUR)
1	TV	SC RIDZONE COMPUTERS SRL	Romania TV	12 976 828	5 701 132
2	Radio + Online	Europe Developpement International R SA	europafm.ro	5 663 923	4 289 752
3	TV + online	ANTENA 3 S.A.	Antena 3	21 524 549	3 376 246
4	TV	B1 TV Channel SRL	B1 TV	5 722 478	2 727 670
5	Online	S.C Prestige MediaPHG S.R.L	realitatea.net	799 485	512 967
6	Online	S.C. EUROPEAN BUSINESS ENVIRONMENT S.R.L.	stiripesurse.ro	712 935	443 224
7	Online	PRESS MEDIA ELECTRONIC SRL	dcnews.ro	1 518 094	326 767
8	Online	ANCORE MEDIA SRL	b1.ro	983 048	246 951
9	Online + Print	Adevarul Holding SRL	adevarul.ro	10 171 920	225 961
10	Online	SC Alert News SRL	ziare.com	800 603	165 826
11	Online	MEDIA BIT SOFTWARE SRL	hotnews.ro	1 081 362	62 911
12	Online	SC EDITURA EVENIMENTUL SI CAPITAL SRL	evz.ro	2 765 131	26 605
13	TV + radio + online	Campus Media SRL	Digi 24 (HD)	5 253 055	9 070
14	Online	SC RTV PROPERTIES MANAGEMENT SRL	romaniatv.net, economica.net	375 557	-30 749
15	Online	RINGIER ROMANIA SRL	libertatea.ro	18 581 759	-1 117 616
16	TV	S.C Realitatea Media S.A	Realitatea Plus	6 401 089	-3 032 974

6. INFLUENCE OF ONLINE AND SOCIAL MEDIA



According to Digital 2021 Report¹⁸, last year, from a total population of 19,18 million more than 16,6 million Romanians, aged 18 and above, had access to internet (86,8%). The same report revealed that the average amount of time spent online, on daily basis, is of 7,26 hours, whilst the TV time is of 3,2 hours. The most popular social platforms are YouTube (11,8 million users) and Facebook (11 million). The most impressive development was for TikTok, as the platform reached 5,3 million users in 2020¹⁹ and surpassed Instagram that has 5 million users. These dramatic changes might be explained in COVID-19 context when Romanians looked up for alternative entertainment platforms.

In Romania, online is the most important news source in urban areas, were 83% of users access online media and social media to get their information (2020)²⁰. TV was mentioned by 76% of internet users in urban areas, although the score might be higher in rural areas where internet penetration is rather poor, and the population is less digital literate.

According to Digital News Report 2020, the most trusted news brands are Pro TV (2.8 million subscribers), Digi 24 (1.1 million subscribers), Ziarul Financiar (358 k subscribers) and Mediafax (445 k subscribers). The least trusted media brands are Romania TV (1.2 million subscribers) and Antena 3 (101 k subscribers). It is worth mentioning that the news outlets that scored the lowest in trust are perceived as politically biased and their trustworthiness is not reflected in their economic performance. Also, except Romania TV, all mentioned media brands are part of solid media groups that are well-known to the general public.

7. THE ROLE OF THE BROADER ECOSYSTEM IN THE MEDIA

After more than three decades of democracy and free press, the Romanian media landscape is still struggling to develop a sustainable business model and to find its identity. Although in the recent years there were no aggressive or irreversible governmental or political interferences on media market, the general perception is that the media landscape is captive between economical and political constraints. The 2020 “State of the media” report produced by Center for Independent Journalism²¹ provides a gloomy picture of the current media landscape in Romania between 2016 and 2020. According to the authors, the 2008 economic crisis has profoundly affected the independence and the credibility of the national and local media. The direct censorship and control from the politicians, more present in the early 2000s, were replaced by various forms of state advertising, local media being the most affected by this phenomenon.

According to media, the Social Democratic Party (the most dominant political party within 2012 and 2019) has been one of the most generous sponsors for various media outlets (more details in State advertising section) and gained favorable coverage and endorsement. Starting 2020, due to the pandemic context, the new liberal government has allocated 40 million euros, indiscriminatory, to Romanian media for promoting COVID-19 awareness and information campaigns.

The political clientelism along with financial incentives have assured the economic survival of some media outlets and that increased self-censorship within the newsrooms.

¹⁸ Digital 2021, Hootsuite. We are social

¹⁹ TikTok surpassed Instagram in Romania in number of users; Here are the numbers

²⁰ Digital News Report 2020, Reuters Institute & University of Oxford, page 80

²¹ State of the media in Romania, 2020 - CJI



SLOVAKIA

MEDIA MARKET

Thanks to analysts, media researchers and civil society organisations in Slovakia, but also in the Czech Republic (in fact, Czechia and Slovakia remain closely linked via media owners and entrepreneurs), there are useful sources of information about the Slovak media market. Key sources on media ownership and developments in this area reflected in the first chapter of the report are as follows: *omediach.com*, *medialne.trend.sk*, *MediaGuru.cz*, *mediahub.sk*, *strategie.hnonline.sk* and Transparency International Slovensko. Data reflecting financial results of companies was acquired via *finstat.sk*, and data about advertising in media was provided by Kantar.

1. OWNERSHIP STRUCTURE/CHANGES

TV and Radio Broadcasters

Broadcast Media are overseen by the Council for Broadcasting and Retransmission (Council) and, in the case of public broadcaster Rozhlas a televízia Slovenska (RTVS), also by the RTVS Council. Council for Broadcasting and Retransmission is the body that also issues licenses for broadcasting. In 2019 the number of licenses in the TV sector was 220 in total, distributed as follows: 8 licenses for multi-regional broadcasting, 9 licenses for regional broadcasting, 25 licenses for local broadcasting and 178 licenses for digital broadcasting.¹ These licenses for digital broadcasting also included 3 for public broadcaster RTVS. There were 5 licenses for Markíza Slovakia and 3 for MAC TV/JOJ Media House, both of them major media houses whose most popular TV channels are TV Markíza and TV JOJ, respectively.

¹ Details about licenses gathered via Council for Broadcasting and Retransmission; http://documents.rvr.sk/file_system/ZOZNAM_TV_licencii_2019_priloha_7.pdf

In the radio sector, in 2019, the total number of licenses were 68; the licenses were distributed as follows: RTVS operated 5 different radio stations with terrestrial transmission and there were 12 licenses for multi-regional broadcasting, 15 licenses for regional broadcasting, 13 licenses for local broadcasting and 23 licenses for digital broadcasting, including 9 for RTVS.²

Ranking of broadcast media

According to a recent survey of media consumption from late 2020, the total viewership of all televisions was 77 per cent; television was watched by 3.4 million viewers.³ TV Markíza with 39 per cent was in the first place, followed by TV JOJ (28 per cent), and the third was RTVS's Jednotka (23 per cent). The same ranking was recorded by these three TV stations in the market share parameter, TV Markíza (28 per cent), TV JOJ (18 per cent), RTVS's Jednotka (14 per cent).

Concerning radio stations (most listened to on a weekly basis), the most popular was private radio Rádio Expres (37 per cent), followed by public Rádio Slovensko together with private radio Fun rádio (both 26 per cent). The research indicate that radio is listened to regularly by some 59 per cent of the population. An inquiry on which radio station respondents listened to one day before the survey was conducted and delivered similar results - Rádio Expres was in the lead with 17 per cent, followed by Rádio Slovensko (15 per cent) and Fun rádio (10 per cent). Next was Rádio Europa 2 (8 per cent), Rádio Vlna and Rádio Jemné who both gained 7 per cent, followed by public radio station Rádio Regina with 5 per cent. Rádio Expres also dominated as a leader in market share, with 21 per cent, followed by Rádio Slovensko (19 per cent) and Fun rádio (12 per cent).

According to survey conducted by MEDIAN.sk agency in 2020, RTVS TV news (Jednotka) was perceived among Slovak citizens as the most objective TV channel in terms of news coverage.⁴ About one quarter of respondents described it as the most objective in each quarter of 2020. TV Markíza and TV TA3 followed, with TV Markíza being perceived as the second most objective during most of 2020, except for the last quarter of the year, when it was surpassed by TA3 which was perceived as most objective by (20,3 per cent of respondents), while in the first three quarters of 2020, it was perceived to be the third most objective TV channel. In the last quarter, TV Markíza was perceived as the most objective by almost the same number of respondents (20.2 per cent of respondents) while TV JOJ came in fourth, with 18.2 per cent of respondents who mentioned this TV.

Public Broadcast Media

Rozhlas a televízia Slovenska (RTVS) is the Slovak public broadcaster that is composed of both public TV and public radio. It was established in January 2011 in a merger of Slovak TV (STV) and Slovak Radio (SRo), two separate public entities that existed as public media services from January 1993. RTVS currently operates 3 TV channels and 9 radio stations. (For more information about RTVS, please see the chapter Public Service Media in this project.)

² Details about licenses gathered via Council for Broadcasting and Retransmission; http://documents.rvr.sk/file_system/2-Zoznam_R_licencii_2019.pdf

³ National survey of media consumption, media and lifestyle Market & Media & Lifestyle - TGI for the second and third quarters of 2020 conducted by Median Sk. The survey was conducted on a sample of 4128 respondents from March 30 to September 13, 2020. <https://strategie.hnonline.sk/media/2244029-markiza-expres-a-novy-cas-su-najsledovanejsie-slovenske-media>

⁴ Survey by Median.sk <https://strategie.hnonline.sk/media/2304162-najobjektivnejsie-televizne-spravodajstvo-mala-v-minulom-roku-rtvs0> In the survey, respondents answered the question "Which television do you think has the most objective news?". Respondents could only identify one television, with almost 15 percent of respondents not commenting on the question. <https://strategie.hnonline.sk/media/2304162-najobjektivnejsie-televizne-spravodajstvo-mala-v-minulom-roku-rtvs>

Private Broadcast Media

TV Markíza is a private TV, and the most popular Slovak television in the long run. It started its broadcasts in August 1996. TV Markíza belongs to Markíza group which is part of the CME (Central European Media Enterprises Ltd., currently owned by PPF Group established by Peter Kellner, recently deceased richest Czech businessman). It also controls TV channels TV Doma (started in 2009), Dajto (2012) and Markíza International (2016). TV Markíza mainly offers entertainment, but it also has a strong and influential segment of news and current affairs programmes. TV Markíza played an important role in political life in the late '90s (mainly prior to parliamentary elections in 1998) creating a counter-balance to then existing de-facto monopoly on national public service media.

TV JOJ is a commercial TV which belongs to the portfolio of the JOJ Media House and is generally the second most popular TV channel. TV JOJ began broadcasting in 2002 and was built on an existing license and operations of a relatively small TV Global that existed from 2000. Nowadays, the JOJ Group includes a total of seven television stations for various audiences. TV JOJ is the most popular TV channel of this group, it is family oriented and has news segments, albeit rather short in comparison to other key TV channels. The second channel called PLUS started broadcasting in 2008, and it targets men and dynamic women. The third channel called WAU focuses on younger female viewers and was launched in 2013. In 2015, JOJ Group entered the paid TV segment, bringing three new pay-TV stations - Rik, Ľuki TV and JOJ Cinema. Children's television (preschool and younger school age-oriented TV) in Slovak language is called Rik. The second children's station, Ľuki TV, is a premium channel. JOJ Cinema was launched based on a Czech license, and it broadcasts the latest premieres of the biggest cinema hits for all film fans, without interrupting the films with adverts. As of 2016, another JOJ Family station began broadcasting exclusively for Czech viewers, replacing the parent Slovak stations (JOJ, Plus and WAU), which did not have the necessary license for the broadcast of foreign titles in the Czech Republic.

JOJ Media house is part of the activities of the J&T business group, financial group based in Czech republic controlled by Slovak financiers. Portfolio of actors associated with this group also includes Radio Services (which sells advertising for popular private radio stations Jemné, Rádio Vlna, Anténa Rock), while R. Korbačka, one of associates of J&T oversees radio station Europa 2. J&T lead figure Patrik Tkáč is a co-owner of Czech Media Invest, which co-owns several radio stations in the Czech Republic, Romania and Poland.⁵

TA3 is the private TV that broadcasts programmes 24-hours a day, mainly news but also some current affairs programs. It was launched in September 2001, starting its first broadcasts on September 11 soon after the attack on the World Trade Center. It is owned by Ivan Kmotrik (one of the richest Slovaks), who 'got' the television in 2006 thanks to an "exchange" with financiers from J&T. At that time, Kmotrik's Grafobal Group sold its JOJ television and acquired the TA3 news television from J&T.⁶

There are other relevant TV channels, for instance TV LUX (Slovak Christian (Catholic) television established in 2008 as a joint project of the production studio Lux Communication, the Salesian order Don Bosco in Slovakia and the Conference of Catholic Bishops of Slovakia) and several regional televisions offer current news from their respective regions, as well as an overview of activities and attractions, and often their own journalistic programs.

⁵ <https://medialne.trend.sk/radia/prechod-europy-2-j-t-je-specateny-radio-ovladol-roman-korbacka>; <https://www.omediach.com/tv/item/7283-pod-JOJ-media-house-nepatria-len-televizie> and <https://dennikn.sk/blog/222737/ako-to-je-s-jt-televiziami-a-radiami/>

⁶ <https://plusdni.pluska.sk/fotostory/medialni-magnati-slovensku-tu-je-11-najplyvnejších-muzov-ktorí-riadia-nase-media/2>

Regarding radio stations, outside of public radio (especially Rádio Slovensko and Rádio Regina) only very few private radio stations have stronger news segments. However, the most popular radio for several years already - Rádio Expres - in addition to music offers also substantial news programs, and a popular daily debate programme reflecting current affairs. Expres's regular broadcasting began in 2000. Radio broadcasts terrestrially almost exclusively via the network of transmitters of the company Expres Net a.s., and advertising space is provided by the company Expres Media.

Another influential (given the size of its audience) private radio is Fun rádio. It began broadcasting in June 1990. Fun radio is owned by Boris Kollár, who is a current Speaker of Parliament and the leader of the second strongest coalition party Sme Rodina. Outside of music shows, Fun rádio offers short news.

Other popular radios are Rádio Europa 2, Rádio Vlna and Rádio Jemné. Like Fun radio, they also offer only short news. Catholic radio Lumen is a radio with content aimed at religious audiences. This radio also offers substantial news programmes reflecting Slovak and global developments.

Print media scene

There is no regulatory body for print or online media in Slovakia. However, there is a self-regulatory body called Tlačovo-digitálna rada Slovenskej republiky. Total readership of national dailies reaches some 30 per cent of the population.⁷ Nový Čas - the best-selling daily in Slovakia for decades - holds the first position with 14 per cent. It is a tabloid newspaper focusing on current events. It is owned by FPD Media/Publishing house Anton Siekel who was a co-founder of the Istrokapitál financial group and is the current head of the Slovak Olympic and Sports Committee.

It is followed by the daily Plus jeden deň (6 per cent) - a tabloid newspaper published by News and Media Holding of the Penta Investments Limited (its key figures are Czech Marek Dospiva and Slovak Jaroslav Haščák, who has been, in recent months, investigated in connection to alleged corruption linked with political scandals). Portfolio of News and Media Holding includes dozens of titles - for example, the most popular weekly PLUS 7 DNÍ, the economic weekly Trend and the monthly Emma. News and Media Holding enlarged its portfolio with titles previously owned by Swiss publishing house Ringier Axel Springer (such as Život, Nový čas pre ženy and Eva).

A handful of serious daily newspapers exist in Slovakia, most of which, with exception of Denník N, exist for three decades or more. According to the number of readers the most read serious dailies are as follows: Pravda (6 per cent), SME (5 per cent), Hospodárske noviny and Denník N (both 3 per cent).

Pravda is a former communist daily in Slovakia (first published on September 15, 1920), today a liberal-leftist daily focusing on current events and politics. During the communist regime, Pravda played a key role in spreading the propaganda of the monopoly ruling Communist Party of Czechoslovakia. It is currently published by PEREX that is controlled by of the Czech businessmen Ivo Valenta and Michal Voráček.

SME is a daily established in 1993 on the basis of a protest by a part of the editorial board of the daily Smena (former daily newspaper Smena published since 1945 in Czechoslovakia) against the intervention of government in its activities. It focuses on news with regular and irregular supplements. It is published by Petit Press, owned by Prvá slovenská investičná skupina. From 2014 until recently, some 40 per cent of Petit Press shares were owned by Penta. It left Petit Press in April 2021, as it sold 34 per cent of Petit Press shares

to Media Development Investment Fund (MDIF), New York-registered non-profit organisation investing in media developments projects and remaining shares were sold to Petit Press managers.⁸

Hospodárske noviny is a national daily with an emphasis on the economy, published in Slovakia since 1993. Its publisher is MAFRA Slovakia, a.s. (formerly ECOPRESS, a.s.), which is currently owned by the Czech billionaire of Slovak origin Andrej Babiš, prime minister of Czech Republic, whose companies also control several media in Czech Republic.

Denník N - an independent daily, founded in 2014 by journalists who left the SME daily in a reaction to then potential takeover of Petit Press by Penta (mentioned above). While Penta only become a minority shareholder of Petit Press in 2014, a large number of journalists decided to leave SME and formed Denník N. In 2015, six co-owners of the global software company ESET from Bratislava - Maroš Grund, Rudolf Hrubý, Richard Marko, Peter Paško, Miroslav Trnka and Anton Zajac - joined the five original founders as investors and acquired a 51 per cent stake in Denník N. Anton Zajac also become one of the first three financial supporters of the non-parliamentary political movement Progresívne Slovensko (November 2016).⁹

Among weeklies and magazines, the most popular weekly (copies sold in March 2021) is Plus 7 Dní (published by News and Media Holding owned by Penta) followed by Eurotel-evíza (Mafra), Život (published by News and Media Holding owned by Penta), Katolícke noviny (published by Spolok svätého Vojtecha, - Slovak Catholic publishing house) and fifth was Nový čas pre ženy (again published by News and Media Holding owned by Penta). These figures are provided by Audit Bureau of Circulations.¹⁰

Key private media/ ownership structure¹¹

TV		
Owner, group	Company	Media outlets
PPF Group ¹²	CME Slovak Holdings B.V. – MARKÍZA SLOVAKIA s.r.o.	TV Markíza (Doma, Dajto, Markíza International, tvnoviny.sk, markiza.sk)
J&T & Richard Flimel	JOJ MEDIA HOUSE (MAC TV)	TV JOJ (Plus, Wau, Rik, Ľuki TV, JOJ Cinema, JOJ.sk, noviny.sk)
Ivan Kmotrík (GRAFOBAL GROUP a.s.)	(C.E.N.)	TV TA3, ta3.com

Radio		
Owner, group	Company	Media outlets
Boris Kollár	FUN MEDIA GROUP	Fun rádio, and related websites
Richard Flimel (affiliated with J&T)	RADIO SERVICES	Rádio Vlna, Rádio Jemné, Rádio Anténa Rock
Roman Korbačka (affiliated with J&T)		Europa 2
Bauer Media	EXPRES MEDIA k.s., D.EXPRES k.s.	Rádio Expres

⁸ <https://e.dennikn.sk/minuta/2361697>

⁹ <https://plus7dni.pluska.sk/fotostory/medialni-magnati-slovensku-tu-je-11-najvplyvnejších-mu-zov-ktorí-riadia-nase-media/7>

¹⁰ <http://www.abcsr.sk/aktualne-vysledky/aktualne-vysledky/>

¹¹ <https://www.forbes.sk/mapa-medialneho-trhu-sa-prekreslila-pozrite-si-kto-vlastni-slovenske-media/> and <https://www.mediaguru.cz/clanky/2018/09/infografika-prehled-vlastniku-slovenskych-medii/>

¹² Peter Kellner from Czech Republic, the main owner of the group died in March 2021

Print		
Owner, group	Company	Media outlets
Penta Investments Limited	NEWS AND MEDIA HOLDING	Plus Jeden Deň, Plus 7 Dní, Trend, Šarm, Báječná žena, Život, Záhradkár, Zdravie, Dobré jedlo, Poľovníctvo a rybárstvo, Új szó, Vasárnáp, Eva, Madam Eva, Emma, Nový čas pre ženy, Nový čas krížovky, Nový čas bývanie, Geo & related websites
Ringier Axel Springer Media & Milan Dubec	RINGIER AXEL SPRINGER SK	Aktuality Azet, Noizz.sk, Zive.sk, Šport.sk (share 2/3), and specialised websites
Denník N, a.s. (Private investment of Eset shareholders & management of the company employees)	N Press	Denník N, Dennikn.sk
Private investment of Eset shareholders & management of the company and employees	DENNÍK N, a.s.	N Press, Denník N, Dennikn.sk
Juraj Vajda, Vladimír Rajčák, Miroslav Mihalus, Viliam Maroš and others – Prvá slovenská investičná skupina (60 per cent) & MDIF (34 per cent) and Petit Press managers (remaining shares)	PETIT PRESS	SME, Sme.sk Sme ženy, TV Okno, TV Svet, Korzár, MY, Slovak Spectator, Profit & other media outlets
Andrej Babiš	ZVERENECKÉ FONDY - AGROFERT - MAFRA SLOVAKIA	Hospodárske noviny, hnonline.sk Téma, Evita, Stratégie, Zdravotnícke noviny, Eurotelevízia, TV Max, Rytmus života, Chvilka pre teba, Tele magazín pre ženy, Čas na lásku, Balans, Happy, Lenna, Naša záhrada & other titles
Ivo Valenta (70 per cent) & Michal Voráček (30 per cent)	OUR MEDIA - PEREX	Pravda, pravda.sk Varecha.sk, Parlamentnelisty.sk
Otto Berger and other shareholder of Niké	ŠPORT PRESS	Denník šport, Šport.sk (share 1/3)
Erik Conrad a Peter Barecz	Barecz & Conrad Media s.r.o.	Forbes Slovensko

Ownership changes

Well-known world names operated on the Slovak media market¹³ in past decades SME recalled analyses of the Slovak media market. For example, the publisher of the German daily Handelsblatt (Hospodárske noviny), the Daily Mail partially controlled Pravda (currently the most popular non-tabloid daily newspaper), while the German Verlagsgruppe Passau was the co-owner of the SME daily (second most popular non-tabloid daily newspaper). The changes began back in 2008, as the German publisher Verlagsgruppe Handelsblatt sold Slovak Hospodárske noviny to Czech billionaire Zdeněk Bakala. However, he owned Hospodárske noviny for less than five years, when Andrej Babiš's group (MAFRA) took its ownership.

The most significant change on the market (not only in Slovakia but in the regional context) happened in 2019 as TV Markiza (the most popular and profitable actor on Slovak media market), together with a group of other about 30 television channels in Bulgaria, the Czech Republic, Romania, Slovakia and Slovenia, owned by CME, was purchased by the PPF group. PPF also owns the O2 sports station in the Czech Republic.

At present, only a pair of renowned foreign media houses remained operating in Slovakia - Ringier Axel Springer Media and Bauer Media Group. However, in recent years, both groups have significantly decreased their operations in Slovakia. Ringier Axel Springer sold the print division including its flag ship Nový Čas (the most popular daily tabloid in Slovakia), which was purchased by Anton Siekel's FPD Media. Magazines owned by Ringier Axel Springer were bought by News and Media Holding controlled by Penta Investments. Ringier Axel Springer keeps only the Internet division headed by the Aktuality.sk news portal. Bauer Media remained active in Slovakia only in the radio business, as it still owns the most popular Slovak private radio, Rádio Expres. A recent by Media Development Investment Fund (MDIF) purchase of minority shares of Petit Press from Penta was an interesting exception in opposite direction.

The rest of the market, at least its most profitable media, is divided among Czech-Slovak entrepreneurs. The most notable is case of TV JOJ, part of JOJ Media House, in fact controlled by J&T's affiliates through companies registered in Cyprus. Through its media holding company, J&T has also access to four major private radio stations.¹⁴

Penta Investments expanded in the media sector in 2014, when it gradually created the largest publishing house in Slovakia, which includes, for example, Plus 7 days, Plus 1 day or Trend. It also held minority shares of Petit Press until very recently.

TA3 news television is owned by businessman Ivan Kmotrík and it is known for its favourable coverage of some politicians of former government (led by SMER political party).

Furthermore, numerous magazines owned previously by Bauer Media became part of MAFRA Slovakia publishing house, controlled by Andrej Babiš.

¹³ <https://index.sme.sk/c/22247023/markiza-je-bodkou-slovensky-medialny-trh-si-naporcovali-financnici.html>

¹⁴ The media house JOJ was founded in 2010. Since then, an influential media house JOJ Media House has formed around it, which includes not only television, but also advertising companies, websites and radio. Its chairman, Richard Flimel, former CEO of JOJ, joined television in 2007 when J&T bought the broadcasting company from Ivan Kmotrík's Grafobal through J&T Media Enterprises. The shares of JOJ Media House are owned by the Cypriot company TV JOJ L.P and Richard Flimel. JOJ Media House also became the owner of Ladislav Rehak's HARAD. Through this company, he owns a majority stake in Radio Services, a service organisation that provides services to three radio stations. It provides broadcasting, programming and the sale of advertising space. Sources: <https://www.omediach.com/tv/item/7283-pod-JOJ-media-house-nepatria-len-televiziehttps://plus7dni.pluska.sk/fotostory/medialni-magnati-slovensku-tu-je-11-najvplyvnejších-muzov-ktori-riadia-nase-media/2>

2. MARKET CONDITIONS AND LAWS

Key pieces of legislation regulating the media sector in Slovakia include the 2000 Broadcasting Law, the 2007 Digital Broadcasting Law complementing the Broadcasting law, the 2001 Law on Advertising, and the 2008 Press Law, and their amendments.

Freedom of speech and the right to information are guaranteed by the Constitution, which states that everyone has the right to express their opinions in writing, print, through pictures or any other means. Press publishing does not require any approval; censorship is forbidden.

Freedom of expression and the right to information can only be restricted if such a measure is needed to protect the rights of others, national security, public order or health and morals. However, high damages in civil libel cases and the criminalization of defamation, punishable by up to eight years in prison, present challenges to freedom of expression.¹⁵ This severe punishment remains a serious challenge to freedom of expression, and as such, it has been abused by politicians or other public figures to sue journalists. One of the frequent problem Slovak journalists face have been (especially by previous governments led by R. Fico) verbal attacks by politicians.

Furthermore, the 2019 amendments to the Press Law reintroduced the right of reply for politicians and public officials whose honour or reputation has been damaged by media content. Refusal by the media to publish a reply may be punished by up to EUR 5,000 in damages. According to OSCE/ODIHR's report from 2020 parliamentary elections: "Such provisions can lead to self-censorship and undue interference in the editorial independence of the media when reporting on matters of public interest."¹⁶

Concerning access to information, according to the Press law, "public authorities, their budgetary organizations and contributory organizations and legal entities established by law" are required to provide the media with information about their activities in a truthful, timely and comprehensive manner to inform the public. The scope of information that they are obliged to provide is determined by the 2000's Freedom of Information Act. The law allows replies to be sent within eight working days, which is relatively long period for journalists.

Media House recently became the 100% owner of the HARAD company of entrepreneur Ladislav Rehák. Through this company, it owns a 100% stake in Radio Services. It is a service organization that provides services to three radios. Provides broadcasting, programming and sales of advertising space. <https://www.omediacom.tv/item/7283-pod-JOJ-media-house-nepatria-len-televizie>; <https://dennikn.sk/1663511/podakuju-sa-raz-slovenske-media-hascakovi/>; and <https://strategie.hnonline.sk/media/2030332-mafra-slova-kia-sfuzuje-s-byvalou-bauer-media>

¹⁵ Criminal Code No. 300/2005, Art. 373 (Defamation) defines defamation as communicating false information about another person that can seriously damage the person's reputation among fellow citizens, the person's career, business, and/or family relations, or cause the person serious harm. The punishment is imprisonment for up to two years. If the act of defamation causes substantial damage, the maximum prison term is increased to five years. If the act causes large-scale damage, loss of employment, or divorce, the offender faces three to eight years in prison. Art. 423 (Defamation of nation, race and beliefs) of the Criminal Code prohibits defamation of a "nation, its language or any race or ethnic group" in addition to "a group of persons or an individual due to their real or perceived affiliation to a race, nation, nationality, ethnic group, real or imagined origin, colour, political beliefs, religion or lack of religion". The penalty is imprisonment for one to three years. If the act is committed by a member of an extremist group, a public official or with special motives, the penalty is imprisonment for two to five years.

¹⁶ OSCE/ODIHR report from 2020 parliamentary elections

The current government coalition (established in spring 2020) stated its intention to amend legal framework in favour of freedom of press by introducing changes in favour of better protection of journalists' sources (regardless of whether it is a traditional media or an online media), and easier access to information.¹⁷ Currently, protection of sources is regulated by Press law.¹⁸ Media are obliged to maintain the confidentiality of the source, but this does not apply to media that are not in the register of periodicals. Better protection of sources could be achieved by creating an obligation for online media to follow a more rigorous way of registrations, which could also lead to improved transparency in media ownership. However, such measures could also limit freedom of media, but no amendments have yet been presented to public in a form of a concrete legal proposal.

The 2000's Broadcasting Law prohibits cross-ownership in media. The publisher of a national newspaper cannot own a national radio or television at the same time. TV operator cannot own a radio. Furthermore, one owner can operate only one nationwide radio, but can operate other stations via the Internet. Networks of radio stations are only allowed for local media.

The press, unlike radio and television, it is not subject to regulation, publishers are obliged to register it with the Ministry of Culture and report changes.

There are specific quotas for placement of Slovak music in radio stations. Private radios must play at least 20 per cent of Slovak music, while the percentage is higher for public media.

The 2015 Copyright Act provides basic legal regulation in the field of copyright. It represents a transposition (transposition) of European Union law in this area (also called "European copyright").

The 2001 Law on Advertising defines the performance, presentation, or other communication related to a business or entrepreneurial activity, or other gainful activity, with the aim of placing products on the market. It defines what the advertisement must not contain.¹⁹ The Act defines the method of dissemination of advertising, which may not consist of an automatic telephone call system, fax and e-mail without the prior consent of their own user, who is the recipient of the advertisement. Also, advertising must not be disseminated contrary to good morals and present products whose production, sale, provision, or use are prohibited, or present products or services whose unauthorized manipulation is prohibited by special regulations.

¹⁷ <https://dennikn.sk/2232033/novinari-a-ich-zdroje-dostanu-ustavnu-ochranu-a-nemalo-by-im-hrozit-stihanie-za-ohovranie/>

¹⁸ The publisher of a periodical and the press agency are obliged to maintain the confidentiality of the source of the information obtained for publication and the content of this information so that the identity of the source cannot be established if requested by the natural person who provided the information. Only the person who provided the information may release the publisher from the protection of the source. Protection does not only apply to cases "where there is an obligation imposed by law to prevent the commission of a criminal offense."

¹⁹ The list of these issues that the advertising must not contain includes the following points: anything that degrades human dignity, insults nationality or religion, as well as any discrimination based on sex, race or social origin; promotion of violence, vandalism or vulgarity and incitement or consent to the offense; present the nudity of the human body in an offensive way; present products which are harmful to the environment or which are harmful to the life or health of humans, animals or plants, without any explicit indication of harmfulness; endanger the physical health or mental health of the citizen; present food and nutritional supplements as if they had the effects of medicines; contain personal data, data on the property of persons without their prior consent; refer to statements made by others without their prior consent; interfere with the rights of others without their consent; abuse the trust of minors, in particular to encourage behaviour which may endanger their health, mental or moral development or to depict them in dangerous situations. Source: <https://www.pravnenoviny.sk/reklama-pravna-uprava>

There is a specific restriction related to ways of advertising of alcoholic products (for instance from 6 am to 10 pm it is not allowed to advertise any other alcohol except beer and wine) and tobacco products. Advertising of weapons and ammunition is strictly prohibited and there is also a prohibition on advertising of drugs that have not undergone official registration. The advertising of products for infants may not include a representation of the infant. Comparative advertising (comparison with other products, brands) is allowed only if it is not misleading. It is meant to prevent any unfair competition meaning any competitive activity that is contrary to honest practices in trade and industry and is liable to cause harm to other competitors or consumers.

Product placement in TV broadcasts is regulated further by the 2007 Law on Digital Broadcasting. It allows for relatively frequent interruption of programs by ads. Private stations can broadcast up to 12 minutes of commercials per hour. Public RTVS can have a maximum of 0.5 per cent of the transmission time reserved for advertising and another 2.5 per cent of teleshopping. The broadcaster is responsible for advertising. The compliance with advertising is supervised by the Broadcasting Council that can impose sanctions (including severe fines) for violations of provision of Broadcasting law including failure to comply with provision on advertising.

In the area of advertising ethics, the industry itself established the Advertising Council, a self-regulatory body. The main goal of the body is to ensure and promote the spread of honest, decent, legal and truthful advertising in the Slovak Republic. Its decisions have no legal weight but are binding on all members. They adopted the Code of Ethics - Ethical Rules of Advertising Practice; the current version of the Code, was amended in May 2019.

3. ADVERTISING TRENDS

The theoretical size of the media advertising market in Slovakia in 2019 was slightly over 2,5 billion Euro; more than 80 per cent of the media market is occupied by TV. According to monitoring of advertising in the media sector conducted by Kantar (agency dealing with marketing data and information, customer insights and consulting. Kantar Slovakia is a continuation of the traditional leader on the Slovak market, TNS Slovakia), advertising amounted to a total of 2,518,813,088 € in 2019. Compared to 2,456,396,235 € in 2018, there was only a slight increase, but a significant rise was apparent in 2018 compared to the figure of 1,702,856,477 € in 2017. This overall jump was a result of increase in TV segment (from 1,264,165,072 € in 2017 to 2,041,426,018 € in 2018).

These figures are calculated based on list prices, without discounts, barter and bonuses. According to estimates by representatives of media agencies, net advertising expenses grew by an average of 3.3 per cent in 2019, reaching 372 million Eur. From these figures, it can be estimated that discounts on list prices reach up to 85 per cent.²⁰ Over 83 per cent of total advertising spending was taken by TV sector.

There is a huge gap between the leading TV and the other media segments. The Radio market (about 4 per cent market share and steadily growing in past few years) is followed by the Internet (slightly less than 4 per cent) and Magazines (less than 4 per cent and declining in the past years). The biggest increase in 2019 was recorded in the Internet segment (from 93,622,496 € in 2018 to 96,856,177 € in 2019), however, the total amount of advertising in Internet segment in 2019 was comparable to the year 2017 (93,622,496 €), so we can rather speak about the decline in this segment in 2018. The largest decline overall in recent period was however recorded in segment of Newspapers - from 75,410,358 € in 2018 to 60,743,662 € in 2019.

²⁰ <https://medialne.trend.sk/marketing/vydavky-medii-vlani-stupli-pocet-reklam-klesol>

Advertising market in Slovakia

Media segment	2017 (EUR)	2018 (EUR)	2019 (EUR)	Total for 3 years (EUR)
Magazines	95,705,317	92,622,803	86,776,477	275,104,597
Internet	93,622,496	72,004,554	96,856,177	262,483,227
Cinema	5,252,555	4,381,392	5,204,905	14,838,852
Newspapers	76,753,984	75,410,358	60,743,662	212,908,004
Outdoor	78,934,665	78,696,015	76,720,745	234,351,425
Radio	88,422,388	91,855,095	104,326,654	284,604,137
TV	1,264,165,072	2,041,426,018	2,088,184,468	5,393,775,558
Total in EUR	1,702,856,477	2,456,396,235	2,518,813,088	6,678,255,824

Data source: Kantar

MediaGuru.cz report on Slovak advertising market based on the estimates of the largest Slovak media agency, Unimedia, concludes that the market affected by a coronavirus pandemic declined significantly in 2020.²¹ While the advertising market fell by 5.6 per cent compared to 2019, out of all media segments, online media recorded growth (some 4.6 per cent) while other media segments declined. Radios lost 9 per cent compared to 2019; Television fell by 4 per cent.

These estimates reflect losses, which were however not as dramatic as expected at the beginning of 2020. For instance, Alexei Fulmek, chairman of the board of the Association of Print and Digital Media and CEO of Petit Press in an interview for Trend in March 2020 expected that there might be a significant drop in advertising revenue, between 50 – 70 per cent. "Outages of sales and advertising will be drastic, it will be millions, if not tens of millions of Eur," said Mr. Fulmek.²²

4. STATE ADVERTISING

There are few sources of data that can help estimate the state's advertising spending. Kantar's monitoring is focusing on several key actors, such as Government Ministries, some local municipalities and EU programmes.²³ Yet, this list does not fully reflect the real expenses, as state advertising is not clearly defined. As advertising contracts are exempt from public procurement, contracts are not awarded in an open competition.²⁴ Kantar's monitoring follows spending of state institutions, but it might miss advertising purchased by companies controlled or partially controlled by the state. There are, however, large amounts of funds spent on various EU programmes and schemes, as illustrated by the following figures (in EUR).

²¹ <https://www.mediaguru.cz/clanky/2021/02/slovenskym-radiim-klesly-trzby-nejposlouchanejsi-je-express/>
²² <https://medialne.trend.sk/tlac/fulmek-vypadky-predaja-inzerce-budu-drasticke-pojde-miliony>

²³ Kantar monitoring of advertising expenses is based on official price lists and does not take into account barter, bonuses and agency commissions. Kantar monitors 15 national television, 12 national and regional radio stations, more than 150 print titles with a national and regional focus, 350 web domains and subdomains, from the social networks YouTube. From the Internet, it only monitors display advertising (banner and video) from desktops.

²⁴ <https://transparency.blog.sme.sk/c/523034/vlada-pred-volbami-toci-v-statnychreklamach-rekordne-pe-niaze.html>

State advertising spending

	2017	2018	2019	Total 3 years
Ministries and offices of the Government	1,342,030	600,411	3,393,551	5,335,992
Local municipalities	16,920	88,679	81,021	186,620
EU Operational programmes, EU funds	5,379,218	20,926,303	33,566,584	59,872,105
TOTALS (EUR)	6,738,168	21,615,393	37,041,156	65,394,717

Data source: Kantar

Transparency International Slovakia (TI) looked at patterns of advertising by analysing state/public contracts concluded in the period 2011 - 2019.²⁵ Figures analysed mainly reflect the spending on advertising by governments led by political party SMER-SD (alone or in coalition with Slovenská Národná Strana and Most-Híd).²⁶

According to TI findings based on analysis of advertising contracts (higher than 5000 Euro) from the central register of contracts, the state has signed a total of 760 advertising contracts worth 107 million Euro between 2011 and 2019; three quarters of this volume were related to EU funds. TI analyses also showed that record expenditures originate in the pre-election years (2015 and 2019). In 2015, this was also related to the end of the Euro-funds programming period. For instance, government officials signed advertising contracts worth 20.8 million euros in the first 11 months of 2019.

The largest state advertisers were the lottery company TIPOS, the Ministry of Transport and the Office of the Government. Since 2011, they were behind almost half of all state advertising.

The largest recipient of state advertising among television channels was TV JOJ and its sister channels (owned by J&T), which ran advertising worth almost 39 million Eur (2011 - 2019), more than a third of the total volume of state advertising. Compared to JOJ, the most popular TV Markíza received significantly less in advertising from the state - a total of 22 million Eur, which was about 56 per cent of the volume for the JOJ group since 2011. In a third place (in the volume of state advertising) was the news television TA3 (that is known for friendly relations with representatives of former governments) with 16 million Eur, which is well above their share of the viewership market.

The radio commercial segment was dominated by Fun rádio (controlled by current speaker of Parliament and leader of government political party Sme rodina). In the monitored nine years, Fun rádio received advertising contracts from the state for 5.7 million Eur. This is more than twice as much as the most popular commercial Rádio Expres (2.4 million). Just behind Fun rádio with 5.2 million in revenue was Radio Services (affiliated with J&T). The segment of print advertising was dominated by the publishing house News and Media Holding, controlled by Penta.

Advertising from EU funds was not allocated to any smaller media known for investigative reporting or critical comments on the account of former government coalition, such as Denník N, týždeň or postoj.sk. The state also did not contract advertising in shady (disinfo) portals.

²⁵ <https://volby.transparency.sk/parlament2020/2019/12/17/vlada-pred-volbami-toci-v-statnych-rekla-mach-rekordne-peniaze/>

²⁶ A current government coalition, composed of former opposition parties or new parties as a result of February 2020 parliamentary election was composed in March 2020.

5. FINANCIAL PERFORMANCE OF MEDIA COMPANIES

Television clearly dominates in terms of the highest revenue. Based on data provided by FinStat, in 2019, Markíza-Slovakia recorded sales of 96.7 million Euro an increase compared to previous year. Markíza-Slovakia also recorded more than 21,6 mil Euro in net profits, which is by far the highest profit among media in Slovakia in 2019 (and major jump in terms of its net profit compared to 14 mil both in 2018 and 2017).

Through the company Slovenská produkčná, TV JOJ, number two in terms of sales, earned 87.9 million euros and slightly fell compared to 2018, but overall, this amount is comparable to the sales in the previous years.

The third media house after TV Markíza and TV JOJ in terms of sales, and first among media houses publishing print titles was News and Media Holding of the Penta financial group. In 2019 its sales reached 33.6 million Eur and grew significantly by 24 per cent compared to 2018. This growth may be partly due to the fact that News and Media Holding became the successor to Život Publishing and thus completed the formal takeover of former Ringier Axel Springer magazines.²⁷

Second in terms of sales among printed media is the publisher of the daily SME, the regional press and other titles Petit Press, which reached over 24 mil Eur in sales. This amount was comparable with its sales in previous years.

The third major player in the print media segment of market (and fifth overall) was FPD Media, which more than doubled its sales compared to 2018, the reason being that FPD Media incorporated into its portfolio the most popular daily tabloid Nový Čas (along with few other popular magazines), formerly owned by Ringier Axel Springer SK, and became its successor.

The strongest purely digital player in terms of revenue was Ringier Axel Springer SK with 12.3 million euros last year. The second strongest in the digital segment was Zoznam.sk with 8.4 million sales last year.²⁸ Other purely digital media players are a considerable distance behind these two actors.

In the radio segment, Expres was the leader; its media representative Expres Media achieved sales of 13.9 million Eur. Express Media was followed by Radio Services with 7.5 million of sales, and Fun Media Group with 6 million Eur of sales. Among these three players, Radio Services gained the most notable sales increase compared to 2017 and 2018 (5,3 mil and 6,3 mil, respectively). Express Media and Fun Media Group had relatively stable sales amount in the two preceding years.

In terms of profits, as mentioned above, Markíza Slovakia was the leader with almost 21.7 million Eur profit in 2019. The second most profitable is the holder of a license for Rádio Expres, the company D.Expres, with a profit of 4.4 million in 2019. The third place is taken by Slovenská produkčná (JOJ Media Group). Its profit, 1.4 million, increased substantially compared to 500,000 in 2018 although the company's net profit in 2017 was over 2 mil Eur.

The following three most successful houses operate in print segment. The publisher of the Denník N - N Press - tripled its profit - from 200,000 in 2018 to almost 621,000 in 2019 (Another company from the "Group N", Denník N, a. s., added 243 thousand Eur of profit). Petit Press gained 580,000 Eur in net profit, this was however a significant drop compared to previous years. MAFRA Slovakia gained profit over 540,000.

²⁷ <https://www.mediaguru.cz/clanky/2020/11/zisky-a-ztraty-slovenskych-medii-v-roce-2019/>

²⁸ Ibid

Financial performance of companies

Total revenues (major players)	2017	2018	2019
CME - MARKÍZA SLOVAKIA s.r.o.	123 mil	125 mil	130 mil
JOJ MEDIA HOUSE (Slovenská produkčná a.s.)	106 mil	111 mil	96.4 mil
JOJ MEDIA HOUSE (MAC TV s.r.o.)	22,4 mil	24,1 mil	24,7 mil
GRAFOBAL GROUP	8 mil	5.2 mil	3 mil
FUN MEDIA GROUP a.s.	5,5 mil	5,4 mil	6 mil
RADIO SERVICES a.s.	5,4 mil	6,4 mil	7,6 mil
Roman Korbačka (EUROPA 2 a.s.)	1,7 mil	1,3 mil	0,56 mil
NEWS AND MEDIA HOLDING	27.6 mil	28 mil	34.1 mil
RINGIER AXEL SPRINGER SK a.s.	13,2 mil	1,5 mil	14,5 mil
FPD Media/Publishing house	0 mil	6,8 mil	14,4 mil
DENNÍK N, a.s.	0,1 mil	0,1 mil	0,36 mil
DENNÍK N, a.s. (N Press s.r.o.)	2 mil	2,7 mil	3,8 mil
PETIT PRESS	25,4 mil	28,8 mil	24,7 mil
MAFRA SLOVAKIA a.s.		0,74 mil	8,3 mil
PEREX a.s.	7 mil	6,7 mil	6,7 mil
ŠPORT PRESS s.r.o.	2,8 mil	2,9 mil	2,8 mil
Barecz & Conrad Media s.r.o.	1,7 mil	1,8 mil	2,4 mil
EXPRES MEDIA k.s.	12,2 mil	12,5 mil	13,2 mil
D.EXPRES k.s.	9,3 mil	9,7 mil	10,3 mil

Sales revenues (the income received by a company from its sales of goods or the provision of services or costs of goods sold)	2017	2018	2019
CME - MARKÍZA SLOVAKIA s.r.o.	85,646,810	91,112,435	96,739,287
JOJ MEDIA HOUSE (Slovenská produkčná a.s.)	84,760,095	90,193,173	87,867,156
JOJ MEDIA HOUSE (MAC TV s.r.o.)	22,371,233	24,100,189	24,701,664
GRAFOBAL GROUP	1,255,549	1,222,883	938,333
FUN MEDIA GROUP a.s.	5,473,156	5,348,911	6,007,512
RADIO SERVICES a.s.	5,326,889	6,325,436	7,529,717
Roman Korbačka (EUROPA 2 a.s.)	1,638,064	1,290,631	561,480
NEWS AND MEDIA HOLDING	27,352,965	27,220,296	33,634,588
RINGIER AXEL SPRINGER SK a.s.	11,097,046	1,307,966	12,348,567
FPD Media/Publishing house		6,345,109	14,308,075
DENNÍK N, a.s.	100,928	72,100	163,100
DENNÍK N, a.s. (N Press s.r.o.)	1,731,137	2,222,946	3,221,102
PETIT PRESS	25,016,959	25,246,541	24,122,915
MAFRA SLOVAKIA a.s.		723,358	8,184,039
PEREX a.s.	6,980,545	6,614,052	6,682,025
ŠPORT PRESS s.r.o.	2,657,027	2,803,416	2,692,239
Barecz & Conrad Media s.r.o.	1,404,507	1,368,707	2,140,123
EXPRES MEDIA k.s.	12,166,786	12,509,498	13,226,186
D.EXPRES k.s.	5,544,988	5,560,425	5,543,871

Net profit/loss	2017	2018	2019
CME - MARKÍZA SLOVAKIA s.r.o.	14,458,594	14,154,515	21,651,969
JOJ MEDIA HOUSE (Slovenská produkčná a.s.)	2,155,488	509,381	1,367,776
JOJ MEDIA HOUSE (MAC TV s.r.o.)	-265,248	-311,550	-165,457
GRAFOBAL GROUP	-5,234,729	-4,082,061	-10,038,406
FUN MEDIA GROUP a.s.	452,327	425,340	409,380
RADIO SERVICES a.s.	-2,997,628	-1,387,731	-813,221
Roman Korbačka (EUROPA 2 a.s.)	-56,750	-453,569	1,730
NEWS AND MEDIA HOLDING	-6,809,690	-290,393	176,631
RINGIER AXEL SPRINGER SK a.s.	-6,471,570	-521,223	-4,206,069
FPD Media/Publishing house	-34,692	-534,499	-682,515
DENNÍK N, a.s.	28,001	23,720	243,391
DENNÍK N, a.s. (N Press s.r.o.)	4,891	204,637	620,745
PETIT PRESS	829,909	3,361,118	582,724
MAFRA SLOVAKIA a.s.		-119,618	540,080
PEREX a.s.	-1,562,121	-1,375,238	-1,356,103
ŠPORT PRESS s.r.o.	-150,197	-93,049	-211,743
Barecz & Conrad Media s.r.o.	-116,855	283,637	102,680
EXPRES MEDIA k.s.	4,103,392	4,345,439	4,384,252
D.EXPRES k.s.	320	267	319

Source: FinStat (finstat.sk)

6. INFLUENCE OF ONLINE AND SOCIAL MEDIA

There were 4.64 million internet users in Slovakia in January 2021 according to 2021 digital report on Slovakia by Datareportal.com.²⁹ Internet penetration in Slovakia stood at 85.0 per cent in January 2021. There were some 4 million social media users in Slovakia in January 2021, the increase in social media users in comparison with 2020 was 390 thousand users (11 per cent).

Various sources indicate that Google was the most visited site, followed by Facebook and YouTube. However, when looking at unique visits, Aktuality.sk is the leader in Slovakia, followed by Sme.sk and Zoznam.sk.; all three Slovak news portals.

Aktuality.sk is one of few media still owned by Ringier Axel Springer after it sold most of its media to various actors. The minority owner of the Aktuality.sk publisher is Slovak entrepreneur Milan Dubec, who was also the CEO of Ringier Axel Springer. Dubec also founded the important Internet portals Azet.sk and Pokec.sk. While Sme.sk is owned by Petit press (described above), the third most prominent online news portal Zoznam.sk changed an owner recently; it was sold by the telecommunications company Slovak Telekom to its CEO Martin Mác in 2020.

²⁹ <https://datareportal.com/reports/digital-2021-slovakia>

When looking at the popularity of the media in regards to information about domestic politics, the majority of the population in Slovakia draws information most often from TV, which was mentioned as the top-of-mind (indicated as the first) source by as many as 52 per cent of respondents in the research conducted for MEMO 98 by Focus polling agency in the second half of January 2020.³⁰ However, growing importance of online media was demonstrated in fact that the second most important source of information was online internet based media (17 per cent) followed by social media (9 per cent). While the most popular websites were the traditional and serious media (Aktuality.sk, Sme.sk etc, as mentioned above), several websites known for less serious and more dubious stories have also featured among 10 most often visited websites, although their numbers were not so significant.

Yet, there are numerous shady websites with less significant numbers of visits, but content-wise publishing blatant disinformation; list of such sites is regularly updated on Konspiratori.sk.

7. THE ROLE OF THE BROADER MEDIA ECOSYSTEM

In recent years, the Slovak Media scene has seen major ownership shifts. In contrast with past decades, when several major foreign investors were involved in private media sector in Slovakia, nowadays, the major media houses are owned by companies which have Slovak or Czech owners, usually from business sector.

The key media are more and more owned by regional business owners, who's primary interest is the fields of economics, or, in some cases, to enter politics. According to Václav Štetka, media specialist from the University of Loughborough "in most cases, it is clear that the motivation was not to make money, but in this way the owners are trying to get an instrument of influence,"³¹ Penta's partner Marek Dospiva, in an interview for the Czech Hospodářské noviny in 2015, said: "I will not walk around hot porridge. Owning the media gives us the reassurance that it will be worse for anyone to attack us irrationally. I would underline word irrationally."³²

The media market in Slovakia is relatively concentrated when it comes to main TV and Radio players as well as print media, however, a number of local TV channels and radio stations that are not networked under a major owner or a brand.³³ There is an increasing influence of the online media, but traditional media still act as agenda setters.

The above-mentioned research conducted for MEMO 98 by Focus, which revealed that TV is the most dominant source of information for 52 per cent of population, also looked at the popularity of concrete media outlets. It revealed that the most frequently mentioned TV channels included TV Markíza and public TV Jednotka, first channel of the public broadcaster RTVS. TV Markíza was mentioned by one-third of interviewed respondents (33 per cent), for whom the TV, in general, is the primary, most frequently used source of information and RTVS was selected by 28 per cent of the interviewed respondents. One in five respondents (19 per cent) mentioned another private TV - TV JOJ (MAC TV / JOJ Media House) - (19 per cent) and 12 per cent indicated news channel TA3 (C.E.N.).

Online media (web pages) represents the first most frequently used source of information about domestic politics for 17 per cent of respondents. These interviewed individuals most often get information from aktuality.sk (27 per cent) website, followed by sme.sk (10 per cent), topky.sk (9 per cent) and dennikn.sk (7 per cent).

A total of 9 per cent of respondents indicated that their primary most frequently used source of information about domestic politics are social media networks. Facebook is the dominant leader within the category of social networks, mentioned by an overwhelming majority of respondents (99 per cent). When it comes to YouTube, only 1 per cent of the interviewed mentioned this channel as the first source of information about politics.

About 8 per cent of the interviewed respondents indicated their own social environment (friends, acquaintance, colleagues etc.) as their primary source of information about domestic politics, while 7 per cent mentioned the radio. Rádio Slovensko (RTVS) was the most frequently mentioned radio station – indicated by 56 per cent of the respondents for whom radio is the primary most frequently used source of information. Other radio stations that follow include Expres (20 per cent) and Vlna (5 per cent).

Press is the primary most frequently used source of information about domestic politics for 5 per cent of the interviewed. Among the print titles, Pravda (24 per cent) is the one with the highest number of readers, followed by Nový čas (20 per cent) and SME (16 per cent).

³⁰ https://memo98.sk/uploads/content_galleries/source/memo/slovak-parliamentary-elections-2020/tv-monitoring/memo-98_prieskum-focus-prva-cast_januar2020.pdf

³¹ <https://domov.sme.sk/c/20653847/odbornik-na-media-oligarchovia-v-mediach-nie-su-filantropi-ide-im-o-vplyv.html>

³² <https://archiv.ihned.cz/c1-63893810-chceme-medialni-stit>

³³ <https://www.mediaguru.cz/clanky/2019/06/prehled-trhu-regionalnich-slovenskych-medii/>



**LEGAL GUARANTEES
AND PRACTICAL
SHORTCOMINGS OF
INDEPENDENCE OF THE
MEDIA AUTHORITIES**
in the Czech Republic,
Hungary, Romania
and Slovakia



INTRODUCTION

Independent media regulators are a fundamental condition for media freedom. Ultimately, the independence of the media regulatory bodies is at stake in whether the public bodies entrusted with these tasks, in ensuring access to scarce media market resources and enforcing media content bans and obligations, promote a free and pluralistic media market and media supply.

In relation to the independence of media authorities, the analysis presents the legal safeguards to ensure that they operate free from unilateral political and economic pressures in the countries under review. On the other hand, the analysis of the practice of the authorities will also show whether there are signs of biased activity in their decision-making practices. Based on the Hungarian experience, the research originally aimed to focus on the practice of frequency tendering. However, in the other three countries, tendering practices were found to be less problematic, and therefore the analysis also paid more attention to the practice of sanctioning media content.


As regards the independence of the media authorities, the general trend is that the Czech and Slovak authorities are basically professionally reliable and impartial, the Romanian authority shows more signs of political interference and the Hungarian authority has serious problems.

According to the Media Pluralism Monitor 2021¹, the independence and effectiveness of the media authority in the Czech Republic and Slovakia is low risk. Romania also scores low risk in this measure, but with a risk score bordering on medium risk. Hungary is rated as medium risk by the Media Pluralism Monitor on the independence of the authority.

¹ <https://cmpf.eui.eu/mpm2021-results/>

Key lessons from the analysis:

- The Czech media authority has a rather restrained practice in the application of sanctions. It did not prosecute the largest broadcasters during the period under review, and its proceedings were largely for minor formal infringements.
- The regulatory background and decision-making practices of the Hungarian Media Council also raise serious concerns. While formal guarantees of independence are enshrined in the Media Law, the election of the Media Council's members and chairman clearly ensures the possibility of political influence. As in previous years, the most obvious evidence of politically biased decision making in the period under review was the practice of allocating radio frequencies. The Media Council's practice continues to serve almost exclusively the expansion of those close to the ruling party, effectively eliminating independent local radio.
- I would suggest to slightly change the text to the following manner: In the case of Slovakia, there used to be very close connections between the Council members and political parties. In fact, the members of the Council were interacting with politicians and financiers with interest in the media. Close links may influence their independence, particularly in the area of the licensing or while penalizing broadcasters for breaches of the legislation. However, no such obvious action has either been unveiled by our desk research or reported by any credible source in the past few years.
- In Romania, the National Audiovisual Council has weakened its respect as a media watchdog, and as a key player within the democratic system. Given its' dependence to the political algorithm and the constant critiques of politization and partisanship, the Council has limited scenarios to recover its credibility. The Council should invest consistent efforts to increase its authority among the audiovisual media outlets by proactive interventions when regulatory sideslips occur – especially during electoral campaigns or during various social and political crisis. However, the Council has proven that it does not conflict with the freedom of expression and does not interfere into editorial processes.



CZECH REPUBLIC

LEGAL FRAMEWORK – INDEPENDENCE AND COMPETENCES OF THE REGULATORY BODY

The Council for Radio and Television Broadcasting (RRTV) of the Czech Republic is the body responsible for the regulation of broadcasting in the Czech Republic. The function and responsibilities of the RRTV are set out in the Broadcasting Act 231/2001. The Council is an administrative authority which executes state administration in the field of radio and television broadcasting and rebroadcasting, and in the field of audiovisual media services provided on demand under another legal regulation, and supervises the maintaining and further

development of plurality in the program portfolio and information offered in the field of radio and television broadcasting and rebroadcasting; it will promote the independence of the content thereof and fulfill other tasks laid down by the Broadcasting Act and by other specific legislation.

The Council Composition

The Council consists of 13 members who are appointed and removed by the Prime Minister based on proposal made by the Chamber of Deputies; the appointment should be carried out immediately after receiving the proposal.

Membership in the Council is a public service position. The term of office of Council Members is 6 years. Members have to be Czech citizens of minimum age of 25 years. A person who was in the capacity of Council Member during two consecutive terms of office may not be nominated and appointed again to the same capacity. The Prime Minister suspends the office of any Council Member who has been taken into custody in connection with criminal prosecution, if such suspension is proposed by the Chamber of Deputies.

The independence and integrity of Council Members

Council Members execute their functions personally and they do not accept any directions or instructions for the execution of their functions. Council Members not assume positions in political parties or movements and act in their favor. Neither Council Members nor persons closely related to them may assume any positions, including unpaid ones, in any bodies of companies that carry out business in the field of mass media, audiovisual production and advertising. Furthermore, neither Council Members nor persons closely related to them may participate in the business of commercial companies that carry out their activities in the field of mass media or in the field of audiovisual production and advertising, or provide directly or through mediation any consultancy or other assistance to broadcasters, rebroadcasters and on-demand audiovisual media service providers in return for payment. Council Members may not be employed or otherwise engaged by any broadcaster, rebroadcaster and on-demand audiovisual media service provider.

Budget of The Council

The Council manages its own budget and its activities are covered by a separate chapter of national budget of the Czech Republic.

The Annual Report

Every year the Council submits its Annual report on its activities and on the situation in the field of radio and television broadcasting and in the field of the provision of on-demand audiovisual media services which includes an information about the situation in radio and television broadcasting, information about the licenses that have been granted or changed and about the criteria that have been used as the basis for granting the licenses to applicants and for rejecting the applications of all other parties in the procedure. It also includes an information about the support to European production and European independent production, about securing the prescribed proportion of European production (Section 42) and independent production (Section 43) and about the reasons for not attaining the prescribed proportions in television broadcasting, as the case may be, including also information about support to the production of European works in the provision of on-demand audiovisual media services.

In the Annual report, the Council summarize information about the state and level of self-regulation in the fields of radio and television broadcasting, rebroadcasting and provision of on-demand audiovisual media services, and information about the results of cooperation with self-regulatory bodies, information about the level of media literacy in relation to new communication technologies and about the measures taken by radio and television broadcasters, rebroadcasters and providers of on-demand audiovisual media services and self-regulatory bodies to promote media literacy.

By the end of February of each calendar year at the latest, the Council shall submit its Annual Report to the Chamber of Deputies for approval and simultaneously to the Prime Minister for expressing an opinion. At the same time, the Council makes its Annual Report public. The Annual Report becomes public as at the date of its approval by the Council.

In case that the Council repeatedly and seriously infringes its obligations or if the Annual Report fails repeatedly to be approved due to serious faults, the Chamber of Deputies may propose to the Prime Minister to remove the Council.

DETAILED ANALYSIS OF THE COMPETENCES REGARDING THE MEDIA MARKET (market entry / frequency tenders, merger control, modification of licenses, competences regarding the state advertisement)

Competences of The Council

The Council grants, changes and withdraws licenses and its changes for the operation of radio and television broadcasting and supervises compliance with legal regulations in the field of radio and television broadcasting and the conditions stipulated in the decision on granting the licence or in the decision on registration.

The Council also imposes penalties, monitors the content of radio and television broadcasting. It collaborates with the Czech Telecommunication Office on the field of authorization of frequencies and bands.

The Council is responsible for cooperation with European Union authorities and with the regulatory bodies of EU Member States with a similar field of competence, focusing in particular on obtaining and providing data and information required by law, by decisions issued on the basis of law or decisions made on the basis of law, or by the legal acts of the European Union, and carry out other tasks resulting from the membership of the Czech Republic in the European Union.

The government and the state administration authorities cooperate with the Council in all matters related to broadcasting and in particular always request the opinion of the Council in the matters of broadcasting and provide appropriate assistance to the Council within the framework of their powers and duties.

Licences

Licences are granted by the Council in the licensing procedure. The Council is authorized to grant license for broadcasting distributed via transmitters, satellites and cable systems and special transmission systems (not indicated above).

A license is granted for a fixed period of time, whose maximum length is 8 years for radio broadcasting and 12 years for television broadcasting.

A licensed radio broadcaster is obliged to start the broadcasting at the latest within 180 days and licensed television broadcaster within 360 days from the date of finality of the decision on the granting of the license. Same periods valid for extending of the license.

An applicant for a licence must meet following requirements stated in the law:

- a) no bankruptcy was declared with regard to the applicant's property and no liquidation was initiated,
- b) evidence is provided that no unpaid tax is registered in taxation records,
- c) evidence is provided that no unpaid premiums for public health insurance, social security or contributions for the government employment policy are outstanding,
- d) the applicant's license or registration has not been cancelled during the period of the last 5 years; this requirement does not apply to the cases where the license or the registration was cancelled on the request of the broadcaster,
- e) no final judgment for wilful offence was declared with regard to the applicant; if a legal person requests granting a license, this requirement shall also apply to the natural persons appointed as the governing body of the applicant or serving as members of the applicant's governing or supervisory body,
- f) the applicant is not a member of any statutory broadcaster or member in commercial companies established by a statutory broadcaster.

Council calls a public hearing for discussing the issues relating to the program structure proposed by the individual parties in the licensing procedure. A public hearing organized within the framework of the licensing procedure for broadcasting other than local television broadcasting must involve issues relating to the proportions of European works, European works produced by independent producers and contemporary European works in the proposed television broadcasting program structure of the individual parties taking part in the television broadcasting licensing procedure.

Facts relevant to decisions on applications for license granting

In the process of decision-making for granting the license the Council shall assess the financial, organizational and technical preparedness of the applicants for the broadcasting, including the results hitherto achieved by the applicant in the field of radio and television broadcasting, if the applicant has been active in this business, transparency of ownership relations in the applicant's company and benefits of the program structure proposed by the license applicant with regard to the existing diversity of radio or television program offered in the territory to be covered by the radio or television broadcasting.

In the case of TV license the proportion of European production, production of independent European producers and contemporary production in the proposed television broadcasting program structure will be considered as well as the benefits the applicant will provide for the development of original production, the preparedness of the applicant to provide hidden or open subtitles in a certain percentage of the broadcast program units intended for persons with impaired hearing and the benefits for the development of the culture of ethnic and other minorities in the Czech Republic.

During the distribution of licenses for digital broadcasting, the Council shall assess the financial, organizational and technical preparedness of applicants for the broadcasting; the transparency of their ownership structures; the benefits the program will bring to the diversity of the existing program range; and the proportion of European production, European independent production and contemporary production in the proposed television program structure, the benefits the applicant will provide for the development of original production, the preparedness of the applicant to provide hidden or open subtitles in a certain percentage of the broadcast program units intended for persons with impaired hearing and the benefits provided by the applicant for the development of the culture of ethnic and other minorities in the Czech Republic.

IDENTIFICATION OF THE FIELDS OF THE ACTIVITY THAT ENDANGER THE FREE AND INDEPENDENT FUNCTION OF THE MEDIA OUTLET.

Although the freedom and independence of commercial broadcasters is guaranteed, the council may influence it. Below are the most often and used means of influencing:

The license issuing process

Granting of licenses to start radio or television broadcasting is the main situation when pressure on the media may be developed. To high extent, the result of the licensing process depends on the council. It may not even influence the result – to grant or not grant the license but also influence the program structure of the media. The same may repeat when the time limited license has to be prolonged.

Nevertheless, there is no evidence that these means of the council were misused for political purposes. But there is an evidence that the council was complicating and delaying the change of program structure of proposed news radio which would be competitor to the news program of the public service radio broadcaster.

Monitoring the content of radio and television broadcasting, penalties

The council's duty is to monitor the program of broadcasters and to deal with complaints from listeners and viewers. It has wide range of penalties which may punish broadcasters if they violate the law or conditions of their broadcasting which were part of their license application.

Typical violation would be not keeping the ratio of music and news, broadcasting programs not allowed for non-adults before 10 PM etc. From the point of view of political role of broadcasting the frequent complaint is political unbalance – some political representatives are invited more often than others or they have longer time for their presentation in political talk shows etc.

In most cases the council is rejecting such kind of complaints. In most visible cases the council decided to penalize the broadcaster but later the appealing court abolished the fine.

The council also follows how advertising rules are kept and decides about complaints for breaking regulations and laws in advertising.

Absolutely most of council's agenda are administrative acts like changes of names of radio stations, changes license details etc.

Thus, we may conclude that the council doesn't represent the real threat to the independence as same that it doesn't represent the defender of the correctness of the program.

Analysis of TV programs ordered by the regulatory council

The control of the content of radio and television broadcasting in Czech Republic takes place through monitoring provided by analysts of the Office of the Council for Radio and Television Broadcasting. Monitoring is carried out on the basis of an internal concept, the aim of which is the cyclical control and assessment of all television and radio programs licensed by the Council. When choosing the scope and frequency of control monitoring, both the technical means of program dissemination and spectator interventions of individual programs are taken into account. Monitoring is also motivated by broader audience complaints about specific broadcasts.

What is the output of this monitoring? Analysis that evaluate whether the broadcaster violated the law or the license conditions.

We have decided to check analysis which the Council ordered in last few years We focused mainly on those analysis which are assessing political programs before elections.

In details: we checked the broadcasting of main TV stations before parliamentary elections in 2017, presidential elections in 2018 and European Parliament elections in 2019 and the most interesting cases of potential law violation.

Apart from it we chose one more interesting case that is a little bit older – from 2013. We wanted to demonstrate the means that current Czech PM Andrej Babiš used when entering politics in 2013 – he used his own company promotion before parliamentary election in 2013 to promote his person and thus his political movement in TV's just before elections when – according to the law there should be the "pre-election silence" (the politicians should not be presented in a commercial ads).

Analysis of program before 2017 Czech parliamentary elections

The most alerting case reflects the case of Czech commercial TV Barrandov whose owner has showed many times his pro-Kremlin and pro-Chinese approach and moreover was the owner of a media agency that provided a political pre-election preferences as well. The analysis of TV Barrandov program before 2017 parliamentary elections was focused on the balance among politicians invited to political debates and balance in reporting about different political parties. TV Barrandov argued that the frequency of presence of politicians in their programs are based on results of surveys of political preference issued by Médea Research agency. The council accepted this explanations without pointing out that the media agency is directly connected with the broadcaster as it has the same owner as the TV station.

On the other hand, analysis of Czech public TV and Czech public Radio at the same time found no breaching of professional standards. The Council said that "the principles of objectivity, balance and impartiality of broadcasted programs were not violated, nor the unilateral favouritism of any of the candidates were found out."

Analysis of program before 2018 Czech presidential elections

In 2018, the Council launched administrative proceedings with TV Barrandov over a possible violation of law. According to the RRTV, this program seemed to be biased as TV Barrandov private television station of Jaromír Soukup seemed to repeatedly favor presidential candidate and acting president Miloš Zeman against his challenger Jiří Drahoš in the programs it broadcast during the Czech presidential campaign. After the explanation provided by TV Barrandov, the Council made a final conclusion: it decided to notice (orally, no fine) TV Barrandov that it violated the law by systematically favoring Miloš Zeman and disadvantageous the other candidate.

In 2018, there was another important case connected with TV Barrandov and his owner Jaromír Soukup.

In the controversial edition of his show, the moderator Soukup devoted to the issue of multinational companies in the Czech Republic and subsidy and investment policy. In the course, he presented data relating mainly to Škoda Auto, for example, “Škoda received 4.6 billion from our taxes in the same period” or “Last year, the government promised for roads and other things for Škoda at its next plant in Kvasiny plant 5.6 billion crowns”. The moderator made similar statements several times. It was by no means shown on the show data source and Škoda Auto received no space to comment. The Council decided that the owner of TV Barrandov Jaroslav Soukup should pay a fine of 400K CZK as the council considered the show to be biased and unbalanced.

After 2 years of legal battle, the Broadcasting Council definitively lost the trial to Jaromír Soukup. the Administrative Supreme Court (NSS) decided TV Barrandov does not have to pay a fine of 400 thousand crowns for Jaromír Soukup’s case. On the contrary, it follows from the judgment that the council will now have to justify before the fine for bias and imbalance in what specifically the broadcast information was false or distorted. The state office warned some time ago that such a legal structure would shift the role of the regulator of television and radio broadcasting to a kind of “arbiter of truth”. However, it does not even have an adequate apparatus for this.

Analysis of program before 2019 European Parliament elections

Again, analysis of Czech public TV and Czech public Radio at the same time found no breaching of professional standards. The criteria of professional journalist objectivity and balance were met.

As for TV Barrandov, the Council quoted that “the way in which the individual parts of the program are moderated shows a systematic and deliberately unbalanced and biased approach of the moderator to different candidates of different political subjects. The moderator’s strategy had manipulative potential, the moderator repeatedly missed to quote sources of his information, and did not provide space for subjects subjected to criticism or the other party’s point of view, used stereotyping labeling and stigmatizing designations of candidates. Thus he seemed to be violating the principles of objective and balanced information.”

Even in this case, no administrative proceeding has been started, the Council only published the notice.

Analysis of ad campaign of Andrej Babiš before 2013 Czech parliamentary elections

A very interesting was the case of „Vodňanské kuře” – promotion for the chicken – food product of Mr. Babiš’s business.

It was the commercial with which Mr. Babiš (current PM) entered politics in 2013. This commercial was analyzed by the Council in 2013. Mr. Babiš is – among other businesses – also the owner of the biggest poultry company in the Czech Republic. When he decided to enter the politics, he filmed the commercial ad together with the ice-hockey professional Jaromír Jágr. The commercial was pretending to be the promotion of his poultry business, but, in the reality, it was the promotion of Mr. Babiš himself who circumvented regulations of political promotion this way. The Council was addressed with complaints that thanks to this commercial Mr. Babiš was appearing in the TV much more often than other politicians in the time close to the term of elections to the lower chamber of the parliament. According to the law, politicians and candidates to the parliament should not personally appear in commercials. At the same time, the law doesn’t limit this appearance to the political ads only. Additionally, while there is a limit for the number of political ads, promoting of non-political activities may be a way how to bypass such a limit.

As this commercial was widely broadcasted by all TV stations and thanks to the presence of the most popular Czech ice-hockey player Jágr, it became very popular. The regulatory council explored the case and ordered the independent assessment again. This assessment did not end any clear conclusion. It brought proofs for both: that it was the violation of law, and at the same same it was not. Nevertheless, the council finally decided that the law was not violated.

This specific case illustrates how the council works in fact. Its decisions often look more like academic disputes than like decisions of administrative body. It brings all arguments from all possible views, describes all potential opinions. Finally, taking in consideration all these views and opinions, the council usually decides that the law was not violated. In that way, rather than solving problems the Council chooses to avoid possible conflicts with market players.

Elaborating analysis about the activity of the regulator

Overview of violations	2018	2019
Overview of misdemeanors decided by the Council for Radio and Television Broadcasting. This overview summarizes all facts on the sections of state administration that fall within the competence of the Council for Radio and Television Broadcasting.		
number of complaints to initiate infringement proceedings	1875	1481
number of deferred cases	523	451
number of notifications of initiation of proceedings	36	61
number of final decisions on the recognition of an accused person guilty of a misdemeanor	47	48
number of stopped proceedings	20	25
number of decisions approving the settlement agreement	0	0
number of final decisions waiving the imposition of an administrative penalty	7	9
number of final decisions exceptionally reducing the fine	2	0
number of reprimands	9	13
number of fines	31	25
average fine (in CZK)	108548	88000
average fine (in EUR)	4000	3200

Overview of licenses issued by the regulator in 2019 – 2020 and in total	Total	2020	2019
Satellite radio broadcasting	22	0	2
Satellite TV broadcasting	101	15	15
Cable and satellite radio broadcasting	0	0	0
Cable and satellite TV broadcasting	9	0	0
Cable TV broadcasting	80	3	1
Terrestrial regional/local radio broadcasting	219	3	10
Terrestrial national radio broadcasting	2	0	0
Terrestrial national digital radio broadcasting	12	2	0
Terrestrial regional/local TV broadcasting	35	1	0
Terrestrial national TV broadcasting	30	4	5
Special broadcasting systems TV broadcasting	70	20	4

Detailed review of misdemeanors decided by the Council for Radio and Television Broadcasting

Date	Company	Case	Decision
12.1.2018	Studio Moderna	Hair Grow Max/Teleshopping/Nova Cinema – deceiving advertising	reprimand
15.1.2018	iDST	Infochannel Měříň/ licence violation	fine CZK 20 000
23.1.2018	Grepa Networks	unlicensed broadcasting	fine
31.1.2018	HC Kabel	licence violation	decided, penalty waived
1.2.2018	TV Nova	promotion of erection supplement before 22:00	decided, penalty waived
7.2.2018	SVUS Pharma	pretending of false effects of food supplement	fine CZK 50 000
20.2.2018	AIDEM&TV school	not reporting change of board members	fine CZK 10 000
23.2.2018	Vetrisol	missing statement „food supplement“	reprimand
23.2.2018	Swiss Pharmac. Investments	pretending of false effects of food supplement	fine CZK 600 000
5.3.2018	Sazka (lottery)	missing statement about dangerous of gambling	fine CZK 100 000
5.3.2018	Sazka (lottery)	missing statement about dangerous of gambling	fine CZK 100 000
5.3.2018	HC Kabel	bad quality of broadcasting	decided, penalty waived
5.3.2018	S&P Broadcasting	not providing of broadcasting recording	decided, penalty waived
5.3.2018	S&P Broadcasting	not providing of broadcasting recording	decided, penalty waived
12.3.2018	Loterie Korunka	breaching of moral principles	fine CZK 50 000
14.3.2018	Magical Roof	dishonest business practice	fine CZK 200 000
23.3.2018	Telemedia Inter-acTV	dishonest business practice	reprimand
28.3.2018	Česká lékárna holding	dishonest business practice	reprimand
28.3.2018	Saluterm Pharma	dishonest business practice	reprimand
29.3.2018	Jankar Profi	misleading pretending of effects of food supplement	reprimand
29.3.2018	Patron ca	missing statement „food supplement“	reprimand
11.5.2018	Central European Stone Trade Enterprise	dishonest business practice	fine CZK 500 000
11.5.2018	Central European Stone Trade Enterprise	dishonest business practice	fine CZK 500 000

Date	Company	Case	Decision
21.5.2018	S&P Broadcasting	European Production Quotas, refuse of explanation	fine CZK 5 000
26.6.2018	Swiss Pharmac. Investments	pretending of false effects of food supplement	reprimand
3.7.2018	Barrandov TÖRVÉNY	illegal hidden advertising	decided, penalty waived
3.7.2018	Saturn Holešov	Infokanál Boršice – missing logo	decided, penalty waived
16.7.2018	Saturn Holešov	Infokanál Boršice, providing program in the wrong technical quality	fine CZK 10 000
3.8.2018	Magical Roof	JOJ Family TV – European Production Quotas	fine CZK 5 000
6.8.2018	Onapharm	Prima Love TV – misleading pretending of effects of food supplement	fine CZK 10 000
15.8.2020	Celmar Media	teleshopping – not providing of the clinical study	fine CZK 20 000
17.8.2018	Vitabalans CZ	Prima TV – missing statement „food supplement“	fine CZK 10 000
17.8.2018	Terezia company	Nova TV – missing statement „food supplement“	fine CZK 10 000
3.9.2018	Mediashop Holding	teleshopping Nova – dishonest business practice	reprimand
14.9.2018	Provizi	refuse of explanation	fine CZK 5 000
14.9.2018	Provizi	refuse of explanation	fine CZK 5 000
3.10.2018	Vetrisol	misleading pretending of effects of food supplement	fine CZK 1 000
9.10.2018	S&P Broadcasting	European Production Quotas, refuse of explanation	fine CZK 5 000
19.10.2018	Mountfield	dishonest business practice	fine CZK 300 000
13.11.2018	Šlágr TV	unauthorized broadcasting in HbbTV system	fine CZK 300 000
20.11.2018	Telemedia InteracTV	refusal of explanation	fine CZK 5 000
20.11.2018	Telemedia InteracTV	refusal of explanation	fine CZK 5 000
20.11.2018	Telemedia InteracTV	refusal of explanation	fine CZK 5 000
18.12.2018	S&P Broadcasting	European Production Quotas, refuse of explanation	fine CZK 5 000
18.12.2018	Jankar Profi	Šlágr TV – missing statement „food supplement“	fine CZK 10 000
19.12.2018	Docendo	Rebel TV – dishonest business practice	fine CZK 200 000
7.1.2019	Katro Servis	Infokanál Lávov – providing program in the wrong technical quality	decided, penalty waived

Date	Company	Case	Decision
7.1.2019	Katro Servis	licence violation	decided, penalty waived
10.1.2019	White Elephant	Šlágr TV – missing statement „food supplement“	reprimand
22.1.2019	Luxdator	not providing requested information about the producer of advertisement	fine CZK 1 000
23.1.2019	Mediashop Holding	Livingston Prime – misleading and dishonest practice	fine CZK 100 000
24.1.2019	Emporia Style	pretending of false medical effects of food supplement, missing statement „food supplement“	fine CZK 750 000
7.2.2019	Katro Servis	not providing legal information	decided, penalty waived
8.2.2019	Telemedia InteracTV	refusal of explanation	fine CZK 5 000
15.2.2019	Magical Roof	JOJ Family TV – licence violation	decided, penalty waived
21.2.2019	Vědmy	dishonest advertising, false medical recommendations	fine CZK 500 000
6.3.2019	Magical Roof	JOJ Family TV – refusal of explanation	fine CZK 5 000
19.3.2019	Telemedia InteracTV	dishonest business practice, telemarketing	fine CZK 250 000
26.3.2019	Luxdator	dishonest business practice	reprimand
29.3.2019	AMC Networks Central Europe	promotion of erection supplement before 22:00	fine CZK 250 000
18.4.2019	Telemedia InteracTV	dishonest business practice	reprimand
18.4.2019	Telemedia InteracTV	breaching of moral principles	reprimand
18.4.2019	Telemedia InteracTV	dishonest business practice	reprimand
30.4.2019	AIDEM&TV school	licence violation	fine CZK 10 000
3.5.2019	Barrandov TÖRVÉNY	health threat from advertising	fine CZK 200 000
23.5.2019	Barrandov TÖRVÉNY	violation of objectivity and impartiality	fine CZK 200 000
27.6.2019	Barrandov TÖRVÉNY	violation of licence, not broadcasting of news	decided, penalty waived
16.7.2019	Naturprodukt CZ	pretending of false effects of food supplement	decided, penalty waived
17.7.2019	Katro Servis	not recording of broadcasting	fine CZK 5 000
17.7.2019	Katro Servis	licence violation	fine CZK 20 000

Date	Company	Case	Decision
22.7.2019	Magical Roof	not providing evidence on European programs	decided, penalty waived
23.7.2019	3C	not providing of broadcasting recording	fine CZK 5 000
9.8.2019	Doneal	JOJ Cinema, not providing of program recordings	decided, penalty waived
20.8.2019	Teva Pharmaceuticals	pretending of medical effects of food supplement	reprimand
20.8.2019	Katro Servis	bad quality of recordings provided to the Council	fine CZK 10 000
20.8.2019	Barrandov TÖRVÉNY	not providing subtitles for hearing-impaired	decided, penalty waived
26.8.2019	J.D.Production	transfer of share of the company without permission	fine CZK 50 000
2.9.2019	Jankar Profi	pretending of false effects of food supplement	fine CZK 80 000
2.9.2019	Česká muzika	Šlágr TV – not providing of program recordings	decided, penalty waived
9.9.2019	Barrandov TÖRVÉNY	Kauzy JS – violation of objectivity and impartiality	fine CZK 400 000
23.9.2019	Biopol GN	missing statement „food supplement“	reprimand
17.10.2019	MWE Networks	not providing evidence on European programs	fine CZK 10 000
8.11.2019	White Elephant	pretending of medical effects of food supplement	fine CZK 10 000
10.11.2019	Magical Roof	not providing of broadcasting recording	fine CZK 200 000
25.11.2019	Billa	misleading dishonest advertisement	reprimand
27.11.2019	NWE Networks	not providing of broadcasting recording	fine CZK 5 000
28.11.2019	Eva Sojková	missing statement „food supplement“	decided, penalty waived
4.12.2019	Doneal	not providing of broadcasting recording	fine CZK 50 000
4.12.2019	TV Osoblaha	not providing information on media literacy support	fine CZK 5 000
4.12.2019	AIDEM&TV school	not providing information on media literacy support	fine CZK 5 000
4.12.2019	James Dean	not providing information on media literacy support	fine CZK 5 000
14.1.2020	Biopol GN	missing statement „food supplement“ TV Nova Cinema	reprimand
14.1.2020	Biopol GN	missing statement „food supplement“ TV Nova	reprimand
17.1.2020	Fortuna SK	missing statement about dangerous of gambling – TV Sport 2	reprimand

Date	Company	Case	Decision
24.1.2020	Emporia Style	pretending of false medical effects of food supplement, missing statement „food supplement“ – TV Barrandov	fine CZK 150 000
24.1.2020	Emporia Style	dishonest business practice – TV Barrandov	fine CZK 200 000
24.1.2020	TV Barrandov	violation of objectivity and impartiality – reporting on J. C. Decaux	fine CZK 200 000
27.1.2020	Fortuna SK	missing statement about dangerous of gambling – TV Sport 1	reprimand
29.1.2020	Šlágr TV	not providing requested information about the producer of advertisement	fine CZK 5 000
29.1.2020	TV Barrandov	violation of objectivity in news	fine CZK 250 000
11.3.2020	TV Barrandov	pretending of false medical effects – TV Barrandov	fine CZK 250 001
16.3.2020	Bella Salute	missing statement „food supplement“ TV Nova	decided, penalty waived
18.5.2020	AMC Networks Central Europe	broadcasting of program improper for youth in the daytime	fine CZK 100 000
18.5.2020	AMC Networks Central Europe	broadcasting of program improper for youth in the daytime	fine CZK 150 000
22.5.2020	Emporia Style	pretending of false medical effects of food supplement, missing statement „food supplement“ – Kino Barrandov / Klenot TV	fine CZK 100 000
22.5.2020	Emporia Style	dishonest business practice – Kino Barrandov / Klenot TV	fine CZK 100 000
22.5.2020	Emporia Style	pretending of false medical effects – Klenot TV	reprimand
2.9.2020	Emporia Style	dishonest business practice – TV Kino Barrandov / Klenot TV	fine CZK 100 000
15.9.2020	Magical Roof	JOJ Family TV – refusal of explanation	fine CZK 5 000
18.9.2020	TV Barrandov	not providing subtitles for hearing-impaired	fine CZK 50 000
20.9.2020	Hudební televize	not providing requested information	decided, penalty waived
19.10.2020	Plzeňský prazdroj – Pilsner Urquell	pretending of positive effects of alcohol consumption	reprimand
20.10.2020	Palírna u zeleného stromu (destilery)	promoting drinking of vodka as a way to social success	fine CZK 100 000
21.10.2020	Seven Sport	pretending that driving motor bike on the back wheel only is safe	reprimand
30.10.2020	Magical Roof	JOJ Family TV – improper evidence on European programs	fine CZK 50 000

Date	Company	Case	Decision
2.11.2020	O2 TÖRVÉNY	not providing information on media literacy support	decided, penalty waived
11.11.2020	AIDEM&TV school	not providing information on media literacy support	fine CZK 10 000
11.11.2020	James Dean	not providing information on media literacy support	fine CZK 10 001
24.11.2020	White Elephant	pretending of medical effects of food supplement	fine CZK 100 000
18.12.2020	AMC Networks Central Europe	broadcasting of teasers with extremely violent content during the daytime	fine CZK 500 001

License tenders

2018

1. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Domažlice–Vavřinec 103.0 MHz / 100 W, Karlovy Vary–housing estate 105.0 MHz / 200 W, Plzeň–stadium 103.0 MHz / 200 W, Tachov 105.6 MHz / 200 W and Železná Ruda–město 105.6 MHz / 25 W sp.zn. RRTV / 2018/425 /zab with a deadline for delivery of the application to 6 December 2018.
2. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Jihlava–Holý vrch 96.2 MHz / 50 W and Liberec–město 94.1 MHz / 200 W file no. RRTV / 2018/278 /zab with a deadline for delivery of the application by 25 September 2018.
3. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Hodonín–Doly 101.6 MHz / 100 W file no. RRTV / 2017/1095 /zab with a deadline for delivery of the application by 30 May 2018.
4. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Zlín 101.2 MHz / 100 W file no. RRTV / 2018/163 /zab with a deadline for delivery of the application by 28 March 2018.
5. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Mokrý 89.2 MHz / 50 W file no. RRTV / 2018/161 / ab with a deadline for delivery of the application by 28 March.

2019

1. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Mariánské Lázně–město 98.8 MHz / 200 W, Prachatic–město 107.9 MHz / 100 W, Bruntál–město 107.5 MHz / 100 W and Litomyšl 93.5 MHz /100 W file no. RRTV / 2019/78 /zab with a deadline for delivery of the application by 30 December 2019
2. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters České Budějovice 100.2 MHz / 100 W and Liberec–město 98.7 MHz /100 W file no. RRTV / 2019/13 /zab with a deadline for delivery of the application to 18 September 2019.
3. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters České Budějovice 100.8 MHz /200 W file no. RRTV / 2019/186 /zab with a deadline for delivery of the application to 22 August 2019.
4. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Luže 93.2 MHz / 100 W file no. RRTV / 2019/451 /zab with a deadline for delivery of the application to 8 August 2019.
5. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Náchod 99.7 MHz / 100 W file no. RRTV / 2019/341 /zab with a deadline for delivery of the application to 8 August 2019.
6. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Kroměříž–město 99.9 MHz / 50 W file no. RRTV / 2019/243 /zab with a deadline for delivery of the application to 8 August 2019.
7. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Radejčín 91.8 MHz / 50 W and Řehlovice 88.4 MHz /100 W file no. RRTV / 2018/976 / zab with a deadline for delivery of the application to 27 June 2019.
8. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Boskovice 101.1 MHz / 200 W, Břeclav 92.4 MHz / 50 W, Domažlice–Vavřinec 90.8 MHz / 200 W, Hodonín–doly 92, 2 MHz / 50 W, Nový Jičín–silo 107.7 MHz / 100 W, Slavíč 94.6 MHz / 200 W, Velké Meziříčí 91.6 MHz / 100 W, Žďár nad Sázavou 91.9 MHz /100 W file no. RRTV / 2018/270 / zab with a deadline for delivery of the application by 23 May 2019.
9. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Mikulov 94.2 MHz /50 W file no. RRTV / 2018/1121 /zab with a deadline for delivery of the application to 6 March 2019

2020

1. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Šumperk – Kolšov 107.6 MHz /500 W file no. RRTV / 2020/731 /zab with a deadline for delivery of the application by 10 December 2020.
2. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Vsetín 106.7 MHz /100 W file no. RRTV / 2018/883 /zab with a deadline for delivery of the application by 24 November 2020.
3. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Olomouc–Slavonín 92.0 MHz / 50 W file no. RRTV /2020/183 / zab with a deadline for delivery of the application by 24 November 2020.
4. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Blansko–město 101.6 MHz / 50 W, Děčín–Letná 96.7 MHz /100 W, Ústí nad Orlicí 101.3 MHz / 50 W, Pelhřimov 88.3 MHz /100 W sp.zn. RRTV /2020/218 /zab with a deadline for delivery of the application by 24 November 2020.
5. Licensing procedure for granting a license to operate radio broadcasting via terrestrial transmitters with a set of technical parameters Písek–město 92.2 MHz / 100 W file no. RRTV /2019/775/zab with a deadline for delivery of the application by 27 May 2020.

Elaborating the decisions

There are several conclusions from the decisions of the regulator:

1. No public stations were subject of Council's proceedings in 2018 – 2019. (The last proceeding of Czech TV was in 2016. It was only one in that year. In 2015 there were two proceedings of Czech TV).
2. The biggest tv stations TV Nova and TV Prima were not matter of Council's proceeding in 2018–2019 as well. And previous proceedings were rare in 2016 and 2017.
3. Most of Council's proceedings deals with pure formal matters as not providing program recordings, small license violations etc.
4. Only in case of TV Barrandov there were proceedings concerning violation of objectivity and impartiality and missing of news program. But even in this case it was only individual fault.
5. It may be concluded that the Council doesn't interfere in programs of main TV stations and that for doesn't influence it.
6. Concerning tenders for broadcasting, in observed years only tenders for non-important local radio frequencies were announced.

7. Special monitoring and analyses of national broadcasting before 2019 European Parliament elections found no important imperfections in programs as discriminating or preferential treatments of some candidates or political parties nor the violation of the law. Those imperfections discovered were assessed as technical or formal.

8. In 2020, the Council states in its annual report that both activity of the Council and broadcasting of radio and TV organizations were effected by the Covid-19 pandemic. Increased interest as well as disappointment with traditional media did led to an increased interest of "alternative" sources of information which included disinformation outlets. The Council analysed special Covid-19 news coverage and concluded that it was well-balanced – no government or opposition politicians were privileged.

Relevant sources

PSM WEB SITES

<https://www.ceskatelevize.cz>

<https://portal.rozhlas.cz>

ASSOCIATIONS

Association of TV Organizations (ATO)

www.ato.cz

Association of Radio Broadcasters (ARO)

<https://www.radiotv.cz/tag/aro/>

MARKET REGULATOR

RRTV – Radio and TV Broadcasting Council

<https://www.rrtv.cz/en/>

LEGAL DOCUMENTS

Bill on the Czech TV

<https://www.ceskatelevize.cz/english/act-on-czech-television/>

Bill on the Czech Radio

<https://rada.rozhlas.cz/sites/default/files/documents/03399575.pdf>

Bill on Radio and TV Broadcasting

<https://www.rrtv.cz/en/static/documents/act-231-2001/Act-on-RTV-broadcasting-reflecting-AVMSD.pdf>

Bill on Advertising Regulations

<https://www.tobaccocontrolaws.org/files/live/Czech%20Republic/Czech%20Republic%20-%20Act%20No.%2040-1995%20on%20Ads%20.pdf>



HUNGARY

LEGAL FRAMEWORK – THE MEDIA COUNCIL

Media laws from 2010

The adoption of the new media laws in 2010 not only laid the foundation for the complete overhaul of the Hungarian media system but at once represented one of the current administration's first measures to scale back constitutional democracy. Fitting in comfortably with the broader arsenal of media policy, the new regulation provides a clear-cut picture of the way the government conceives of democracy. First and foremost, the new regulation is aimed at a structural revamping of the media system in such a way as to cement for the long haul the dominance of the current ruling parties in the public domain, at the very least on the channels of telecommunication that reach the most people in the country. Enterprises and editorial boards forced into compromise; single-party supervisory agencies; media businesses with close ties to the parties in power gaining ground – these are some of the main consequences of the media policy enabled by the new regulatory framework.

At the same time, the adoption of the new media laws has directed the attention of Europe and the world at large to the ongoing marginalization of constitutional democracy in Hungary. From the OSCE to the UN and the European Council, virtually all organizations concerned with fundamental rights have voiced severe criticism over the regulation, and their objections have been seconded by journalist forums and other NGOs.¹ The most comprehensive among them is certainly the expert opinion of the European Council, which essentially recommends a revision of the media laws across the board. Instead of such a summary, then, our aim here is to describe certain idiosyncratic, even eccentric solutions, now aided by the benefit of experience with the application of the new provisions.

¹ See generally: Mérték Media Monitor *Forced Maneuver: Proposals and Expectations toward the Amendment of the Media Act* (2012) mertek.eu/en/article/forced-maneuver-proposals-and-expectations-toward-the-amendment-of-the-media-act.

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Following an analysis of the constitutional underpinnings of the media regulation, we will provide a brief introduction to the specific features of the Hungarian media system, which exert a profound influence of the operation of the new provisions. In our account, we focus on the two most prominent risks that follow from the language of the law, namely the chilling effect of excessive content restrictions and the structural revisions threatening the pluralism of media in Hungary.

The Hungarian regulatory body

The National Media and Infocommunications Authority (Nemzeti Média és Hírközlési Hatóság, NMHH) is a convergent authority, which handles as regulator of the telecommunications and media markets within a single body. Its competences comprise all regulatory issues regarding the telecommunication and the media field, both infrastructure and content. Media Council is part of the NMHH, it has a distinct scope of authority to render decisions and also has a partly distinct apparatus at its disposal. The president of the NMHH is the president of the Media Council at once. The NMHH's president became automatically nominated for the office of chairperson of the Media Council at the time of appointment. The president is authorised to decide alone in telecommunications issues, and he/she is the leader of the Media Council. Being in charge of appointing and relieving of duty the organization of the Media Council and the executive director of the Media Support and Asset Management Fund (MTVA), the president dominates the entire process of preparing for decisions and influences directly the function of the public service broadcasting. Media Council decides as a body, with one vote of all members. Within the NMHH, its Office is also entitled to make decisions in certain telecommunications and media issues.

There are several self-regulatory bodies in Hungary that comprise media service providers. Representative of journalists are the Association of Hungarian Journalists (Magyar Újságírók Szövetsége) the Community of Hungarian Journalists and the Association of Hungarian Catholic Journalists. They have a common ethical codex, but they do not represent all of the Hungarian journalists. Representative of the media undertakings in specific media fields are Hungarian Publisher's Association (Magyar Lapkiadók Egyesülete), the Association of Hungarian Content Providers (Magyar Tartalomszolgáltatók Egyesülete), the Association of Hungarian Electronic Broadcasters (Magyar Elektronikus Médiaszolgáltatók Egyesülete) and the Advertising Self Regulatory Board (Önszabályozó Reklámtanárság); they have regulatory issues within the co-regulation system (see below). A special self-regulatory organisation is the *Forum of Editors-in-Chiefs* (Főszerkesztők Fóruma), composed of editor-in-chiefs of leading media outlets of all media types, which also boasts its own ethics codex. In spite of the diversity of self-regulatory bodies there are no common ethical norms and practices, the influence of the self-regulation on the journalistic activity is weak.

The media law has established a specific co-regulation system as an alternative to official control. This way, the legislator and the regulatory body could moderate the constitutional and international law risks of the strong regulation of all media contents, but in the same time they could ensure the execution of the criticized laws. There was no public debate on the necessity and the form of co-regulation, alike other parts of the media laws from 2010. Excepting television and radio media services, the law made it possible for the operators of the media market to implement the regulations concerning media content within the framework of self-regulatory bodies with an exclusive legal power. According

to the law the Media Council shall have the authority to conclude an administrative agreement with the self-regulatory bodies. Based on the agreement the self-regulatory body performs specific tasks related to the scope of official authority, media administration and media policy. The official scope of the self-regulatory bodies extend to the assessment of complaints concerning the activities of the service providers, the settlement of debates between media enterprises and the supervision of the operation of the service providers. The procedure on the part of the self-regulatory body has priority over the administrative procedure of the Media Council. The law emphasises that the self-regulatory body does not have administrative authority.

The election of the Media Council's president

The president of the NMHH is the president of the Media Council at once. According to the original rules of the media act, the NMHH's president, who was appointed by the Prime Minister, became automatically nominated for the office of chairperson of the Media Council at the time of appointment.* In 2013 the parliament modified the rules of the election. The objective of the amendment was to enshrine into law the terms of the agreement between the Council of Europe and the Hungarian government. Said agreement aimed to bring some critical aspects of the Hungarian media laws in line with the expectations put forth by the Council of Europe. According to the amendment the president of the NMHH is appointed by the State President, the Prime Minister maintains the right of nomination. A crucial element of the agreement and the resulting March amendment was the adoption of more rigorous professional selection criteria vis-à-vis potential candidates for the NMHH presidency. The amendment, which had been drafted in consultation with the Council of Europe, formulated strict criteria regarding the Authority's president. In addition to a higher education degree in either law, economics or the social sciences, a candidate must also have at least five years of experience "connected to the public oversight of media services or press products or the public oversight of infocommunications", or, alternatively, must have a scientific degree related to media or infocommunications and at least ten years of experience in higher education.

The NMHH's president, Annamária Szalai, who had been appointed for a nine-year term in 2010, passed away in April 2013. Thus commenced the search for a new NMHH president, who has to meet the recently narrowed professional requirements set out in the law and needs to be appointed by the president of the republic pursuant to a corresponding proposal by the prime minister. The Council of Europe also looked to the government to provide for the involvement of civil and professional organisations in the selection process. The law does indeed contain corresponding provisions, though pursuant to its text, the prime minister merely needs to "consider" the suggestions of these organisations, and is not in any shape or form bound by them. A serious deficiency of the effective regulations is that they fail to specify a final deadline for the nomination process. This deficiency gave rise to the very possibility of the currently prevailing scenario, wherein several organisations thusly authorised by the law have suggested candidates who meet the professional criteria required by the pertinent legislation, while the prime minister has to this day failed to satisfy his obligation of nominating a candidate.

* Mttv, para 125 (1). Because the two posts are indeed filled by one and the same person, for the sake of simplicity hereafter we will refer to both as 'president', whether the president of the media authority or the chairperson of the Media Council is meant.

In 2013, the parliament finally elected Mónika Karas, a lawyer from a media company close to Fidesz, as its president, whose mandate expires in 2022.

The election of the Media Council's members

The four members of the Media Council are nominated by an ad hoc parliamentary committee², this composed of members with a voting power commensurable with the number of members in the respective parliamentary faction that elected them in turn. In the first round, members are nominated to the Media Council by a unanimous vote of the nominations committee. If a unanimous decision is unavailable, candidates are nominated by a two-third majority of the weighted votes in the second round.

This goes to show that, whenever the ruling parties hold a two-third majority in Parliament – which is the case as we speak —, the nomination and election of members to the Media Council can be accomplished without any contribution by the political opposition or any other social group. A two-third majority in Parliament is obviously an exception to the general rule, but it is an exception that happened to obtain at the time these provisions were adopted. This circumstance must not be disregarded in assessing the new regulation, if only because the Media Act was passed by the same parliamentary majority that became the beneficiary of its application.³ In the specific case at hand, there was very little chance that the five parliamentary parties would be able to agree on four nominations by a unanimous vote. As expected, the ruling party went on to exclusively support its own nominees in the second round, who were then duly voted into office by the same two-third majority. Another example of abusing the two-third majority is the provision that, whenever Parliament fails to elect a new president to the helm of the Media Council, automatically extends the mandate of the incumbent president until such time as a new president is elected.⁴

Yet even if Parliament succeeded in agreeing on nominees by a unanimous vote, the fact should be borne in mind that the Media Council always remains free to make its own discretionary decisions by a simple majority.⁵ For all intents and purposes, no nomination procedure is conceivable today without the ruling parties nominating at least two out of the four members. Along with the president of the Media Council, who is nominated by the Prime Minister, ruling-party delegates are guaranteed to hold a majority. This represents a major setback compared to the former regulations which ensured the right of each parliamentary faction to independently nominate a member, while the votes by the members of the authority were always distributed evenly among ruling-party and opposition nominees, regardless of the number of the members. The president of the predecessor authority would be nominated jointly by the Prime Minister and the President of the Republic, which arrangement alone meant a more solid protection of autonomy, not to mention the fact that the president did not use to have a voting right in the most important matters pertaining to market entry.

Another reason why the nomination of the president of the Media Council by the Prime Minister is cause for concern has to do with the rather broad scope of powers with which the president is vested. Being single-handedly in charge of appointing and relieving of duty, without explanation, the organization of the Media Council and the executive director of the Media Support and Asset Management Fund (MTVA), the president holds direct sway over the entire process of preparing for decisions. In effect, the actual decision after that comes down to a choice among alternatives presented by the organization.⁶

Equally problematic from the point of view of media freedom is the nine-year term for which members of the media supervisory agencies are appointed. The constitutional mission of these agencies is to represent social diversity in their decisions pertaining to the media. Social diversity, however, is not a static fact but a dynamic attribute in constant flux. The excessively long term of appointment increases the risk of perpetuating in media-related decisions a momentary stratification of society that will not reflect actual conditions of diversity in the more distant future. Unlike with such public law institutions as the Constitutional Court or the State Audit Office, the term of appointment to institutions overseeing commercial and public media should be defined in such a way as to ensure independence from the prevailing government majority as well as respect for the criteria of representing actual diversity. Moreover, the term of the appointment will fail to guarantee even a semblance of independence when incumbent officials can be reelected, as both the members and the president of the Media Council certainly can pursuant to the Media Act.⁷

All these practical concerns could hardly be dispelled by formal safeguards, for instance by having the law provide that the Media Council and its members are not subordinated to any authority except that of the law, and shall not be instructed within their official capacity.⁸ Even if the Constitutional Court's pertinent opinion as quoted in point 1.2.2. cannot be controverted academically, it can be said with certainty that a solution must exist for nominating and electing council members in such a way as to remove them further out of reach of any political party affiliation. For example, extending the right of nomination to more organizations could be instrumental in reducing the direct influence of the National Assembly and the Government on media content.⁹

In March 2013, the Parliament modified the rules on nominating the NMHH's president. The objective of the March amendment was to enshrine into law the terms of the agreement between the Council of Europe and the Hungarian government. Said agreement aimed to bring some critical aspects of the Hungarian media laws in line with the expectations put forth by the Council of Europe. A crucial element of the agreement and the resulting March amendment was the adoption of more rigorous professional selection criteria vis-à-vis potential candidates for the NMHH presidency. The amendment, which had been drafted in consultation with the Council of Europe, formulated strict criteria re-

² Mttv. Section 124.

³ The European Council has more than once pointed out that the stipulation of the two-third majority vote in itself is insufficient to ensure that the freedom of the media will be upheld, either in the enactment of media laws or in the process of electing members to the relevant bodies. Instead, the European Council recommends that Hungary develop solutions that presuppose a genuine cooperation and consensus between the ruling parties and the opposition.

⁴ Mttv. Section 216 (8)

⁵ Mttv. Section 144 (4)

⁶ Mttv. Section 115

⁷ Mttv. Section 125

⁸ Mttv. Section 123

⁹ As proposed by the expertise of the European Council. E Salomon and J Barata *Expertise by Council of Europe. Experts on Hungarian Media Legislation: Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content and Act CLXXXV of 2010 on Media Services and Mass Media* (2012) <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168048c26f>

garding the Authority's president. In addition to a higher education degree in either law, economics or the social sciences, a candidate must also have at least five years of experience "connected to the public oversight of media services or press products or the public oversight of infocommunications", or, alternatively, must have a scientific degree related to media or infocommunications and at least ten years of experience in higher education.

In July 2013, the Hungarian Parliament adopted again an amendment of the rules for nominating and appointing the president of the NMHH. The amendment softened the professional criteria applicable to the selection of the NMHH's president. This has significantly expanded the range of potential candidates.

In 2019, Fidesz for the first time prevented the Parliament from appointing new members to replace the expiring members of the Media Council: the Fidesz parliamentary group did not nominate a candidate in the election procedure, thus making the whole procedure impossible. In December 2019, however, Fidesz followed the same procedure as in 2010: it did not vote for the opposition candidates in the first round of nominations - this time the opposition parties agreed on the candidates - and voted only for its own candidates in the second round. This is how a former Fidesz parliamentary and municipal representative and the former secretary of the Fidesz parliamentary president were elected to the Media Council. None of the members of the Media Council has any real professional experience, and the independence of the board is still not guaranteed.

According to the law, NMHH covers its expenses related its functions from its own revenues and budgetary contributions. The NMHH's consolidated budget shall be approved by Parliament in a separate act. The own revenues of the NMHH comprise a percentage of the frequency fees, the fees charged for the reservation and use of identifiers and for official proceedings, and the supervision fees. Providers of electronic communications services and postal services have to pay supervision fees. The amount of these incomes depends on the current activity of the authority, for example in connection with frequency tendering. The president is entitled to restructure the resources between the approved allotment accounts of the integrated budget.

The Media Council enjoys financial independence. Parliament approves the Media Council's budget as part of the NMHH's integrated budget. The Media Council shall be entitled to restructure the resources between the approved allotment accounts. The Media Council's support in 2018 was 24 billion forints (71 million Euro). The budget was 76 million Euro in 2019 and 74 million Euro in 2020.

A specific part of the financing of the authority is the Media Service Support and Asset Management Fund (Médiaszolgáltatás-támogató és Vagyonkezelő Alap, MTVA). According to the law, MTVA is a trust and monetary fund appropriated to provide support for the structural transformation of public media services, the Public Service Foundation, community media services and the public media service provider, the production and production support of public service programs, supporting cinematographic works primarily intended for showing in cinemas as well as contemporary musical works. The role of MTVA regarding the Hungarian public service media is analysed in Chapter Public Service Media – Hungary. So MTVA is part of the budget of NMHH, but the biggest part of MTVA's budget provides the financing of public service media, without any consideration of the authority. The other part of the budget of MTVA, support for program production, is provided for by way of public tender procedures, where Media Council is the decision maker.

Monitoring and sanctioning competences of the Media Council

The regulator conducts monitoring of the services itself and initiates control process according to the complaints by the public. The Media Council operates a program monitoring and analysing service via the office.¹⁰ The Media Council publishes in advance the annual market control plan, which contents topics and types of services covered by systematic monitoring activities. The monitoring process could be started by the Media Council outside the published surveillance plan. In recent years wasn't typify the indiscriminate monitoring techniques in the monitoring activity of the regulator.

Sanctions that can be used against products of the press and the prospective fines are still factors capable of making the operation of the certain press product impossible. The most serious sanction against dailies and online press products is a fine in the amount of 25 million forints. Audiovisual service providers can be punished by the withdrawal of its licence; the highest amount of the fine against these providers is 200 million forints in the case of a broadcaster with significant powers of influence, and 50 million forints in other cases.¹¹ The detailed rules – differentiated by the type of media – are the following:

The Media Council and its office may impose the following legal sanctions:

- α) exclude the infringer from participating in the tender procedures published by the Fund for a fixed period of time;
- β) impose a fine on the infringer subject to the following limits:
 - in case of infringement by an so called linear audiovisual media service providers with significant powers¹² media service providers or a media service provider to whom the regulations on the limitation of media market concentration apply, the fine is of an amount up to 200 million forints,
 - in case of infringement by another media service providers, the fine is of an amount up to 50 million forints,
 - in case of a newspaper of nation-wide distribution, the fine is of an amount up to 25 million forints,

¹⁰ Mttv. Section 132 d)

¹¹ Mttv. Sections 185-187.

¹² SPI media service provider mean any linear audiovisual media service provider and linear radio media service provider with an average annual audience share of at least fifteen percent, provided that the average annual audience share of at least one media service they provide reaches three percent (Mttv. Section 69).

in case of a weekly periodical of nation-wide distribution, the fine is of an amount up to 10 million forints,

- in case of other newspaper or weekly newspaper or periodical, the fine is of an amount up to 5 million forints,
 - in case of an online press product, the fine is of an amount up to 25 million forints,
 - in case of a broadcaster, the fine is an amount up to 5 million forints,
 - in case of an intermediary service provider, the fine shall be of an amount up to 3 million forints;
- χ) the infringer may be ordered to publish a notice or the resolution on the home page of its website, in a press product or in a designated program in the manner and for the period of time specified in the resolution;
- δ) suspend the exercise of the right to provide media services for a specific period of time, where:
- the period of suspension may last from fifteen minutes up to twenty-four hours,
 - the period of suspension in case of grave infringement may last from one hour up to forty-eight hours,
 - the period of suspension in case of repeated and grave infringement may last from three hours up to one week;
- ε) remove the media service from the register, in which the infringement was committed, and may terminate the public contract concluded for the right to provide media services with immediate effect on repeated grave infringement by the infringer. The media service stricken from the register may not be made accessible for the public once it was deleted.

Where the infringement is considered insignificant and no re-occurrence is established, the Media Council and/or its office establish the infringement and issue a warning, and may order the infringer to discontinue the unlawful conduct within a time limit of up to thirty days, to refrain from any further infringement in the future and act in a law-abiding manner, and may also set the conditions thereof.

In case of repeat offenders, the Media Council and its office have powers to impose a fine upon the executive officer of the infringing entity in an amount up to 2 million forints.

The severity of the sanction is of course influenced by other conditions of the sanctioning. Relating to this issue, the law includes some weak guarantees, such as the principle of gradualism and proportion,¹³ but the detailed rules are, in several points, unfinished and unrefined. In the meantime the Media Council introduced a practice according to which it strictly applies the principle of gradualism and it imposes the mildest sanction against every media service provider the first time they infringe regulations regardless of other infringements committed under the previous law. The Council largely ignores other aspects of sanctioning especially the seriousness of the infringement.

The Media Council's sanctions practice was initially characterised by warnings and minor fines, apart from a few instances when more substantial financial penalties were imposed - in response to violations of child protection rules.¹⁴ The reason for the mild punishments were basically the principle of gradualness, which was treated as a priority when applying sanctions, and the restrictive interpretation of the concept of a media outlet engaging in "repeated infringements" of the law. It emerged clearly from the Media Council's sanctions policy that starting in the summer of 2011 it opened a new chapter also in the context of media providers that have been operating in the Hungarian market for a long-time now, and had consequently likely received prior penalties. In assessing whether an infringement had occurred repeatedly, the Authority only referred to violations of the new law, even in cases when the rule in question had essentially remain unchanged as compared to the previously effective regulations. In determining its sanctions, the Media Council did not consider the penalties assessed by the previous media authority, that is the providers set out with a clean slate. By consistently following the principle of gradualness, the Authority has arrived at a point where fines - ranging in the amount of a few ten thousand forints all the way to 20 million - tend to predominate among the sanctions levied by the Authority. By the end of the period under investigation, two-thirds of the sanctions levied were fines. The Authority did not incorporate the new sanction instruments laid down in the media law into its practice, and it did not exercise its power of suspending providers' media service privileges.

A list of official decisions on media content is given in the Appendix to this chapter.

¹³ Mttv. Section 185 (2) and 187 (2)

Repeated infringement means when the infringer committed the unlawful conduct as established in the definitive official resolution on the same legal basis and in breach of the same provisions of legislation, in the same subject, repeatedly within 365 days, not including insignificant offenses (Mttv. Section 187 (4))

¹⁴ Krisztina NAGY / Zsófia LEHÓCZKI, A médiatartalomra vonatkozó előírások a Médiatanács gyakorlatában 2011-2013. In: Gábor POLYÁK / Erik USZKIEWICZ (eds.) Foglyul ejtett média. Médiapolitikai írások, Budapest 2014 105-148.

Annual report

According to the act the Media Council prepare an annual report for the Parliament on the operation of the Media Council and the office.¹⁵ In the act are detailed only the obligatory elements of the Media Council annual report. In this report shall evaluate: a) the state of the freedom of speech, expression and the press, as well as balanced information provision; b) changes in the ownership status of media service providers and media service distributors; c) the status of spectrum management serving to satisfy needs for media services; d) the economic situation and changes in the financial conditions of media services. The report is published both in printed format and on the websites of the Authority¹⁶ and the Ministry overseen by the Minister responsible for audiovisual policy.

The president of the Media Council has to submit also an other report to the Parliament to give account of the activities of the Authority during the previous year.¹⁷ In this report the President shall: a) evaluate the functioning and development of the electronic communications market; b) evaluate the decisions adopted in protection of the interests of providers and users of electronic communications services, as well as measures taken in the electronic communications sector to promote the development and maintenance of fair and effective competition; c) provide information on the supervision of compliance by entities and individuals engaged in electronic communications with applicable legislation; and d) evaluate the consequences of its management of state-owned limited resources. The report is published both in printed format and on the websites of the Authority¹⁸ and of the Ministry overseen by the Minister responsible for electronic communications.

¹⁵ Mttv. Section 133

¹⁶ http://mediatanacs.hu/tart/index/993/Orszaggyulesi_beszamolok

¹⁷ Mttv. Section 119

¹⁸ http://nmhh.hu/tart/index/1417/Orszaggyulesi_beszamolok

FREQUENCY TENDERS OF THE HUNGARIAN MEDIA COUNCIL, 2018-2021

General lessons of the frequency tenders

In our analysis, we looked at applications closed between January 2018 and April 2021. In this period, the Media Council closed a total of 77 tenders. A further 21 procedures were ongoing at the time of the closure of the manuscript.

Out of the 77 procedures, the Media Council launched 44 tenders for community media rights and 33 for commercial rights. While according to the law, a community media service provider serves the special needs of a specific social, national, cultural or religious community or group, or of people living in a particular municipality, region or reception area for information or access to cultural programmes, or broadcasts programmes serving the purposes of public service media services for the majority of its broadcasting time (Section 66 of the Mttv.).

Before 2010, community broadcasters were indeed local operators that offered content specific to a community, but after 2010, this legal category became empty and was primarily used to build national radio networks with political and religious themes. Until 2015, Lánchíd Rádió, owned by Lajos Simicska, expanded as a community radio station, and this legal form is used by Catholic Radio, Maria Radio and Radio Europe to build religious radio networks. The basic reason why political talk radio is also attractive to community radio is that the law exempts community media service providers from paying the media service fee. Although social media operators are only allowed to publish 6 minutes of advertising per hour - compared to 12 minutes allowed in commercial media - this has no impact on the operation of the market, which is distorted by public advertising.

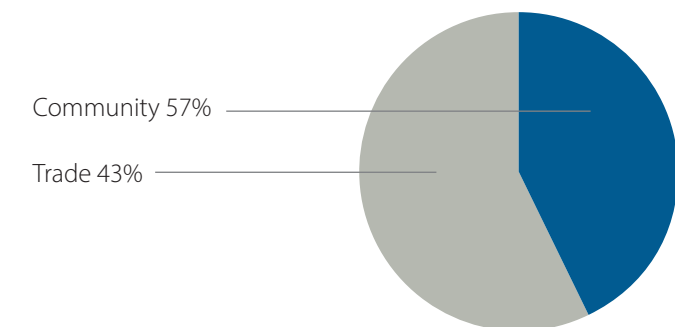


Figure 1: Proportion of commercial and community media service applications (2018.01-2021.04)

Commercial media service providers are required to pay a quarterly media service fee, the minimum amount of which is set out in the call for tenders for the frequency in question. The media service fee is a means of competition between bids in genuine competitive tendering procedures. The Media Act does not provide any criteria for determining the minimum level of the media service fee. In its calls for tenders, the Media Council basically adapts the minimum fee to the size of the coverage area. During the period under review, the lowest amount was HUF 102,000 + VAT (Szekszárd 91.1 MHz) and the highest amount was HUF 111,269,000 + VAT (Budapest 89.5 MHz); both tenders were won by the same network, Rádió 1.

One of the important legislative changes in the period under review was the relaxation of the rules on media concentration in the radio market (Section 71 of the Media Act). Previously, the same media service provider could be licensed to provide up to two regional and four local radio media services or twelve local radio media services. However, in 2019, the legislator amended the law and now a media service provider can be licensed to provide four regional and seven local or nineteen local radio media services. In this way, the legislator has allowed pro-FIDES radio networks to achieve virtually nationwide coverage.

Already in the first half of the 2010s, competition for radio frequencies has been declining significantly. In the period under review, 43 tenders - 55% of all tenders - were won by a single bidder, with an average of 1.6 bidders per tender. For the community radio frequencies, almost only Karc FM and religious-church radio networks competed. In total, there were five Community radio tenders in which bids were submitted by other operators. In these five cases, however, Karc FM and the religious-church radio stations did not participate. This presumably means that media operators are no longer considering these radio options, as they know in advance who will win.

The way in which the Media Council has dealt with competition is also noteworthy. Out of 30 competitive tenders, only six were not eliminated because of formal or substantive invalidity. In these six cases, the competition was for a Community media service and the Media Council's decision was in all cases based on the scores given to the subjective assessment of the programme schedule. This solution is not new either, and was a strong feature of the Media Council's entire operation, and even of the practice of the previous media authority, the National Radio and Television Board. It ultimately makes the whole tendering process arbitrary. On the other hand, the sheer number of formally¹⁹ or substantively²⁰ invalid tenders also raises fundamental questions about the transparency and fairness of the tendering process, and [an analysis of](#) past practice has also shown that the application of validity criteria can become quite discriminatory, precisely because of the narrowing of the criteria.

The tendering procedures clearly served the expansion of a narrow group of entrepreneurs and of specific worldviews. The period after 2017 followed in its entirety the tendering practice of 2010-2017, as analysed by the Mérték Media Analysis Workshop. The fact that the Media Council has had new members since December 2019 has not

¹⁹ According to the law, a tender is formally invalid if.

- a) the applicant does not meet the personal, participation and conflict of interest requirements set out in the Act,
- b) the tender was not submitted within the time, place, number of copies and in the manner specified in the invitation to tender,
- c) the application fee has not been paid on time,
- d) the tender does not comply with the formal validity criteria set out in the invitation to tender,
- e) does not contain or does not contain correctly the data listed as mandatory elements in the Act (Section 57 of the Mttv.).

²⁰ The tender is invalid if.

- a) it contains incomprehensible or contradictory or manifestly impossible commitments or conditions among the commitments indicated as evaluation criteria in the call for tenders, which prevent the proper evaluation of the tender,
- b) the tender contains, in the opinion of the Media Council, impossible, excessively high or low or manifestly disproportionate commitments, or contains manifestly irrational or unfounded commitments or conditions which contradict the facts and data available to the Media Council, and thus make it impossible to evaluate the tender in accordance with the criteria set out in the call for tenders,
- c) the tender is not suitable for achieving the objectives set out in this Act or in the call for tenders due to its unsubstantiated nature, or
- d) does not meet the content requirements set out in the call for tenders (Section 59 of the Mttv.).

brought any change in this. All the analyses of the previous period revealed a seriously biased tendering practice, which also homogenised the market for local radio stations to a large extent, replacing truly local media providers with a small number of national networks.

A quarter (24.4 percent) of the closed bids were won by the KESMA-affiliated pro-government political talk radio station Karc FM. The winner of 18 percent of the bids was Radio 1, another pro-government music radio network, while another 26 percent of the bids went to a religious-religious radio station. Catholic Radio received 12 frequencies, Maria Radio 5 and Reformed Radio Europe 2. The new pro-government music radio network Best FM acquired 4 frequencies, while KESMA-affiliated Gong Radio gained 3 frequencies in the same period, extending its network to a total of 7 cities. Only 15.4% of the applications - 12 frequencies - were won by applicants not belonging to any network.

Local radio stations are thus not primarily in the interests of the local community and local entrepreneurs, but rather the expansion of pro-government actors and the delivery of political and ideological content favoured by the governing parties to local communities, according to the Media Council's tendering practice.

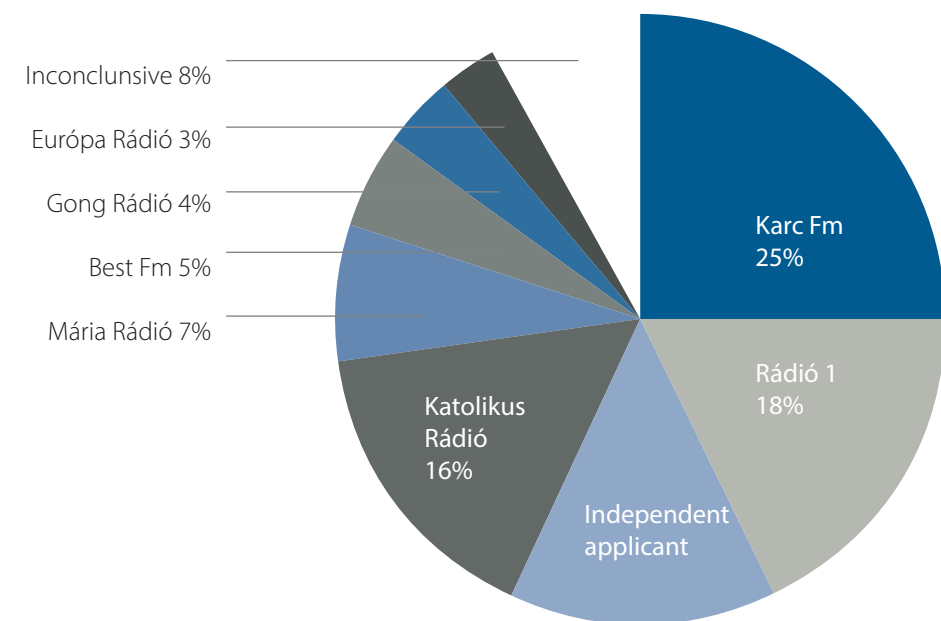


Figure 2: Distribution of application results (2018.01-2021.04)

Klubrádió

The most high-profile tender procedure in the period under review was the tender for the Budapest Klubrádió frequency. Even in the first half of the 2010s, Klubrádió was only able to obtain a terrestrial frequency after a long legal battle with the Media Council. As a result of the litigation, in February 2014 the radio switched to the Budapest 92.9 MHz frequency from the previously used Budapest 95.3 MHz, and its seven-year media service licence expired in February 2021. It had already lost its rural network in eleven cities in 2011.

According to the Media Act, the media service licence can be renewed once for a further five years. Klubrádió has also applied to the Media Council for the renewal of its licence, but the Media Council [has refused to](#) renew it. According to the decision, the reason given by Klubrádió for its refusal to renew was that Klubrádió had committed a so-called repeated infringement during its seven-year operation, which, according to the Media Act, precludes the possibility of renewal (Article 48 of the Media Act). According to the Media Council's decision, Klubrádió had committed a total of six infringements during its seven years of operation. Of these, it failed to comply with its data reporting obligations on three occasions, failed to comply with the obligation to provide the proportion of Hungarian music on a monthly basis on two occasions and infringed the rules on networking on one occasion - on three days. The radio station did not commit a single infringement in its programme schedule, only administrative violations. In 2017, two of these delays occurred within one year, which under the Media Law is sufficient to establish the recurrence of the infringement and thus to refuse the renewal of the media service right.

Even if the Media Council's decision was formally in line with the wording of the Media Act, it is still rather worrying that it did not interpret the provisions so strictly in the case of other radio stations. A journalist for Népszava [revealed](#) that in at least two cases, the licences of the radio stations concerned were renewed despite repeated violations. One of these was Inforádió, one of Klubrádió's main competitors as a political talk radio station. The Media Council's practice is therefore in any case arbitrary and discriminatory against Klubrádió. Klubrádió challenged the decision in court, but the court ignored the evidence of discrimination and [upheld the](#) Media Council's decision.

The Media Council launched a [new tender](#) for the Budapest 92.9 MHz frequency in November 2020, before the end of the renewal process. The call for tenders explicitly favoured talk radio stations with a public interest focus, which often broadcast news blocks, based on the evaluation criteria set out in the call for tenders. The special evaluation of cultural programmes and music offerings other than mainstream also suggested that Klubrádió stood a particularly good chance of winning the tender, as its programme had so far met the Media Council's expectations.

In addition to Klubrádió, two other bidders submitted bids: the Association for Community Radio Broadcasting and LBK Médiaszolgáltató 2020 Kft. The person entitled to represent the Association for Community Radio Broadcasting, which has been operating since 2007, has been Szilárd Sándor Németh, who is also the CEO of ATV news television, since May 2019. At the time of submitting the application, the association was operating a community talk radio station called Spirit FM on the 87.6 MHz frequency of Budapest-Terézváros. LBK Médiaszolgáltató 2020 Kft. is a [Fidesz-linked](#) company owned by Dr Balázs Bíró, former lawyer for Andy Vajna's media interests. The Media Council has excluded the Community Radio Association and LBK Médiaszolgáltató 2020 Kft. from the tender procedure on the grounds of [formal invalidity](#). Both applicants challenged this decision in court. First the Community Association for Radio Broadcasting and then LBK Médiaszolgáltató 2020 Kft. [withdrew](#) their actions, and Klubrádió's submission was accepted by the Media Council.

According to the Media Act, if only one applicant meets the statutory or tender requirements, the Media Council shall declare the applicant to be the winner (Section 62 of the Media Act). On this basis, it appeared clear that, with the two other bidders being eliminated, Klubrádió was necessarily the winner of the tender. However, in March 2021, the Media Council [declared](#) the tender procedure [inconclusive](#), and Klubrádió's bid was found to be

invalid in both form and substance. The reasons for the decision were not made public. According to the decision, the reason for the substantive invalidity was that the tender was unfounded and the content of the programme plan did not comply with the call for proposals, while the formal invalidity was due to the fact that the tender did not or did not adequately contain the mandatory elements of the tender. [Press reports have](#) revealed that the Media Council criticised the negative equity of Klubrádió Zrt. and the fact that the programme schedule for two programmes specified different durations for the original and the rebroadcast. Klubrádió challenged the Media Council's decision in court, but the Court of First Instance upheld the decision. Klubrádió is now operating as an online radio station and has appealed against both first instance rulings, concerning the renewal of the previous licence and the exclusion from the new tender.

In April 2021, the Media Council granted a temporary media service right for the former Klubrádió frequency to Spirit FM, which was otherwise excluded from the original tender. In December 2020, the Parliament amended the rules for the temporary media service. Previously, the Media Council was allowed to grant such a temporary licence for a maximum of 30 days, but since January 2021 this period has increased to 180 days. Spirit FM can now operate on this frequency until the end of October 2021. [In a statement](#), Klubrádió attacked the decision, calling Spirit FM a "pseudo-opposition radio" and a "usurper".

The loss of the Klubrádió frequency inevitably leads to a loss of audience. So far, this has not been accompanied by a decrease in loyalty, and the fundraising campaign in spring 2021 was very successful. The importance of Klubrádió lies on the one hand in the fact that it is a key source of critical information, especially for opposition and undecided voters in Budapest over the age of 50. According to Mérték's 2020 News Consumption Survey, Klubrádió is used as a news source by 11% of the audience on a national average at least on a weekly basis. This is a higher proportion than any national daily newspaper, compared to a radio station that was previously listened to exclusively in Budapest. On the other hand, Klubrádió is also of great importance as a platform not only for opposition parties and politicians, but also for independent NGOs and experts.

Civil Radio

The termination of the terrestrial broadcasting of Civil Radio was ahead of the Klubrádió case and did not receive as much international attention as the Klubrádió case, but it is of similar importance to the termination of Klubrádió in terms of the functioning of the public.

Civil Rádió has been operating since 1995, and in line with its name, it pays special attention to addressing NGOs and presenting their views. It won the Budapest 98.0 MHz frequency in 2012, and its seven-year licence expired in 2019. [In its decision on the](#) renewal of the media service right, the Media Council found that Civil Radio had committed two repeat infringements, one for repeatedly violating the requirement on the proportion of Hungarian music works and the other for breaching the data reporting obligation. This is therefore a very similar decision to the one taken by the Media Council in the Klubrádió case. Civil Rádió has also challenged the decision in court, primarily with a view to seeking a constitutional review of the relevant provisions of the Media Act by the Constitutional Court as a constitutional complaint. In the lawsuit, the NGO Society for Civil Liberties rep-

resented the radio station, with the professional assistance of Mérték. The Civil Radio case could have had a significant impact on the legal position of Klubrádió. The argumentation of the lawsuit did not even primarily challenge the conclusion of the decision, but whether it was constitutional to punish the same violation twice.

The withdrawal of the right to provide media services always means the re-punishment of an already punished infringement. After the infringement has been committed, the Media Council assesses the infringement and applies the sanction under the Media Act, and in the procedure for the renewal of the right, the Media Council examines whether the already sanctioned conduct falls within the concept of a repeat infringement. In the case of a repeat offence, it will apply the most severe sanction for the operation of the radio station in question, irrespective of the gravity of the offence, without any possibility of appeal on the merits: it will not grant the frequency necessary for the radio station to continue operating.

The Constitutional Court has not only ruled on the prohibition of double assessment (double punishment) (*ne bis in idem*) in criminal cases, but in several cases it has explicitly examined administrative sanctions on the basis of this criterion (Decision 60/2009 (28.5.2009) AB).

According to the practice of the Constitutional Court, when determining a fine, the legislator takes into account aspects such as the nature of the infringement, the seriousness or repetition of the infringement, prevention, the deterrent effect of the sanction, or the damage to the public interest caused by the infringement. The legislator has a wide margin of discretion as to the means by which it intends to deal with each infringement, see. 540/D/2002 AB, six; more recently AB 3092/2014 (IV. 1.) AB order).

On the basis of the provision of the Media Act under examination, the Media Council does not take into account any of the criteria listed by the Constitutional Court when refusing the possibility of extension. In fact, the law does not give the Media Council any discretion at all. At the same time, the legislator itself does not attach any additional conditions to this sanction. The withdrawal of the possibility of renewal is not dependent on the sanction initially imposed by the Media Council and does not distinguish between intentional and unintentional infringements. Ultimately, even very minor infringements, which are subject to the most lenient sanctions imposed by the Media Council, may lead to the loss of the media service right.

Furthermore, the Media Act does not provide any legal remedy against the denial of the possibility of an extension. Thus, neither the media service provider concerned, nor the Media Council, nor the court is in a position to challenge the justification of this severe legal sanction. The right to legal remedy for all is, in the practice of the Constitutional Court, a requirement of the existence of effective legal protection (AB 39/1997 (VII.1); AB 21/1997 (III.26)). The absence of legal remedy is a breach of legal certainty.

In addition, the double penalty of the obligation to disclose information also disproportionately restricts press freedom. Even if such data provision is necessary - which is questionable, if only because the Media Council itself monitors the content of programmes - it is obvious that a violation that does not affect the essence of the media service should not lead to the most serious legal consequence, the loss of the frequency. Since the Media Act does not distinguish between repeated infringements on the basis of their gravity, for example the size of the sanction initially imposed, the regulation is, in our view, unconstitutional.

The court of first instance finally rejected the Civil Radio's claim and the request to refer the case to the Constitutional Court. The radio did not appeal against the first instance judgment and did not go as far as a constitutional complaint. Currently, Civil Rádió's programme is available online. The Media Council launched a new tender for the Budapest 98.0 MHz frequency in November 2020 and the procedure is ongoing at the time of closing the manuscript.

Karc FM

A quarter of all tenders, 19 procedures, were concluded with the extension of the coverage of the Karc FM service. In 2021, the radio station was also given a new frequency in Budapest. While the previous 105.9 MHz, according to the original [call for tenders](#), reached 1.27 million people, the new frequency (Budapest 95.3 MHz, the first frequency of Klubrádió), according to the [call for tenders](#), now reaches more than 2 million people. In eight other cases, only the broadcaster of Karc FM submitted a tender. By summer 2021, Karc FM will be broadcasting on 27 local frequencies, which means that it can be heard anywhere in the country.

Another interesting aspect of the success of Karc FM is that the station has won every tender it has entered. There were a total of six tenders in which Karc FM was involved with other applicants, typically broadcasters of religious-themed radio stations, and Karc FM won all of them. In each of these cases, the Media Council has chosen to adjust the subjective scoring of the programme evaluation to make Karc FM the winner. Typically, Karc FM scored the maximum 8 points for this aspect, the other candidates scoring 0 points.

Karc FM was launched in February 2016, but until October 2018 it was broadcast exclusively on a single frequency in Budapest (Budapest 105.9 MHz). In 2018, it started to expand on the frequencies vacated by a former right-wing talk radio station, Lánchíd Rádió. [According to the](#) managing director of Karc FM, Ottó Gajdics, with the expansion "our family of listeners has thus partly got back what was taken away from them after G-day" (Magyar Idők, 16.10.2018). The managing director was referring to the fact that Lánchíd Rádió originally operated as a pro-government radio station, but its owner, Lajos Simicska, turned against Prime Minister Viktor Orbán on G-Day in February 2015, and the radio subsequently switched to a tone critical of the government. According to Ottó Gajdics, the current expansion of Karc FM is therefore a return to the pre-February 2015 situation in the talk radio market.

Religious, religious-themed radio stations

Supporting the expansion of religious radio stations with religious themes has been a well-documented element of the Media Council's frequency tendering practice since 2010. The Catholic Radio Maria and the Reformed Radio Europe were already the main winners in [2010-2011](#). Catholic Radio started its network expansion in [2012](#), until then only on medium wave frequencies.

Hungarian Catholic Radio was established by the Hungarian Catholic Bishops' Conference in 2004 and currently broadcasts [on 25 local frequencies](#). It is expanding partly through networking and partly by extending its coverage. In the period under review, eight cases of coverage expansion and four cases of networking were carried out.

Mária Rádió is the Hungarian media provider of the worldwide foundation Mária Rádió. It started broadcasting in Budapest in 2006 and is currently available on twenty frequencies, mainly in the northern part of Transdanubia. In the period under review, four frequencies were acquired through networking and one through coverage extension.

Radio Europe, owned by two Reformed dioceses, has acquired two frequencies in Northern Hungary. The network now covers a total of five municipalities.

Radio 1

The Radio 1 network was also a big winner in the period under review. Rádió 1 was launched in June 2016 as a media service of Radio Plus Kft., then owned by Andy Vajna. Andy Vajna, as the government commissioner for film, president of the National Film Fund and the biggest player in the Hungarian casino market - he won five out of seven casino concessions in 2014 - was clearly strongly connected to the governing parties, and as the owner of TV2 he was already a major player in the media market when Rádió 1 was launched. In 2017, he extended this role further in the market for county newspapers and tabloids. After the death of Andy Vajna in 2019, Radio Plus Kft. was taken over by Zoltán Schmidt, who had previously appeared around the business interests of Lőrinc Mészáros. Rádió 1 has still not been merged into KESMA, but it is still clearly the interest of business circles linked to Fidesz.

Rádió 1 started network building in the year of its launch, and by the end of 2017 it was already broadcasting on 31 frequencies, making it the second most listened to radio station in Hungary, behind the public service Petőfi Rádió. After the launch of the national Retro Rádió, Rádió 1's audience ranking was for a while in the third to fourth place nationally, but today it has overtaken Petőfi Rádió and is again in [second place](#). Currently, Rádió 1 is broadcasting on 43 frequencies nationwide.

In 2021, the central media service of the Rádió 1 network, Budapest Rádió 1, will have a new frequency. While the former [Budapest 96.4 MHz](#) has a reach of 1.6 million listeners, the newly acquired [Budapest 89.5 MHz](#) has a reach of nearly 3.5 million listeners. The larger reception area will also allow some of the network's suburban members, previously operating on their own frequency, to be switched off. This process is already underway, with the media service providers [Tatabánya 96.7 MHz](#) and [Székesfehérvár 94.5 MHz](#) terminating their media service contracts in April 2021.

Best FM

2019 also saw the launch of a new radio network, Best FM. [TamásHalmi](#) became the owner of Best Radio Kft. in 2020 and [FerencSakali](#) in 2021. According to press reports, both of them are linked to Lőrinc Mészáros' business interests. The Best FM name was used by a local radio station in Debrecen since 2012, and in 2018 a radio station in Nyíregyháza - until then called Retro Rádió - also changed to Best FM. Best FM Budapest was launched in 2019. In January 2019, the Media Council decided that Media Depo Kft. was the winner of the tender for the Budapest 99.5 MHz frequency, but in September the Media Coun-

cil approved the announcement of the operator that Best Radio Kft., which was spun off from Media Depo Kft. Best FM won three additional frequencies in the period under review, and five frequencies were acquired or connected to the network by the previous owner. Best FM's expansion in recent years shows that pro-Fidesz businessmen are appearing around any market initiative that could potentially provide competitive rivalry to pro-Fidesz players.

Gong Radio

Gong Radio was originally launched in the second half of the 1990s as the radio station of the city of Kecskemét, and was acquired by Lőrinc Mészáros in 2017.²¹ However, the Hungarian Competition Authority found that the acquisition would bring the county newspaper and the local radio in the area under one ownership, which would have adverse competitive effects. Mészáros therefore sold the radio to another key player in Fidesz's business circles, László Szijj. Szijj [donated](#) Gong Radio to KESMA in November 2018. From 2021, the sale of the radio's advertising time [will be handled by](#) Atmedia, a company owned by Mészáros.

Gong Radio won three of its seven frequencies during the period under review, one as a network connection and two as a coverage extension. Its coverage is thus similar to that of Best FM. From the expansion so far, it appears that the two music radio networks target different regions of the country, with no overlap in their coverage.

²¹ The subject matter of the procedure was the concentration consisting of the acquisition of sole direct control by Lőrinc Mészáros over Konzum Befektetési Alapkezelő Zrt. and, as a result, sole indirect control over OPUS GLOBAL Nyrt. The acquisition covered several different markets, such as advertising sales, real estate development, hotel services and construction.

APPENDIX

List of the Media Council decisions regarding the media content

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
16/2018. (I. 9.)	Sláger FM Hálózat Zrt.	Sláger FM	broadcast quotes	36.000 Ft
17/2018. (I. 9.)	Civil Rádiózásért Alapítvány	Civil Rádió	broadcast quotes	39.600 Ft
18/2018. (I. 9.)	Hegyalja Média Kft.	Szent István Rádió	broadcast quotes	18.900 Ft
19/2018. (I. 9.)	„EURÓPA RÁDIÓ” Nonprofit Közhasznú Kft.	Európa Rádió	broadcast quotes	83.500 Ft
20/2018. (I. 9.)	Magyar Katolikus Rádió Alapítvány	Szent István Rádió; Szent István Rádió 96,4	broadcast quotes	36.750 Ft
21/2018. (I. 9.)	Gyomaendrőd Kultúrájáért Egyesület	Rádió Sun	broadcast quotes	31.500 Ft
22/2018. (I. 9.)	Mátra Média Kulturális Egyesület	MaxiRádió	broadcast quotes	12.000 Ft
58/2018. (I. 24.)	Progetto Média Kft.	FIX	has not fulfilled its commitments concerning the duration of the programmes	40.000 Ft
59/2018. (I. 24.)	Tilos Kulturális Alapítvány	Tilos Rádió	breach of age categorisation	50.000 Ft
103/2018. (II. 6.)	Magyar RTL Televízió Zrt.	RTL Klub	direct invitation to purchase the displayed product	100.000 Ft
104/2018. (II. 6.)	Rádió Q Kft.	Rádió Q	breach of the agreed programme structure	100.000 Ft
185/2018. (II. 27.)	Mosoly Média Kft.	RÁDIÓ SMILE	breach of the agreed programme structure	10.000 Ft
215/2018. (III. 13.)	Szabadidős Programszervező Egyesülettel	Tiszavasvári Városi Televízió	breach of the agreed programme structure	10.000 Ft
316/2018. (IV. 10.)	Gong Rádió Kft.	Gong Rádió	breach of the agreed programme structure	80.000 Ft
317/2018. (IV. 10.)	Domino TV Műsorszolgáltató Zrt.	d1TV	disguised commercial communication	40.000 Ft
318/2018. (IV. 10.)	Szabó Ferenc	Rádió Balaton	direct invitation to purchase the displayed product	110.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
359/2018. (IV. 24.)	Tilos Kulturális Alapítvánnyal	Tilos Rádió	breach of the agreed programme structure	10.000 Ft
424/2018. (V. 9.)	PluszRádió Nonprofit Kft.	Győr Plusz Rádió	breach of the agreed programme structure	40.000 Ft
425/2018. (V. 9.)	Helikon Rádió Kft.	Helikon Rádió Kanizsa	deviation from the agreed programme structure	40.000 Ft
426/2018. (V. 9.)	Rádió Zala Egyszemélyes Kft.	Helikon Rádió Egerszeg	deviation from the agreed programme structure	40.000 Ft
481/2018. (V. 29.)	AERIEL Rádió Műsorszóró Kft.	Klasszik Rádió	broadcast quotes	20.000 Ft
482/2018. (V. 29.)	Civil Rádiózásért Alapítvány	Civil Rádió	broadcast quotes	49.896 Ft
483/2018. (V. 29.)	Hegyalja Média Kft.	Szent István Rádió - Tokaj	broadcast quotes	23.814 Ft
484/2018. (V. 29.)	SÁRRÉT MÉDIA Bt.	Sárrét FM	broadcast quotes	18.000 Ft
485/2018. (V. 29.)	Magyar Katolikus Rádió Alapítvány	Szent István Rádió, Szent István Rádió 96,4	broadcast quotes	45.045 Ft
486/2018. (V. 29.)	Gyomaendrőd Kultúrájáért Egyesület	Rádió Sun	broadcast quotes	39.690 Ft
490/2018. (V. 29.)	FM7 Heves Kommunikációs és Szolgáltató Kft.	FM7 100,7	deviation from the agreed programme structure	40.000 Ft
493/2018. (V. 29.)	Retro Rádió Kft.	Retro Rádió	the statutory obligations to broadcast programmes in accordance with the agreed programme structure, and the statutory obligations concerning the proportion of programmes and Hungarian music works and of programmes serving public service purposes	140.000 Ft
511/2018. (VI. 5.)	ALBA REGIA Műsorszolgáltató Kft.	ALPHA	deviation from the agreed programme structure	10.000 Ft
554/2018. (VI. 12.)	„VIACOM” Kft.	AKTÍV RÁDIÓ 93,8, AKTÍV RÁDIÓ 102,2	deviation from the agreed programme structure	80.000 Ft
559/2018. (VI. 12.)	Magyar RTL Televízió Zrt.	-	prior calcification	-

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
629/2018. (VI.19.)	DIGITAL MEDIA AND COMMUNICATIONS Zrt.	4-es csatorna Galaxy TV	advertising volume	600.000 Ft
630/2018. (VI.19.)	FRISS RÁDIÓ Nonprofit Kft.	FM90 Campus Rádió	the broadcasting of a programme in accordance with the agreed programme structure and the proportion of programmes for public service purposes	80.000 Ft
647/2018. (VI. 26.)	Sláger FM Hálózat Zrt.	Sláger FM	broadcast quotes	-
648/2018. (VI. 26.)	Prodo Voice Studio Zrt.	MUSIC FM	broadcast quotes	24.000 Ft
649/2018. (VI. 26.)	Radio Plus Kft.	Rádió 1	broadcast quotes	34.500 Ft
658/2018. (VII. 3.)	Centrum Televízió Kft.	Centrum TV	protection of children and minors	30 000 Ft
659/2018. (VII. 3.)	Budakalászi Média Kft.	Rádió Szentendre	the broadcasting of programmes in accordance with the agreed programme structure and the proportion of programmes with a public service mission	20.000 Ft
661/2018. (VII.3.)	Gyomaendrőd Kultúrájáért Egyesület	Rádió Sun	the broadcasting of programmes in accordance with the agreed programme structure, and the proportion of public service programmes and Hungarian music	10.000 Ft
662/2018. (VII. 3.)	Európa Rádió Nonprofit Közhasznú Kft.	Európa Rádió, Európa Rádió 90,4	deviated from its contractual commitments regarding the daily and weekly rhythm of programmes on local public life, programmes that contribute to local daily life and repeats	120.000 Ft
714/2018. (VII. 10.)	Tatai Televízió Közalapítvány	Tatai Televízió	deviating from its commitment to minimum broadcasting time for news	warning
715/2018. (VII. 10.)	Tatai Televízió segítésére	Tatabányai Televízió	deviating from its commitment to minimum broadcasting time for news	10.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
716/2018. (VII.10.)	Rádió Nonprofit Kft.	HALAS RÁDIÓ	the obligation to broadcast a programme in accordance with the agreed programme structure	10.000 Ft
736/2018. (VII. 17.)	Mátra Média Kulturális Egyesület	Maxi Rádió	the broadcasting of programmes in accordance with the agreed programme structure, and the proportion of public service programmes and Hungarian music	20.000 Ft,
877/2018. (VII.24.)	Lánchíd Rádió Kft.	Lánchíd Rádió	the legal obligations to broadcast programmes in accordance with the agreed programme structure and the proportion of programmes with a public service mission	675.000 Ft
1001/2018. (IX. 4.)	Ipoly Média Kft.	Ipoly Televízió	deviations from the agreed programme structure,	10.000 Ft; 60.000 Ft;
1003/2018. (IX. 4.)	Magyar Katolikus Rádió Alapítvány	Szent István Rádió	breaches of the legal requirements imposed on non-profit media service providers and of the legal requirements for networking	200.000 Ft
1127/2018. (X. 11.)	ESSENCE Kft.	105,7 Rádió 1	deviation from the agreed programme structure	25.000Ft
1126/2018. (X. 11.)	ALISCA NETWORK Kft.	94,3 Rádió 1	proportions of local programmes, proportions of local/public service programmes	200.000 Ft
1130/2018. (X.11.)	Rádió Frekvencia Kft.	Mária Rádió Savaria	breach of agreed programme structure	80.000 Ft
1132/2018. (X. 11.)	TV2 Média Csoport Zrt.	TV2	request for rebalancing	-
1161/2018. (X. 16.)	M-Lite Kft.	96,3 Rádió 1	local/public service broadcasting proportions	75.000Ft
1162/2018. (X.16.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
1163/2018. (X.16.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
1192/2018. (X. 30.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	1 250 000 Ft
1194/2018. (X.30.)	MAMBÓ RÁDIÓ Kft.	99,4 Rádió 1, 90,6 Rádió 1	breach of the agreed programme structure	40.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
1195/2018. (X. 30.)	Crossborder Film Kft.	93,1 Rádió 1	broadcasting a programme in accordance with the agreed programme structure	40.000 Ft
1196/2018. (X. 30.)	Médiacentrum Debrecen Kft.	FM 95 – Rádió 1 Debrecen	breach of the agreed programme structure and advertising disclosure	50.000 Ft
1197/2018. (X. 30.)	Kulturális Életért Közhasznú Egyesület	Mustár Rádió	breach of the agreed programme structure	20.000 Ft
1201/2018. (X.30.)	CSABA RÁDIÓ Kft.	104,0 Rádió 1	breach of the agreed programme structure	40.000 Ft
1247/2018. (XI. 13.)	PANNON-SOPRON Kft.	Rádió 1 Sopron 94,1 MHz	deviation from the agreed programme structure	50.000 Ft
1248/2018. (XI. 13.)	AURIS Média Kft.	88.7 MHz, 89.2 MHz Rádió 1	deviation from the agreed programme structure	50.000 Ft
1249/2018. (XI. 13.)	LB Rádió Kft.	94,7 Rádió 1, 98,9 Rádió 1, 100,6 Rádió 1	deviation from the agreed programme structure	150.000 Ft
1250/2018. (XI. 13.)	Aeriel Rádió Műsorszóró Kft.	Klasszik Rádió	deviation from the agreed programme structure	warning
1280/2018. (XI.20.)	Tilos Kulturális Alapítvány	Tilos Rádió	age categorisation and broadcasting date	75.000 Ft
1286/2018. (XI. 20.)	Magyar RTL Televízió Zrt.	RTL Klub	age categorisation and broadcasting date	6 000 000 Ft
1287/2018. (XI. 20.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	1 250 000 Ft
1308/2018. (XI.27.)	Favorit Masters Kft.	Rock FM	breach of the agreed programme structure	warning
1331/2018. (XII. 4.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
1380/2018. (XII.18.)	Magyar RTL Televízió Zrt.	RTL Klub	infringement of the legal provisions on product presentation	150 000 Ft
1383/2018. (XII. 18.)	FW Műsorszolgáltató Kft.	101,3 Rádió 1	breach of the agreed programme structure	50.000Ft
1384/2018. (XII. 18.)	Helyi Rádió Kft.	100,4 Rádió 1	deviation from the agreed programme structure	50.000 Ft
1386/2018. (XII. 18.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
MN/11587-4/2018.	Duna Médiaszolgáltató Nonprofit Zrt.	Duna, Duna World, M1, M2, M4, M5, M3	providing sign language interpretation and subtitles accessible to the hearing impaired	110.000 Ft; 1.320.000 Ft; 1.760.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
MN/11590-4/2018.	Magyar RTL Televízió Zrt.	RTL Klub	subtitles, sign language interpretation provided throughout the programme	1.340.000 Ft; 810.000 Ft
MN/21559-4/2018.	Duna Médiaszolgáltató Nonprofit Zrt.	Duna, Duna World, M1, M2, M4, M5, M3	subtitles, sign language interpretation should be synchronised with what is happening on the screen	720.000 Ft; 1.440.000 Ft; 160.000 Ft
MN/21561-4/2018.	Magyar RTL Televízió Zrt.	RTL Klub	providing sign language interpretation and subtitles accessible to the hearing impaired	140.000 Ft; 1.095.000 Ft
MN/22836-7/2018.	Auris Média Kft.	88.7 MHz, 89.2 MHz Rádió 1	the duration of advertising	21.000 Ft
MN/24781-6/2018.	TV2 Média Csoport Zrt.	TV2	calling attention before presenting visual or	500 000 Ft
MN/30638-7/2018.	TV2 Média Csoport Zrt.	TV2	sound effects likely to disturb the peace	1.200.000 Ft
MN/30774-4/2018.	Duna Médiaszolgáltató Nonprofit Zrt.	M2, M4, M5	calling attention before presenting visual or sound effects likely to disturb the peace	780.000 Ft; 2.210.000 Ft; 1.690.000 Ft
MN/30776-4/2018.	Magyar RTL Televízió Zrt.	RTL Klub	providing sign language interpretation and subtitles accessible to the hearing impaired	1.580.000 Ft
MN/32901-5/2018.	Hír TV Zrt.	Hír TV	request for rebalancing	-
21/2019. (I. 8.)	FEHÉRVÁR RÁDIÓ Kft.	94,5 Rádió 1	violation of the proportions of programmes	warning
24/2019. (I. 8.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
25/2019. (I. 8.)	LB Rádió Kft.	93,3 Rádió 1	deviated from the permanent designation under the contract in its programme	50.000 Ft
28/2019. (I. 8.)	Magyar RTL Televízió Zrt.	RTL Klub	request for rebalancing	-
29/2019. (I. 8.)	Magyar RTL Televízió Zrt.	RTL Klub	request for rebalancing	-
30/2019. (I. 8.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	request for rebalancing	-
48/2019. (I. 15.)	DIGITAL MEDIA AND COMMUNICATIONS Zrt.	Film4, Galaxy4, Story4, TV4	advertising volume	2 340 000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
49/2019. (I.15.)	Szombathelyi Evangélikus Egyházközség	Credo Rádió	breach of the agreed programme structure and of the time allotted for the presentation of public service programmes	10.000 Ft
50/2019. (I. 15.)	TV2 Média Csoport Zrt.	TV2	infringement of the publication of programme trailers	9.420.000 Ft
56/2019. (I. 15.)	XV. Média Nonprofit Kft.	XV TV	requests for the purchase of a supporting product	-
62/2019. (I. 15.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	request for rebalancing	-
117/2019. (I. 29.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
119/2019. (I. 29.)	Magyar RTL Televízió Zrt.	RTL Klub	request for rebalancing	-
145/2019. (II. 5.)	TV2 Média Csoport Zrt.	TV2	age categorisation and publication	1.350.000 Ft
168/2019. (II. 12.)	Radio Plus Kft.	Rádió1	age categorisation	350.000 Ft
170/2019. (II. 12.)	MEDIORIX Egészségügyi és Szolgáltató Bt.	Rádió Szarvas	deviation from the contractual programme structure	10.000 Ft
171/2019. (II.12.)	FONTANA MÉDIA Kft.	SOLA RÁDIÓ	incompleteness of the programme structure undertaken	10.000 Ft
172/2019. (II. 12.)	Echo Hungária TV Zrt.	Echo TV	human dignity and exclusion	-
223/2019. (II.19.)	RÁDIÓ HORIZONT Kft.	RÁDIÓ TÖRÖKSZ-ENTMIKLÓS	the proportion of programmes with an agreed programme structure and public service objectives was not met	10.000 Ft
224/2019. (II. 19.)	Lánczos Kornél Gimnázium	Táska Rádió	infringing the minimum weekly duration of public service programmes and Hungarian music programmes	30.000 Ft
225/2019. (II.19.)	Mária Rádió Frekvencia Kft.	Mária Rádió Cegléd	incompleteness of the programme structure undertaken	100.000 Ft
230/2019. (II. 19.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
231/2019. (II. 19.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
257/2019. (II. 26.)	Ripost Média Szolgáltató és Kommunikációs Kft.	Ripost. www.ripost.hu	publishing content that is likely to cause exclusion	-
258/2019. (II. 26.)	Magyar Idők Kiadó Kft.	Magyar Idők	publishing content that is likely to cause exclusion	-
260/2019. (II. 26.)	Ipoly Média Kft	Ipoly Televízió	unauthorised network connection	60.000 Ft
261/2019. (II. 26.)	Megafon Rádió Kft	Megafon	unauthorised network connection	60.000 Ft
291/2019. (III. 5.)	Magyar RTL Televízió Zrt.	RTL Klub	call for proposals/requests for the purchase of a supporting product	50.000 Ft
292/2019. (III. 5.)	Cuttingroom Bt.	Gólya TV	unauthorised network connection	50.000 Ft
293/2019. (III. 5.)	Cuttingroom Bt.	Gólya TV	unauthorised network connection	-
325/2019. (III. 12.)	TV2 Média Csoport Zrt.	TV2	request for rebalancing	correction
401/2019. (III.26.)	Magyar Katolikus Rádió Alapítvány	Szent István Rádió 96,4 MHz	incompleteness of the programme structure undertaken	225.000 Ft
402/2019. (III. 26.)	Rádió Helló Kft.	93,7 Rádió 1	deviation from the authorised networking structure	70.000 Ft
440/2019. (IV. 2.)	M-Lite Kft.	96,3 Rádió 1	deviations from the agreed programme structure and infringements of the legal provisions on separation of the advertisements	100.000 Ft
441/2019. (IV.2.)	Alapítvány a Tatabányai Televízió segítésére	Tatabányai Televízió	deviation from its minimum time commitment and from the authorised structure of the network connection	20.000 Ft
443/2019. (IV. 2.)	ALISCA NETWORK Kft.	94,3 Rádió 1	deviations from the agreed programme structure, breaches of the legal requirement concerning the manner of publication of advertisements	240.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
444/2019. (IV.2.)	„EURÓPA RÁDIÓ” Műsorszolgáltató Nonprofit Közhasznú Kft.	Európa Rádió 94,4	breach of the legal obligation to broadcast a programme in accordance with the agreed programme structure	30.000 Ft
496/2019. (IV. 16.)	Békéscsabai Médiacentrum Kft.	7.TV.	disclosure of a disguised commercial communication	10.000 Ft
528/2019. (IV. 30.)	KUN-MÉDIA Kft.	KARCAG FM	deviations from the agreed programme structure, breaches of the legal requirement concerning the manner of publication of advertisements	10.000 Ft
548/2019. (V. 7.)	TV2 Média Csoport Zrt.	TV2	breach of the legal provisions on the protection of minors	1.350.000 Ft
570/2019. (V. 14.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
571/2019. (V. 14.)	Lajta Rádió Kft.	103,1 Rádió 1	call for proposals/requests for the purchase of a supporting product	warning
574/2019. (V. 14.)	B+B Kft.	Pátria Tv	breach of a regulatory decision and a legal obligation concerning the weekly duration of non-repeat programmes produced by the broadcaster itself	warning
663/2019. (V.28.)	Radio Plus Kft.	96,4 Rádió 1	deviation from a contractual commitment	40.000 Ft
667/2019. (V.28.)	Gong Rádió Kft.	Gong FM	breach of the programme structure	50.000 Ft
712/2019. (VI. 4.)	Magyar Múzsza Kft.	Mária Rádió Ibolya	breach of the agreed programme structure and of the time allotted for the presentation of public service programmes	10.000 Ft
713/2019. (VI.4.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	1.450.000 Ft
715/2019. (VI. 4.)	Radio Plus Kft.	Rádió 1 (Budapest 96,4 MHz)	age categorisation	1.050.000 Ft
730/2019. (VI. 11.)	Direx Média Kft.	Kaliber Magazin	advertising of weapons, ammunition and explosives	60.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
731/2019. (VI. 11.)	Lánchíd Rádió Kft.	Karc FM Pécs	deviation from the contractual programme structure	300.000 Ft
736/2019. (VI. 11.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
737/2019. (VI. 11.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	request for rebalancing	-
738/2019. (VI. 11.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
786/2019. (VI. 18.)	New Wave Media Group Kft.	Life TV	infringement of the publication of programme trailers	80.000 Ft
788/2019. (VI. 18.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	2.345. 000 Ft
807/2019. (VI.25.)	Progetto Média Kft.	FIX	infringement of a public authority decision	40.000 Ft
810/2019. (VI. 25.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
830/2019. (VII. 2.)	Kalocsa Kulturális Központ és Könyvtár	Kalocsa Városi Televízió	unauthorised network connection	50.000 Ft
900/2019. (VII. 16.)	FRISS MÉDIA Kft.	Friss FM	the broadcasting of programmes in accordance with the agreed programme structure and the proportion of programmes with a public service mission	10.000 Ft
901/2019. (VII. 16.)	BARCIKA ART Kft.	KOLORTV	breach of the legal requirement to be connected to the network	50.000 Ft
902/2019. (VII. 16.)	BARCIKA ART Kft.	KOLORTV	breach of the legal requirement to be connected to the network	-
903/2019. (VII. 16.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	2.800.000 Ft
968/2019. (VII. 23.)	Tilos Kulturális Alapítvány	Budapest 90,3 MHz	reporting obligations	63.000 Ft
1005/2019. (VII. 23.)	Hír TV Zrt.	HÍR TV	age categorisation, publication of programme previews	100.000 Ft; 52.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
1007/2019. (VII. 23.)	Magyar RTL Televízió Zrt.	RTL Klub	direct invitation to purchase the displayed product, requests for the purchase of a supporting product	75.000 Ft
1012/2019. (VIII. 27.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	request for rebalancing	-
1013/2019. (VIII. 27.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
1014/2019. (VIII. 27.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
1094/2019. (IX. 3.)	„A-tól - Z-ig” Bt.	Mega Rádió	deviation from the contractual programme structure	50.000 Ft
1095/2019. (IX. 3.)	LÁNCÍD RÁDIÓ Kft.	Karc FM 100,2	incompleteness of the programme structure undertaken	200.000 Ft
1100/2019. (IX. 3.)	Molnár TV Kft.	Rábaközi Televízió	provisions on discrimination in political advertising and the designation of the advertiser	40.000 Ft
1101/2019. (IX. 3.)	Magyar Katolikus Rádió Zrt.	Magyar Katolikus Rádió	infringement of a public authority decision	warning
1123/2019. (IX. 10.)	Magyar RTL Televízió Zrt.	RTL Klub	direct invitation to purchase the displayed product, requests for the purchase of a supporting product, undue product placement	800.000 Ft; 375.000 Ft; 275.000 Ft
1124/2019. (IX. 10.)	TV2 Média Csoport Zrt.	TV2	age categorisation, publication of programme previews	1.450.000 Ft; 3.150.000 Ft
1141/2019. (IX. 17.)	Közösségi Rádiózásért Egyesület	Spirit FM	violation of the agreed programme structure, local programme proportions, public service programmes, minimum weekly duration of Hungarian music programmes	80.000 Ft
1164/2019. (IX. 24.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
1165/2019. (IX. 24.)	Magyar RTL Televízió Zrt.	-	prior calcification	-

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
1166/2019. (IX. 24.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
1183/2019. (IX. 30.)	Civil Rádiózásért Alapítvány	Civil Rádió	breach of the agreed programme structure and of the time allotted for the presentation of public service programmes	100.000 Ft
1184/2019. (IX. 30.)	CITY TV Kft.	CITY TV	requests for the purchase of a supporting product	warning
1185/2019. (IX. 30.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
1209/2019. (X. 8.)	DIGART-M Kft.	Szentes TV	deviation from the agreed programme structure	10.000 Ft
1210/2019. (X. 8.)	LÁNCÍD RÁDIÓ Kft.	Karc FM 88,3	breach of the agreed programme structure	10.000 Ft
1211/2019. (X. 8.)	TV2 Média Csoport Zrt.	TV2	disguised commercial communication	700.000 Ft
1214/2019. (X. 8.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	request for rebalancing	-
1217/2019. (X. 15.)	Magyar RTL Televízió Zrt.	RTL Klub	age rating and emission date	1.950.000 Ft
1218/2019. (X. 15.)	Magyar RTL Televízió Zrt.	RTL Klub	requests for the purchase of a supporting product, direct invitation to purchase the displayed product	100.000 Ft
1219/2019. (X. 15.)	INFORÁDIÓ Kft.	Inforádió	breach of the agreed programme structure	70.000 Ft
1246/2019. (X. 22.)	TV2 Média Csoport Zrt.	TV2	age categorisation, infringing infringement of the publication of programme trailers ment of the publication of programme trailers	1.550.000 Ft; 3.320.000 Ft
1270/2019. (XI. 5.)	Duna Médiaszolgáltató Nonprofit Zrt.	Duna Televízió	age categorisation	warning
1271/2019. (XI. 5.)	Radio Plus Kft.	Rádió 1 Budapest 96,4 MHz	distinguishing advertising from other media content	160.000 Ft
1272/2019. (XI. 5.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
1286/2019. (XI. 12.)	Magyar RTL Televízió Zrt.	RTL Klub	call for proposals/requests for the purchase of a supporting product	100.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
1289/2019. (XI. 12.)	Duna Médiaszolgáltató Nonprofit Zrt.	M5	age categorisation and broadcasting date	200.000 Ft
1333/2019. (XI.26.)	TV2 Média Csoport Zrt.	TV2	request for rebalancing	-
1348/2019. (XII. 3.)	Dunakanyar Rádió Kft.	Dunakanyar Rádió	minimum weekly duration of public service programmes, non-completion of the agreed programme structure	10.000 Ft
1390/2019. (XII. 18.)	DIGITAL MEDIA AND COMMUNICATIONS Zrt.	Story4, TV4, Film4 és Galaxy4	the publication of the age rating of a programme on an internet website hosting a programme	warning
1391/2019. (XII. 18.)	KUN-MÉDIA Kft.	KARCAG FM	breach of the agreed programme structure	20.000 Ft
1392/2019. (XII. 18.)	„EURÓPA RÁDIÓ” Műsorszolgáltató Nonprofit Közhasznú Kft.	Európa Rádió 94,4	broadcasting a programme in accordance with the agreed programme structure	40.000 Ft
MN/14053-4/2019.	Duna Médiaszolgáltató Nonprofit Zrt.	Duna, M1, M4, M5	providing sign language interpretation and subtitles accessible to the hearing impaired	750.000 Ft; 4.800.000 Ft; 1.950.000 Ft
MN/14055-4/2019.	TV2 Média Csoport Zrt.	TV2	subtitles, sign language interpretation provided throughout the programme, subtitles, sign language interpretation should be synchronised with what is happening on the screen, providing sign language interpretation and subtitles accessible to the hearing impaired, subtitling availability indication	50.000 Ft; 10.000 Ft; 560.000 Ft
MN/14635-4/2019.	ATV Zrt.	ATV	the duration of advertising	40.000 Ft
MN/1629-5/2019.	ATV Zrt.	ATV	the duration of advertising	30.000 Ft
MN/19365-8/2019.	Sláger TV Kft.	Sláger TV	the duration of advertising	10.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
MN/3577-4/2019.	Duna Médiaszolgáltató Nonprofit Zrt.	Duna, Duna World, M1, M2, M3, M4, M5	providing sign language interpretation and subtitles accessible to the hearing impaired, subtitles, sign language interpretation provided throughout the programme	10.080.000 Ft; 3.780.000 Ft; 2.240.000 Ft
MN/3578-4/2019.	Magyar RTL Televízió Zrt.	RTL Klub	subtitles, sign language interpretation should be synchronised with what is happening on the screen, providing sign language interpretation and subtitles accessible to the hearing impaired, subtitles, sign language interpretation provided throughout the programme	340.000 Ft; 1.700.000 Ft; 435.000 Ft
MN/6843-6/2019.	Tilos Kulturális Alapítvány	Tilos Rádió	calling attention before the presentation of visual or sound effects which are offensive to religious, philosophical or other beliefs	30.000 Ft
15/2020. (I. 7.)	Mosoly Média Non-profit Kft.	RÁDIÓ SMILE	deviations from the agreed programme structure, breaches of the requirement for Community media service providers	10.000 Ft
17/2020. (I. 7.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
32/2020. (I. 14.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	political news with reader opinion	warning
33/2020. (I. 14.)	Magyar RTL Televízió Zrt.	RTL Klub	direct invitation to purchase the displayed product	200.000 Ft
58/2020. (I. 28.)	Radio Plus Kft.	Rádió1	age categorisation	350.000 Ft
59/2020. (I. 28.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
60/2020. (I. 28.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
61/2020. (I. 28.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
62/2020. (I. 28.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
63/2020. (I. 28.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
104/2020. (II. 11.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
107/2020. (II. 11.)	Magyar RTL Televízió Zrt.	RTL Klub	prior calcification	-
116/2020. (II. 18.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
117/2020. (II. 18.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
123/2020. (II. 25.)	Duna Médiaszolgáltató	Kossuth Rádió	request for rebalancing	-
173/2020. (III. 3.)	Magyar RTL Televízió Zrt.	RTL Klub	requests for the purchase of a supporting product	500.000 Ft
174/2020. (III. 3.)	Trial Média Kft.	Balaton Televízió	disguised commercial communication, requests for the purchase of a supporting product	55.000 Ft
177/2020. (III. 3.)	Duna Médiaszolgáltató Nonprofit Zrt.	Kossuth Rádió	request for rebalancing	-
201/2020. (III. 10.)	ALBA REGIA Műsorszolgáltató Kft.	Alpha Rádió	breach of the agreed programme structure	30.000 Ft
224/2020. (III. 17.)	Magyar RTL Televízió Zrt.	RTL Klub	call for proposals/requests for the purchase of a supporting product	750.000 Ft
225/2020. (III. 17.)	Trial Média Kft.	Balaton Televízió	disguised commercial communication	90.000 Ft
243/2020. (III. 24.)	HírTV Zrt.	Hír TV	disguised commercial communication	warning
268/2020. (III. 31.)	Duna Médiaszolgáltató Nonprofit Zrt.	m1	request for rebalancing	-
293/2020. (IV. 7.)	Magyar RTL Televízió Zrt.	RTL Klub	prior calcification	-

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
348/2020. (IV. 21.)	ACTOR INFORMATIKA ÉS NYOMDA Kft.	Pont Rádió	breach of the agreed programme structure, the obligation to provide airtime for public service programmes	30.000 Ft
349/2020. (IV. 21.)	ACTOR INFORMATIKA ÉS NYOMDA Kft.	Pont Rádió (Mezőtúr 89,9 MHz)	disguised commercial communication	warning
405/2020. (IV. 28.)	ATV Zrt.	Magyar ATV	publishing content that is likely to cause exclusion, restrictions against hate speech	100.000 Ft
503/2020. (V. 26.)	TV2 Média Csoport Zrt.	TV2	age categorisation and broadcasting date	3.300.000 Ft
504/2020. (V. 26.)	Radio Plus Kft.	Rádió 1	disguised commercial communication	warning
548/2020. (VI. 4.)	Balaton Rádió Kft.	Balaton Rádió	deviation from the agreed programme structure, the obligation to provide airtime for public service programmes	10.000 Ft
549/2020. (VI. 4.)	Szarvasi Általános Informatikai Kft.	Szarvasi Kábeltelevízió	call for proposals/requests for the purchase of a supporting product	warning
564/2020. (VI. 9.)	Izsák Város Tájékoztatói és Kulturális Szolgáltató Központ	Izsáki Televízió	unauthorised network connection	50.000 Ft
565/2020. (VI. 9.)	Izsák Város Tájékoztatói és Kulturális Szolgáltató Központ	Izsáki Televízió	unauthorised network connection	-
578/2020. (VI. 16.)	Lánczos Kornél Gimnázium	Táska Rádió	breach of the agreed programme structure, the obligation to provide airtime for public service programmes	40.000 Ft
579/2020. (VI. 16.)	Teleház Egyesület Gyömrő	Signal TV	requests for the purchase of a supporting product	warning
580/2020. (VI. 16.)	Hegyalja Média Kft.	Szent István Rádió – Tokaj	incompleteness of the programme structure undertaken	warning
597/2020. (VI. 23.)	Tilos Kulturális Alapítvány	Tilos Rádió	broadcasting a programme in accordance with the agreed programme structure	20.000 Ft

Number of the decision	Media company	Media service / outlet	Type of the violation	Sanction
615/2020. (VI. 30.)	M-RTL Zrt.	RTL Klub	call for proposals/requests for the purchase of a supporting product	1.100.000 Ft
617/2020. (VI. 30.)	Duna Médiaszolgáltató Nonprofit Zrt.	M1	disguised commercial communication	warning
658/2020. (VII. 14.)	P1 Rádió Kft.	Pécs 101,7 MHz, 101,7 Pécs FM	quota obligation for Hungarian musical works	21.000 Ft
683/2020. (VII. 14.)	TV2 Zrt.	TV2	call for proposals/requests for the purchase of a supporting product	520.000 Ft
684/2020. (VII. 14.)	Radio Plus Kft.	Rádió 1	age categorisation	550.000 Ft
713/2020. (VII. 21.)	Mátra Média Kulturális Egyesület	MaxiRádió	broadcasting a programme in accordance with the agreed programme structure	30.000 Ft
766/2020. (VII. 28.)	Magyar RTL Televízió Zrt.	-	prior calcification	-
811/2020. (IX. 1.)	Magyar RTL Televízió Zrt.	RTL Klub	call for proposals/requests for the purchase of a supporting product	2.200.000 Ft
833/2020. (IX. 8.)	Digital Media and Communications Zrt.	TV4	age categorisation	50.000 Ft
835/2020. (IX. 8.)	HírTV Zrt.	HÍR TV	advertising volume	warning



ROMANIA

LEGAL FRAMEWORK - INDEPENDENCE AND COMPETENCES OF THE REGULATORY BODY

The National Audiovisual Council (C.N.A.)²² was established in 1992 as the sole autonomous authority in charge with regulating the audiovisual landscape in Romania. Its role became more prominent starting 2002 when a new updated functioning law was adopted by the Parliament (Law no. 504/2002) and the C.N.A activity intensified in the context of the media market expansion. The Council is functioning under parliamentary control and supervision, and, in order to ensure the autonomy and the independence of the institution, its 11 members should have no political affiliation. The entire activity of the Council is guided by Law no. 504/2002 (the audiovisual law) and by Decision no. 220/2011 regarding the Regulatory Code of the Audiovisual Content (secondary legislation adopted by C.N.A., the most comprehensive framework that regulates audiovisual communication from content perspective)²³. Additionally, the Council is empowered to issue specific administrative and regulatory decisions to update broadcasting and licensing procedures, commercial communication, or specific recommendations in electoral campaigns. The Council has no competencies in promoting legislative initiatives as this role belongs to the Parliament and the Government.

The Council Composition

The Council consists of 11 members who are appointed by the two chambers of Parliament (The Senate – 3 nominations, The Chamber of Deputies – 3 nominations), by the Government (3 nominations) and by the Presidency (2 nominations). The Council is chaired by a President appointed by the Parliament from among the members of the Council, on their proposal. The mandate of the C.N.A's members is for six years. All C.N.A members are dignitaries and are assimilated to the rank of a Secretary of State.

²² www.cna.ro

²³ <https://cna.ro/-Legisla-ie-.html>

Currently, the Council meets two times a week (on Tuesday and Thursday), but occasionally is assembling for exceptional cases. The Council's decisions, instructions and recommendations are valid if there is a quorum of at least 8 members and if the resulted documents are voted by at least 6 members.

The independence and integrity of the Council Members

In their office, each member of the Council should be completely independent. Thus, no political affiliation is accepted, nor business enterprises that could interfere with their activity, except for pedagogical and educational activities. Should a conflict of interests be found, the member is dismissed by right and his/her position becomes vacant and subject to appointment procedures. Additionally, one only can be dismissed if he/she was incapacitated to perform their duties for more than six months or if he/she has been convicted for criminal offenses and the decision is definitive.

Despite the regulatory framework on members' appointments, in the recent years, the Council has been subject to many critiques for functioning under political control. Since 2017, when massive anti-governmental protests targeted the ruling coalition, that was accused of illiberal tendencies, C.N.A has become one of the most criticized institution²⁴. Various media outlets, journalists, and influencers, as well as large number of citizens accused C.N.A of employing discriminatory and selective monitoring and sanctioning practices to protect pro-governmental media outlets, especially Antena 3 and Romania TV that were used by the Social Democratic Party (the ruling party within 2016 and 2019) as main communication channels. The public disapproval²⁵ on C.N.A's performance has directly affected the activity of the institution, that, as a consequence, had to deal with mass complaints campaigns during 2017 and 2018. Although, statistically Antena 3 and Romania TV, along with Realitatea TV (an anti-governmental national TV station) were the most sanctioned TV stations in the last four years, the public perception that the sanctions were merely symbolic is persistent. The public dissatisfaction and polarization were so intense that petitions were launched for cable service providers to remove from must carry list Antena 3 and Romania TV²⁶. Starting 2019, when the political climate has become less tensed, the activity of Council has improved, but the public criticism did not subside.

It is worth mentioning that, for many years, the Council public perception has been also affected by the refusal of the former president of C.N.A. (2012 – 2018), Laura Georgescu, to resign from office, even though she was under a criminal investigation since 2014. In 2019, when she was no longer president or member of C.N.A, after a long investigation and trial Georgescu was sentenced to 4 years imprisonment for abusive conduct and corruption when in office. Georgescu's refusal to submit her resignation of honor has raised protests within C.N.A's members that openly confronted her on many occasions, but with no success. Back in 2012, Laura Georgescu was appointed by the Social Democratic Gov-

ernment and she has been accused of being loyal to the Prime Minister Victor Ponta and representing his political agenda²⁷. Eventually, in 2018, after her six years mandate expired, Georgescu stepped back and did not run for a new mandate. It is worth mentioning that in Georgescu's case the decision is not definitive and it's subject to appeal.

Although all C.N.A's members are not politically affiliated and they are appointed by the Executive (Government and Presidency) and the Legislative (the Senate and the Chamber of Deputies) branch of the state, it's activity has been almost constantly subject to controversies. Starting 2012, the general perception is that the Social Democratic Party appointees held the majority within the Council and that their activity has been politicized. In April 2021, C.N.A's configuration has changed by four new appointments that reflects the new political majority²⁸ (both the Government and the Parliament are controlled by the National Liberal Party, the Save Romania Union – PLUS and by the Democratic Alliance of Hungarians in Romania). Due to the political algorithm that determines C.N.A's configuration and coherence in decision making processes, and also due to the political tensions in the Romanian society it is extremely difficult to restore C.N.A's perception of political independence²⁹. Although it is premature to assess a potential paradigm shift and a potential depoliticization of C.N.A consistent efforts must be invested by the audiovisual body both in their relationship with the media outlets and with the public to restore its credibility.

The Budget of the Council

The activity of the C.N.A is state financed, and it is provisioned within the national budget. On average, in the last three years, C.N.A's budget was 2,7 million Euros on average (2018 – 2,341,720 EUR, 2019 – 2,883,333 EUR and 2020 – 2,912,629), where 88% of the allocated budget represents staff costs. The budget, the public procurements and staff costs allocation are subject to the same transparency procedures that are applicable to any public body.

The Annual Report

According to Law no. 504/2002, article 20, the National Audiovisual Council has the obligation to submit the annual report to parliamentary debate and control every year, prior to 15th of April. The annual report is subject to debates in the joint Media Committees of the Senate and the Chamber of Deputies, and as well as the Committees on Budget and Finance. Every year, the Council submits a detailed report on its activity, on each of its competencies (eg: licensing and authorizing, legal challenges, European relations, digitalization procedures, monitoring and sanctioning activities etc.), as well as on its budget execution.

²⁴ [CNA sleep gives birth to media monsters. Call for unblocking and evaluation of CNA activity](#)

²⁵ [The civic group „Corruption kills” announces new protests in Bucharest and other cities: „The CNA is not doing its job. It's time to visit them](#)

²⁶ [Petition to remove România TV and Antena 3 from the cable programs. Why it is not possible](#)

²⁷ [Posters with „Laura Georgescu's resignation” appeared on the CNA halls](#)

²⁸ [The four names that will change the majority in CNA](#)

²⁹ [Why politicians do not want to depoliticize the CNA, and televisions like this perfectly](#)

If the annual report is rejected by the Parliament, the President of the Council is dismissed, and new appointment procedures are organized. It is worth mentioning that the possibility of the dismissal of the President was introduced in article 20 of the audiovisual law starting with 2015³⁰. At that time, the new provision raised some critiques and concerns, voiced by various media organizations, that the Parliament would have too much control and that C.N.A might be subject to political pressures³¹. Despite the controversies, in the past 5 years the amendment that allows C.N.A's president dismissal has not been enforced.

C.N.A.'S COMPETENCES REGARDING THE REGULATION OF THE MEDIA MARKET (market entry / frequency tenders, merger control, modification of licenses, competences regarding the state advertisement)

According to the Audiovisual Law, article 17, the Council is authorized to:

I. – grant broadcasting and retransmission licenses and authorizations

- to establish the conditions, criteria and procedure for granting analogue and digital audiovisual licenses;
 - to establish the procedure for granting the retransmission authorization;
 - to issue analogue and digital audiovisual licenses and retransmission authorizations for the operation of broadcasting and television program services
- and to issue audiovisual authorization decisions;

II. – defend and promote public interest

- to issue, in application of the provisions of this law, decisions with the character of regulatory norms in order to carry out its attributions expressly provided in this law and, in particular, regarding:
 1. ensuring the correct information of the public opinion;
 2. pursuing the correct expression in Romanian and in the languages of national minorities;
 3. ensuring the equidistance and pluralism of opinions;

4. the transmission of information and official communications of public authorities regarding natural disasters, the state of necessity or urgency, the state of siege or armed conflict;
5. protection of minors;
6. defending human dignity and the right to one's own image;
7. non-discriminatory policies on race, sex, nationality, religion, political beliefs and sexual orientation;
8. exercising the right of reply, rectification and other equivalent measures;
9. audiovisual commercial communications, including advertising, product placement, election advertising and teleshopping;
10. sponsorship;
11. rules and regulations for the conduct of electoral and referendum campaigns, in audiovisual program services, in the framework of and for the implementation of electoral legislation;
12. the cultural and scientific responsibilities of audiovisual media service providers;
13. protection of vulnerable social groups, in particular the protection of victims of domestic violence.

III. – develop and adopt secondary legislation

- to elaborate instructions and to issue recommendations for the development of activities in the field of audiovisual communication.

IV. – have representative role

- The Council is consulted in the process of defining Romania's position and may participate, through representatives, in international negotiations on the audiovisual field.
- The Council is consulted on all draft normative acts regulating activities in the audiovisual field or in connection with it.

³⁰ President Iohannis promulgated the amendment of the Audiovisual Law that allows the dismissal of the CNA president", Digi24, July 27, 2015 - <https://www.digi24.ro/stiri/actualitate/politica/klaus-iohannis-a-promulgat-modificarea-legii-audiovizualului-care-permite-demiterea-presedintelui-cna-418396>

³¹ Cross-party initiative that is dangerous for CNA independence", Center for Independent Journalism, April 2, 2015 - <https://cji.ro/initiativa-transparenta-periculoasa-pentru-independenta-cna/>

V. – collect audiovisual market data

- The Council is authorized to request and receive from audiovisual service providers and distributors any data, information and documents relating to the performance of its tasks, with the obligation to maintain the confidentiality of non-public data.

Facts relevant to decisions on applications for license granting

The audiovisual legislation covers a broad range of licensing procedures, and it encourages media pluralism. C.N.A is mandated to organize public competitions on available analogue frequencies, in close cooperation with the National Authority for Management and Regulations in Communications (ANCOM – the national telecom authority). The two institutions cooperate to assess and verify if licenses' owners or contenders meet the technical broadcasting requirements. Additionally, C.N.A must ensure that the broadcasting market is balanced and to discourage unfair competition and monopoly within the market. In this sense, the Council is in close connection with the Competition Council.

During a license tender the applicant must provide strong evidence on its financial and technical capacities, and, if the case, an editorial plan that will be subject to periodical compliance verifications. If successful, the contender will own a 9-year audiovisual license along with a broadcasting license, both subject to monitoring and evaluation procedures.

The audiovisual license could be reduced by half or even canceled if the owner fails repeatedly to comply with the administrative requirements (e.g.: prior notification of the Council when the shareholders structure is changed), unpaid fines (that were issued by the Council) for at least 6 months or serious and repeated misdemeanors as provided by the Audiovisual Law or of the Decision regarding the Regulatory Code of the Audiovisual Content (no. 220/2011). Also, the Council may decide not to extend the licensing period for another 9 years if the owner fails to bring solid evidence that it is capable to ensure sustainability and consistency in the market.

In the recent years most license suspensions' decisions were made on request, as the license owners decided to reorganize their editorial or broadcasting plans.

C.N.A'S ACTIVITY THAT ENDANGER THE FREE AND INDEPENDENT FUNCTION OF THE MEDIA OUTLETS

There is no credible or consistent evidence that C.N.A's activity would endanger media independence in Romania, except that generated by its' inactivity. Most of the critiques that targeted the Council in the recent years were generated by the Council's lack of response and determination in enforcing the audiovisual legislation to discourage gross misdemeanors of various media outlets that have contributed with their broadcast to political and ideological manipulation in Romania.

On 15th of January 2019, the Council voted for a temporary broadcast suspension³², for a 10-minute duration in prime-time, of Realitatea TV, the first all-news channel in Romania. The temporary broadcasting suspension was quite drastic and rare; similar decisions were applied in 2012 and 2013 against other three national TV stations.

The sanction was applied for severe violations of the audiovisual legislation on covering anti-governmental protests from 10th of August 2018. At that time, the Council miscommunicated its decision, without publicizing the motivation, and contributed to vigorous public controversies. Various politicians, even the President of Romania, along with many journalists and influencers labelled C.N.A's decision as a political interference within the editorial independence of one of the most vocal anti-governmental media outlets in Romania (at that time). Despite the politicized context, the motivation that was issued by C.N.A in the following days provided consistent and relevant evidence that supported its decision and it was not dismissed by the administrative tribunal. It is worth mentioning that even if the Council's decision was legally justified and proportionate (two key principles in sanctions' balancing), it was nevertheless subject to the critique that C.N.A is operating on double standards, as other pro-governmental media outlets had similar or even worse misconducts and received less drastic sanctions.

In conclusion, the lack of response and the lack of a pro-active attitude, along with the inconsistent and unpredictable evaluation procedures are the most critical aspects that frail C.N.A's authority and credibility among media players and, most importantly, within the public opinion.

ANALYSIS ON THE ACTIVITY OF THE REGULATOR

Despite its broad means of intervention and the continuous polarization and tabloidization of the media discourse in the last decade, the National Audiovisual Council failed to fully cover its mission as public interest guardian. Both internal and external factors have contributed to various institutional and operational blockages. Although in the last two years some improvements in C.N.A's activity are visible (such as the organizing of regular meetings for analyzing and sanctioning audiovisual media misconduct), yet much progress is to be made for the institution to regain its credibility, especially regarding political biases and even double-standards in interpreting and enforcing the audiovisual legislation.

The public scrutiny on C.N.A increased significantly in the recent years, starting with the electoral year 2016, when the Social Democratic Party (PSD) won the general elections. Prior and during the electoral campaign, some national TV channels (Antena 3 and Romania TV) have openly endorsed PSD leaders and candidates by running coordinated media campaigns against adversaries of PSD. At that time, severe manipulative narratives promoted mostly by the two television channels benefited of the weak and late response from C.N.A. The general frustration escalated dramatically in 2017, when the PSD Government managed to trigger massive street protests against its illiberal policies, and these

³⁰ CNA sanctions Realitatea TV with temporary suspension of the show for how it reflected the August 10 protest". G4Media, January 15, 2019 - <https://www.g4media.ro/cna-sanctioneaza-realitatea-tv-cu-suspendedarea-temporara-a-emisiei-pentru-modul-in-care-a-reflectat-protestul-din-10-august.html>

protests continued until 2018. The social and political polarization reflected also in media coverages. To minimize or to discredit the protests, pro-governmental media outlets have promoted conspiracy theories and fake news in prime-time and have promoted a hostile attitude both against the protesters and the opposition parties. The poor promptness and firmness in sanctioning such violations triggered public hostility against C.N.A. that was accused of political partisanship and protection of pro-governmental media. This perception led to coordinated campaigns of mass complaints against Antena 3 and Romania TV, that eventually slowed down the institution's response capacity. Thus, in 2017, C.N.A had to process 4250 complaints against national TV and radio stations, as opposed to the previous year when they recorded only 1178 complaints. In 2018, C.N.A had to process even a higher number of complaints – 5015, and therefore the Council reported 1975 complaints only for the first two months of 2019³³.

Apart from the external factors, such as the tormented political context, C.N.A has also been affected by internal dysfunctionalities as the 11 members rarely managed to reach consensus in sanctioning the media outlets that failed to serve the public interest. Although the Audiovisual Law provides that administrative fines that could reach up to 40.000 Euros for repeated violations, especially in ensuring pluralism and correct information, can be applied, the highest penalties only reach up to 10.000 euros. Thus, the lack of proportionality and progressiveness in C.N.A's decisions consolidated the perception that the audiovisual body is not consistent when interpreting the regulatory framework and fails to act as a watchdog. Another critical aspect in C.N.A's activity is related to the institutional practice of applying only one sanction for multiple and repeated misdemeanors of a media outlet.

Starting 2019, the activity of C.N.A normalized, as the body managed to overcome all the blockages that were generated by the massive complaints' campaigns from the previous years. Yet, the slow responsiveness and lack of proactiveness were similar, even if two electoral campaigns were on the horizon: April – May 2019 (the elections for the European Parliament) and October – November 2019 (the Presidential elections). As the 2019 electoral climate has been less intense as opposed to previous years, the audiovisual media outlets' legal infringements were less present. Thus, C.N.A issued 10 summons (public warnings) to various media outlets for misconduct in covering the European Parliament elections, and other 9 summons for the Presidential elections. In 2019, C.N.A reported that it received and processed 2474 complaints (2288 complaints against national TV and radio stations, and 186 complaints against local and regional TV and radio stations). Also, in October 2020, the council canceled Estrada TV³⁴ (a national generalist TV station) audiovisual license for a series of unpaid fines that the Council imposed between 2015 and 2018, and also decided not to extend Realitatea TV (the first Romanian all-news channel) audiovisual license for not meeting the minimum administrative requirements and procedures³⁵. By then Realitatea TV had had a long and tormented history of financial difficulties that ended in 2019 when the bankruptcy was declared by the court³⁶. As for 1st of November 2019, Realitatea TV continued to air under Realitatea Plus³⁷ brand and audiovisual license, thus C.N.A's decision did not impede the editorial plans of the outlet. The smooth transition between the two broadcasting licenses was possible as Realitatea TV shareholders had already owned Realitatea Plus license since 2013, as a back-up plan for the potential

bankruptcy of Realitatea TV. Some media reports pointed out that the new beginning of Realitatea brand was not necessarily a clean slate as the company that owns Realitatea Plus license has already cumulated significant debts³⁸.

In 2020, despite the COVID-19 pandemic, C.N.A continued to meet online regularly. In the autumn, both local and parliamentary elections took place, and C.N.A issued summons (public warnings) and sanctions for various violations in the electoral coverage. After the local elections in September, C.N.A issued 20 summons, and in December, after the parliamentary elections C.N.A issued 26 sanctions³⁹.

In February 2021, C.N.A suspended its weekly meetings for almost three months due to the expiration of mandates of three members of the Council. Thus, the Council could not meet the quorum requirements and has functioned with only seven out of 11 members (another mandate was vacant since October 2020, due to the death of one of the members). The temporary blockage could be explained by the new Parliamentary majority's agenda that did not prioritize C.N.A's new appointment procedures for almost three months.

Due to the poor coordination and prioritization of the new parliamentary and governmental coalition, the appointment procedures were organized only on late, in April 2021. This reflected also in C.N.A's capacity to adopt and submit the 2020 Annual Report to the parliamentary commissions. Currently, C.N.A has a fully functional board and has resumed its activity on 13th of May 2021⁴⁰.

³³ Excerpt from 2018 Annual Report

³⁴ Estrada TV shuts down. The CNA revoked its license

³⁵ Realitatea TV shuts down. CNA rejected the extension of the television license

³⁶ Realitatea TV - short history: The first news station, buried by bankruptcy 18 years after its establishment

³⁷ Realitatea goes on. From Realitatea TV to Realitatea Plus

³⁸ A new TV scam: Realitatea Plus registered on a company with high losses and debts

³⁹ C.N.A's 2020 report - voted unanimously by the Council members", Agerpres, May 18, 2021 - <https://www.agerpres.ro/cultura/2021/05/18/raportul-cna-pe-2020-votat-in-unanimitate-de-membrii-consiliului-715168>

⁴⁰ CNA, the first meeting after three months: B1 HD, Profit TV HD, Rock FM and Pro FM licenses and much more, on the agenda

Relevant decisions⁴¹ (2018 – 2020)

2018					
Category	No. of sanctions	Administrative fines	Average amount	Public summons (warnings)	Other sanctions
National TV stations	90	47	6266 EUR	41	2
National radio stations	5	1	2150 EUR	4	
Local TV stations	23	3	16129 EUR	20	
Local radio stations	37			37	
Cable service providers	12	1	2150 EUR	11	

In 2018, C.N.A held 49 public meetings in which it issued 167 summons and sanctions, 54% of them granted to national TV stations. Most of C.N.A's sanctions consisted of public summons, as only 52 of them were administrative fines totaling 1,6 million LEI (approx. 347,000 EUR). 90% of the administrative fines were imposed to national TV stations for various violations as provided by the audiovisual legislation.

2019					
Category	No. of sanctions	Administrative fines	Average amount	Public summons (warnings)	Other sanctions
National TV stations	229	80	3375 EUR	145	4
National radio stations	24	5	2004 EUR	19	
Local TV stations	95	5	1582 EUR	87	3
Local radio stations	75	1	4220 EUR	71	3
Cable service providers	58	7	3918 EUR	50	1

In 2019, the Council intensified its activity and held 79 public meetings where it issued 484 sanctions (375 public summons and 98 administrative fines). The administrative fines, with a total of 1,5 million LEI (approx. 320,000 EUR) were mostly imposed to the national TV stations.

Although the number of sanctions almost tripled in 2019, the total sum is lower than in 2018, and the average amount as well. This indicates that the sanctions were not progressive even if they targeted repeated and constant violations for similar offences of the same media outlet.

⁴¹ 2018 and 2019 statistics were corroborated from C.N.A's annual reports. *Special note: 2020 data were collected by the authors of the chapter, after analyzing all sanctioning decisions that were published by the C.N.A on its website. Some figures may vary, but not significantly.*

In 2020⁴², C.N.A held 79 public meetings where it issued 349 sanctions, of which 260 consisted of public summons and 85 of administrative fines, totaling 1,7 million LEI (approx. 350,000 EUR).

	NATIONAL NEWS TV CHANNELS					
	2018 ⁴³		2019 ⁴⁴		2020*	
	Fines - amount (Romanian Lei)	Fines - share (from total amount)	Fines - amount (Romanian Lei)	Fines - share (from total amount)	Fines - amount (Romanian Lei)	Fines - share (from total amount)
Antena 3	102000	6,32%	155000	11,72%	52500	3%
B1TV	102500	6,35%	135000	10,21%	65000	4%
Digi 24	20000	1,24%	40000	3,02%	5000	0%
Realitatea TV	155000	9,60%	195000	14,74%	not applicable	not applicable
Realitatea Plus	not applicable	not applicable	5000	0,38%	177500	11%
Romania TV	70000	4,34%			115000	7%
TVR 1	not applicable	not applicable	5000	0,38%	not applicable	not applicable
	COMMERCIAL NATIONAL TV CHANNELS					
	2018		2019		2020*	
	Fines - amount (Romanian Lei)	Fines - share (from total amount)	Fines - amount (Romanian Lei)	Fines - share (from total amount)	Fines - amount (Romanian Lei)	Fines - share (from total amount)
Antena 1	200000	12,39%	255000	19,28%	160000	9,48%
Estrada TV	65000	4,03%	270000	20,42%	not applicable	not applicable
Kanal D	585000	36,23%	10000	0,76%	85000	5,04%
Nașul TV	50000	3,10%	27500	2,08%	105000	6,22%
Pro TV	220000	13,63%	42500	3,21%	295000	17,48%

Special note: 2020 data were collected by the authors of the chapter, after analyzing all sanctioning decisions that were published by the C.N.A on its website. Some figures may vary, but not significantly.

⁴² Due to the fact that the 2020 Annual Report is not public yet the authors could not process in detail sanctions' distribution.

⁴³ CNA, activity report 2018. Kanal D, the most fined generalist post. Realitatea TV, the most sanctioned news television", Pagina de Media, April 5, 2019 - <https://www.paginademedi.ro/2019/04/cna-raport-de-activitate-2018/>

⁴⁴ CNA imposed fines of over 1.3 million lei this year", News.ro, December 31st, 2019 - <https://www.news.ro/cultura-media/cna-a-aplicat-anul-acesta-amenzi-de-pest-1-3-milioane-de-lei-realitatea-tv-si-gold-fm-cele-mai-multe-sanctiuni-1922400031002019121119214255>

National TV stations, both news channels and commercial channels, have the highest share of administrative fines (ranging from 63% in 2020 to 98% in 2018).

In 2018, the most relevant national news TV channels had a share of 28% from the total fines that were imposed, share that increased to 40% in 2019. In the last three years, the news channels who received most of the fines were Realitatea TV, B1TV, Antena 3 and Romania TV.

Detailed review of violations sanctioned by the C.N.A

For the national news channels, the most predominant decisions issued by the Council in the last three years have sanctioned key ethical sideslips regarding the correct information and pluralism, along with the protection of human dignity and the right to one's image.

In the case of the national commercial TV stations most of the sanctions have been applied for infringements of the child protection legal provisions, respecting the human dignity, and respecting the advertising regulations (especially regarding the duration of advertising segments).

License tenders

Currently there are 1416 valid audiovisual licenses and retransmission authorizations that are owned by 454 companies and organizations that cover 6144 locations (covering cities, towns, rural areas etc.).

According to C.N.A's 2018 annual report, as a result of the granting, extension or assignment of audiovisual licenses, as well as a result of changes in the shareholders structure, name or registered office of companies, change of name of the program service or its broadcasting area, C.N.A issued:

- 360 audiovisual licenses for terrestrial radio program services and 5 licenses for terrestrial radio networks - national and regional;
- 15 licenses for satellite broadcasting programs;
- 3 audiovisual licenses for television programs with digital terrestrial broadcasting;
- 48 audiovisual licenses for television programs with satellite broadcasting and
- 64 licenses for television programs broadcasted through other communication networks.

In 2019:

- 96 licenses were issued for audiovisual media services for terrestrial radio programs and 4 licenses for terrestrial radio networks - national and regional;
- one license was issued for broadcasting programs with satellite broadcasting;
- 30 audiovisual licenses were issued for television programs with satellite broadcasting, and
- 83 licenses were issued for other television programs communications networks.

In 2020, the Council issued 234 audiovisual licenses:

- 78 audiovisual licenses for terrestrial radio programs services and two licenses for national and international terrestrial radio programs;
- two licenses for satellite broadcasting programs;
- 49 audiovisual licenses for programs satellite television and
- 103 licenses for television programs broadcast via other communication networks.

According to the Audiovisual Law, licensing and authorizing procedures are applicable non-discriminatory for the following formats and services:

1. audiovisual media service - the service under the editorial responsibility of a provider of media services, the main purpose of which is to provide programs for information purposes, by entertainment or education for the general public, through electronic communications networks. Such a Audiovisual media service is either a television / broadcasting program service, (...), or an on-demand audiovisual media service as defined in point 3, and / or a media service that constitutes an audiovisual commercial communication(...);
2. television / broadcasting program service - linear audiovisual media service provided by a broadcaster, in which the programs are broadcast in continuous succession, regardless of the method technique used, having a predetermined content and schedule, for simultaneous viewing / listening of programs, based on a program grid, under a specific name and identified by a logo, in in the case of television, or by an audible signal, in the case of broadcasting;
3. on-demand audiovisual media service - a non-linear audiovisual media service, in which watching programs is done at the individual request of the user and at the time chosen by him, provided by a media service provider based on a catalog of programs selected and put on provided by the media service provider;

4. program - set of moving images, with or without sound, which constitute a whole identifiable by title, content, form or author, within a grid or a catalog made by a audiovisual media service provider, having the form and content of television services or being comparable in form and content to them;
5. generalist television or broadcasting service - a service that broadcasts cumulatively and in balanced proportions audiovisual programs with informative, educational and entertainment content, in the main areas of interest and which address the majority of the public;
5. public television and broadcasting services - television program services offered by the Romanian Television Society and the services of broadcasting programs offered by Romanian Broadcasting Company;
6. community television or broadcasting service - a service that broadcasts programs audiovisuals dedicated to an audience belonging to a specific community;
7. thematic television or broadcasting service - service that broadcasts programs audiovisuals dedicated mainly to a specific field and addressed to a segment of the public;
8. teletext service - all the information made available to the public in the form of a text, encoded inside the image signal, which can be accessed using a standard decoder of the TV receiver at the time, for the duration and for the chosen content;
9. videotext service - all messages made available to the public in the form of text or graphic signs, within a grid or a catalog, made by a media service provider audiovisual media services, having the form and content of television services or being comparable in form and content with them;
10. retransmission - simultaneous capture and transmission of linear audiovisual media services, provided by broadcasters and intended for reception by the public, by any technical means, in their integrity and without any modification of the content;

Despite the broad range of audiovisual services, the terrestrial radio programs are the most flexible and dynamic segment.

CONCLUSIONS

In the recent years, the National Audiovisual Council has weakened its authority as a media watchdog, and as a key player within the democratic system. Given its' dependence to the political algorithm and the constant critiques of politization and partisanship, the Council has limited scenarios to recover its credibility.

Additionally, the Council must invest consistent efforts to increase its authority among the audiovisual media outlets by proactive interventions when regulatory sideslips occur – especially during electoral campaigns or during various social and political crisis.

Although the Council has proven that it does not conflict with the freedom of expression and does not interfere into editorial processes, given the fake news and conspiracy theories dispersal within the society, the audiovisual body must make use of all legal instruments to redress the phenomena within the media outlets that traditionally outsmart the existing audiovisual legislation.

In this sense, the sanctioning decisions should be proportionate, progressive, and solidly justified both to the media outlets and to the public.

Finally, the Council should restore its public perception by opening the communication to the public as a media literacy promoter.

RELEVANT SOURCES

- The National Audiovisual Council official website - cna.ro
- Sanctioning decisions - <https://www.cna.ro/-Decizii-de-sanc-ionare-.html>
- Licensing reports - <https://www.cna.ro/Situa-ii-privind-licen-ele,6771.html>
- Annual reports - <https://www.cna.ro/-Raport-anuale-.html>
- http://www.cdep.ro/pls/legis/legis_pck.act_text?id=12094
- Law no. 504/2002 [up to date] – The Audiovisual Law - <http://legislatie.just.ro/Public/DetaliiDocument/37503>
- Decision no. 220/2011 regarding the Regulatory Code of the Audiovisual Content https://www.cna.ro/IMG/pdf/DECIZIE_nr._220_din_24_februarie_2011_versiune_consolidata.pdf



SLOVAKIA

LEGAL FRAMEWORK - INDEPENDENCE AND COMPETENCES OF THE REGULATORY BODY

The Council for Broadcasting and Retransmission (Council) of the Slovak Republic is the body responsible for the regulation of broadcasting in Slovakia. The function and responsibilities of the Council are set out in the Act on Broadcasting and Retransmission Act No. 308/2000 Coll. The Council is an administrative authority whose mission is to enforce the public interest in the exercise of the right to information, freedom of expression, and the rights of access to cultural values and education, and to perform state regulation in the areas of broadcasting, retransmission and the provision of on-demand audiovisual media services. The Council ensures the maintenance of plurality of information in the news programmes of public service broadcasters and licensed broadcasters. It also supervises compliance with legislation regulating broadcasting, retransmission, and the provision of on demand audiovisual media services, and performs state administration in the area of broadcasting, retransmission and the provision of on-demand audiovisual media services in the scope provided for by the Act on Broadcasting and Retransmission.

The main media regulator, the Council is a relatively transparent institution. Most of the documents issued by the Council, including decrees, minutes of meetings, reports on the state of broadcasting and licensing decisions are published on the regulator's website. The licensing decisions and the deliberations around a licensing request were done behind closed doors.

The Council Composition

The Council consists of nine members who are elected and dismissed by the Parliament and can be nominated by members of the Parliament, professional institutions and civil associations operating in the areas of audiovisual, mass information means, culture, science, education, sport, registered churches and religious societies, and civil associations of citizens with disabilities. A staff of some 30 specialists, known as the Office of the Council for Broadcasting and Retransmission, offer advice and expertise to the Council to help them make in their decision-making processes. The Council usually meets twice a month.

To be able to be elected as a member of the Council the person has to be a citizenship of the Slovak Republic with permanent residence in the territory of the Slovak Republic, aged not less than 25 years, with full legal capacity and integrity and not been convicted of a deliberate crime. A Council member may be elected for a maximum of two terms of office. One third of the Council shall be renewed every two years.

The independence and integrity of Council Members

Council Members should be independent and are not allowed to hold a function in a political party or a political movement, or act on their behalf or for their benefit. Neither Council Members nor persons closely related to them may be periodic press publisher, a broadcaster, retransmission operator, a provider of on demand audiovisual media service or a member of the statutory body, managing body, control body, or be the statutory representative or an employee of such an organisation. Furthermore, neither Council Members nor persons closely related to them may have a share in the ownership, or a share in the voting rights of an entity that is a broadcaster or retransmission operator or the provider of on-demand audiovisual media service.

Council Members may not be members of the statutory body, managing body or control body or be the statutory representative of an organisation that provides services connected with the creation of programmes, advertisements or technical support for broadcasting, retransmission and the provision of on-demand audiovisual media services. They should also not provide direct or mediated consultation or professional services or assistance for payment or other consideration to the broadcasters, retransmission operators, or on-demand audiovisual media service providers.

In practice, until recently, there were very close links between Council members and political parties. Most of the Council members often interacted with politicians and financiers with an interest in the media. For example, one of the recent members of the Council was Mr Milan Blaha, who was elected to the Council in 2017. He was a veteran journalist, known in the distant past as a propagandist for former Prime Minister Vladimír Mečiar, a controversial politician infamous for his undemocratic practices. Milan Blaha's son, Ľuboš, is a Marxist philosopher and political scientist, since 2012 a member of the National Assembly of the Slovak Republic for Smer-SD.

Ľuboš Blaha is recently known for his significant activity on Facebook, which is typical by its verbal aggression against political and other opponents, as well as his regular use of disinformation and manipulative and false interpretations.

At the same time, however, it should be noted that with the digital switchover, an increasing number of licenses for TV and radio operations is now available which makes licensing somewhat less important than before when only a few television broadcast licenses were available. As such, this increased availability of licenses helped to depoliticize the regulatory process and reduce the amount of pressure on the Council's members. Nowadays, any applicant who meets the set of formal criteria can claim a broadcast license. While a high number of bidders were participating in licensing tenders in the past, today, if a digital license holder wants to air also terrestrially (besides via digital platforms), it has to conclude bilateral agreements with digital multiplex operators.

Budget of The Council

The Council manages its own budget and its activities are covered by a separate chapter of national budget of the Slovak Republic.

	2014	2016	2017	2018	2019	2020
Revenue	343 514	190 823	270 287	196 660	115 414	469 240
Expenses	1 114 742	1 119 599	1 333 631	1 399 654	1 543 082	1 673 949

Source: Based on data from the Council's annual reports

The Council gets a subsidy from the state budget which was almost 1,4 million EUR in 2018 – an increase in of less than 5% compared to 2017. However, the government has pushed the Council to generate more cash on its own, first time in 2014.⁴⁵ International Press Institute (IPI) and South East Europe Media Organisation (SEEMO) both criticized the government's decision stating that by forcing the regulator to impose more fines, the government threatened the Council's independence and instilled fear and self-censorship among media outlets.⁴⁶ By the Law on Broadcasting and Retransmission, the Council can impose fines on broadcasters ranging from 99 to 165,959 EUR, depending on the gravity of the violation. It should be noted that the funding the Council generates on its own is returned to the state budget.

The Council's budget for 2020 was approved in the amount of EUR 250,000.00. In total, the Council achieved revenues of EUR 469,240.47, of which revenues from fines for infringements amounted to EUR 466,342.00 and other non-tax revenues of EUR 2,898.47. The implementation of revenue represents 187.70% of the approved budget.

⁴⁵ Media Influence Matrix: Slovakia by Marius Dragomir available at <https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/basicpage/1322/mimslovakia2020full.pdf>

⁴⁶ Ibid

The Annual Report

Every year the Council submits an Annual report on its activities, the state of broadcasting, the provision of retransmission services and the provision of on-demand audiovisual media services. The report includes information about the situation in radio and television broadcasting, information about the licenses that have been granted or changed and about the criteria that have been used as the basis for granting the licenses to applicants and for rejecting the applications of all other parties in the procedure.

It also includes statistics on broadcast programmes, statistics of the television broadcasting of European works and independent productions, statistics of the radio broadcasting of Slovak musical works and statistics on the share of European works in the area of on-demand audiovisual media services and their evaluation (Section 5(1)(l)). The Annual report further includes an analysis of the programme services of the public service broadcaster and licensed broadcasters; on-demand audiovisual media services; ownership relations and personal relations in broadcasting (Sections 42 to 44) including an overview of the ownership structure of broadcasters; shares of public interest programmes in broadcasts; the linguistic diversity of broadcast programmes, focussing in particular on the share of the state language and the languages of national minorities in broadcasting; the duties of retransmission operators, in particular the duty to ensure the basic extent of retransmission (Section 17(1)(a)) and the effect of such duties on the provision of retransmission in the Slovak Republic.

The Council submits its Annual Report on the state of broadcasting and Council's activities once a year to the Parliament. Moreover, the Council also submits for review its statutes and rules of procedures to the Parliamentary Committee for the Media and Culture which the committee then submits to the Speaker of the Parliament for approval. The Annual Report becomes public at the date of its approval by the Council.

Council membership is terminated by expiration of the term of office (Section 8(1)); by resignation from office; by dismissal of the council member from office or by the death of the council member. The Parliament can dismiss a Council member in case s/he has ceased to fulfil the conditions for holding office; s/he has been legally convicted of a deliberate crime; s/he has been legally deprived of legal capacity; or his or her legal capacity has been legally restricted; s/he has not performed his or her function for more than six consecutive calendar months; or s/he acts in contravention of the statutes of the Council.

DETAILED ANALYSIS OF THE COMPETENCES REGARDING THE MEDIA MARKET (market entry / frequency tenders, merger control, modification of licenses, competences regarding the state advertisement)

Competences of The Council

The Council decides on broadcasting licenses, registration for retransmission services and on the suspension of retransmission of a programme service or in case of serious violations on revoking of the license. It also decides on the assignment of additional frequencies to the public service broadcasters as well as on granting of a terrestrial broadcasting licence. In the Annual report, the Council is responsible to provide ownership relations and personal relations in broadcasting including an overview of the ownership structure of broadcasters.

The publisher of a periodical that is published at least five times a week and is available to the public in at least half of the Slovak territory cannot simultaneously be a licensed broadcaster on the multiregional or national level. It is also not possible for a legal entity or natural person to have a cross ownership connection with more than one licensed broadcaster on the multiregional or national level; nor shall cross-ownership exist with a publisher of periodicals with national circulation. Moreover, a legal or natural person can have a cross-ownership connection with several licensed broadcasters on the local or regional level only if the broadcasting of all of the broadcasters with whom this person has cross-ownership connections can be received by not more than 50% of total population. All forms of cross ownership or personal connection between the broadcaster of a radio program service and the broadcaster of a television program service to each other, or with a periodical press publisher on the national level are prohibited. In case of a breach of these provisions, the Council has power to revoke the license of the broadcaster.

The Council keeps a record of applications for the granting of a licence as well as of granted licences. It also keeps a record of applications for registration of retransmission and of registrations of retransmission as well as information on providers of on-demand audiovisual media service based on notification duty. Also, the Council keeps information on internet broadcasters. The Council publishes (on its web site) a summary of valid licences and registrations for retransmission, the state of usage of the frequency spectrum and a summary of vacant broadcasting frequencies, and a summary of providers of on-demand audiovisual media service and internet broadcasters.

Type of connection/year	2013	2014	2015	2016	2017	2018	2019	2020
Number of registrations for retransmission in total	173	167	167	168	168	165	153	127
Number of households connected via KDS, DVB-C	864 733	733 149	790 042	716 409	493 603	454 352	498 121	684 359
Number of households connected via MMDS, MVDS, internetu and other telecom. Networks	23 071	330 507	276 311	260 921	34 297	49 231	48 230	41 434
Number of users connected via mobile operators	1 210 000	1 210 000	1 371 000	1 372 000	1 398 000	1 418 280	1 429 560	1 420 474
Number of users connected via DVB-T	1 505 600	1 506 150	1 506 700	1 501 250	1 684 831	1 701 700	1 710 840	1 501 450
Total	3 603 404	3 779 806	3 944 053	3 850 330	3 610 731	3 623 563	3 686 904	3 647 717

Source: The annual report 2020 by the Council for Broadcasting and Retransmission

Licences

Licenses are granted by the Council in the licensing procedure. The Council is authorized to grant at most one license to one legal entity (or one natural person) to broadcast a television program service or one license to broadcast a radio program service. This condition does not apply to a broadcast license granted for a monothematic television program service.

The licenses are granted for 12 years (TV) and 8 years (radio) but it could also be for a shorter period in case the applicant so requests or it is necessary for the efficient utilization of the frequency spectrum (or it is necessary for the performance of obligations stipulated in international treaties).

There are number of obligations that the applicants need to meet when requesting a license, including a detailed information on all owners, available finances, estimated time period and territorial extent of broadcasting, proposed program structure of broadcasting, confirmation of a competent authority that the applicant has no tax arrears in the records of the competent local tax authority, etc.

When granting a license, the Council considers prerequisites necessary to maintain plurality of information and media content; whether the program structure proposed by the applicant is balanced in relation to the existing offer of program services in the area of broadcasting in the territory that should be covered by this broadcasting; the contribution of the applicant in relation to the broadcasting and production of public interest programs, as well as the fact that the applicant should not obtain a dominant position in the relevant market.

The granting procedure is commenced by the Council not later than 18 months before the expiration of the terrestrial broadcasting license of a TV or radio program service on the national and multiregional levels and includes the basic conditions of the procedure (the deadline and the location for submission of applications for the license, the territorial range of broadcasting, the specific frequencies and the date of the public hearing for license applicants).

The broadcaster may apply to the Council for a change of the license or the license extension. The license can be extended only once, for a television program service by 12 years, and for a radio program service by eight years.

IDENTIFICATION OF THE FIELDS OF THE ACTIVITY THAT ENDANGER THE FREE AND INDEPENDENT FUNCTION OF THE MEDIA OUTLET.

The Slovak media market is shaped by the interests of various powerful ownership groups. Although their influence varies and in some cases tends to control the content, overall the Slovak media environment has so far resisted the more pernicious influence of oligarchisation as we know it from neighboring countries.

There are primarily two areas with potential to endangering the free and independent function of media outlets. More specifically, such problems could occur during the licensing procedures or while penalizing broadcasters for breaches of the legislation. While the Council members should be independent in making decisions on different aspects of the licensing process, they may be influenced by either political or economic interests. This could happen either while making the decision on whether or not to grant the license, but it could also influence the program structure of the media. Also, such impact may be visible in the process of license extension or suspension.

As indicated above, in 2014 the government has pushed the Council to generate more income from its own activities which resulted in an increased focused on imposing fines on broadcasters. However, according to a recent report looking, inter alia, into the activities of the Council, the "Council has not made in recent years any earth-shattering decisions that would negatively or positively affect news media companies. Fines, usually to the tune of thousands of euros, are not life-threatening for the major broadcasters."⁴⁷

⁴⁷ Media Influence Matrix: Slovakia by Marius Dragomir available at <https://cmds.ceu.edu/sites/cmcs.ceu.hu/files/attachment/basicpage/1322/mimslovakia2020full.pdf>

Analysis of news programs prior to the 2020 Slovak parliamentary elections

Our analysis based on desk research also did not reveal any obvious actions taking place during the licensing process that would 'endanger free and independent function of media outlets'. However, the Council appeared to have been reluctant to conduct a comprehensive monitoring of TV and radio during elections, based on which they could identify biased coverage and political favouritism towards certain political actors in news and current affairs coverage.

Monitoring and sanctions during elections

Until 2008, the Council conducted regular comprehensive monitoring of broadcast content (mainly focusing on news and current affairs programs) and published results of such monitoring in a section of its web site titled Monitoring vysielania (monitoring of broadcasting).⁴⁸ The last report published on the old version of the Council's web site covers the period 15 September – 15 October 2008 and focused on the prime time news of four national TV broadcasters.⁴⁹ Since 2009, such the Council has continued doing regular monitoring (particularly in the context of important political events such as elections) but the results of the monitoring were not presented separately (in the form of individual reports, as in the past) but integrated in the annual reports of the Council on the state of the broadcasting⁵⁰. As such, while there are frequent complaints about political pluralism and objectivity of different broadcasters' news and current affairs programs, those who are interested have to wait for the annual reports and then find a very short summary of the monitoring results. For example, in 2020, the Council conducted only one specific monitoring focusing on news and current affairs programs of TV and radio broadcasters (and monitoring based on complaints) which is summarized on some three pages of the annual report. The main finding of the monitoring conducted by the Council was that there were no violations of the Law on Broadcasting and Retransmission.

By contrast, MEMO 98 found that RTVS failed to meet its role of a public broadcaster – the legal requirement of impartiality during an election campaign was compromised by showing support to parties of the ruling coalition. According to MEMO 98, RTVS dedicated the bulk of its news airtime to the then ruling coalition parties SMER-SD and SNS (Slovenská Národná Strana). Together with the substantial airtime provided to the previous government as such, this was almost two thirds of the total airtime devoted to election and political-related information (these two government parties acquired three times larger airtime than the third coalition partner Most-Híd). Just to compare, RTVS dedicated the total of approx. 17% of airtime to the six parties of democratic opposition, the smallest share among all monitored TV channels. Moreover, we should also take note of the trend of the

notable over-representation of SNS in the discussion programs organized by RTVS. During the campaign, SNS was the most frequently invited political party (6 invitations) despite its much weaker standing in terms of voter preferences. RTVS even made the last-minute change of rules for the final election debate so that SNS could take part as well.

The re-defining of the selection criteria for the final debate on RTVS was also criticized by the OSCE/ODIHR Election Assessment Mission which wrote in its final report that "based on the results of opinion polls, SNS did not qualify for the final debate on RTVS at which the largest audience was expected; however, the SNS candidate was invited following the decision by the public broadcaster to re-define the earlier adopted selection criteria."

Also, MEMO 98's monitoring indicated that privately-owned TA3 allocated the biggest share of its news coverage to the SNS party. TA3 also demonstrated its political favouritism towards the ruling parties in its discussion program titled In politics (V politike) - as many as 41 % of guests were representatives of SMER-SD and SNS. Still, the Council for Broadcasting and Retransmission failed to notice these failures.

The media regulator (The Council for Broadcasting and Retransmission) should actively oversee broadcasting during election campaigns. Moreover, legislative conditions should be established enabling a prompt reaction to any breach of rules, including an adequate sanctioning mechanism. Besides the above, the Council should be obliged to perform monitoring of news and current affairs programs during the campaign.

By contrast, the Czech media regulator conducts comprehensive and regular analysis of TV and radio content prior to all elections in Czechia, some of which are outsourced and the rest conducted inhouse by the regulator's analysts.⁵¹

ELABORATING ANALYSIS ABOUT THE ACTIVITY OF THE REGULATOR

Analyses of the content of radio and television broadcasting, sanctions

The Law on Broadcasting and Retransmission obliges broadcasters to be impartial, objective and ensure plurality of views in news and current affairs programs. The compliance is monitored by the Council. The Council conducts specific monitoring (such as prior to an election) or in connection with complaints from listeners and viewers. The specific monitoring focuses on selected programs of TV and radio channels for a certain period of time. The monitoring conducted in connection with the received complaints is a dominant monitoring activity by the Council, given its capacity and the number of complaints submitted to the Council.

⁴⁸ The monitoring section is here: http://archiv.rvr.sk/spravy/index.php?kategorieId=235&rozbalit-Clanky=235#clanky_235

⁴⁹ The report (15 September – 15 October 2008) is available here: http://archiv.rvr.sk/cms/data/modules/download/1231761671_Sprava_o_komparativnom_monitoringu_spravodajstva.pdf

⁵⁰ Annual reports are here: <http://sk.rvr.sk/pre-verejnost-spravy-o-stave-vysielania>

⁵¹ Reports available here: <https://www.rrtv.cz/cz/static/prehledy/analzy-vysilani/index.htm>

In case the broadcasters violate the law or conditions of their broadcasting, the Council has a wide range of penalties ranging from warning, broadcasting of an announcement about infringement of law, fine or revoking of the license in case of a serious violation.

The results of monitoring conducted by the Council

In 2020, there were 27 complaints about radio broadcasting checked by the Council of which one complaint was considered as justified while 25 were considered as not justified (one complaint was determined as partly not possible to be checked and partly as not justified). The complaints can be divided into the following five areas: plurality of information, objective and balanced information, protection of human dignity and protection of minors, advertising, and sponsoring (hidden commercial communication).

In 2019, the Council conducted a specific monitoring in the run-up to the 2019 presidential election as well as prior to the EP elections. In addition to these monitoring activities, the Council was involved in monitoring social media platforms as part of ERGA activities. Similar to other year, dominant part in the field of monitoring was monitoring linked with received complaints.

The Council monitored the public broadcaster RTVS in connection with the 2020 parliamentary elections and dealt with the complaints filed in connection with the election coverage. There were 89 complaints about TV broadcasting checked by the Council of which one complaint was considered as partly justified and partly as not justified while 85 were considered as not justified (one complaint was determined as partly not possible to be checked and partly as not justified). Three complaints were considered as impossible to be checked (due to a late submission of the complaint which prevented the Council to request the respective broadcasts from the outlets. Of the complaints filed in connection with the 2020 elections, 24 complaints alleged problems with plurality of views, objectivity and balance. All of them were considered as groundless.

By comparison, private TV Markiza in 2020 was also monitored by the Council. There were 74 complaints about TV broadcasting checked by the Council of which two complaints were considered as justified while 71 were considered as not justified (one complaint was determined as partly not possible to be checked).

The Broadcasting and Retransmission Act contains Art.16, which sets out the basic obligations of television broadcasters. In addition, Art.18 regulates the specific obligations of broadcasters, in particular the public service broadcaster, in the provision of programmes in the public interest.

Article 16 stipulates that the broadcaster is obliged to ensure the versatility of information and plurality of opinion in the programme service broadcast, as well as to ensure the objectivity and impartiality of news programmes and journalistic programmes; opinions and evaluative commentaries must be separated from information of a news nature and to ensure that programmes and other components of the programme service broadcast in the context of election campaigns comply with specific regulations.

Articles 18 to 18c impose specific obligations on the broadcaster to ensure a varied programme mix, in particular a majority of programmes in the public interest, in each programme service it broadcasts (public broadcaster) and obligations setting out the proportion of programmes broadcast accompanied by closed or open captioning, interpreted in sign language for the deaf or in sign language for the deaf, accompanied by voice-over commentary for the blind, and the obligation to clearly identify all such programmes.

In connection with these basic obligations, the Council considered in 2020 a total of 25 complaints

(31 i 2019)

Program/broadcaster	Date	Violation	Decision by the Council/sanction
Televízia Močenok Kabel TV Močenok, s.r.o. (broadcasting in violation of the license)	13. 6. 2019	§ 16 part 3 letter. d)	RL/2/2020 from 29. 1. 2020, notification on the violation of the law
Info Kanál Komjatice Káblová televízia Komjatice s.r.o. (not submitting the recordings of the broadcasts)	9.6.2019, 16.6.2019	§ 16 part 3 letter. l)	RL/4/2020 from 29. 1. 2020, notification on the violation of the law
JOJ MAC TV s.r.o.(broadcasting in violations of the license conditions)	17.10.2019	§ 16 part 3 letter. d)	RL/7/2020 from 6. 5. 2020, notification on the violation of the law
TV Nové Zámky Novocentrum Nové Zámky a.s. (not submitting the recordings of the broadcasts)	15. 11. 2019	§ 16 part 3 letter. l)	RL/11/2020 from 17. 6. 2020, notification on the violation of the law
TV Raj Raj Production, s.r.o. (not submitting the recordings of the broadcasts)	21.1.2020, 22.1.2020, 27.1.2020, 28.1.2020, 31.1.2020, 1.2.2020	§ 16 ods. 3 písm. l)	RL/12/2020 zo dňa 1. 7. 2020, notification on the violation of the law
TV LUX TV LUX s.r.o. (Trnavská novína)	16. 11. 2019	§ 16 part 3 letter. a)	RL/13/2020 zo dňa 26. 8. 2020, notification on the violation of the law
Stredoslovenská televízia Stredoslovenská televízia, s.r.o. (Coffee Stories, Top téma, broadcasting in violations of the license conditions)	From 8.2.2020 until 21.2.2020	§ 16 part 2 letter. c) in connection with § 10 part 3, § 12 part 3 of the Law No. 181/2014 Coll, § 16 part 3 letter. d)	RL/17/2020 zo dňa 19. 11. 2020, notification on the violation of the law
Východoslovenská televízia KREOS, s.r.o. (Osobnosti)	8.2.2020 až 21.2.2020	§ 16 ods. 2 písm. c) v spojení s § 10 ods. 3, § 12 ods. 3 zákona č. 181/2014 Z. z.	RL/18/2020 zo dňa 19. 11. 2020, notification on the violation of the law
TA3 C.E.N. s.r.o. (multimodal access)	April, May, June 2019	§ 18a letter a)	RP/2/2020 zo dňa 15. 1. 2020, fine 3 319 eur
Magio Infokanál Slovak Telekom, a.s (BBCearth)	14. 6. 2019	§ 16 part 3 letter. e)	RP/12/2020 zo dňa 26. 2. 2020, fine 165 eur

Program/broadcaster	Date	Violation	Decision by the Council/sanction
LocAll KABEL TELEKOM, s.r.o. (Regionálny týždenník, not submitting the recordings of the broadcasts)	23. 7. 2019	§ 16 part 3 letter. b), § 16 part. 3 letter. l)	RP/13/2020 zo dňa 8. 4. 2020, notification on the violation of the law + fine 165 eur
JOJ MAC TV s.r.o. (not submitting the recordings of the broadcasts)	28. 8. 2019	§ 16 part 3 letter l)	RP/14/2020 zo dňa 8. 4. 2020, fine 165 eur
JOJ MAC TV s.r.o. (Kutyil s.r.o., Súdna sieň)	15.8.2019, 22.8.2019, 28.10.2019	§ 18aa part. 1 letter. a), § 18aa part 1 letter b), § 18aa part 1 letter. c)	RP/15/2020 zo dňa 8. 4. 2020, fine 3 319 eur
TA3 C.E.N. s.r.o. (multimodal access)	From July till December 2019	§ 18a letter a)	RP/21/2020 zo dňa 6. 5. 2020, fine 3 319 eur
TA3 C.E.N. s.r.o. (Pozrime sa na to)	1. 11. 2019	§ 16 part 3 letter e)	RP/23/2020 zo dňa 20. 5. 2020, fine 165 eur
JOJ, JOJ PLUS MAC TV s.r.o. (not submitting the recordings of the broadcasts)	2.10.2019, 6.10.2019	§ 16 part. 3 letter. l), § 19 part 2, § 20 part 3	RP/24/2020 zo dňa 20. 5. 2020, fine 3 319 eur
JOJ MAC TV s.r.o. (statistics about the broadcast programs)	From October till December 2019	§ 16 part 3 letter. m)	RP/25/2020 zo dňa 20. 5. 2020, fine 165 eur
JOJ PLUS MAC TV s.r.o. (not submitting the recordings of the broadcasts)	1. 11. 2019	§ 16 part. 3 letter. l), § 35 part. 3	RP/28/2020 zo dňa 3. 6. 2020, fine 3 319 eur
ŤUKI MAC TV s.r.o. (not submitting the recordings of the broadcasts)	28. 11. 2019	§ 16 part. 3 letter. l)	RP/32/2020 zo dňa 17. 6. 2020, fine 165 eur
Západoslovenská televízia Západoslovenská televízia s.r.o. (not submitting the recordings of the broadcasts)	29.9.2019 till 28.10. 2019	§ 16 part. 3 letter. l)	RP/33/2020 zo dňa 17. 6. 2020, fine 165 eur
JOJ PLUS MAC TV s.r.o. (not submitting the recordings of the broadcasts)	20. 12. 2019	§ 16 part. 3 letter. l)	RP/36/2020 zo dňa 26. 8. 2020, fine 165 eur
Dvojka Rozhlas a televízia Slovenska (not submitting the recordings of the broadcasts)	1. 1. 2020	§ 16 part. 3 letter. l)	RP/37/2020 zo dňa 26. 8. 2020, fine 165 eur
TV REGION MV Média, s.r.o. (not submitting the recordings of the broadcasts)	12. 2. 2020	§ 16 part. 3 letter. l)	RP/41/2020 zo dňa 9. 9. 2020, fine 165 eur
DAJTO MARKÍZA - SLOVAKIA, spol. s r.o. (Dva a pol chlapa)	25. 5. 2020	§ 18aa part. 1 písm. a), § 18aa part. 1 letter. c)	RP/50/2020 zo dňa 19. 11. 2020, fine 3 319 eur
JOJ, JOJ PLUS MAC TV s.r.o. (My dvaja a magor)	14.5.2020, 16.5.2020	§ 16 part. 3 letter. e)	RP/52/2020 zo dňa 2. 12. 2020, fine 165 eur

Source: The annual report 2020 by the Council for Broadcasting and Retransmission

2018 & 2019

Program/broadcaster	Date	Violation	Decision by the Council/sanction
JOJ MAC TV s.r.o. (Noviny)	16. 7. 2018	§ 16 part 3 letter. b)	RL/1/2019 from 23. 1. 2019, notification on violation of the law
TA3 C.E.N. s.r.o. (štatistika o odvysielaných programoch)	july, august, september 2018	§ 16 part 3 letter. m)	RL/2/2019 from 6. 2. 2019, notification on violation of the law
TA3 C.E.N. s.r.o. (multimodálny prístup)	july, august, september 2018	§ 18a letter. a)	RL/3/2019 from 20. 2. 2019, notification on violation of the law
Piešťany TV TV PIEŠŤANY production, s.r.o. (nedodanie záznamov vysielania)	18. 6. 2018	§ 16 part 3 letter. l)	RL/4/2019 from 20. 2. 2019, notification on violation of the law
IN TV IN TV, s.r.o. (nedodanie záznamov vysielania)	30. 4. 2018	§ 16 part 3 letter. l)	RL/13/2019 from 3. 4. 2019, notification on violation of the law
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (Televízne noviny)	19. 8. 2018	§ 16 part 3 letter. b)	RL/14/2019 from 3. 4. 2019, notification on violation of the law
Spartak TV Spartak TV, s.r.o. (nedodanie záznamov vysielania)	15. 9. 2018	§ 16 part 3 letter. l)	RL/15/2019 from 17. 4. 2019, notification on violation of the law
TA3 C.E.N. s.r.o. (multimodálny prístup)	október, november, december 2018	§ 18a letter. a)	RL/16/2019 from 17. 4. 2019, notification on violation of the law
Považie MEDIA COMPANY s.r.o. (Noviny, Púchovský magazín)	12. 10. a 9. 11. 2018	§ 32 part 9, § 16 part 2 letter. c) in connection with s § 14 part 1 Law. 181/2014 Z. z.	RL/17/2019 from 7. 5. 2019, notification on violation of the law
JOJ PLUS MAC TV s.r.o. (multimodálny prístup)	september 2011	§ 18a letter. a)	RL/18/2019 from 7. 5. 2019, notification on violation of the law
Jednotka RTVS (Správy RTVS)	27. 11. 2018	§ 16 part 3 letter. b)	RL/19/2019 from 22. 5. 2019, notification on violation of the law
ATV SEWARE multimedia, v.o.s. (Mestský spravodaj)	9. 11. 2018	§ 16 part 2 letter. c) in connection with s § 14 part 1 Law. 181/2014 Z. z.	RL/20/2019 from 5. 6. 2019, notification on violation of the law
Stredoslovenská televízia Stredoslovenská televízia, s.r.o. (nedodanie záznamov vysielania)	20. 10. až 7. 11. 2018	§ 16 part 3 letter. l)	RL/23/2019 from 3. 7. 2019, notification on violation of the law

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
Dvojka RTVS (<i>Halali</i>)	12. 1. 2019	§ 16 part 3 letter. a)	RL/26/2019 from 28. 8. 2019, notification on violation of the law
Jednotka RTVS (<i>Občan za dverami</i>)	3. 2. 2019	§ 16 part 3 letter. a)	RL/27/2019 from 11. 9. 2019, notification on violation of the law
Kinet TV Kinet Inštal s.r.o. (vysielanie v rozpore s licenciou, nedodanie záznamov vysielania)	1. - 4. 2. 2019; 8., 10., 11., 15. - 18. 2. 2019,	§ 16 part 3 letter. d), § 16 part 3 letter. l)	RL/29/2019 from 25. 9. 2019, notification on violation of the law
TVT - Turzovská televízia T - services, s.r.o. (<i>Turzovské aktuality</i>)	8. a 9. 11. 2018	§ 16 part 2 letter. c) in connection with s § 14 part 1 Law. 181/2014 Z. z.	RL/32/2019 from 22. 10. 2019, notification on violation of the law
JOJ MAC TV s.r.o. (multimodálny prístup)	7. a 10. 6. 2019	§ 18b part 2	RL/34/2019 from 20. 11. 2019, notification on violation of the law
Spartak TV Spartak TV, s.r.o. (nedodanie záznamov vysielania)	24. 4. 2019	§ 16 part 3 letter. l)	RL/35/2019 from 20. 11. 2019, notification on violation of the law
TV LUX TV LUX s.r.o. (<i>Svätá omša</i>)	10. 3. 2019	§ 16 part 2 letter. c) in connection with s § 11 part 7 Law. 181/2014 Z. z.	RL/36/2019 from 20. 11. 2019, notification on violation of the law
WAU MAC TV s.r.o. (<i>Inkognito</i>)	30. 9. 2018	§ 18aa part 1 letter. b), § 18aa part 1 letter. c)	RP/9/2019 from 6. 3. 2019, pokuta 3 319 eur
Kysucké televízne vysielanie (KTV) OTS, s.r.o. (vysielanie v rozpore s licenciou)	16. a 19. 10. 2018,	§ 32 part 9, § 16 part 3 letter. d)	RP/14/2019 from 3. 4. 2019, pokuta 3 982 eur
WAU MAC TV s.r.o. (nedodanie záznamov vysielania)	17. 11. 2018	§ 16 part 3 letter. l)	RP/15/2019 from 17. 4. 2019, pokuta 3 000 eur
WAU MAC TV s.r.o. (<i>Inkognito</i>)	16. 12. 2018, 6. 1. 2019	§ 18aa part 1 letter. a), § 18aa part 1 letter. b)	RP/18/2019 from 5. 6. 2019, pokuta 6 638 eur
JOJ PLUS MAC TV s.r.o. (nedodanie záznamov vysielania)	22. 1. 2016	§ 16 part 3 letter. l)	RP/24/2019 from 3. 7. 2019, pokuta 2 000 eur
JOJ MAC TV s.r.o. (<i>Policať v akcii</i>)	5. 2. 2019	§ 18aa part 1 letter. a), § 18aa part 1 letter. b), § 18aa part 1 letter. c)	RP/26/2019 from 11. 9. 2019, pokuta 3 319 eur
Jednotka RTVS (<i>Duel, 5 proti 5, Najväčší Slovák</i>)	15. 2. 2019, 6. 4. 2019	§ 18aa part 1 letter. c)	RP/27/2019 from 22. 10. 2019, pokuta 3 319 eur

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
TA3 C.E.N. s.r.o. (multimodálny prístup)	január, február, marec 2019	§ 18a letter. a)	RP/30/2019 from 6. 11. 2019, pokuta 3 319 eur
TV Nové Zámky Novocentrum Nové Zámky a.s. (<i>rozhovor s primátorom mesta NZ</i>)	6. 3. 2019	§ 16 part 3 letter. b), § 34 part 1	RP/31/2019 from 6. 11. 2019, notification on violation of the law
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (<i>Mentalista, Prenasledovaná</i>)	7. a 10. 6. 2019	§ 18b part 2	RP/34/2019 from 20. 11. 2019, pokuta 3 319 eur
JOJ PLUS MAC TV s.r.o. (<i>Ochrancovia</i>)	11. 7. 2019	§ 18aa part 1 letter. c)	RP/37/2019 from 4. 12. 2019, pokuta 3 319 eur

Source: The annual report 2019 by the Council for Broadcasting and Retransmission

In TV broadcasting, the council issued 27 sanctions in connection with the protection of dignity and humanity and protection of minors in 2020 – out of which in one case, it obliged a broadcaster to make an announcement about the violation of the law and in 26 cases it fined the broadcasters (the fines totaled 131,551 EUR).

2019 & 2020

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
Televízia Močenok Kábel TV Močenok, s.r.o. (futbalový zápas)	13. 6. 2019	§ 20 part. 4	RL/5/2020 from 8. 4. 2020, notification on the violation of the law
WAU MAC TV s.r.o. (<i>C.S.I. Las Vegas</i>)	12. 6. 2019	§ 20 part 3	RP/1/2020 from 15. 1. 2020, fine 4 000 eur
JOJ MAC TV s.r.o. (<i>Zabijaci</i>)	8.6.2019, 9.6.2019, 11.6.2019	§ 19 part 2, § 20 part 3	RP/3/2020 from 15. 1. 2020, fine 16 000 eur
JOJ MAC TV s.r.o. (<i>Rodinné záležitosti</i>)	18. 6. 2019	§ 20 part 3	RP/5/2020 from 29. 1. 2020, fine 6 000 eur
JOJ MAC TV s.r.o. (<i>V siedmom nebi</i>)	20. 5. 2019	§ 19 part 1 letter. a)	RP/6/2020 from 29. 1. 2020, fine 30 000 eur
TV MARKÍZA, DAJTO MARKÍZA - SLOVAKIA, spol. s r.o. (<i>Nezastaviteľný</i>)	14.6.2019, 20.6.2019	§ 20 part 3	RP/7/2020 from 12. 2. 2020, fine 12 000 eur
JOJ MAC TV s.r.o. (<i>Niečo na tej Mary je</i>)	29. 6. 2019	§ 20 part 3	RP/8/2020 from 12. 2. 2020, fine 24 000 eur
JOJ MAC TV s.r.o. (<i>Policať v akcii</i>)	2. 8. 2019	§ 20 part 3	RP/9/2020 from 12. 2. 2020, fine 5 000 eur
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (<i>Libáš jako ďábel</i>)	11. 8. 2019	§ 20 part 3	RP/10/2020 from 26. 2. 2020, fine 3 000 eur

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
JOJ MAC TV s.r.o. (<i>Smrtonosná pasca: Opäť v akcii</i>)	3. 7. 2019	§ 20 part 3	RP/11/2020 from 26. 2. 2020, fine 7 000 eur
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (<i>Bláznivý pohreb</i>)	27. 7. 2019	§ 20 part 3	RP/16/2020 from 8. 4. 2020, fine 663 eur
JOJ MAC TV s.r.o. (9-1-1)	13. 8. 2019	§ 20 part 3	RP/17/2020 from 8. 4. 2020, fine 663 eur
JOJ MAC TV s.r.o. (<i>Čierne vdovy</i>)	24. 7. 2019	§ 20 part 3, § 32 part 4 letter. a), § 36 part 2	RP/18/2020 from 8. 4. 2020, fine 3 319 eur
DAJTO MARKÍZA - SLOVAKIA, spol. s r.o. (<i>announcements Bournov mýtus, Demolátor, Zakázaná zóna, Zradná hĺbočina</i>)	15.8.2019, 23.8.2019	§ 20 part 4	RP/19/2020 from 8. 4. 2020, fine 3 319 eur
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (<i>Farma</i>)	17.9.2019, 9.10.2019, 10.10.2019, 18.10.2019, 5.11.2019, 6.11.2019	§ 20 part 3	RP/20/2020 from 22. 4. 2020, fine 663 eur
DAJTO MARKÍZA - SLOVAKIA, spol. s r.o. (<i>Dva a pol chlapa</i>)	17.9.2019, 23.9.2019, 24.9.2019, 25.9.2019, 26.9.2019, 28.9.2019, 29.9.2019, 2.10.2019, 6.10.2019, 9.10.2019, 14.10.2019, 17.10.2019, 18.10.2019, 4.12.2019, 20.12.2019, 23.12.2019	§ 20 part 3	RP/22/2020 from 6. 5. 2020, fine 663 eur
JOJ, JOJ PLUS MAC TV s.r.o. (<i>Kuriér 2, announcement Kuriér 2</i>)	2.10.2019, 6.10.2019	§ 16 part 3 letter. l), § 19 part 2, § 20 part 3	RP/24/2020 from 20. 5. 2020, fine 3 319 eur
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (<i>upútavka Atomic Blond</i>)	23.9.2019, 25.9.2019, 26.9.2019, 28.9.2019	§ 19 part 2	RP/26/2020 from 20. 5. 2020, fine 3 319 eur
JOJ, JOJ PLUS MAC TV s.r.o. (<i>Päťdesiat odtieňov sivej</i>)	8.11.2019, 10.11.2019	§ 20 part 3	RP/27/2020 from 20. 5. 2020, fine 663 eur
JOJ, WAU MAC TV s.r.o. (<i>Extrémne prípady</i>)	9.10.2019, 19.10.2019, 7.12.2019	§ 20 part 3	RP/31/2020 from 3. 6. 2020, fine 663 eur
JOJ MAC TV s.r.o. (<i>Santa je stále úchyl!, Krampus: Chod' do čerta!</i>)	21.12.2019, 23.12.2019	§ 20 part 4	RP/34/2020 from 17. 6. 2020, fine 3 319 eur

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
JOJ PLUS MAC TV s.r.o. (<i>upútavka Vojak 4: Pohyblivý cieľ</i>)	13. 1. 2020	§ 19 part 2	RP/38/2020 from 26. 8. 2020, fine 3 319 eur
DAJTO MARKÍZA - SLOVAKIA, spol. s r.o. (<i>upútavky Tokarev, Nezničiteľní 3</i>)	28. 12. 2019	§ 19 part 2	RP/39/2020 from 26. 8. 2020, fine 3 319 eur
Jednotka Rozhlas a televízia Slovenska (<i>Kolonáda</i>)	7. 1. 2020	§ 20 part 3	RP/40/2020 from 26. 8. 2020, fine 663 eur
JOJ, JOJ PLUS MAC TV s.r.o. (<i>Mike a Dave zháňajú baby</i>)	1.2.2020, 3.2.2020	§ 20 part 3	RP/43/2020 from 23. 9. 2020, fine 663 eur
JOJ PLUS MAC TV s.r.o. (<i>Osudové leto 2</i>)	8.2.2020, 9.2.2020	§ 20 part 3, § 35 part 3, § 36 part 2	RP/44/2020 from 23. 9. 2020, fine 3 319 eur
JOJ PLUS MAC TV s.r.o. (<i>Babská jazda</i>)	16. 2. 2020	§ 20 part 3	RP/46/2020 from 7. 10. 2020, fine 663 eur
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (<i>Dvë nevesty a jedna svatba</i>)	23. 2. 2020	§ 20 part 3	RP/47/2020 from 21. 10. 2020, fine 663 eur
JOJ PLUS MAC TV s.r.o. (<i>Laky Royal</i>)	22. 2. 2020	§ 20 part 3	RP/48/2020 from 21. 10. 2020, fine 663 eur
JOJ MAC TV s.r.o. (<i>Súdna sieň</i>)	21. 4. 2020	§ 20 part 3	RP/51/2020 from 19. 11. 2020, fine 663 eur

Source: The annual report 2020 by the Council for Broadcasting and Retransmission

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Program/broadcaster	Date	Violation	Decision by the Council/ sanction
JOJ PLUS MAC TV s.r.o. (<i>Mafstory</i>)	8. 9. 2018	§ 20 part3	RP/5/2019 from 23. 1. 2019, fine 8 000 eur
DAJTO MARKÍZA - SLOVAKIA, spol. s r.o. (<i>Parker</i>)	29. 6. 2018	§ 20 part3	RP/6/2019 from 6. 2. 2019, fine 12 000 eur
JOJ PLUS MAC TV s.r.o. (<i>Mafstory</i>)	29. 9. 2018	§ 20 part3	RP/11/2019 from 20. 3. 2019, fine 8 000 eur
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (<i>Televízne noviny, Reflex</i>)	28. a 30. 8. 2018, 13. 9. 2018	§ 19 part1 letter a)	RP/12/2019 from 20. 3. 2019, fine 33 319 eur
JOJ MAC TV s.r.o. (<i>Ministri</i>)	11. 9. 2018	§ 19 part1 letter b)	RP/13/2019 from 3. 4. 2019, fine 3 319 eur
JOJ MAC TV s.r.o. (<i>Niečo na tej Mary je</i>)	2. 1. 2019	§ 20 part3	RP/16/2019 from 7. 5. 2019, fine 16 000 eur
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (<i>Televízne noviny</i>)	20. 3. 2019	§ 20 part3	RP/28/2019 from 22. 10. 2019, fine 663 eur

Program/broadcaster	Date	Violation	Decision by the Council/ sanction
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (Jeho foter to je lotor)	23. 3. 2019	§ 20 part3	RP/29/2019 from 6. 11. 2019, fine 3 000 eur
JOJ MAC TV s.r.o. (Súdna sieň)	5. 3. 2019	§ 20 part3	RP/32/2019 from 6. 11. 2019, fine 8 000 eur
TV MARKÍZA MARKÍZA - SLOVAKIA, spol. s r.o. (Všetky moje ex)	2. 3. 2019	§ 20 part3	RP/33/2019 from 6. 11. 2019, fine 3 500 eur
JOJ MAC TV s.r.o. (Deadpool, upútavka na Deadpool)	6. 4. 2019	§ 19 part2, § 20 part3	RP/35/2019 from 4. 12. 2019, fine 8 000 eur
JOJ PLUS MAC TV s.r.o. (Profesionáli)	17. 5. 2019	§ 20 part 3	RP/36/2019 from 4. 12. 2019, fine 3 500 eur
JOJ, JOJ PLUS MAC TV s.r.o. (Tučné babenky)	15. a 16. 6. 2019	§ 20 part 3	RP/38/2019 from 18. 12. 2019, fine 6 000 eur

Source: The annual report 2019 by the Council for Broadcasting and Retransmission

Complaints about the content of broadcasting

In 2020, in connection with its monitoring processes, the Council initiated proceedings in 151 cases of which 78 cases resulted in imposing sanctions, with the rest of the cases being stopped. In 14 cases, the Council obliged broadcasters to make announcements of the law infringement and as many as 52 fines were imposed totaling EUR 174,914 (of which three fines totaling EUR 695 were imposed on broadcasters of the radio program service). The sanction for suspending the broadcast of the program was not imposed in any administrative procedure in 2020. The sanction for broadcasting a report of a violation of the law was also not imposed in any administrative proceedings in 2020.

Overview of imposed sanctions & decisions in 2020
(including decision that the law was not breached)

	Radio broadcasting	TV broadcasting	AVMS and broadcasting via internet	Total
The number of imposed sanctions for violation of the law – warning about infringement of law	4	13	0	17
The number of imposed sanctions – obligation to broadcast the announcement about infringement of law	0	0	0	0
The number of imposed sanctions – Suspension of broadcasting a program	0	0	0	0
The number of imposed sanctions - fine	3	49	0	52
The total number of imposed sanctions	7	62	0	69

	Radio broadcasting	TV broadcasting	AVMS and broadcasting via internet	Total
The number of decisions on imposed sanctions	7	62	0	69
The number of decisions on stopping the procedures against broadcasters	2	48	0	50
The total number of decisions	9	110	0	119
The total number of deliberations – infringement of the law not found	0	1	0	1

Source: The annual report 2020 by the Council for Broadcasting and Retransmission

Overview of imposed sanctions & decisions in 2019
(including decision that the law was not breached)

	Radio broadcasting	TV broadcasting	AVMS and broadcasting via internet	Total
The number of imposed sanctions for violation of the law – notification about infringement of law	3	24	1	28
The number of imposed sanctions – obligation to broadcast the announcement about infringement of law	0	0	0	0
The number of imposed sanctions – Suspension of broadcasting a program	0	0	0	0
The number of imposed sanctions - fine	1	34	0	35
The total number of imposed sanctions	4	58	1	63
The number of decisions on imposed sanctions	4	58	1	63
The number of decisions on stopping the procedures against broadcasters	5	43	1	49
The total number of decisions	9	101	2	112
The total number of deliberations – infringement of the law not found	0	11	0	11

Source: The annual report 2019 by the Council for Broadcasting and Retransmission

*Overview of imposed sanctions & decisions in 2018
(including decision that the law was not breached)*

	Radio broadcasting	TV broadcasting	AVMS and broadcasting via internet	Total
The number of imposed sanctions for violation of the law – notification about infringement of law	13	24	1	38
The number of imposed sanctions – obligation to broadcast the announcement about infringement of law	0	1	0	1
The number of imposed sanctions – Suspension of broadcasting a program	0	0	0	0
The number of imposed sanctions - fine	5	33	0	38
The total number of imposed sanctions	18	58	1	77
The number of decisions on imposed sanctions	18	58	1	77
The number of decisions on stopping the procedures against broadcasters	4	37	1	42
The total number of decisions	22	95	2	119
The total number of deliberations – infringement of the law not found	4	15	0	19

Source: The annual report 2018 by the Council for Broadcasting and Retransmission

Comparison of the imposed sanctions – 2019 and 2020

The number of imposed sanctions	in 2019	in 2020	Difference
Notifications about infringement of the law	28	17	-11
Broadcasting of an announcement about infringement of law	0	0	0
Suspension of broadcasting a program	0	0	0
Fines	35	52	+17
The total number of imposed sanctions	63	69	+6
The number of decisions on imposing a sanction	63	69	+6
The number of decisions on stopping the administrative proceedings	49	50	+1
The total number of imposed decisions	112	119	+7
The total number of imposed decisions – no breach of the law found	11	1	-10

Source: The annual report 2020 by the Council for Broadcasting and Retransmission

Comparison of the imposed sanctions – 2018 and 2019

The number of imposed sanctions	in 2018	in 2019	Difference
Notifications about infringement of the law	38	28	-10
Broadcasting of an announcement about infringement of law	1	0	-1
Suspension of broadcasting a program	0	0	0
Fines	38	35	-3
The total number of imposed sanctions	77	63	-14
The number of decisions on imposing a sanction	77	63	-14
The number of decisions on stopping the administrative proceedings	42	49	+7
The total number of imposed decisions	119	112	-7
The total number of imposed decisions – no breach of the law found	19	11	-8

In the area of licenses for broadcasting and registration of retransmission, the Council issued 5 sanctions for violating the law, one to a local radio broadcaster and four to local television broadcasters in 2020 for the violation of obligations related to the use of frequencies or other technical or administrative matters (such as for not broadcasting according to the approved program structure and for not broadcasting longer than 30 days in the whole year). The Council revoked three frequencies from radio broadcasters for not using the frequencies in accordance with the obligations (not using the frequency for what purpose it was assigned to be used) In the area of the registration of retransmission, the Council issues one sanction obligating a broadcaster to announce that it infringed the law.

When it comes to the content of the broadcasting, the Council initiated 11 administrative proceedings against radio broadcasters out of which it enforced 4 times the announcement on infringement of the law and imposed 3 fines (totaling 695 EUR). There were as many as 80 administrative proceedings initiated against TV broadcasters in connection with the infringement of the law. The violation of the provisions of the Law on Broadcasting and Retransmission by the public broadcaster RTVS was found by the Council in 2 administrative proceedings, by the broadcaster MAC TV s.r.o. (program services JOJ, JOJ PLUS, WAU, Jójko, ĽUKI) in 32 administrative proceedings and by the broadcaster MARKÍZA - SLOVAKIA, spol. Ltd. (TV MARKÍZA, TV DOMA, DAJTO program services) in 27 administrative proceedings. The Council imposed 2 fines on RTVS totaling EUR 828 and 11 fines totaling € 31,591 to the broadcaster MARKÍZA. The broadcaster MAC TV s.r.o. received 1 infringement notice and 28 fines totaling € 131,018 were imposed.

Decisions by the Council in the area of radio broadcasting

Decision	2018	2019	2020
Decisions on allocating license for analogue broadcasting	5	5	2
Decisions on allocating license for digital broadcasting	0	0	2
Decisions to revoke a license	0	2	6
Decisions to revoke a frequency	3	8	6
Decisions on changing the license	21	47	27
Decisions on stopping the procedures against broadcasters	11	5	4
Decisions on rejecting the requests	11	6	5
Decisions on fines	0	0	0
Decisions on announcing of the violation of the law	6	5	1
Decisions on stopping the procedure	17	17	18
Decision on issuing the agreement	3	3	2
Procedural decisions	0	0	0
Decision to give an exception	0	0	0

Source: The annual reports (2018-2020) by the Council for Broadcasting and Retransmission

Decisions by the Council in the area of TV broadcasting

Decision	2018	2019	2020
Decisions on allocating license for analogue broadcasting	0	0	0
Decisions on allocating license for digital broadcasting	14	14	15
Decisions to revoke a license	3	6	0
Decisions to change the license	27	31	26
Decisions on stopping the procedure against broadcasters	17	19	11
Decisions on rejecting the requests	0	5	
Decisions on fines	1	1	0
Decisions on announcing of the violation of the law	4	1	4
Decisions on stopping the procedure	10	9	8
Decision on issuing the agreement	4	1	3
Procedural decisions	0	0	0

Source: The annual reports (2018-2020) by the Council for Broadcasting and Retransmission

Complaints submitted to the Office of the Council against the content of the broadcasting

In 2020, the Office of the Council registered 527 complaints concerning the content of the broadcasting. Within this number of complaints, several complaints were investigated simultaneously in some submissions, ie they were directed against several broadcasters, or they objected to various violations of the law in different programs, or several complaints were directed against one program or program component. In total, the complaints related to 428 programs / program components. Of these complaints, the biggest number (174) was directed against RTVS – Jednotka, followed by TV MARKÍZA (99) and JOJ (75). By comparison, only 13 complaints were submitted against regional and local television broadcasters. Compared to 2019, it can be stated that the number of complaints directed against RTVS increased, while the number against the private broadcasters went down. As for radio broadcasting, there were 39 complaints, of which as many as 31 concerned RTVS - Slovak Radio.

Of the total number of complaints registered in 2020 concerning the content of broadcasts, 171 concerned human dignity and humanity, 160 *objected* to the inadequacy of broadcast programs in relation to the protection of minors, 142 related to the objectivity and balance of news and current affairs programs and 56 related to teleshopping, product placement or sponsorship. The remaining 51 complaints were of a different nature or were related to various other provisions of the Law on Broadcasting and Retransmission. Of these complaints dealing with the content of the broadcast, the Council found 19 complaints as justified, 318 unfounded and 5 complaints were in part assessed as justified and in part as unfounded, due to the fact that the complainants objected to several violations of the provisions of the law. In 9 complaints, the Council had to, in total, or in part state that they could not be examined. This was due to the fact that the Council did not have a recording of the broadcast in question because the complaint was received at a time when the broadcaster's 45-day obligation of archiving had expired or the broadcaster did not provide the Council with a continuous recording of the broadcast against which the complaint was directed.

Complaints related to licenses

In 2020, the Council registered 28 complaints from the licensing area, in 11 cases directed against broadcasters and in 17 cases against retransmission operators. Of the total number of processed complaints, 9 were substantiated, in one case the Council stopped the initiated administrative proceedings because it came to the conclusion that there was no violation of the law. In one case, the administrative proceedings were stopped in part. Some six administrative proceedings initiated in relation to the licensing area during 2020 were not completed by 31 December 2020 and will be decided by the Council in 2021.

	2020	2019	2018
Total number of complaints	555	623	376
- related to licensing and legal matters	28	43	41
- of which related to the content of broadcasting	527 ⁵²	580 ⁵³	335
Number of programs complainants complained about	428	594	382
RTVS – Jednotka	174	65	63
RTVS - Dvojka	29	12	20
RTVS – Rádio Slovensko	29	23	28
RTVS – Rádio Regina	1	1	2
RTVS – Rádio Litera	1	-	-
TV MARKÍZA	99	188	74
TV DOMA	10	6	5
DAJTO	27	94	8
JOJ	75	121	51
JOJ PLUS	26	22	16
WAU	20	9	9
TA3	26	21	18
Other programing services	21	24	42
AVMS/IV	5	8	13

Source: The annual reports (2018-2020) by the Council for Broadcasting and Retransmission

CONCLUSION

In conclusion, it should be said that the Slovak media market is shaped by the interests of a handful of powerful financial groups that have leverage with the government and have invariably attempted to influence the media content, particularly in connection with elections. It is thus regretful that the Council does not seem to pay more attention to regular pre-election media monitoring which would be published in the form of separate reports, as it was done until 2008. Such monitoring would have been very useful during the 2020 parliamentary elections, given the credible allegations of political bias on the public television as well as on a private national channel. While the Council conducts regular monitoring, its results are integrated in the form of short summaries in the framework of the annual reports, published once a year. It would be therefore recommended that the Council considers returning back to its previous practice and devotes more resources, both human and financial, to regular pre-election monitoring and analysis of political pluralism and objectivity of different broadcasters' news and current affairs programs. Moreover, legislative conditions should be established enabling a prompt reaction to any breach of rules, including an adequate sanctioning mechanism.

There are very close connections between the Council members and political parties. In fact, most of the members of the Council are frequently interacting with politicians and financiers with interest in the media. This may influence their independence, particularly in the area of the licensing or while penalizing broadcasters for breaches of the legislation. However, no such obvious action has either been unveiled by our desk research or reported by any credible source in the past few years.

⁵² It should be noted that within some complaints, a number of different issues were investigated (for example directed against several broadcasters or objecting to various violations of the law in different programs).

⁵³ Ibid

COLLECTION OF RELEVANT SOURCES

Council for Broadcasting and Retransmission Radio and Television of Slovakia (RVR – Rada pre vysielanie a retransmisiiu)

Website

<http://en.rvr.sk/>
<http://rvr.sk/>

Council basic information

<http://www.rvr.sk/rada-zakladne-informacie>
<http://en.rvr.sk/the-council-basic-information>

Council membership

<http://en.rvr.sk/the-council-board-members>
<http://www.rvr.sk/rada-zlozenie-rady>

Annual reports on State of the Broadcasting

<http://rvr.sk/pre-verejnost-spravy-o-stave-vysielania>

Contacts

<http://en.rvr.sk/kontakty>
<http://www.rvr.sk/kontakty>

Social media presence

https://twitter.com/office_cbr_sk

Legal documents

<http://sk.rvr.sk/pravny-ramec-pravny-ramec-slovenska-republika>

Law on Broadcasting and Retransmission No. 308/2000

(Zákon č. 308/2000 Z.z. o vysielaní a retransmisii)⁵⁴

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/308/>

http://archiv.rvr.sk/_cms/data/modules/download/1462523380_act_on_broadcasting_and_retransmission.pdf

Law on Digital Broadcasting No. 220/2007

(Zákon č. 220/2007 Z.z. o digitálnom vysielaní)

http://archiv.rvr.sk/_cms/data/modules/download/1542628092_220_2007_Z.z._zakon_o_digitálnom_vysielani_-_stav_k_31.12.pdf

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2007/220/20210101>

Law on Electronic Communications No. 351/2011

(Zákon č. 351/2011 Z.z. o elektronických komunikáciách)

Law on Advertising No. 147/2001

(Zákon č. 147/2001 Z.z. o reklame)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/147/20190101>

Freedom of Information Act No. 211/2000

(Zákon č. 211/2000 Z.z. o slobodnom prístupe k informáciám)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/211/20210101>

⁵⁴ English version of the law is outdated, with the latest amendment from 2015 (No. 278/2015 Collection), while there were 8 other amendments since.



ILLUSION OF PUBLIC SERVICE MEDIA

in the Czech Republic,
Hungary, Romania
and Slovakia



PUBLIC SERVICE MEDIA

CZECH REPUBLIC

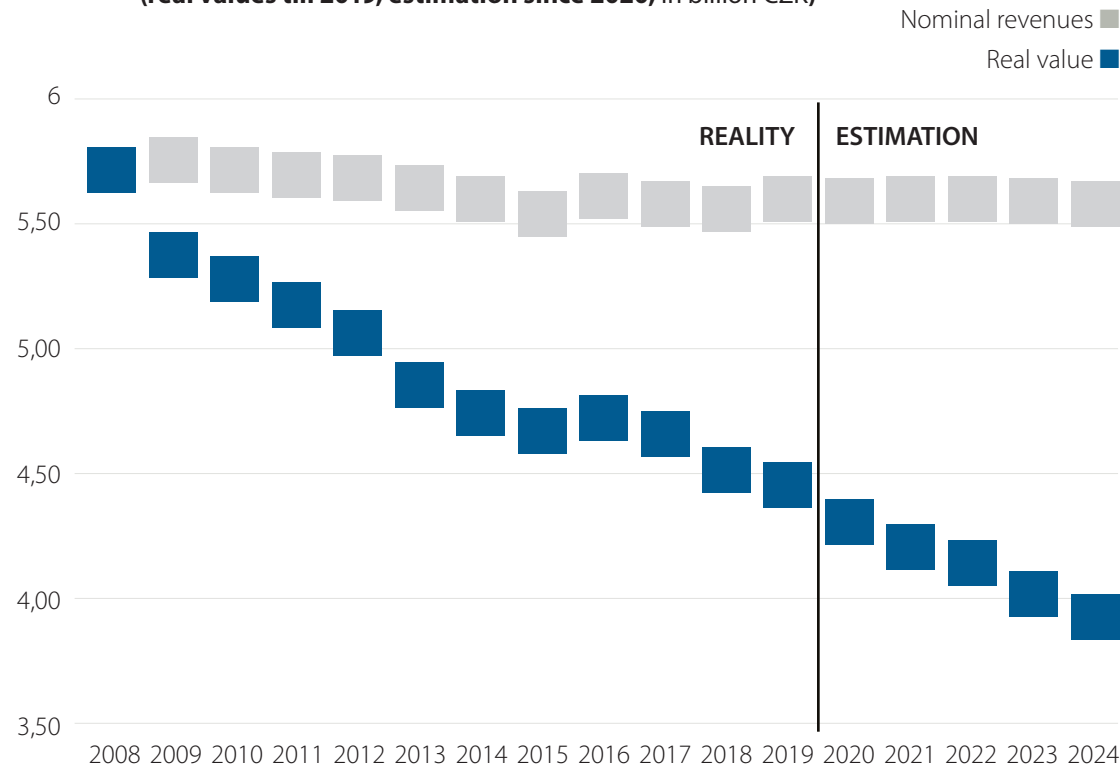
1. FUNDING OF THE PUBLIC BROADCASTER, TRANSPARENCY RULES

Financing of the Czech TV and of the Czech Radio is based on fees obligatory paid by viewers and listeners. There are also limited revenues from advertising allowed but strictly limited. Czech Press Agency is financed only by revenues from selling its service. No public service media is getting any subsidy from the government.

Yearly fee for the Czech TV is CZK 1620 (ca EUR 61) and for Czech Radio it is CZK 540 (ca EUR 20) These amounts are fixed in bills of Czech TV and Czech Radio and are not being adjusted according inflation rate or any other indicator. That results to the fact that fees are on the level of 2008, or not changed for thirteen years.

Not changing of the fix fees is used to put pressure against management of PSMs. Members of the parliament are pushing on the management to safe costs rather than agree on the indexing of fees.

Nominal revenues from fees and its declining real value
(real values till 2019, estimation since 2020, in billion CZK)



Source: www.mediaguru.cz

The following tables show the projected revenues for Czech TV and Czech Radio in 2021.¹

Projected revenues for Czech TV in 2021

	CZK (million)	EUR (million)
Revenues from fees	5965,0	225,6
Revenues from business activities	823,1	31,1
Other revenues	51,9	2,0
Total revenues	6840,0	258,7

Projected revenues for Czech Radio in 2021

	CZK (million)	EUR (million)
Revenues from fees	2077,0	78,5
Revenues from advertising and sponsorship	83,0	3,1
Other revenues	142,1	5,4
Financial revenues	10,9	0,4
Total revenues	2 313,0	87,5

¹ For conversion we have used the 2020 currency exchange average rate, of 26.455 CZK for 1 EUR Eurostat - Data Explorer (europa.eu)

2. APPOINTMENT PROCEDURES OF MANAGEMENT AND OVERSIGHT BODIES

Czech TV and Czech radio

Both Czech Television Council and The Czech Radio Council consist of fifteen members elected and removed by the Chamber of Deputies of the Czech Parliament in such a manner that according to the law it should represent important regional, political, social and cultural opinion streams. Proposed candidates for the members of councils are presented to the Chamber of Deputies by organizations and associations representing cultural, social, trade union, employer, religious, educational, scientific, ecological and national interests. Political parties are legally not allowed to submit these proposals. Members of councils are elected for a six-year term. One-third of the members are elected every two years. Council members may be re-elected.

Although politicians legally do not propose candidates, the practice is opposite. Candidates (which are finally elected by the Chambers of Deputies) are usually proposed after preliminary support of political parties. Their candidacy is legitimized by some association, club or non-profit organization but in fact they are political candidates. In the past however, the membership in councils was agreed among politicians in the way it proportionally represented the distribution of political power and different parties in the Chambers of Deputies. This practice was left in 2020 when Czech Parliament was electing 6 new members of members of TV Council. Only those candidates which got support of leading movement of Czech PM Babiš (ANO) were elected. It can be illustrated on this example: Michal Klíma (co-author of this report), who got the highest support in the pre-election process by members of the parliamentary Election Committee, was later not elected by the Chamber of Deputies. This fact was condemned by international media organizations which sent their protest to members of Czech Parliament.

The council may be removed by the Chamber of Deputies - if it repeatedly fails to comply with its duties or if the Annual Report on Activities or the Annual Report on Economic Performance of Czech TV (Czech Radio) fails to be approved by the Chamber of Deputies twice in sequence. That means that although all councils are legally independent, they can be in fact removed by the Lower Chamber of the Parliament if its annual reports are not approved twice in sequence.

In several past years, the Chamber of Deputies did not approved Czech TV annual reports for voting. It practically means that any time MPs may take two of these reports in a row for voting and by not approving them they may remove the Council. Because the Director-General is appointed by the Council, this is the way, how to influence his/her position through the threat of the Council removal.

In Spring 2020, the dispute about the process of appointing candidates for the membership in the Czech TV Council was criticized by senators. According to the legal assessment (worked out by Jiří Kučera, the lawyer and member of the board of The Endowment for Independent Journalism), the Election Committee in the pre-election process didn't follow the law and didn't appoint only those candidates which could be appointed and elected according to the law which states that candidates should be proposed by "important regional, political, social and cultural opinion streams". On the contrary, among those candidates appointed by the Election Committee were candidates proposed by

“unimportant and even unknown organizations” but were politically acceptable by the majority of members of the Election Committee.

As the Committee rejected to accept this criticism, Michal Klíma (co-author of this report), one of rejected candidates, announced that he will file complaint to the Constitutional Court of the Czech Republic. He insists that according to given rules his constitutional right to stand as a candidate for TV Council was broken by the fact that the Committee in contradiction with the law appointed candidates not eligible and that for those who were eligible were not allowed to run.

Czech press agency (ČTK)

The Czech News Agency Council has seven members elected and removed by the Chamber of Deputies of the Czech Parliament. The members of the Council are elected for a five-year term and may be re-elected, however, not for more than two consecutive terms of office. The Czech News Agency Council is accountable for its activity to the Chamber of Deputies of the Czech Parliament. It elects and removes its Chairperson from its members.








According to the law the Chamber of Deputies of the Czech Parliament may remove the whole Czech News Agency Council, if the Czech News Agency Council has repeatedly failed to comply with its duty to observe the consistent fulfillment of the mission of a news agency, to appoint and remove the Director-General, to approve the budget and the final account of the Czech News Agency, to submit to the Chamber of Deputies the Annual Report on the Activities and Economic Performance of the Czech News Agency or, if during a period of six months the Chamber of Deputies repeatedly concludes in its resolutions that the Czech News Agency fails to fulfill its mission, that is, to provide objective and comprehensive information for the free formation of opinions, to provide a public service by disseminating verbal and pictorial coverage from the Czech Republic, from abroad and to foreign countries. Also this wording of the bill theoretically may be misused to change the board but it was not misused in that way yet.

Above described procedure practically means that although theoretically the process of appointment of council members seems to be independent on political interests, practically the governing establishment has set of tools how to influence the constitution of councils and its acting and that way influence appointment process of the acting management of MPs.

3. ROLE OF PUBLIC SERVICE MEDIA IN THE AUDIENCE MARKET

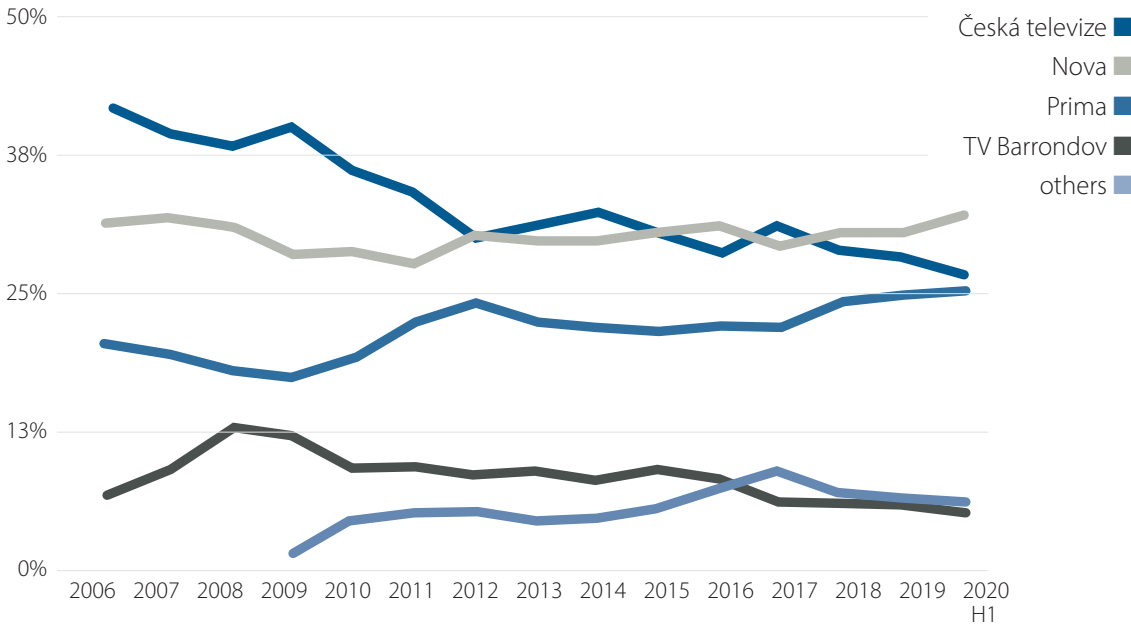
Czech public service television (Česká televize - ČT) keeps the highest reach on the Czech TV market. Daily, it reaches exactly half of Czech population older than 15 years. It has the highest market share from all TV organizations with nearly one third of the market and it keeps its share on the market in the long term perspective.

Key Media Players Situation in H1 2020

Buying group (share of TG 15+/avg. daily reach 15+)	Network	Owner	Audience share (TG 15+)	Average daily reach (TG 15+)
Nova Group (26,9% / 47,7%)		CME	26,7%	47,6%
		CME	0,2%	0,7%
Media Club (35,7% / 51,9%)		FTV Prima	27,7%	45,7%
		Barrandov Televizní Studio a. s.	6,0%	14,7%
		Stanice O, a. s.	0,5%	1,7%
		various	4,5%	14,8%
Česká televize (32,1% / 50,0%)		public TV	32,1%	50,0%

Source: ATO – Nielsen Admosphere

Share of TV Groups Yearly share of viewership in TG 15+



Source: ATO – Nielsen Admosphere

Considering the public radio, you will get more-less same figures. The daily reach of Czech Radio (Český rozhlas) is 29 % - with the audience share over 22 %. The main news channel of Public radio is called Radiožurnál and is on the top of the radio stations from the point of view of both the average daily and weekly reach. By the way, Czech Radio is the oldest radio broadcaster in continental Europe and the second oldest in Europe after the BBC from the United Kingdom.

TOP RADIO STATIONS

Average daily & weekly reach TG 15+ in H1 2020

Rank	Radio station	Average Daily Reach	Average Weekly Reach
1.	Radio Impuls	10,8%	22,4%
2.	Čro Radiožurnál	10,4%	18,6%
3.	Evropa 2	9,3%	21,6%
4.	Radio Blaník	7,7%	15,0%
5.	Frekvence 1	7,6%	16,5%
6.	Rádio Kiss	5,3%	9,8%
7.	Čro Dvojka	3,8%	6,7%
8.	Country Radio	3,0%	6,1%
9.	Radio Beat	2,7%	5,0%
10.	Fajn Radio	2,0%	3,6%

Source: Radioprojekt 1H 2020

Both Czech TV and Czech Radio reach high level of trust among population. According to the research of Masaryk University in Brno in 2020, both Czech Radio and Czech TV are trusted by 57% of all respondents. 25% of the population attitude towards PSM is neutral.

Other media are less trusted. Next in the level of trust is Hospodářské noviny (Czech business daily) with 40%. The level of trust towards other media is even lower. Czech News Agency (a national public service news agency) is trusted by 43% of population according to the survey which may be seen as little confusing because the output of the agency is not directly consumed by the population itself but it is only used as a source of news for other media companies.

In the situation when majority of private media was over-taken by oligarchs (which are directly or indirectly connected with Czech government) PSM plays more and more important role.

Although the government has tools how to influence them (the members of the broadcasting councils of both Czech TV and Czech Radio are nominated by civil society and cannot be active in political movements, but the final appointment depends on the political majority in the Chamber of Deputies), they still keep a high level of independence and the management is not fully ready to influence the program according to the government interests.

4. MAIN PROBLEM AREAS OF PSM

Financing (described above) together with the political pressure are main problems of the PSM. The electing process to the Councils under the presidency of Miloš Zeman and premiership of Andrej Babiš led to strong political pressure.

Although the bill itself remains unchanged, the practice in election of the PSM's councils members changed dramatically. In past, political parties respected the result of parliamentary election and the representatives of opposition or at least not pro-governmental figures had been elected to the councils as well - which to a great extent had guaranteed the independence of PSMs and made the direct political influence impossible.

This practice changed in 2020 and in 2021. In 2020, six new members were elected to the Czech TV Council. Members of the Chamber of Deputies ignored pre-election results within the Election Committee and only those candidates who were the "products" of political alliances - ignoring democratic opposition were elected. During the first round of shortlisting process in the electoral committee, Michal Klíma (the media manager, journalist and co-author of this report) obtained most of the votes but in the Lower Chamber he was not elected despite votes from all democratic opposition parties.

Different global EU and Czech media organizations addressed open letters to all Czech PM's and warned that "the elected candidates reflect a one-sided political misbalance and open up the risk for direct political influence". Immediately after new members were installed into the TV Council, the council changed its way of operating and focused on finding reasons how to remove the current CEO of Czech TV and in the same time finding arguments against most senior and respected reporters (mainly those who are engaged in critical journalism).

The reason is pretty clear. The station runs investigative reports and covers issues often unpopular with ruling figures. Thus, it has frequently been criticized by President Miloš Zeman, a political ally of Prime Minister Andrej Babiš, as well as by the far-right and xenophobic party SPD. Needless to say, the Council does not control content but can dismiss Czech TV's director, Petr Dvořák, and appoint someone open to personal changes, which critics say could affect news coverage and reporting at one of the most trusted news groups in the country. Following changes to the Council last year, Dvořák has already been under pressure, with council members.

One year later, the situation escalates again. In 2021, 4 new members of the TV Council are being elected. This time the electoral committee itself made a shortlist in the pre-election process and most of candidates which could represent positions critical to the government were not allowed for the final election. Unfortunately, some of those shortlisted represent clear antidemocratic or even xenophobic and anti-semitic positions. If the new elected members will join those members of TV Council elected last year in their campaign against the current CEO and against critical journalists, they will be strong enough to remove the CEO and appoint a new person who will be willing to make personal changes (including those reporters who are critical to the government).

The situation in the Czech TV council was a matter of criticism of many international organizations including International Press Institute, European federation of Journalists, Article 19, European Broadcasting Union and by joint letter of CEOs of European TV stations. These organizations expressed serious concern over the latest efforts by the ruling ANO party and its allies to further politicize the oversight body of the Czech public broadcaster:

“We are aware that the director general has long been under fire from certain political forces and previously faced smears in pro-government media over his leadership of the broadcaster, which has long been unfairly tarred as biased and unbalanced. We also note that during the previous ČT Council election in May 2020, ANO urged MPs not to vote for candidates supportive of Dvořák. In another worrying sign, some of the recently short-listed candidates have spoken openly about their willingness to dismiss him and remove other editors and journalists. /.../ It is crucial therefore that the Czech public television remains a model for public broadcasting in the region and that the bodies that oversee it remain free of political interference. Viewers and voters must continue to have access to impartial, unbiased and independent information, especially during the COVID-19 pandemic. Vital here is the requirement of all political parties to view the public broadcaster as a necessary and valued public watchdog that serves a central role in the country's democracy, as opposed to a political tool of state communication to be instrumentalised ahead of elections.”

A petition of representatives of the Czech culture was addressed to the prime minister as well - with a clear demand to stop create a political pressure on the Czech TV.

Although the president has no formal role - neither in the appointing of the TV Council nor the CEO, Miloš Zeman has been criticizing publicly the editors of Czech TV as well as the current CEO and even pleaded for his firing (which was a clear violation of the independence of the Czech TV.

Czech Radio and Czech Press Agency are other two of the three public service media organizations in the Czech Republic. Both have the similar problems with the political pressure as described in case of the Czech TV. But the situation there is fortunately still not as critical as in Czech TV.

Czech Radio is still bringing programs critical to the government. Representatives of the opposition as same as critics of the current government are getting broadcasting time in its programs. Czech Radio runs a very good web site based on data journalism which is repeatedly bringing details of different corruption cases - even if they are connected with the members of the government.

Czech Press Agency maintains its professional service coverage and although there are tough discussions during its council meetings, the service keeps its quality.

Both Czech TV and Czech Radio often invite journalists from other media to comment current news situation, trends, local and international news as same as all kinds of financial and science events. This helps to promote other media and draw attention on its work. Unfortunately, journalists from new independent media are almost never invited to broadcasting of Czech TV and Czech Radio, while journalists of newspapers currently owned by PM Babiš's trust fund are quite often on screen of Czech TV and on programs of Czech Radio.

The fact that journalists who work for independent media do not appear in public service media harms independent media and at the same time doesn't bring full service to viewers and listeners as they are deprived of opinions of independent journalists.

5. INFLUENCE OF PSM ON MARKET PLAYERS

Czech Press Agency (ČTK) always influenced content of media scene in the Czech Republic. Traditionally, it has very good quality of the news service and news issued by the agency and create the significant part of the content of other media mostly newspapers and news web sites. As the financial situation of publishing houses and media overall is worsening, the ration of ČTK news in the content of other media is increasing. In such situation the professionalism and quality of ČTK news service has a key importance.

The financial situation of private media emphasizes the role of the public service media - due to the system of fees they do not depend on the immediate financial situation. Therefore, the role of PSM as a source of information increases and the need of its independence is more important than ever before.



PUBLIC SERVICE MEDIA

HUNGARY

1. FUNDING OF PUBLIC SERVICE MEDIA, TRANSPARENCY RULES

The licence fee was part of the funding scheme for financing the operations of the Hungarian public service media (PSM) between 1996 and 2002. This system was abolished in 2002, and PSM is heavily financed by the central budget in Hungary. Public media became vulnerable to political influence and in recent decades it has depended on the restraint of governments to put public service media under intense pressure.

The funding mechanism itself has been fairly stable over the past period, but the public service media regime has changed a lot over the past decade. To understand the anomaly of funding, it is also necessary to understand the current structure of the PSM.

Originally the 2010 media law¹ assigned the task of providing public media services originally to four private limited companies – Magyar Televízió Zrt. (Hungarian Television), Duna Televízió Zrt. (Duna Television), Magyar Rádió Zrt. (Hungarian Radio), and the Magyar Távirati Iroda Zrt. (Hungarian News Agency). An amendment to the law was adopted by the Hungarian National Assembly in December 2014, primarily aimed at the transformation of the institutional framework of public media services. As a result of this amendment, Duna Médiaszolgáltató Nonprofit Zrt (Duna Media Service Nonprofit Ltd.) was established as the legal successor of the prior companies. So, Duna will thus become the provider of all public service television, radio, and online content services, as well as public service news agent's activities with effect from July 2015.

¹ Act CIV of 2010 on the Freedom of the Press and the Fundamental Rules on Media Content; Act CLXXXV of 2010 on Media Services and Mass Media

Functions of Duna are discharged by the Media Service Support and Asset Management Fund (Médiaszolgáltatás-támogató és Vagyonkezelő Alap, abbreviated as MTVA in Hungarian). MTVA exercises the ownership rights of public service media assets, and it is also in charge of producing or supporting the production of public service broadcasting items. Practically all of the public media's content acquisition and show production is performed by the MTVA, and it is also the legal employer of the public service media employees.

The complexity of the system is not a coincidence: while the operations of the Duna are subject to the outside review of several public bodies, especially the Public Service Media Board that is made up of the delegates of organisations specified in the media law, the MTVA is subject to the review of a single organisation: the Media Council. Media Council members were delegated by the ruling party, so there is no independent control over the MTVA.

So, Duna is the public service media provider and it is more or less appropriately subject to external control mechanisms, but in reality, the oversight is merely a façade since it has no resources for the actual performance of these functions. And then there is the MTVA, which disposes taxpayer funds without being subject to any meaningful outside control and no one has a clue of where and how it spends the money.

Budget of the public service media in Hungary 2018-2020

	HUF ('million)			EUR ('million) ²		
	2018	2019	2020	2018	2019	2020
MTVA budget	97 656,3	92 861,0	103 126,3	278,0	264,4	293,6
from central budget	84 906,1	83 982,8	94 778,0	241,7	239,1	269,8
Duna budget	2 119,6	2 001,2	2 500,2	6,0	5,7	7,1

Source: https://nmhh.hu/tart/index/232/Koltsegevetes_koltsegevetesi_beszamolo and <https://e-beszamolo.im.gov.hu/oldal/kezdolap>

As can be seen, the MTVA is well financed, with an annual budget of almost 300 million EUR by 2020. The share of the central budget in the MTVA's revenue is very high each year, typically around 90%. The trend is illustrated by the fact that the annual budget of the MTVA was 30.3 billion HUF (ca. 86 million EUR) in 2011 and the planned amount for 2021 is 117.7 billion HUF (ca. 335 million EUR).

Compared to the MTVA, the Duna budget is marginal. It is apparent based on the financial data that even though de jure Duna is the public media service provider, de facto MTVA performs this function.

The European Commission has been reviewing a complaint on the subject filed by former MEP Benedek Jávor, along with a market player, Klubrádió, and the media watchdog NGO Mérték Media Monitor, since 2016. The European Commission attaches strict conditions to public service media funding in order to forestall the market-distorting use of public funds. In our complaint, we highlighted the fact that the funding of the Hungarian "public service" media no longer complies with the European regulations on state aid. In our view, neither the required transparency nor the independent control is met.³

The spending of the MTVA is not transparent, although since 2019 at least an annual report has been published on the website.⁴ In any case, it is unclear how much the MTVA has spent on certain public service purposes. In addition, the MTVA publishes contracts over 5 million HUF, but it should be added that this is a poor quality scanned pdf in a non-searchable format.⁵

The Media Act regulates the mode whereby state funding is distributed among the various public service functions. In principle, the latter responsibility is discharged by the so-called Public Service Fiscal Council. The respective CEOs of the MTVA and the Duna always make up a majority in the Fiscal Council, however, and thus they can jointly decide any issue before the Council. But even if the third delegate, the representative of the State Audit Office proposes some new ideas, the Council has no more than a right of comment when it comes to the MTVA's proposed budget. Hence, there is practically no form of external/societal oversight whatsoever when it comes to the allocation of the MTVA's spending.

Journalists have also found it difficult to get information from the MTVA, even data requests based on Freedom of Information Act have been unsuccessful. For many years, it was common for the MTVA not to respond to data requests, and if the journalist sued, the case dragged on for years. This is, of course, not a viable option for a journalist, as the case to which the request related had long lost its relevance by the time the data was obtained. Unfortunately, journalists have given up covering the MTVA's cases; while in the early 2010s there were many articles on public service media, in recent years there have been hardly any.

2. APPOINTMENT PROCEDURES OF MANAGEMENT AND OVERSIGHT BODIES

As mentioned earlier, according to the law, Duna is the public service broadcaster in Hungary, and it has its oversight bodies.

First, Duna is owned exclusively by the Public Service Foundation and supervised by its Board of Trustees. The Board of Trustees is the only body within the system of media supervision that has members delegated by the opposition parties. Elected for a term of nine years under the law, half of the members are delegated by the ruling parties, and half by factions of the opposition. They are elected by a two-third majority vote of Parliament. However, even in this body, majority is guaranteed for the ruling parties, since another two members and the chair are delegated by the Media Council. The Board of Trustees is vested with general regulatory powers in connection with public service provision and management, most notably including the appointment of Duna's executive director.

Secondly, the Public Service Board, which comprises members delegated by organizations defined by the Media Act, is supposed to implement broad-based social control. However, journalists' and human rights organizations are absent from the list of entities delegating members to it. The Media Act authorizes the body to propose that the executive director be removed from office if it refuses to accept his annual report. The law fails to articulate the criteria for making such a proposal.

² For conversion we have used the 2020 currency exchange average rate, of 351.25 HUF for 1 EUR Eurostat - Data Explorer (europa.eu)

³ <https://mertek.eu/en/2020/09/07/ec-complaints/>

⁴ https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9t%C3%A9rtelmez%C3%A9se.pdf

⁵ https://mtva.hu/wp-content/uploads/sites/17/2021/06/2021_janu%C3%A1r_MTV%C3%A1_5millio_feletti_szerzodesek_egyseges_szerkezetben_2_resz.pdf

Thirdly, the Public Service Fiscal Council theoretically controls the financing of public media. The members of this Fiscal Council are the CEOs of Duna and the MTVA respectively, as well a delegate from the State Audit Office. Public Service Fiscal Council only retains a right to comment on proposals drafted and adopted by the MTVA. In allocating budgetary funds, the MTVA is not obliged to consider the Fiscal Council's opinion. Indeed, the delegate of the State Audit Office are always in the minority by the voting, so he/she does not have real power for influencing the decision. Hence no external control or social needs of any kind are considered in decisions regarding the distribution of funding allocations.

As shown earlier, Duna is ultimately a marginal organisation with a low budget. The key player in the public media system is the MTVA, over which there is no real control. The CEO of the MTVA can be appointed and recalled by the president of the Media Council without providing reasons for the dismissal, and whose work is not subject to review by any public body.

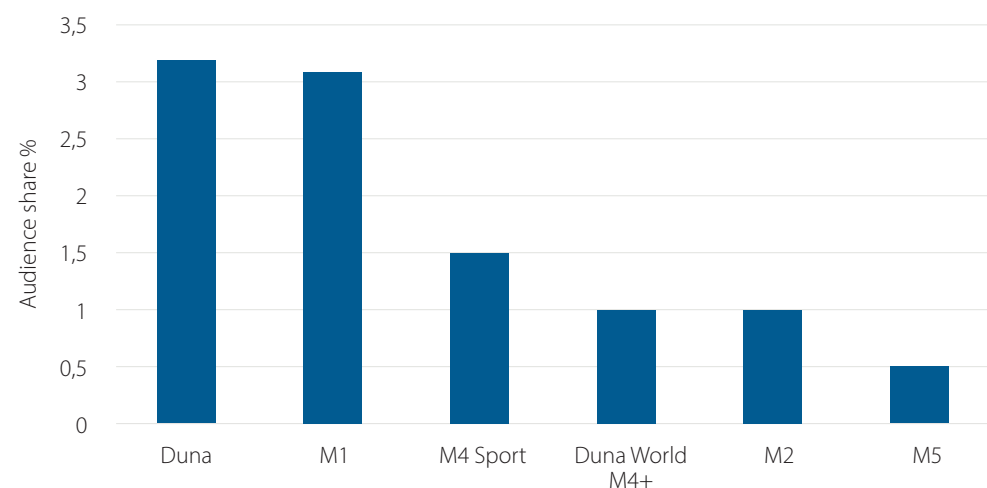
3. ROLE OF PUBLIC SERVICE MEDIA IN THE AUDIENCE MARKET

In Hungary there are a total of six public service channels in the television market. Their audience share is not very high, but they have a notable share of the news and sports markets.

The following TV channels are available:

- M1: news channel (news, talks)
- M2/Petőfi TV: M2 is a children channel and Petőfi TV broadcasts a programme for young people in the evening, with lots of music
- M4 Sport: sports channel
- M5: cultural channel, also broadcast many educational programmes during the epidemic
- Duna: the "main channel" of public service media, with entertainment content, films, daily news
- Duna World/M4+: Duna World is primarily aimed at Hungarians living abroad and to a large extent repeats the programming of other channels. On weekends, sports events are broadcast in the afternoon and evening, and this channel is called M4+.

Audience share of public service channels in 2020 (4+)



Source: MTVA Annual Report 2020 https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9t%C3%A9ni.pdf p 101

As can be seen from the figure above, the public channels are not very popular, with an aggregate market share of 10.3%. This weak market position is illustrated by the fact that the two main commercial channels attracted much more viewers: TV2 and RTL Klub had an audience share of 11% and 9.2% respectively in 2020 in the total population.⁶

Compared to the previous year, M1's audience share increased slightly (from 2.8% in 2019 to 3.1% in 2020), probably due to the epidemic and the increased news consumption associated with it. The decreased audience share of M4 Sport channel compared to the previous year (from 1.9% to 1.5%), is probably also the impact of the epidemic, as several sporting events were cancelled or postponed. It is noteworthy that M4 Sport was still the market leader in the sports channel market, mainly due to the popular international sporting events such as UEFA Champions League matches and Formula 1 races. The children's segment was also notable, with M2 being the second most watched channel in the 4-7 age group.⁷

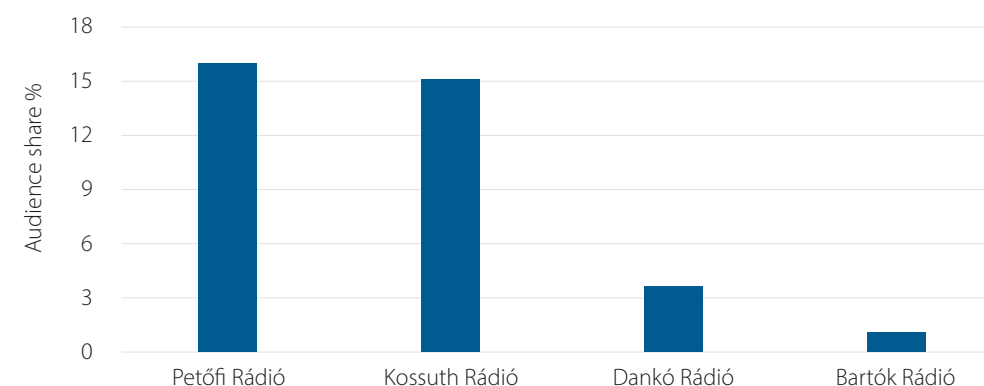
The analysis of news consumption patterns shows that the third most important source of news in the television market is a public service media channel (the top two are RTL Klub and TV2)⁸. Even if the audience of a single channel is not outstanding, the overall public service portfolio reaches a relatively wide audience. This is probably also due to the fact that M4 Sport also broadcasts short, one-minute news programmes, for example during breaks in highly watched football matches.

The alignment of the perception of public service media with party preferences is well illustrated by the 2020 data, which shows that m1 and Kossuth Radio are the most credible news sources for pro-government voters, while they are the least credible among the 12 media outlets surveyed for non-government voters.⁹

In the radio market, there are fewer public service broadcasters, but their overall market position is stronger.

- Kossuth Rádió: news, public affairs, politics, culture
- Petőfi Rádió: popular music
- Bartók Rádió: classical music
- Dankó Radio: Hungarian folklore, world music

Public service radio audience share in 2020 (15+, average day)



Source: MTVA Annual Report 2020 https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9t%C3%A9ni.pdf p 46

⁶ Report of the Media Council to the Parliament 2020 – https://nmhh.hu/dokumentum/220547/nmhh_orszaggyulesi_beszamolo_mediatanacs_tevekenyseg_2020.pdf

⁷ MTVA Annual Report 2020 https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9t%C3%A9ni.pdf

⁸ Hann, E. – Megyeri, K. – Polyák, G. – Urbán, Á.: An Infected Media System. The Sources of Political Information in Hungary, 2020 https://mertek.eu/wp-content/uploads/2020/12/Infected_media_system.pdf

⁹ Hann, E. – Megyeri, K. – Polyák, G. – Urbán, Á.: An Infected Media System. The Sources of Political Information in Hungary, 2020 https://mertek.eu/wp-content/uploads/2020/12/Infected_media_system.pdf

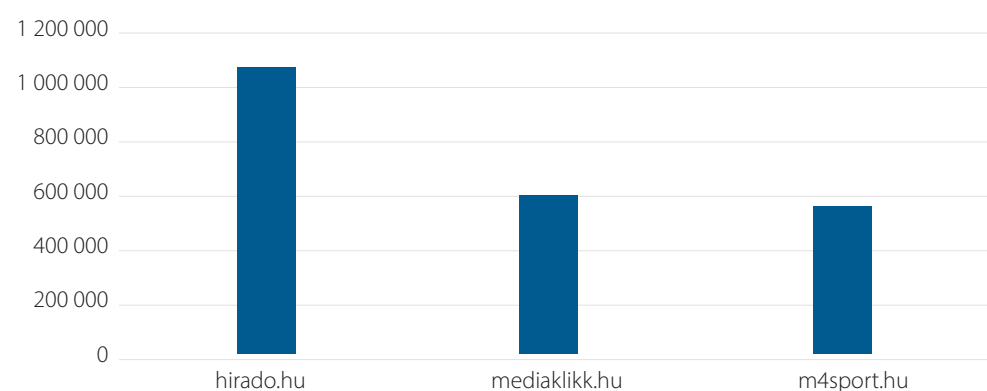
Public service radio had an overall audience share of 35.8% in 2020, a stronger overall market position than television. It is interesting to note that in terms of political news consumption, according to a 2020 survey, Kossuth Rádió was only ranked 4th, ahead of three stations with a music profile that only broadcast short news programs per hour (besides the public service Petőfi, two commercial stations, Retro Rádió and Rádió1).¹⁰

Public service media is of course also available in the online world. The main sites are:

- hirado.hu - news portal with constantly updated daily news
- mediaklikk - the VOD service of public service media, where you can watch and listen to programs
- m4sport.hu - sports portal of the public media

Visits to the main online public media sites

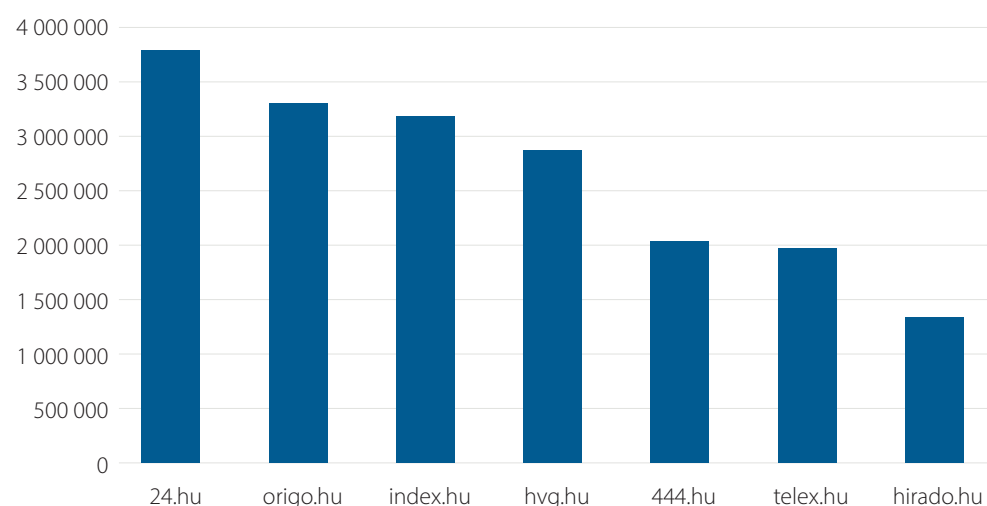
(Real Users in 2020, monthly average)



Source: MTVA Annual Report 2020 https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9teli.pdf p 47

In terms of audience data, hirado.hu is clearly the most popular online service. However, if we compare the results of hirado.hu with those of other news portals, it does not seem to be particularly successful.

Traffic to some major news sites (December 2020, real users)



Source: dkt.hu

¹⁰ Hann, E. – Megyeri, K. – Polyák, G. – Urbán, Á.: Megfertőzött médiarendszer 2020 [Infected Media System] https://mertek.eu/wp-content/uploads/2020/12/Megfertozott_mediarendszer.pdf

The news portals in the figure are privately owned, only hirado.hu is part of the public service media system. The relatively poor results support the public perception that the prestige of public service media among young people is rather low. Older media consumers prefer to stick to their old TV channels and radio stations, but for young consumers public service media is not trendy enough.

4. MAIN PROBLEM AREAS OF PSM

There are many problems with the public service media, the most significant of which are lack of transparency, propaganda and political pressure.

The lack of transparency is closely linked to what has been described above, i.e. the fact that in the case of Duna Zrt there is only external control, while MTVA, which spends huge sums of money, operates essentially without any control. It is typical that MTVA has not even published an annual report before, but since 2019 at least a document is available that shows the main features of its operations.

Propaganda is a much more complex issue, but anyone who follows public media programs will encounter this phenomenon on a regular basis. Unfortunately, the public media in Hungary do not fulfil the function that is common in developed Western European democracies. It is no coincidence that people often refer to public service media as state media, since the editorial practices are very similar to what the Hungarian public was used to during the communist era. The pro-Russian narrative, the constant criticism of the European Union, and the presentation of government messages are particularly characteristic. Pro-government politicians and openly pro-government analysts are regularly interviewed, while opposition politicians and independent experts are not invited.

The media law mandates that every media service provider that delivers news to the public has an obligation to report in a balanced manner in its informational and news shows about local, domestic, national and European events and contentious issues that are of interest and relevant to Hungary's citizens and to those who are part of the Hungarian nation. The law specifically designates balanced, accurate, detailed, objective and responsible news and information services as an objective to be pursued by the public service media provider. Such news should also provide the possibility of presenting conflicting views and debates about issues that are relevant for the community, and they ought to contribute to free opinion formation based on reliable information.¹¹

Mertek Media Monitor's Spot Check (Szűrőpróba) series chose one MTVA-produced news show each month and analysed in how far it was in compliance with the requirements of the media law.¹² Mertek examined whether the news show satisfies the conditions for balanced information; whether any biased or manipulated news contents are published; and whether the editorial practices are one-sided, biased, and only focused on amplifying the government's communication. The analyses examined whether any manipulation techniques can be detected in the choice of topics or in the way the news blocks are structured, and whether propagandistic elements appear in the word choice or in the visual or audio elements of the individual news items.

¹¹ Article 83 (1) m)-n) of Act CLXXXV of 2010 on Media Services and Mass Communication.

¹² <https://mertek.eu/tag/szuroproba/> (Analyses are available in Hungarian)

Some examples from recent analyses:

- November 2020: the news reported at length on the successes of handling the Covid-19 epidemic in Hungary. The news did not mention the high number of deaths and the unmanageable pressure on the health system. It is particularly surprising that for 8 minutes there was focus of Brussels, Soros and migrants, even though migration was not really an issue at that time because of the epidemic. Only 1.5 minutes were allocated to the opposition parties, including three speeches by opposition parties, all in the context of raising taxes.
- December 2020: the selected December news praised the government's policy programs (housing, R&D), but the most prominent was the start of the vaccination programs, which took up a third of the news time. Of course, migration also featured, despite the fact that this issue was not relevant at the end of the year. The news also reported on the debate between Manfred Weber, leader of the People's Party in the EP, and Viktor Orbán, of course representing the Hungarian Prime Minister's narrative. The opposition parties were given 28 seconds to speak, with one opposition party urging everyone to vaccinate themselves.
- January 2021. The government's decisions to help young people were reported in detail and praised at length. The opposition parties were given more than 10 minutes, but only 1 minute 20 seconds of this was devoted to their initiatives. In the remaining time, the opposition parties were linked to a single negative issue, regardless of whether the party affiliation in the story was relevant or whether the story had any basis in reality.

These brief content analyses also highlight the strong bias of the public media towards the government, with virtually one-to-one coverage of the ruling party narrative. It has been suspected for years that there is strong pressure on journalists in the public media from the institution's management, but this was really confirmed when an audio recording was leaked.

Ahead of European Parliament elections in Hungary in 2019 Balazs Bende, a senior MTVA editor gave instructions to the journalists and editors about the editorial guidelines. The audio recording was leaked to Radio Free Europe/Radio Liberty and the whole story was published on its website. Referring to the election campaign Bende says, „I'm sure no one will be surprised to hear that it is not the opposition's list that enjoys the support of this institution" and of course it is not compatible with the media law. He also has a clear message to the editors when he says, „Whoever is in charge must produce content according to the appropriate narrative, method, and direction, mostly about migrants and Brussels." The censorship is clearly reflected in his words when he says that „If anyone is not prepared to work under these conditions, he is free to file his resignation immediately".¹³

The audio recording was, of course, widely circulated, with all the independent news portals covering the issue. However, it says a lot about the situation in Hungary that there was not an overwhelming outcry, and on social media, too, users mostly commented that there was nothing surprising about the incident. Such an audio recording has not been made public before, but its content should not really have come as a surprise to anyone. The public service media have been quite obviously working as propaganda for many years, and it was obvious to everyone that the systematic distortion of the news could only be a command from above.

¹³ Keller-Alant, Á. (2020): Twisting the Truth? How Editors Manipulate News Coverage At Hungary's State Broadcaster. <https://www.rferl.org/a/twisting-the-truth-how-editors-manipulate-news-coverage-at-hungary-s-state-broadcaster/30949003.html>

The bias of the public service media was also identified by the OSCE in its investigation of the 2018 parliamentary elections: „In its editorial coverage, M1 showed bias in favour of the ruling coalition and the government, which received around 61 per cent of the news coverage. On average, 96 per cent of it was positive in tone, while 82 per cent of the coverage devoted to the opposition was negative. This is at odds with OSCE commitments and international standards on fair access to the public broadcaster's programmes and undermined the public's corresponding right to receive media output".¹⁴

5. INFLUENCE OF PSM ON MARKET PLAYERS

As mentioned earlier, public service media are not particularly popular in Hungary, so it cannot be said that they would completely transform the market. There are, however, areas where the impact of public service media is particularly significant.

Television audience shares are typically not very high, so the PSM's impact on the market is only moderate. The biggest impact is in the sports channel market, where M4 Sport has acquired the rights to several major sporting events. Currently, there are 12 privately owned sports channels in Hungary, which are in strong competition with each other, and M4 Sport has the advantage of being able to buy and produce sports coverages with taxpayers' money, unlike its competitors. It is typical that in 2020, which was the year of cancelled sporting events due to the epidemic, MTVA spent 15.8 billion HUF (ca. 45 million EUR) on the production of M4 Sport channel programs, which is 42,5 percent of the total radio and television production costs¹⁵. Sports broadcasting rights account for a very significant proportion of M4 Sport's costs, suggesting that the public service media spends sums on these broadcasting rights that commercial competitors, which live off market revenues, cannot afford to pay.

Public service broadcasters have a significant share of the radio market, but this is not what is basically destroying competition in Hungary. Frequency tendering practice of the media authority has transformed the market to such an extent that the operation of public service broadcasters is of less importance in comparison.¹⁶

The role of public service media in the online market is not overwhelming. Competition in the digital segment is very strong, with numerous media brands trying to reach readers in both the news and entertainment content markets. Public service media, which is mainly attractive to older media consumers, has not been able to achieve significant success in the digital market.

The news agency market is more important in this aspect, since the 2010 media law has revised the function and financial system of the national news agency. Since 1880, news agency functions in Hungary have been performed by the Magyar Távirati Iroda (MTI, which literally translates as Hungarian Telegraph Office). With the appearance of commercial media in Hungary, competition appeared in the news agency market as well. This was the situation that the Orbán government put an end to after 2010 when it set out to restructure the entire media market. MTI was integrated into the public service media system and its news services were made available for free. There was no one in the market who could compete with free services and, one by one, MTI's commercial competitors went out of business leaving the state-owned provider as a monopolist in the market.

¹⁴ OSCE Office for Democratic Institutions and Human Rights: Hungary - Parliamentary Elections 8 April 2018, ODIHR Limited Election Observation Mission, Final Report <https://www.osce.org/files/f/documents/0/9/385959.pdf>

¹⁵ MTVA Annual Report 2020 https://mtva.hu/wp-content/uploads/sites/17/2021/06/MTVA-2020_%C3%A9vi_besz%C3%A1mol%C3%B3_k%C3%B6zz%C3%A9t%C3%A9ni.pdf p 60

¹⁶ See the Legal Guarantees part of this project.

Today MTI is only a brand name, not a company, because it became part of the MTVA. This way public service media became dominant player in the news market. Surprisingly MTVA started producing entire news blocks for commercial radios at a low price. Given that news services take up a significant portion of the production costs in radio, many commercial radios availed themselves of this opportunity and now broadcast news blocks produced by the MTVA based on news written by the MTI. In practice, this means that the news blocks are recorded at hourly intervals at the MTVA and are then sent out to all contractual partners. Thus, the radios involved do not need to hire their own news editors. As a result, the various local radios broadcast the same news block throughout the day, thereby granting space to government propaganda.

There have been articles about this in the Hungarian press before, journalists have tried to find out how many radio stations use this service and for how much. MerteK Media Monitor itself has tried to get information by data request based on FOIA, but MTVA has not provided any data. It is therefore not possible to know exactly how many radio stations broadcast MTVA's news block, but the number of listeners reached is certainly significant.





PUBLIC SERVICE MEDIA

ROMANIA

1. FUNDING OF PUBLIC SERVICE MEDIA, TRANSPARENCY RULES

1.1. Funding of the public radio and television

The financing of public television and radio underwent a dramatic change at the end of 2016, when the radio-TV tax (the licence fee), paid by taxpayers (per household), was replaced with direct state funding¹.

The mechanism of financing the public media was at that time on the agenda of the politicians, in the context of the financial crisis of the public television. Thus, in October 2016, the leader, at that time, of the Social Democratic Party (PSD), Liviu Dragnea, initiated a bill eliminating several non-fiscal taxes, starting from January 1, 2017. Among these taxes the radio-TV tax was included. The initiative of the PSD leader to eliminate the radio-TV tax has caused controversy in the public space, being criticized by politicians, dignitaries, members of civil society and current or former managers of public radio and television.

Liviu Dragnea responded to those who criticized the project, because it would increase the dependence of public media on the Government, arguing that these institutions are already politicized by the appointment of Boards and that they already depend in relevant proportions on the state budget. The PSD president also criticized the poor management of resources on public television (TVR), whose debts to the state budget and

¹ This section takes over the information published by ActiveWatch in the FreeEx Report "Press Freedom in Romania" 2017-2018 - <https://activewatch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2018-2019-libertatea-presei-in-romania>

other private creditors exceeded, at that time, 150 million euros, the institution being on the verge of bankruptcy. The management of TVR as well as other public actors, such as non-governmental organizations, had, on the other hand, repeatedly drawn attention to the fact that the public television is underfunded, the tax level being out of date since 2003, which significantly contributed to the accumulation of these debts.

The PSD leader claimed at the time that by eliminating the tax, he aims to solve the problem of financing the public television (TVR) and the public radio (SRR), so that it is predictable, based on calculation formulas established by the state budget law - 21 lei/year (4,3 euros) for each citizen for SRR and 34 lei/year (7 euros) for TVR. Thus, the leaders of the two institutions would no longer have to apply annually for government subsidies to supplement the insufficient tax revenues, a mechanism which, in turn, is a form of dependence on politics. Dragnea specified that this increase will be accompanied by a "serious control by the Parliament on the assumed objectives"² and also argued the need to establish a separate executive management, hired on a project basis, by the Administrative Board.

The project to eliminate the radio-TV tax was adopted by the two chambers of Parliament in a record time of only a few weeks³.

International organizations such as the European Broadcasting Union or Public Broadcasters International sent open letters to President Iohannis and Liviu Dragnea in which they spoke openly in favor of maintaining the radio and TV tax.

President Iohannis later challenged the law in the Constitutional Court, citing that "the inconsistency of the provisions is likely to generate interpretations regarding the status of SRR and TVR employees and may affect the autonomy of public radio and television services."⁴ The complaint was dismissed by the Court. The President also used the other legal instrument at his disposal and sent the law back to Parliament for reconsideration. Both chambers rejected this request, so the law came into force on January 1, 2017.

Through the state budget law, voted in February 2017, the Government allocated significantly higher funding to TVR and SRR than in previous years. Thus, in 2017, TVR benefited from an annual budget almost double compared to the previous year, reaching 1,023,265,912 lei (ca. 211 million euros)⁵. The budget allocation increased from 123 million lei to 956 million lei (ca. from 25 million euros to 198 million euros). In the case of public radio, the institution's budget decreased from 418.5 million lei to 383 million lei (ca. from 86 million euros to 79 million euros), even if the budget allocation increased, this being previously in the amount of 195.5 million lei (ca. 40 million euros).

TVR paid from this budget all debts and recovered economically. More than half of the allocated budget were debts to the state budget. The public television specified that "the change of the financing source allowed the payment of this accumulated debt in a decade" and that, as a result of this approach, the fiscal authorities lifted the seizure of all TVR assets.⁶

Thus, at the end of 2016 the Social Democratic Party found a populist solution to solve the financial problems of public television, eliminating the direct payment by taxpayers of the radio-TV tax and making the two institutions completely dependent on direct funding, from the state budget, as decided by the ruling political parties.

The budget of the TVR has been decreased since 2018. In 2021, the amount allocated from the state budget is 360,000,000 lei (ca. 74 million euros).⁷

TVR annual budget⁸

	2018	2019	2020
Budget	442,632,786 RON 91,485,188 EUR	385,591,866 RON 79,695,733 EUR	382,972,685 RON 79,154,390 EUR
Contribution from the state budget	395,571,3263 RON 81,758,330 EUR	354,477,371 RON 73,264,860 EUR	358,934,526 RON 74,186,083 EUR
Own sources	47,061,459 RON 9,726,858 EUR	31,114,495 RON 6,430,873 EUR	24,038,159 RON 4,968,307 EUR
advertising	32,512,291 RON 6.719.776 EUR	19,333,044 RON ⁹ 3.995.834 EUR	17,677,795 RON 3,653,720 EUR
Profit tax	1,851,132 RON	889,671 RON	754,083 RON
Share of state budget	89.37%	91.93%	93.72%

Budget of the SRR was relatively stable between 2018 and 2020. In 2021, the amount allocated from the state budget is 342,561,000 lei (ca 71 million euros).¹⁰

SRR annual budget¹¹

	2018	2019	2020
Budget	398,867,199 RON 82,439,534 EUR	400,436,826 RON 82,763,951 EUR	395,528,961 RON 81,749,573 EUR
Contribution from the state budget	367,141,283 RON 75,882,290 EUR	374,471,278 RON 77,397,284 EUR	371,566,530 RON 76,796,918 EUR
Own sources	31,725,916 RON 6,557,244 EUR	25,965,548 RON 5,366,668 EUR	23,962,431 RON 4,952,655 EUR
Share of state budget	92.05%	93.52%	93.94%

1.2. Transparency rules for the public radio and television

By law, SRR and TVR have the obligation to submit annually, in the Parliament, to the Mass Media Commissions of the Chamber of Deputies and the Senate a report, together with the budget execution account of each company (to be verified by the Budget Commissions). In addition to these reports, the commissions may also request reports on issues specific to the activities of the two companies or any information and documents relating to the activities of the two companies.

² "VIDEO. Dragnea, episode 2: We are increasing the budget for radio and TV, but it will be a serious control by the Parliament", Paginademedi.ro, 25.10.2016
³ Draft bill PL-x nr. 473/2016 became Law nr. 1/2017 - http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=15991
⁴ "CCR: Constitutional Law on the Elimination of 102 Taxes and Tariffs", Agerpres, 16.10.2016
⁵ For conversion we have used the 2020 currency exchange average rate, of 4.8383 lei for 1 euro - https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ert_bil_eur_a&lang=en
⁶ "TVR has paid its debts. TVR paid 522 million lei to the state budget", TVR.ro, 01.04.2017

⁷ <https://mfinante.gov.ro/buget-2021>
⁸ Source: annual revenue and expenditure budgets and management reports http://www.tvr.ro/date-eco-nomice-2019_31254.html#view For conversion we have used the 2020 currency exchange average rate, of 4.8383 lei for 1 euro - https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=ert_bil_eur_a&lang=en
⁹ By comparison, PROTV's television stations had advertising revenue of \$ 188 million in 2019 - "BALANCE SHEET. Less money in 2019 for Pro TV", Pagina de Media, February 7, 2020 <https://www.paginademedi.ro/2020/02/bilant-pro-tv-venituri-2019/>
¹⁰ <https://mfinante.gov.ro/buget-2021>
¹¹ SRR Annual Report - 2020, p. 15 - <http://srr.ro/files/CY1923/104/RAPORTRADIOROMANIA2020.pdf>

SRR and TVR are subject to the provisions of the law on access to information of public interest. Annual reports and other information of public interest can be found on the SRR and TVR websites, but the public radio website contains less information than the public television website. However, both institutions behave opaque, refusing to respond to requests for information of public interest that could endanger their management.

In November 2020, the Bucharest Court of Appeal established by a final decision that TVR is obliged to make public the results of the financial controls performed by the Court of Accounts.¹²

The decision came after a lawsuit opened by the Romanian Union of Journalists MediaSind against the management of public television, and is just one of many lawsuits filed by this union against the management of TVR. Other lawsuits won by MediaSind, through which TVR was forced by the courts to make public information, concern details of a legal aid contract concluded by TVR with a former business partner and former adviser to CEO Gradea¹³, measuring the level of nox and other risk factors from TVR¹⁴, complete information about the employment competitions organized by TVR¹⁵, the list of collaborators (for which 3 million euros had been spent over 3 years)¹⁶. Many other lawsuits for refusing to disclose information of public interest have already been won in the first instance by MediaSind, and others are still pending in the courts.

In addition, according to information obtained by journalists trade union MediaSind, TVR paid a law firm almost 51,000 euros of public money, among other things to sue this union and a newspaper that had published information about TVR's expenses for Eurovision¹⁷ (both of these defamation lawsuits were lost, one definitively and another in the first instance).

SRR also refuses to provide information of public interest. President-General Manager Georgică Severin refused to respond to a request made by journalists, interested in the salary scales at the public radio, arguing that the publication of this information would violate the legislation on personal data protection¹⁸.

1.3. National News Agency – Agerpres

The financing of AGERPRES expenses is provided from the state budget. According to the law, Agerpres can also get revenues from: services, the sale of news, photographs, videos, documentaries, etc. In 2019, Agerpres benefited from a financial allocation from the state budget amounting to 24,223,000 lei (ca 5 million euros) and generated its own revenues amounting to 3,388,000 lei (700,245 euros)¹⁹. The organization had 295 employees²⁰. By comparison, the competing private agency Mediafax had in 2019 total revenues amounting to 8,178,381 lei (ca. 1,7 million euros) and 113 employees, and the competing private agency News.ro had in 2019 total revenues amounting to 1,270,475 lei (262,587 euros) and 18 employees²¹. It can be noticed that the two competing private agencies attract overwhelmingly higher revenues per employee than Agerpres.

For 2020, the state budget allocated for Agerpres was 26,399,000 lei (ca 5,5 million euros), and its own revenues 2,800,000 lei (578,716 euros)²². For 2021, the approved funds from the state budget are worth 27,463,000 lei (ca 5,5 million euros), but this amount may still undergo small amendments during the year²³.

It should be noted that, unlike TVR and SRR, Agerpres' revenues, keeping the proportion, are increasing from year to year.

The Agerpres website provides fairly up-to-date information on the institution's management, budget, annual reports, organizational chart, list of people managing the institution, including their wealth declarations and interests, their own programs and strategies, legislation and in-ternal operating regulations²⁴. The transparency obligations are provided in Law no. 544/2001, regarding on access to information of public interest, Agerpres being among the institutions that must comply with the provisions of this law. According to the provisions of the law of Agepres, the annual report is presented to the Mass Media Commissions and the Commissions on Budget, Finance and Banking of the Senate and Chamber of Deputies and is approved by Parliament's plenary.

2. APPOINTMENT PROCEDURES OF MANAGEMENT AND OVERSIGHT BODIES

In the following, we will analyze the promotion procedures in decision-making positions, in the three public media institutions, from the perspective of guaranteeing independence from influences of political actors.

The manner of appointing the management at the top of the institutions is established by two normative acts - laws with the status of organic law: Law no. 41/1994²⁵ for the Romanian Broadcasting Company (SRR) and the Romanian Television Company (TVR) and, respectively, Law no. 19/2003²⁶ for the public news agency Agerpres.

- 12 "Court decision: TVR management is obliged to make public the results of financial controls ", Radio Free Europe, November 11, 2020 - <https://romania.europalibera.org/a/decizie-in-instanta-conduc-erea-tvr-este-obligata-sa-faca-publice-rezultatele-controalelor-financiare/30942253.html>
- 13 „The Bucharest Court of Appeal obliges the National Television to make public the amounts paid to the former business partner of the TVR chief! ", Mediasind.ro, 8 April 2021 - <http://www.mediasind.ro/comunicate-1/curteadeapelbucurestiobligateleviziuneanationalasafacapublicesumeleplatiteavocatuluialexandrudumitrescufostpartenerdeafacerialesefitvr>
- 14 "Forced by the court, the head of TVR explains why the health of the employees of the National Television has been endangered for over 12 years", Mediasind.ro, 19 February 2021 - <http://www.mediasind.ro/comunicate-1/obligatadeinstantasefatvrexplacadeceasanatateaangajatorordinteleviziuneanationalaeste-pusadepeste12aniinpericol>
- 15 "TVR management obliged by the court to make public the preferential employments! ", Mediasind.ro, March 12, 2020 - <http://www.mediasind.ro/comunicate-1/conducereatvrobiligatadeinstantasafacapubliceangajarepreferentiale>
- 16 "TVR management obliged by the court to make public the list of collaborators for whom it paid over 3 million euros!", Mediasind.ro, March 2, 2020 - <http://www.mediasind.ro/comunicate-1/conducereatvrobiligatadeinstantasafacapublicalistacoloratorilorpentruicareaplatiteste3milioanedeeuro>
- 17 "The TVR management no longer recognizes the sums it paid to the law firm to fight with MediaSind and misinforms the public opinion!", Mediasind.ro, October 9, 2020 - <http://www.mediasind.ro/comunicate-1/conducereatvrnumairecunoastesumelepecarele-aplatitcaseideavocaturacasaserazboiascascumedisind-sideinformeazaopiniapublica>
- 18 "Luxury salaries on public radio, kept secret. Libertatea tried to find out if the head of SRR earns 7,000 euros per month ", Libertatea, November 23, 2018; <https://www.libertatea.ro/stiri/salariile-de-lux-din-ra-dioul-public-tinute-la-secret-2451779>

- 19 Annual Report Anual of Agepres 2019 <https://www.agerpres.ro/corporate/transparenta-decizionala> p. 71 și <https://www.agerpres.ro/corporate/situatie-plati/2019>
- 20 Annual Report Anual of Agepres 2019 <https://www.agerpres.ro/corporate/transparenta-decizionala> p. 96
- 21 Source: Ministry of Finance. Mediafax is owned by Mediafax SA - CUI RO6969223; News.ro is owned by S.C. N.RO AGENȚIA DE ȘTIRI S.R.L - CUI 35416278
- 22 <https://www.agerpres.ro/corporate/situatie-plati/2020>
- 23 https://mfinante.gov.ro/static/10/Mfp/buget2021/Anexa_3/Agentia_Nationala_PresaAGERPRES.pdf; https://mfinante.gov.ro/buget-2021_24
- 24 <https://www.agerpres.ro/corporate/legislatie>
- 25 http://media.tvrinfo.ro/media-tvr/other/201702/vlege-41-1-februarie-2017_06095600.pdf
- 26 <https://www1.agerpres.ro/despre-noi/informa-ii-publice/altele/legea19-2003>

2.1. The public radio and television governing bodies

According to Article 2 of the law, SRR and TVR are “legal persons [operating] under the control of Parliament”²⁷. The management is exercised at the level of three hierarchically ordered levels: the Administrative Board (AB), the President-General Manager (PGM) and the Steering Committee (SC).

The Administrative Board (AB) is the top governing body. It consists of 13 members who are promoted through a mechanism controlled by Parliament. Members shall be appointed by a majority of the component members of Parliament in a joint sitting of both Houses of Parliament. Candidates are nominated by the parliamentary groups (8), the presidency (1), the government (1), the minority group (1) and the staff of SRR and TVR (2), respectively. With the exception of the two employees’ representatives, the rest of the members are promoted politically.

The role of the Administrative Board is to define the strategy of the institution and to control the mechanisms through which the executive forum - the Steering Committee - implements it.

The President of the Board is elected by the members of the Board and subsequently validated by the parliament after hearings and voting in the reunited plenary of the two chambers, with a simple majority of votes. She/He implicitly becomes General Manager. This position, extremely strong from a managerial perspective, is directly controlled, from the level of a simple majority, by the political force usually in government. The term of office of the Administrative Board and the President-General Manager (PGM) is 4 years.

The Steering Committee (SC) is composed of the General Manager and no more than 7 members. According to the law, the members of the Steering Committee must be persons promoted in their positions through competition, under conditions established at the level of the Administrative Board. At the date of writing this report, none of the Steering Committee members of TVR is promoted by the procedure defined by law, respectively by competition. All members are persons “delegated” in the position of director²⁸ through an administrative artifice available to the President-General Manager, who thus bypassed the decision-making filter of the Administrative Board. These persons with directorial attributions control the entire editorial activity of the public television through the functions of “coordinator with attributions of General Producer/ News director/ Programs director/ TVR1 channel director/ Economic director”. This management architecture, parallel to that described in the text of the law, illustrates the vulnerability of the existing promotion mechanism: a person who is approved by the political parties under the control of the government, can take over the editorial control of a public media institution.

Unlike TVR, at SRR, at present, the persons who hold leadership positions in radio, and are also members of the Steering Committee, hold these positions on the basis of a competition, according to the law. But the fact that, based on the same law, there may be an abuse such as that at the public television, shows that it could also appear at the public radio.

Dismissal of the Administrative Board - The political control over the two public media institutions is exercised not only through the direct financing from the state budget or through the appointment of the Administrative Board and the President-General Manager, but also through the mechanism of their dismissal. The boards of directors of SRR and TVR must submit to the specialized parliamentary commissions (mass media and budget) an annual report and the budget execution account. The law states that, “the rejection by the Parliament of the annual report entails the dismissal of the administrative board”.

In recent years, the SRR and TVR reports have been considered by politicians exclusively as instruments of political control of the two institutions. It is common for Parliament to postpone the debate on reports, either because there is no interest in changing the leadership of SRR and / or TVR, or because the parliamentary majority is blocking the discussion of reports²⁹ in order to keep the leadership it has installed. On the other hand, when the parliamentary majority changes its political composition, the rejection of the annual reports of SRR and TVR occurs shortly, as part of the process of taking political control over these public institutions. The instrument of “rejecting the reports” is currently completely emptied of its original intent as designed in the text of the law. Reports can be made in detail, they can be consistent in terms of content (there have been such situations) but these qualities are irrelevant because parliamentarians can invoke any criteria, however subjective, when the aim is to reject the report.

The rejection of SRR and / or TVR reports has become such a habit of transferring the political control of these public institutions that Ludovic Orban, the president of the Chamber of Deputies, who is also the leader of the most important party in the current governing coalition (National Party Liberal), announced publicly in February 2021 that the agenda of the plenary session of the parliament included “voting to reject the SRR and TVR reports”³⁰, even before the respective reports were submitted, read, debated and then finally voted. The threat was met and the activity reports of SRR and TVR for 2017, 2018, 2019 and, in the case of SRR also for 2020, were rejected by the Mass Media Commissions at the beginning of April³¹.

Moreover, although in the election campaign it promised to depoliticize these public media institutions, the current governing coalition intends to over-politicize the TVR and SRR leaderships³². Starting from the idea of separating the positions of President of the Board and General Manager (idea supported by multiple local stakeholders, considered necessary by the European Broadcasting Union³³ and included in a bill amending Law no. 41/1994 adopted by Parliament in 2017 but not promulgated by the President), the parties in power agreed that the holder of the position of General Manager should not be selected by competition (as proposed by the mentioned stakeholders), but politically appointed, similarly to the President of the Administrative Board. This decision, of political appointment and not by competition of the Director General, which would be implemented by amending the law of SRR and TVR until the end of the current parliamentary session, was harshly criticized by many local³⁴ and international voices (Reporters Without Borders)³⁵, because it leads to an even more accentuated politicization of the management of the two public media institutions. The political appointment of SRR and TVR

²⁹ “Ludovic Orban: I notified the culture commissions on the TVR and Public Radio reports for 2019; in the plenary we vote the rejection”, TVR, February 16, 2021 - <http://stiri.tvr.ro/parlament-birouri-permanente-reunite-cererea-de-revocare-a-avocatului-poporului-si-rapoartele-tvr-si-srr-pe-ordin-ea-de-zi-879482.html#view>

³⁰ „The coalition wants to change the leadership of TVR, Radio Romania and the People’s Advocate”, G4Media, February 15, 2021 - <https://www.g4media.ro/coalitia-vrea-sa-schimbe-sefia-de-la-tvr-radio-romania-si-avocatul-poporului.html>

³¹ “Parliament / Culture Commissions rejected the activity reports of public television for 2017 2018 and 2019”, Agerpres, April 8, 2021 - https://www.agerpres.ro/viata-parlamentara/2021/04/08/parlament-comisiile-pentru-cultura-au-respins-rapoartele-de-activitate-ale-televiziunii-publice-pe-2017-2018-si-2019--693083?fbclid=IwAR3Go3tY1xA2fn2U6JLSr-JqvHzer_Ik1UF8oC1hDIO4S95t8mWTLGjgkic

³² “TVR and Public Radio, a politicized business in the Coalition. Power Sharing Project”, Free Europe, March 31, 2021 - <https://romania.europalibera.org/a/draft-proiect-tvr-radioul-afacere-politizata-coalitie-cum-se-%C3%AEmparte-puterea-/31180056.html>

³³ „EBU report for TVR: It is necessary to separate the positions of General Manager and President of the Board; We found a political obstructionism that led to a kind of paralysis”, News.ro, February 21, 2017 - <https://www.news.ro/cultura-media/raportul-ebu-pentru-tvr-este-necesara-separarea-functiilor-director-general-si-presedinte-ca-am-constatat-un-obstructionism-politic-care-a-dus-la-un-fel-de-paralizie-1922414821002017021516659236>

³⁴ “Civic organizations, letter to the coalition leaders: The appointment by the Administration Board of the general manager of TVR and Public Radio deprofessionalizes the two institutions”, HotNews.ro, March 25, 2021 - https://economie.hotnews.ro/stiri-media_publicitate-24689503-organizatii-civice-scrisoare-ca-tre-liderii-coalitie-numirea-catre-consiliul-administratie-directorului-general-tvr-radioului-public-de-profesionalizeaza-cele-doua-institutii.htm

³⁵ https://twitter.com/RSF_en/status/1376878827662610437?s=20

²⁷ http://media.tvrinfo.ro/media-tvr/other/201702/vlege-41-1-februarie-2017_06095600.pdf

²⁸ http://www.tvr.ro/comitetul-director_21758.html#view

leadership would not necessarily be a problem in itself, if it did not, in fact, lead to the deprofessionalization of the two institutions, given the lack of real competence criteria and the lack of management projects assumed by those who take over the leadership of these institutions.

Returning to the rejection of the annual reports, which leads to the automatic dismissal of the Administrative Boards of SRR and TVR, we consider that the current form of the law represents a vulnerability for the independence of the two institutions. The law allows the arbitrary change of leadership structures with each change in the balance of political forces, a fact confirmed by the rejection of SRR and TVR activity reports in April 2021, just a few months after the parliamentary elections and the formation of a new government. In fact, since the establishment of the position of President-General Manager of public television, 27 years ago, only one appointee has carried out his term, until the end, the others losing their position either by the rejecting of activity reports or by resignation. Even when they do not reject the reports, the parties that hold the parliamentary majority have the possibility to block the timely debate of the annual reports of the two institutions, thus using the postponements as a form of pressure on the leaders of the two institutions.

2.2. The national press agency governing bodies

Agerpres is the national news agency, with the status of a public institution, subordinated to the parliament. According to the law³⁶, Agerpres is governed by a Steering Committee coordinated by a General Manager. The director general is proposed by the prime minister and appointed by a vote of parliament, after obtaining the approval of the specialized commissions (mass media). The term of office of the General Manager is 5 years. After the appointment, the persons that will later become members of the Steering Committee are selected from the managerial positions gained on the basis of a competition which is organized by the General Manager. The Steering Committee of Agerpres consists of the General Manager, the Deputy General Managers, the Directors of the Financial and Technical Departments.

The term of office of the General Manager ceases at the expiration of the 5 years or under conditions defined by law - resignation, impossibility to exercise office for a period of more than 6 months, final conviction for committing crimes, a situation of incompatibility defined by law. There is no provision allowing Parliament to take the initiative to dismiss the General Manager. The absence of such an intervention lever on the institution's leadership, as well as the duration of the mandate that is delayed compared to the four-year cycle of parliamentary elections, makes the vulnerability of Agerpres management to political actors limited to the mechanism of nominating the candidate for General Manager. On the other hand, the decision-making power of the General Manager is not counterbalanced by an alternative control system (the equivalent of an Administrative Board). However, the level of dependence of Agerpres on political actors is lower than that of SRR and TVR, and this, primarily, due to the lack of possibility for the Parliament to force the dismissal of the Agerpres leadership. The frustration of politicians generated by this "dysfunction" was publicly visible in 2017 when the ruling political group advanced a draft bill that would create the possibility that "the director could be fired by Parliament at any time during the term, by rejecting the report annual activity, but without including in the bill the criteria that could lead to the rejection of the report"³⁷. The draft bill was eventually abandoned, following protests from civil society.

³⁶ <https://www1.agerpres.ro/despre-noi/informa-ii-publice/altele/legea19-2003>

³⁷ "Human rights and freedom of the press organizations ask senators not to vote on the draft amendment to the AGERPRES Law", Agerpres, October 30, 2017 - https://www.agerpres.ro/cultura/2017/10/30/organizatiile-pentru-drepturile-omului-si-libertatea-presei-cer-senatorilor-sa-nu-voteze-proiectul-de-modificare-a-legii-agerpres-11-52-19?fb_comment_id=1592447890794354_1592470990792044

3. ROLE OF PUBLIC SERVICE MEDIA IN THE AUDIENCE MARKET

The audience and, respectively, the role in the audience market of the three public media institutions are different.

3.1. The public television

While TVR claims to be the largest media company in Romania, by the number of employees, the coverage and distribution it benefits from, the number of channels it owns and the annual budget of approximately 80 million euros, this positioning is not reflected in the public television audience.

The mission of determining the television audience in Romania is assumed by the organization Romanian Association for Audience Measurement (ARMA), an association whose members are television stations, advertising clients and advertising and media agencies. ARMA is the contractor of the National TV Audience Measurement Service (SNMATV). ARMA, together with the National Audiovisual Council, establish, in accordance with the provisions of the Audiovisual Law, the selection procedure of the measurements operator. The operator is chosen for periods of four years each. In the period 2020 - 2023 the operator is Kantar Media Audiences.

According to the audience data determined by Kantar Media Audiences for January 2021³⁸, public television appears in modest positions. TVR has 3 national channels - TVR1, TVR2, TVR3 - among which the first has a generalist approach. The editorial content of the other two channels does not allow the identification of specific profiles - they are generalist, with slightly more content focused on cultural and educational programs. Besides the 3 channels mentioned, there also are: TVR International (dedicated to Romanians in the diaspora), TVR Moldova (licensed in the Republic of Moldova) and the regional studios TVR Craiova, TVR Iași, TVR Târgu Mureș, TVR Cluj Napoca and TVR Timișoara.

The TVR1 audience measured for February 2021 places the station behind 5 other television channels, with a rating of 0.5% and a share of 2.04%, nationally. By contrast, the first TV station as an audience, ProTV, has, in the same period, a rating of 4.5% and a share of 18.18%, nationally. The other two public channels have much smaller audiences, with subunit values of percentages. The situation presented is not a conjunctural phenomenon related to market developments in the context of the pandemic or other episodic phenomena. Two years ago, in 2019, TVR's market position was considered by experts to be "ridiculous"³⁹. Thus, in 2019, while two media groups held together, almost 55% of the market share (ProTV group - 30%, Intact Media group - 24.7%), TVR had, with all its main three channels, 1.1% of the market share.

³⁸ <https://www.arma.org.ro/rapoarte-de-audienta/>

³⁹ "How the TV advertising market was divided in the first quarter of 2019", Forbes, April 4, 2019 - <https://www.forbes.ro/cum-s-impartit-piata-de-publicitate-tv-trimestrul-2019-136749>

3.2. The public radio

The measurement of the audiences of the radio stations is made through an association of the main stakeholders in the Romanian radio market⁴⁰. The Association for Radio Audience is established in order to “represent the common interests of the founders - broadcasters, advertising agencies and media agencies - in the process of measuring the audience and market shares of radio stations, through the framework procedure established of the Audiovisual Law no. 504/2002 or by other similar procedures that respect the internationally recognized standards and customs in the field”⁴¹. Between 2020 and 2023, the audience research is conducted in three waves, each year. The results of the latest wave of research⁴⁰ place the radio stations operated by the Romanian Radio Broadcasting Company on the first position with a cumulative market share, at national level (on total population 11+ years and older), of 26.4%⁴³. Radio Romania News (Radio România Actualități) - generalist station -, with a share of 12.1%, occupies the first position at national level (total population 11+). Two private radio stations are in similar positions: Kiss FM, with 10.4%, and Radio Zu, with 10%. Among the radio channels in the SRR portfolio, Radio Romania News is followed by Radio Antena Satelor - with programs dedicated to the rural public, which has a market share, at national level, on total population 11+, of 5%. In addition to these two stations, SRR has 9 regional and one cultural stations, some of which have significant audiences: Iași 2.7%, market share (daily reach: 358,500 listeners), Craiova 1.9% market share (daily reach: 347,400 listeners) and Radio Romania Cultural 1.3% market share (daily reach: 270,400 listeners). However, all these measurements, being carried out at national level, are only indicative when it comes to radio stations with regional or local coverage.

3.3. The national news agency

For the news agencies in Romania, no results of any comparative research on the main operators in the field were identified.

The news agency market has undergone significant changes over the last 10 years. The private news agency Mediafax, which has been Agerpres’ main competitor for years, outperforming it without appeal, has slowly lost its flagship role in this field.

News.ro is a relatively young news agency (it appeared in 2016), being started by a former Mediafax manager, with journalists who had previously worked at Mediafax⁴⁴. News.ro has positioned itself as a balanced and credible agency, but its presence on the market has reduced its impact in the last year.

In terms of news agency photography, Agerpres’s main competitors are Mediafax Foto⁴⁵, which is 25 years old (it was developed as part of the Mediafax news agency) and Inquam Photos⁴⁶, the first agency to offer exclusively photography. Inquam Photos was founded by a photojournalist in 2013⁴⁷, and despite its small size, has quickly become a well-known brand, due to the quality of its photos and its presence at relevant social and political events.

In the annual activity report for 2019⁴⁸, Agerpres assumes the status of market leader: “The process of rethinking the strategies for 2020 represents the confirmation of Agerpres’ position as the main source of information from and about Romania”⁴⁹. In turn, the private agency Mediafax also claims to be a market leader in providing real-time news and information flows⁵⁰.

Measuring the impact of these news agencies is difficult to do. Comparing the number of subscriptions is a criterion, even if subscribers include, in addition to media clients, institutional (authorities) and corporate clients. But such data are neither available nor easy to compare.

On the other hand, no dedicated research has been identified to measure the impact of news produced by agencies and republished by other media outlets, but it is very possible that such research might show that Agerpres has the largest presence of the three agencies in terms of news republished by other media institutions.

At the same time, data on the direct impact on the public are measured and they prove that Mediafax is a leader in this regard. Thus, the Internet Audience and Traffic Study (SATI), published by the Romanian Transmedia Audit Bureau (BRAT)⁵¹, highlights a significant difference in audience in favor of Mediafax. For February 2021, the Mediafax site had over 1,100,000 unique visitors⁵², while in the same period, Agerpres had 137,000 unique visitors⁵³, and News.ro 79,000⁵⁴. It should be mentioned, however, that we do not know the extent of the paid news flows versus freely available news of Mediafax versus Agerpres or versus News.ro.

According to the most recent annual report available at the time of writing, Agerpres published in 2019 over 125,000 news and other journalistic materials, to which were added 30,000 photos and videos⁵⁵.

40 <http://www.audienta-radio.ro/default.aspx?id=14>

41 <http://www.audienta-radio.ro/default.aspx?id=2>

42 Source: “Results of the Radio Audience Study - Autumn Wave2020”, published by the Association for Radio Audience, IMAS and Mercury Research, p. 2, <http://www.audienta-radio.ro/userfiles/items/Audienta%20radio%20-%20Valul%20de%20Toamna%202020.pdf>

43 Market share: Radio Antena Satelor - 5%; Radio Romania News - 12.5%; Radio Romania Bucharest FM - 0.5%; Radio Romania Braşov FM - 0.0% (new station, small audience); Radio Romania Cluj - 0.5%; Radio Romania Constanta - 0.3%; Radio Romania Cultural - 1.3%; Radio Romania Iaşi - 2.7%; Radio Romania Oltenia Craiova - 1.9%; Radio Romania Resita - 0.8%; Radio Romania Târgu Mureş - 0.5%; Radio Romania Timisoara - 0.8%. Source: Ibidem.

44 <https://www.news.ro/despre-noi>

45 <https://www.mediafaxfoto.ro/>

46 <https://inquamphotos.com/>

47 “How does the only independent photography agency in Romania withstand”, PressOne, November 13, 2017 - <https://pressone.ro/cum-rezista-singura-agentie-independenta-de-fotografie-din-romania>

48 <https://www.agerpres.ro/corporate/transparenta-decizionala>

49 Ibidem

50 <https://www.mediafax.ro/pagini/despre-noi-311376/>

51 BRAT is a non-profit organization of the media and advertising industry that has as members publishers of print and online press, agencies, companies and advertising clients, media broadcasters, companies that own radio stations, outdoor companies and other interested third parties.

52 <https://www.brat.ro/sati/site/mediafax-ro/audienta/delivery/first>

53 <https://www.brat.ro/sati/site/agerpres-ro/audienta/delivery/first>

54 <https://www.brat.ro/sati/site/news-ro/profil-audienta/>

55 Annual Report Agerpres 2019 <https://www.agerpres.ro/corporate/transparenta-decizionala>. Agerpres is also an important archive repository. The archive contains press news, since 1928, newspaper collections, since 1944. Since 2000, AGERPRES news is stored in electronic format. The historical photography archive includes over 400,000 films and about 5,000 photographic plates, from 1927-2003, for which Agerpres is in a process of digitization. Source: Ibidem, p.36

4. MAIN PROBLEM AREAS OF PSM

The activity of the three public media institutions, from the perspective of freedom of expression (biased editorial practice, propaganda, distortion of democratic public sphere, censorship cases, documented political pressure on editors, etc.), as it is publicly visible, indicates comparable developments for SRR and TVR and significantly different for Agerpres.

SRR and TVR are governed by the same law, which creates the premises for a similar vulnerability to political influences in editorial production. The different forms this influence takes, are determined, among other causes, by the management styles of the successive President-General Managers (PGM). We will assess below the nature of the issues relevant to freedom of expression as they were manifest during the terms of the last PGMs.

4.1 The Romanian Television Company

Doina Gradea, the person who is, at the time of writing this report, President - General Manager of TVR, gained a strong negative notoriety during her term. In a concise form, her managerial style can be described as authoritarian, abusive and lacking in transparency.

Personnel policy

PGM Gradea pushed the law to avoid control by the Administrative Board and built a Steering Committee with people who did not go through a public selection process. The management positions of the members of the Steering Committee are held by people who have been delegated by the PGM, so they are exposed to arbitrary dismissal at the decision of the same person. In the same situation are not only the members of the Steering Committee, but also the directors of the territorial studios of TVR and over 50 people with various management positions in TVR⁵⁶.

On the other hand, in order to retain the loyalty of some members of the Administrative Board, Gradea organized competitions for permanent positions within TVR. Three of these positions were assigned to two full members and one alternate member of the Board⁵⁷.

Economic policy

Alarm signals regarding irregularities in the management of TVR funds were launched by an important local trade union of journalists, MediaSind. One of the main arguments invoked in this regard by MediaSind is an audit report of the Court of Accounts on the legality of TVR's financial activity, in relation to a series of unfavorable findings⁵⁸.

In his turn, Iulian Bulai, MP of the Union Save Romania (USR), member of the Mass Media Commission in the Chamber of Deputies, made public in October 2019 the salary of the President-General Manager Doina Gradea. Bulai then showed that PGM Gradea has a gross salary of 28,500 lei (5890 euros), plus a 25% seniority increase. Bulai stated that the salary of the PGM of TVR exceeded by approx. 1,000 euros that of the President of Romania and that of the Prime Minister of Romania. The USR MP also stated, at that time, that the salary increases that Gradea granted herself, with the support of the majority held in the Administrative Board, are illegal, according to a report of the Court of Accounts⁵⁹. In reply, Gradea announced that she had challenged the Court of Accounts' report on, inter alia, the legality of this expenditure and stated that the level of remuneration had been legally established, which would have been confirmed by the Ministry of Labor, and by the Parliament⁶⁰.

Political influences

Since her appointment as President-General Manager of TVR in 2018, Doina Gradea is accused in the public space of interfering in TVR's editorial policy, favoring the governing political alliance until 2019. Among the interventions with great notoriety we point out the unilateral termination of the contract with the producers of a show with a large audience - "State of the Nation" - a program of political satire in which the politicians in power were not spared. In 2018, intuiting that the repeated pressures that Gradea exerts on him aimed at eliminating the show from the public television programming, the main figure of the "State of the Nation" show, journalist Dragoș Pătraru, recorded several conversations he had with Gradea and the director of TVR 1, and made them public⁶¹. The incident sparked a wide-ranging public debate and was followed by a series of conflicts between TVR's management and the Ethics and Arbitration Commission, an independent internal body empowered to report violations of professional ethics. The Ethics and Arbitration Commission analyzed the situation described above and found - after a laborious investigation in which it heard all parties involved - that Doina Gradea behaved abusively, including by dismissing some editors as a result of political interventions. The President-General Manager requested in court to annul the report of the Ethics and Arbitration Commission, although the document is of an advisory nature. The judges of the Court of Appeal rejected the complaint⁶², considering that the members of the commission acted in compliance with their obligations under the Statute of the TVR journalist. Dissatisfied, Doina Gradea declared an appeal, the trial currently pending before the High Court of Cassation and Justice⁶³.

56 "UPDATE Two members of the Administrative Board of TVR and one alternate member - hastily hired on permanent positions at the public television" - HotNews.ro, April 25, 2019- http://economie.hotnews.ro/stiri-media_publicitate-23109095-doi-membri-tvr-membru-supleant-angajati-repede-inainte-posturii-permanente-televiziunea-publica.htm?fbclid=IwAR3D4iISZczRXzCVvU6foMdzEkvSL8vT6vmEicG-zCtPsQYx73VpxLt6s

57 "Hotnews: HASTLY hirings at TVR. Two members of the TVR Administrative Board and one alternate member, transferred to permanent positions", Pagina de Media April 26, 2019- <https://www.paginademedia.ro/2019/04/angajari-pe-repede-inainte-la-tvr/>

58 „Court of Accounts: Too much money for the heads of Public Radio and Television, problems confirmed at the Golden Stag, fiscal irregularities at Agerpres”, Hotnews, January 29, 2020 <https://m.hotnews.ro/stire/23630120>

59 "USR deputy Iulian Bulai publishes the salary of the TVR chief: Higher than that of the president. He received more increases than those who work on the minimum wage", Adevărul, October 22, 2019 - https://adevarul.ro/entertainment/tv/deputatul-usr-iulian-bulai-publica-salariul-sefei-tvr-mai-mare-decat-presedintelui-primit-mai-multe-mariri-decat-cei-muncesc-salariul-minim-1_5daecdb9892c0bb0c6ce4b58/index.html

60 "TVR's reaction after the information regarding Doina Gradea's salary and the accusations that she would pay more than the law allows", Adevărul, October 22, 2019 - https://adevarul.ro/entertainment/tv/reactia-tvr-informatiile-privind-salariul-doinei-gradea-acuzatiile-si-ar-acorda-diurne-mai-mari-decat-permite-legea-1_5daf22e0892c0bb0c6d0eec2/index.html; "TVR challenged the report of the Court of Accounts for 2018: The auditors did not take into account the arguments brought. The Parliament decided that the president's salary was set correctly", News.ro, January 30, 2020 - <https://www.news.ro/cultura-media/tvr-a-contestat-raportul-curtii-de-conturi-pe-2018-auditorii-nu-au-tinut-cont-de-argumentele-aduse-parlamentul-a-decis-ca-salariul-presedintelui-a-fost-stabilit-core-ct-1922401830002020011619248008>

61 The Pătraru case and the decisions of the Ethics and Arbitration Commission are analyzed in detail in the FreeEx Report "Press Freedom in Romania" 2018-2019 - p. 95, published by ActiveWatch <https://active-watch.ro/Assets/Upload/files/Raport%20FreeEx%202018-2019.pdf>

62 http://www.tvr.ro/hotararea-curtii-de-apel-bucuresti-in-procesul-intentat-comisiei-de-etica-si-arbitraj-de-conducerea-tvr_25812.html#view

63 "TVR does not give up: Goes to the High Court against its own Ethics Commission" HotNews.ro, December 10, 2019 - https://economie.hotnews.ro/stiri-media_publicitate-23541960-tvr-nu-lasa-merge-inalta-curte-impotriva-propriei-comisii-etica.htm

The recordings made public by Pătraru how PGM Doina Gradea understands the role of public television: "They don't deserve anything, I was (...) at all the commissions they called me to, Budget-Finance, Mass Media Commissions, at the Ministry of Finance. (...) TVR will have the largest budget it has ever had. Because I first made an investment after 10-12 years, when it has fabulous investments in technology, you understand? (...) I fight (...) but you wake up that a moron involves the institution. And they did that non-stop. When PNL [the Liberal Party] came to power, they attacked PNL. When it was PD [the Democratic Party], they attacked PD. Now that these are in power, they take care of them. They have a hatred, like that. They are coming out of some holes, like that, you know? Haters by profession. They are not against a party, they are against as a profession, and that's it. They have the Statute of the journalist, there are thousands of regulations, you have to put them in the disciplinary commission, which sends them to the ethics commission, which ... (...) and so on"⁶⁴. To Dragoș Pătraru, Doina Gradea suggested, related to the shows State of the Nation: "Maybe you make them softer now, with holidays now (...)." ⁶⁵

Another event that affected TVR's reputation was the presence of the PSD president, Liviu Dragnea, in the middle of the electoral campaign for the 2019 European elections, at two consecutive editions of the "Village Life" show. A show with a significant audience in rural areas, the "Village Life" was not included in the list of electoral programs, according to the legal provisions.

As a result of this flagrant violation of the audiovisual rules specific to the electoral campaign, established by the National Audiovisual Council - violations found but not sanctioned by the NAC⁶⁶ -, Gradea was asked to provide explanations in the Mass Media Commission of the Chamber of Deputies. She presented there, but refused to answer questions, the format of the hearing being imposed by Commission members of the ruling party's (at that time, a party that had supported Gradea at TVR's leadership and whose President had been present on the above mentioned show). The TVR chief read her point of view and left the meeting. Opposition lawmakers later left the meeting in protest⁶⁷. The chairman of the parliamentary Commission (member of an opposition party) said that the attitude of the head of the public television towards the Commission was unprecedented and asked her to resign⁶⁸.

Internal censorship

The termination of the contract with the team of the show "State of the Nation", a situation described above, can be considered an act of disguised censorship. In fact, the court of the Bucharest Tribunal considered it abusive to terminate the contract with the show's team, forcing TVR to pay substantial damages.⁶⁹

Also, the legal action against the report issued by the Ethics Commission, also mentioned above, is an approach made with the obvious intention of blocking the result of the investigation and intimidating the journalists from this professional forum. In fact, in an attempt to counter the independence proved by the Ethics Commission and defying the internal regulations and the Statute of the TVR journalist, the President-General Manager hired a former officer of the Romanian Intelligence Service as technical secretary of the commission, granting him the quality of Ombudsman, which does not exist in the organizational chart.⁷⁰

The same adversity shown by Doina Gradea towards the Ethics and Arbitration Commission led, in 2020, to the establishment, without the approval of the Administrative Board and the Steering Committee, of a so-called Ethical Conduct Procedure in TVR, that assimilates employees to civil servants. The disguised purpose of the new regulation, drafted and imposed in violation of several laws and internal regulations, was to try to de facto subordinate the Ethics Commission - a body elected by the plenary of TVR journalists - to an Ethics Adviser appointed directly by the President-General Manager, without the obligation to comply with integrity criteria.⁷¹

Moreover, the author of the respective Conduct Procedure, later appointed as Ethics Adviser, was the holder of a management position in TVR and, since 2017, member of the Administrative Board of the public radio, even if, by the final decision of 2017 of the High Court of Cassation and Justice, he was forbidden to hold any public office for three years for violating the Law on Conflict of Interest⁷² (details in chapter 4.2.).

Resignation requests - a controversial President-General Manager

The attempt of some members of the Administrative Board to determine Gradea to comply with the law triggered an acute conflict between the Board and the PGM. During 2020, the conflict reached extreme heights: members of the Board tried to put on the Board agenda a decision to suspend the PGM. Their intention was thwarted by the PGM either by boycotting the meetings of the Board⁷³, or by refusing to convene them. Consequently, Doina Gradea's opponents from the Administrative Board addressed the court of the Bucharest Tribunal with a civil liability action against Doina Gradea, in her capacity as TVR administrator, accusing her of spending public money discretionary, non-transparent and in violation of the law.

In turn, MediaSind⁷⁴ (the national trade union of journalists and media workers) has repeatedly called for the dismissal of Doina Gradea, citing a long list of alleged violations of personnel policy and financial management⁷⁵. MediaSind protests had international echoes: European trade union structures of journalists took the calls of Romanian colleagues and relayed them to relevant national and international forums.⁷⁶

⁶⁴ „VIDEO Recordings with the head of TVR, Doina Gradea, about the journalists of the Public Television, published by Dragoș Pătraru: It's worth punching in the mouth! They are haters by profession ", HotNews.ro, May 3, 2018.

⁶⁵ Ibidem.

⁶⁶ "CNA has definitively buried the Dragnea case on TVR - Viața Satului: no sanction", HotNews.ro, June 25, 2019 - https://economie.hotnews.ro/stiri-media_publicitate-23222215-cna-ingropat-definitiv-cazul-dragnea-tvr-viata-satului-nicio-sanctiune.htm

⁶⁷ "ABSURD. PSD, shield for the head of TVR. Doina Gradea, heard without questions. Everything he said to Pătraru ", Media Page, May 8, 2018 - <https://www.paginademedia.ro/2018/05/absurd-psd-scut-pentru-sefa-tvr-doina-gradea-audiata-fara-intrebari-tot-ce-a-spus-la-adresa-lui-patraru>

⁶⁸ "Challenge. The head of TVR, Doina Gradea, supported for this position by PSD, refused to answer the questions of the deputies from the Culture Commission ", HotNews.ro, June 19, 2019 - https://economie.hotnews.ro/stiri-media_publicitate-23212346-sfidare-sefa-tvr-doina-gradea-sustinuta-pentru-aceasta-pozitie-psd-refuzat-raspunda-intrebarilor-deputatilor-din-comisia-cultura.htm

⁶⁹ "Dragoș Pătraru won in the first instance the lawsuit with TVR: how much should the public station pay him", Adevărul, October 4, 2019 - https://adevarul.ro/entertainment/tv/dragos-patraru-castigat-instanta-procesul-tvr-suma-trebuie-sa-i-plateasca-postul-public-1_5d9724fe892c0bb0c6407174/index.html

⁷⁰ "EXCLUSIVE. A former SRI officer, named the liaison between TVR and his audience. The position of ombudsman, held by a specialist in "detecting covert behavior", Pagina de Media, October 6, 2018 - <https://www.paginademedia.ro/2018/10/exclusiv-un-fost-ofiter-sri-numit-omul-de-legatura-dintre-tvr-si-publicul-sau/>

⁷¹ "Dragnea's legacy: TVR journalists and employees, treated as civil servants through a procedure on ethical conduct", Free Europe, June 1, 2020 - <https://romania.europalibera.org/a/mo%C8%99teni-rea-lui-dragnea-jurnal%C8%99tii-%C8%99i-angaja%C8%99ii-tvr-trata%C8%99bi-ca-func%C8%99Bion-ari-publici-printr-o-procedur%C4%83-privind-conduita-etic%C4%83/30645560.html>

⁷² "Several NGOs ask the Parliament to dismiss Demeter Andras, who has a final decision of conflict of interest, from the administrative board of Public Radio", G4Media, March 12, 2019 - <https://www.g4media.ro/mai-multe-ong-uri-cer-parlamentului-demiterea-lui-demeter-andras-care-are-decizie-definitiva-de-conflict-de-interese-din-consiliul-de-administratie-al-radioului-public.html>

⁷³ "The scandal on Romanian Television, far from the end", Bursa, December 18, 2020 - <https://www.bursa.ro/scandalul-din-televiziunea-romana-departe-de-final-64865148>

⁷⁴ <http://www.mediasind.ro/despre-noi>

⁷⁵ "The scandal on Romanian Television, far from the end", Bursa, December 18, 2020 - <https://www.bursa.ro/scandalul-din-televiziunea-romana-departe-de-final-64865148>

⁷⁶ "The International Federation of Journalists and the European Federation of Journalists have reported to the Council of Europe the abuses of Romanian Television!", Mediasind.ro, June 16, 2020 - <https://sites.google.com/a/mediasind.ro/mediasind/comunicate-1/federatiainternationalaajurnalistilorsifederatieaeuropeanaajurnalistilorsauesizatlaconsiliuleuropeiabusuriledintelevisiuneanationala>

In response to the actions challenging her managerial activity, the President-General Manager sued both MediaSind, and the opponents from the Administrative Board for defamation⁷⁷. At the same time, Doina Gradea summoned the publications that published information and documents invoked by the TVR chief's critics to expose their sources, threatening them that otherwise they will be sued⁷⁸. Such a threat was put into practice in the case of the newspaper Libertatea, Doina Gradea's complaint being rejected by a first instance court⁷⁹. The lawsuits meant to protect Gradea's image, were paid with funds from the public television budget (see chapter Transparency rules for the public radio and television)

Final comment

If the performance of TVR is evaluated in the context of the activity of other televisions, in particular the news channels, a particular feature of the information distortion can be noticed. Some shows, broadcast on private television stations, practice open, violent political propaganda. In these shows, political opponents are attacked in absentia, the messages transmitted are biased, the facts, the statements of the enemies are interpreted in bad faith, taken out of context, etc. On public television, such phenomena are exceptions and are usually visible because they produce reactions from the Ethics Commission or / and public reactions. The way in which, however, TVR manifests when distorting the information is the omission. There is an intervention at the level of the programming structure that has this effect: the investigation, reportage and political talk show programs have almost completely disappeared from the TVR programming. In addition, the mechanism of avoiding "sensitive" subjects can take the invisible form of self-censorship, which works at the level of the journalist - a phenomenon described by journalists inside the institution⁸⁰. Finally, in those cases where journalists assume to address sensitive issues for the those in power, the leadership may intervene, hierarchically - through the directors appointed by delegation - or, less often, even at the level of PGM, as illustrated by an example, above.

4.2. The Romanian Radio Broadcasting Company

For the past four years, Georgica Severin, a politician, has been acting as interim General Manager and, later, President-General Manager of SRR. Georgică Severin, who was nominated by the ruling party (Social Democratic Party), at that time, after leading the Mass Media Commission of the Senate, as an MP of this party⁸¹, followed Ovidiu Miculescu at the leadership of the public radio. Miculescu's mandate was marked by controversial events that contributed to building the image of an abusive manager⁸². It is relevant to refer, in this report, to the functioning of SRR during Miculescu's term because it allows the identification of organizational vulnerabilities to such a managerial style and to political pressures.

Economic policy

SRR has been constantly the subject of criticism and investigations, by the authorized institutions, in regards to budget management. The information that has become a hallmark of SRR is the high level of salaries of directors in the institution, in particular the PGM. According to an open letter published in August 2020 by a member of the Board, the salaries of directors would have been 3 times higher than those of regular employees, amounting to 4,000 euros per month⁸³.

The same member of the Administrative Board stated that the PGM's salary would be 7,000 euros per month, showing that this salary is even higher than that of the President of Romania⁸⁴. The additional expenditure, considered illegal, was confirmed by controls carried out by the Court of Accounts⁸⁵. SRR challenged this report⁸⁶. From an appeal of TVR, to the Court of Accounts, on the same subject, it appears that there could be a legal basis for establishing such a high salary, which would be exclusively the right of decision of the Board⁸⁷. In the Public Report of the Court of Accounts for 2019 (published in December 2020) this situation is no longer found⁸⁸, although the August 2020 communiqué of the above mentioned Board member stated that this unjustifiably high salary of the PGM, even higher than that of the President of Romania, would have been maintained.

In contrast to the PGM's salary, the salary of an editor / reporter is around 3000 lei (620 euros) per month. Thus, in November 2018, the deputy Iulian Bulai, member of the Mass Media Commission, revealed that the salary of a journalist was between 2,850 lei (editor/reporter) and 10,032 lei gross per month (ca. 590-2073 euros), while the chief of staff of the PGM Severin received between 10,925 lei and 17,043 lei gross (ca. 2258-3522 euros) per month⁸⁹.

The investment needs in SRR are enormous. They include infrastructure, such as buildings in need of repairs. Another example is the technical infrastructure. Thus, according to some information inside SRR, the broadcast is often done using old, expired software, which can no longer be updated.

⁷⁷ http://portal.just.ro/3/SitePages/Dosar.aspx?id_dosar=300000000950328&id_inst=3

⁷⁸ "TVR threatens Paginademedia.ro with the lawsuit: << Reveal the sources used >>", PaginadeMedia, February 9, 2021 - <https://www.paginademedia.ro/2021/02/tvr-ameninta-paginademediaro/>

⁷⁹ "TVR loses the lawsuit with Libertatea filed after the revelations about the expenses of almost half a million euros with Eurovision", Libertatea, March 17, 2021 - <https://www.libertatea.ro/stiri/tvr-pierde-procesul-cu-libertatea-intentat-dupa-dezvaluirile-ziarului-despre-cheltuielile-de-aproape-jumatate-de-milion-de-euro-cu-eurovisionul-3456545>

⁸⁰ See report on journalism in this project.

⁸¹ Severin was first appointed interim director in April 2017, becoming PGM in October of the same year.

⁸² FreeEx Report "Press Freedom in Romania" 2016-2017, published by ActiveWatch - <https://activewatch.ro/ro/freeex/publicatii/lansarea-raportului-freeex-2016-2017-libertatea-presei-in-romania>

⁸³ "Alexandru Muraru (PNL): Under the leadership of PSD, the Public Radio has reached an unprecedented financial and administrative collapse", G4media.ro, August 12, 2020 <https://www.g4media.ro/alexandru-muraru-pnl-sub-conducerea-psd-radioul-public-a-ajuns-intr-un-colas-financiar-si-administrativ-fara-precedent-radioul-are-un-deficit-de-aproximativ-33-milioane-de-lei-georgica-severin.html>

⁸⁴ Ibidem.

⁸⁵ <http://www.romania-actualitati.ro/reactii-la-datele-privind-srr-din-raportul-curtii-de-conturi-134696>; Public report of the Court of Accounts for 2018, p. 158 https://www.curteadeconturi.ro/uploads/216b-cbcbf/60ca864b/6a0c8bae1/c05145e7/ac582a47/2820f090/6db6a5b9/0dbb4d3e/Raportul_public_pe_anul_2018.pdf

⁸⁶ "UPDATE Public Radio and TVR, about the report of the Court of Accounts for 2018, critical of the management of the two institutions: I filed appeals" HotNews.ro, January 30, 2020, https://economie.hotnews.ro/stiri-media_publicitate-23632481-radioul-public-despre-raportul-curtii-conturi-2018-critic-adresa-conducerii-sale-contestat-decizia.htm

⁸⁷ "TVR's reaction after the information regarding Doina Gradea's salary and the accusations that she would pay longer than the law allows", Adevarul, October 22, 2019 - https://adevarul.ro/entertainment/tvr/reactia-tvr-informatiile-privind-salariul-doinei-gradea-acuzatiile-si-ar-acorda-diurne-mari-de-cat-permite-legea-1_5daf22e0892c0bb0c6d0eec2/index.html; "TVR challenged the report of the Court of Accounts for 2018: The auditors did not take into account the arguments brought. The Parliament decided that the president's salary was set correctly", News.ro, January 30, 2020 - <https://www.news.ro/cultura-media/tvr-a-contestat-raportul-curtii-de-conturi-pe-2018-auditorii-nu-au-tinut-cont-de-argumentele-aduse-parlamentul-a-decis-ca-salariul-presedintelui-a-fost-stabilit-corect-1922401830002020011619248008>

⁸⁸ https://www.curteadeconturi.ro/uploads/2e5d9d60/9e269eac/5d043042/db30da5f/0e159ef-b/3674e79b/8c5c968b/0c25bb49/Raportul_public_pe_anul_2019.pdf

⁸⁹ "How much does Georgica Severin's chief of staff, director of Radio Romania, earn per month", Ziare.com, November 27, 2018 - <https://ziare.com/media/radio/cat-incaseaza-pe-luna-sefa-de-cabinet-a-lui-georgica-severin-directorul-radio-romania-1539852>

Personnel policy

Although, currently, the members of the Steering Committee hold positions based on a competition, according to an analysis published by the Kompatibil Association, bombed by public radio journalists, of the 101 directors at the end of 2019, one third hold the position without having competed for it⁹⁰. Moreover, this association showed that there was a chief at 22.6 employees, which would represent, in the opinion of this association, an oversized staffing scheme.

SRR's salary policy is relevant to our analysis. From the reports of the Kompatibil Association, we find that the average salary of chiefs is 2.5 times higher than the average salary of employees. The comfortable and extremely stable incomes compared to the unpredictability that characterizes the Romanian labor market, make these people a class of managers benefiting from a quasi-immovability status. The opinion that establishes a relationship between the salary policy and the freedom of editorial expression in the institution is plausible: it can be assumed that the high salaries of most of those in management positions contribute to maintaining, by inertia, an organizational culture of self-censorship.

A special mention is useful to illustrate the institution's tolerance of abusive management. The authority specialized in verifying the incompatibility of dignitaries and civil servants - the National Integrity Agency (ANI) - reported incompatibilities of PGM Ovidiu Miculescu and, respectively, of Demeter Andras Istvan, member of the Administrative Board, and although both lost the appeals in court against the ANI's decision in 2017, continued to retain their positions⁹¹. Miculescu was finally dismissed by Parliament's in April 2017, but Demeter Andras Istvan remained a member of the SRR Board for another term, being also a director in TVR (and Ethics Adviser – see 4.1.), and, in March 2021, he was also appointed secretary of state in the Ministry of Culture⁹². ANI has opened a lawsuit for Demeter's violation of the legal obligations regarding the conflict of interests, which is pending before the Bucharest Court of Appeal⁹³. The ANI decision had been generated by a situation in 2011, when Demeter, from the position of director of SRR, signed an order appointing himself as coordinator in a POSDRU project, obtaining from this activity a gross income of 190,000 lei (39,270 euros)⁹⁴.

90 "Association of Public Radio Employees: SRR Managers - accused of amateurism and concern not to disturb "/> One in three bosses holds the position without competition", Hotnews.ro, November 1, 2019 - https://economie.hotnews.ro/stiri-media_publicitate-23461422-asociatie-angajatilor-din-radio-public-managerii-din-srr-acuzati-amatorism-preocuparea-nu-deranja-unul-din-trei-sefi-ocupa-functia-fara-concurs.htm

91 <https://www.integritate.eu/Comunicate.aspx?PID=20&NewsID=1705>

92 "Andras Istvan Demeter, appointed Secretary of State at the Ministry of Culture, although he was definitively banned from holding a public office for three years. He refused to resign after the final sentence in 2017 ", G4Media, March 8, 2021 - <https://www.g4media.ro/andras-istvan-demeter-numit-secretar-de-stat-la-ministerul-culturii-desi-a-avut-prin-sentinta-definitiva-interdictie-de-a-ocupa-trei-ani-o-functie-publica-el-a-refuzat-sa-demisioneze-din-functii-du.html>

93 "For conflict of interest, ANI asked the Court to cancel all documents signed by Andraş Istvan Demeter, head of the Production House of TVR and member of the Administrative Board of Public Radio!", Mediasind.ro July 22, 2020- <http://www.mediasind.ro/comunicate-1/pentruconflictdeintereseaniasolici-tatjustitieianulareatuturoractelorsemnatedeandrasistvandemetersefulcaseideproductiedintvrsimemb-rualcadinradioulpublic>

94 "Andras Istvan Demeter, appointed Secretary of State at the Ministry of Culture, although he was definitively banned from holding a public office for three years. He refused to resign after the final sentence in 2017 ", G4Media, March 8, 2021 - <https://www.g4media.ro/andras-istvan-demeter-numit-secretar-de-stat-la-ministerul-culturii-desi-a-avut-prin-sentinta-definitiva-interdictie-de-a-ocupa-trei-ani-o-functie-publica-el-a-refuzat-sa-demisioneze-din-functii-du.html> .

Editorial policy

In general, little information about the political pressures inside the public radio has become public over time. Such pressures have been visible many times in the past in the obviously biased content towards the ruling political parties, but in recent years, even if such pressures have existed, they are rarely visible.

As with TVR, the structure of the programs was changed at SRR, the political talk shows being eliminated or moved to hours with a minimum audience. In addition, the mechanism of avoiding "sensitive" subjects can take the invisible form of self-censorship, which works at the level of the journalist - a phenomenon described by journalists inside the institution⁹⁵.

In March 2019, a publication covering exclusively the media field (PaginadeMedia.ro) published an article in which it analyzed the content of a news bulletin of Radio Romania Actualitati in which the first eight news had all been with ministers, presented in a positive context. The news contained all interviews with each of these ministers. By contrast, a news story about a protest against the government's highway policies lasted 22 seconds, continuing with a news story about the construction of a new highway, which lasted almost two minutes and also benefited from an interview with the Minister of Transport⁹⁶.

Other issues in the newsroom of Radio Romania Actualitati (RRA) were made public in April 2019 during a debate on the situation of public radio and television⁹⁷. Mira Gomboş, a journalist of RRA, reported on two situations from that month. One referred to a news item she had written herself, for which she was asked to change the meaning of some information about the Social Democratic Party (PSD - party that was in power at the time and for which the PGM in office, Georgică Severin, was an MP for two terms). The news referred to the fact that the Party of European Socialists had announced that it had frozen relations with PSD. The deputy editor-in-chief asked the journalists to rewrite the news, claiming that relations would be frozen only until June. Mira Gomboş refused, saying that the piece of news she wrote was the correct one. Finally, the producer rewrote the news, still correct, according to Mira Gomboş, but rearranging the words.⁹⁸

Mira Gomboş also reported a similar situation, which happened on the same day. Thus, according to the journalist, Dan Preda, manager of RRA, would have put pressure in the newsroom to change a news item about a decision of the Romanian Constitutional Court regarding the panels of 3 judges, in which it was mentioned that among those favoured by the decision was the PSD leader at that time, Liviu Dragnea. According to the information received from the editorial team by Mira Gomboş, Dan Preda, manager of RRA, would have commented that the mention of Liviu Dragnea in the news is unjustified, considering that there are many more people who would have benefited from the decision of the Constitutional Court. Liviu Dragnea was not mentioned in the version of the news broadcast after that hour.⁹⁹ RRA's news editor-in-chief, Nicu Popescu, as well as RRA manager Dan Preda, were targeted in a 2005 parliamentary inquiry into the politicization of the SRR, both of them also holding managerial positions at that time.

95 <https://www.agerpres.ro/corporate/transparenta-decizionala>

96 FreeEx report "Press Freedom in Romania" 2018-2019, published by ActiveWatch <https://activewatch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2018-2019-libertatea-presei-in-ro-mania>

97 The Gomboş case is taken from the FreeEx report "Press Freedom in Romania" 2018-2019, published by ActiveWatch <https://activewatch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2018-2019-libertatea-presei-in-ro-mania>

98 "How Liviu Dragnea appears and disappears in the news of the Public Radio. Plus: details in the case of the har-ased employee after she revealed the irregularities of the former management of RRA ", Hot-News.ro, April 18, 2019.

99 Ibidem.

Internal censorship

During Ovidiu Miculescu's term, multiple signals were registered regarding cases of harassment, and intimidation of employees who were critical of SRR's management. The public statements of these employees were followed by the notification of internal committees - the Honor Commission and the Disciplinary Commission - but also external ones: for some protesters, lawsuits were opened in the courts. In order to boycott the defending possibilities of these employees, the management did not recognize their status as whistleblowers, forbade the participation in hearings of persons outside the institution (according to the law, whistleblowers have the right to invite the press, lawyers, etc.). Also, in 2014, through an amendment to the code of conduct, the way in which employees can report irregularities in the functioning of the institution was also regulated: they must be made in writing and addressed, first, hierarchically, to the direct managers. Only the absence of any response allows the employee to go public with the complaint. These provisions are in flagrant conflict with the Romanian Whistleblowing Law.

The most significant case in which an whistleblower was involved is that of Gabriela Scraba. Gabriela Scraba¹⁰⁰ was, in the last period of her career, deputy editor-in-chief of the SRR music editorial department. In 2016, while working on her work laptop, she accidentally accessed a folder in SRR's internal network in which she discovered some reports of the Court of Accounts and travel accounts of the PGM at the time, Ovidiu Miculescu. Gabriela Scraba created a fictitious email address and communicated this information to journalist Cătălin Tolontan and other journalists, but also to Adrian Moise, at that time one of the SRR dissidents (currently member of the AB), an opponent of Miculescu's PGM, who himself became a whistleblower, and was sanctioned with the termination of the employment contract. Some of the information transmitted anonymously by Gabriela Scraba was published on the web-sites belonging to those mentioned. Due to Gabriela Scraba's communications, it became public that PGM Ovidiu Miculescu traveled by plane on business class, spending about 5,000 euros of public money just for one plane ticket. Other information concerned the financial irregularities included in a report of the Court of Accounts in 2016. According to an investigation published by journalists, which started from the information provided by Scraba, to which journalists added other information, Miculescu had spent 110,000 euros on travel in two years.¹⁰¹

Ovidiu Miculescu filed a criminal complaint following the publication of this information. Prosecutors have launched an investigation. Gabriela Scraba's laptop was confiscated. She had already acknowledged internally, according to her own statements¹⁰², that she was responsible for sending that information to the press. On May 30, 2017, at 6 o'clock in the morning, the prosecutors of the Directorate for Investigating Organized Crime and Terrorism (DIICOT) went down to Gabriela Scraba's house for a house search. She acknowledged her "guilt" and immediately handed over the electronic media (USB stick) on which the information copied from the SRR network was stored. She also admitted her "guilt" to the case prosecutor, although the lawyer who later offered to represent her in court advised her not to do so. Although the DIICOT prosecutors requested the application of a sentence of 1 year and 3 months in prison, with the postponement of the application, two court decisions ended with the confirmation of Gabriela Scraba's innocence for committing the crime of disclosing, without right, of secret or work information, and unauthorized transfer of computer data. The judges considered that the information

distributed by Scraba belongs to the sphere of information of public interest and therefore the constitutive elements of a crime are not met¹⁰³. The Court of Appeal confirmed, in April 2019, the opinion of the Bucharest Tribunal that the information, even if it was obtained in violation of internal rules, such as the Regulation on the use of the computer system of the Romanian Radio Broadcasting Company, "is information of public interest, according to Law 544/2001, regulating the free and unrestricted access of the person to any information of public interest, thus defined by the mentioned law, one of the fundamental principles of the relations between persons and public authorities, in accordance with the Romanian Constitution and international documents ratified by the Romanian Parliament".¹⁰⁴

Final comment

It is important to maintain that there is a difference between the current management - PGM Georgică Severin - and the extremely abusive one of his predecessor, PGM Ovidiu Miculescu, described above. A first relevant signal of the change of management regime was the withdrawal of all the complaints against employees, that Miculescu had advanced in the courts, immediately after the installation of the new president. However, the reported abuses remain relevant evidence of the degree of exposure of SRR to the possibility of PGMs to force the law of operation of the institution in the sense of altering its mission. In addition, Severin did not change anything significant in a positive direction, in terms of editorial policy, as evidenced by the side-slips publicly reported. Also, there were no major changes at the management level, many of the people with management positions, appointed not by competition, but by delegation, in Miculescu's mandate, maintaining these positions during Severin's office.

4.3. Agerpres

This institution operates under a different law than the one governing SRR and TVR. It is possible that the differences in functioning, from the perspective of the criteria of this analysis, can be explained by the differences in the normative acts. And the difference that seems to be the most significant is the one, already mentioned above, of the procedure of appointment and, respectively, of revocation of the Director of the public news agency. The fact that the manager of the institution has a predictable immovability during the 5-year term, can be an explanation for the very small number of signals regarding editorial slippage. At the same time, we cannot say that such immovability is a guarantee of political independence.

In all the aspects pursued in this analysis - economic, personnel, editorial policies - Agerpres has been, in recent years, rarely the subject of criticism in the public space. It had the greatest visibility when it was the target of external aggression - namely when a political party took the initiative to amend the Agerpres law, a moment described above. That event confirms the hypothesis that the current form of the law is an obstacle to political intervention.

¹⁰⁰ Case taken from the FreeEx report "Press Freedom in Romania" 2018-2019, published by ActiveWatch <https://activewatch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2018-2019-libertatea-presei-in-romania>

¹⁰¹ "Radio Romania spent 110,000 euros with the 32 trips abroad of director Miculescu in the last two years! He only flies to business class. The head of the BBC is flying low cost! The example of the Basel conference: the director of RRA goes to business with a ticket of 1,200 euros, and the director of BBC Helen Boaden flies at economy, with a ticket of 207 euros! ", By Cătălin Tolontan, Răzvan Luță, tolo.ro, October 3, 2016.

¹⁰² See the video from the Frontline meeting of April 17, 2019 here: "How Liviu Dragnea appears and disappears in the news of the Public Radio. Plus: details in the case of the harassed employee after she revealed the irregularities of the former leadership of RRA ", April 18, 2019, HotNews.ro.

¹⁰³ Detailed information about the case, including court decisions, here: "DIICOT CEAUȘIST - The former PSD head of Radio Romania asked to find out who gives information for tolo.ro, the prosecutors executed! Searches at 6 in the morning in the house of a music editor, in front of her girl suffering from autism! They confiscated her laptop, took her to DIICOT and made her admit a non-existent crime ", Libertatea, April 16, 2019; "How did the judges give the case to the DIICOT prosecutors and the head of PSD of Radio Romania after they used the" severe mental disability "of the face of a music editor for the employee to recognize an undeserved punishment!", Libertatea, April 18, 2019.

¹⁰⁴ Ibidem.

In terms of economic activity, Agerpres appeared in the reports - made public - of the Court of Accounts with problems. These have their source in financial management errors (delays in the payment of obligations to the budget, respectively errors in the calculation of those obligations).

From a historical perspective, Agerpres has evolved in the direction of consolidating its editorial independence. Almost 20 years ago, during a government that had an explicit policy of taking control of the media in Romania (2001-2004), Agerpres operated under political control and had become a tool of political propaganda intoxication. But the most visible recent incident in terms of political distortion of editorial content took place in 2017. Then, three news items in the international press, reporting on anti-government demonstrations in Bucharest, were removed from the Agency's news feed with arguments appreciated by journalists as being unfair¹⁰⁵.

5. INFLUENCE OF PSM ON MARKET PLAYERS

5.1. The public television

The investigations carried out by ActiveWatch in the last decade indicate an accentuated dilution of TVR's public television identity¹⁰⁶. Repeated attempts to reform the institution have failed, the vitiated organizational culture, the disinterest of the political class for a real reform or, sometimes, even the interest of some politicians to keep the institution in political captivity, too short management mandates, internal corruption and last but not least, the public's lack of interest in protecting the public interest mission of television are some of the unfavorable conditions that led to the quasi-bankruptcy of TVR's identity (and economy). The more than modest presence of TVR (see, for example, audiences), exposes the space of public discourse excessively to messages of private televisions that convey mostly values of commercial culture, populist values, and deprive the public of reference values. The public interest, unrepresented, becomes all the less interesting for the public.

5.2. The public radio

Public radio has a much higher audience share than TVR. From this position, the radio remains a real alternative to commercial radio stations. However, judging from the perspective of resources and infrastructure, clearly superior to other market players, its potential is underutilized. It is also true that this comment is based on unsystematic observations and that, for any project to relaunch public radio, systematic research is an indispensable condition, the same being valid in the case of public television.

¹⁰⁵ "REACTIONS: MediaSind demands the intervention of the Parliament in Agerpres after the accusations of censorship. Agerpres: two news items had personal notes, the third one did not respect the structure of the inverted pyramid", Pagina de Media, January 25, 2017 - <https://www.paginademedi.ro/2017/01/sindicatul-jurnalistilor-mediasind-cere-interventia-parlamentului-la-agerpres-dupa-suspiciunile-de-cenzura-raspunsul-agerpres-doua-stiri-aveau-note-personale-a-treia-nu-respecta-structura-piramidei-in-versate/>; FreeEx Report "Press Freedom in Romania" 2017-2018, published by ActiveWatch - <https://active-watch.ro/ro/freeex/publicatii/lansarea-raportul-freeex-2017-2018-libertatea-presei-in-romania>

¹⁰⁶ A detailed analysis, made 5 years ago, but whose findings are also valid in 2021, can be found in the report "Why and how TVR is shaking. Testimonies from inside public television", published by ActiveWatch, Bucharest 2016 - <https://activewatch.ro/Assets/Upload/files/FreeEx/Raport%20-%20De%20ce%20si%20cum%20se%20clatina%20TVR.pdf>

5.3. Agerpres

According to the most recent annual report available at the time of writing, Agerpres published in 2019 over 125,000 news items in the political, economic, social, sports, health, administrative, etc., domains, documentaries, interviews and reports, to which they added 30,000 of their own photos, video news, interviews and features¹⁰⁷. As shown above, however, no measures of impact (number of republishing of news generated by Agerpres) were identified in the Romanian press. However, we can say that, at the moment, Agerpres occupies a top position in the category of news agencies.

Index of abbreviations

- **TVR** – The Romanian Television Company
- **SRR** – The Romanian Radio Broadcasting Company
- **PSD** – Social Democratic Party
- **PNL** – National Liberal Party
- **PGM** – President-General Manager
- **AB** – Administrative Board
- **SC** – Steering Committee

¹⁰⁷ Agerpres Annual Report 2019 <https://www.agerpres.ro/corporate/transparenta-decizionala>



PUBLIC SERVICE MEDIA

SLOVAKIA

1. FUNDING OF PUBLIC SERVICE MEDIA, TRANSPARENCY RULES

Funding of the public broadcaster RTVS (Radio and Television of Slovakia [*Rozhlas a televízia Slovenska*]) is based, similarly to only a few other countries (Germany, France, Albania), on diversity of sources – license fees that are mandatory for citizens. In addition, the broadcaster is also eligible to own revenues, including advertising and to state subsidies. This model is in place as of 2010 when the contractual basis of state subsidies in the form of 5 years long contracts has been introduced.

The plan to introduce agreements between the state and public service broadcasters was presented during the first government of SMER-SD (led by prime minister Fico) by the Minister of Culture Marek Madarič at the end of May 2007. The Agreement with the State (the Agreement on the Content, Objectives and Provision of Services to the Public in the Field of Television Broadcasting [*Zmluva o obsahoch, cieľoch a zabezpečení služieb verejnosti v oblasti televízneho vysielania*]) for the years 2010-2014 was adopted in 2009. As a result of a 2011 merger of public television (STV) and public radio (SRO) into one broadcaster (RTVS), the original contracts were abolished and in 2012 the new contract for the upcoming period of five years was adopted.¹ In both contracts the amount of money is set for EUR 15 mil. at minimum, in reality it reaches approximately one third of the annual budget of public media.

The aim of its creation was to stabilize funding and support the original production of public service media. An addendum is concluded each year specifying state support for

¹ RTVS, contract for period [2013-2017](#) and for period [2018-2022](#).

the creation and production of the original program in public interest, technological modernization and broadcasting to abroad. The money should not be used, among other things, for the production and broadcasting of news and investigative journalism, for acquisitions - the purchase of foreign programs and licensing rights for the broadcasting of sports events, or for dubbing. The annual amendments are submitted by the RTVS General Director, first to the RTVS Council (supervisory body of public media) and only with its opinion to the Ministry of Culture. The management of money from the contract is controlled by the public media and the Ministry of Culture.²

Similar model applies to the public news agency, TASR (News Agency of the Slovak Republic [*Tlačová agentúra Slovenskej republiky*]) that is financed from the state budget, through additional state subsidies and advertising. TASR, operating in the area of information supply alongside the private news agency SITA, was transformed from the state-owned into the public service type of media with the new legislation in 2008.³ According to the study conducted by the London School of Economics, most of the members of the European Alliance of News Agencies are either state (semi-state) owned or operating as institutions of public service.⁴ The new concept was also taking into consideration the 2005 decision of the Constitutional Court that rejected the motion of the General Prosecutor who challenged the privileged position of the state agency, suggesting it contradicts the constitutionally guaranteed freedom of expression and right to information.⁵

The topic of concession fees [*koncesionárske poplatky*] has been discussed regularly already for several years, with different intensity. In 2011, under the Minister Daniel Krajcer, who also pushed through the merger of both public media into one public institution in the same year, the parliament abolished the fee as of 2013. Instead, it linked the income of the public broadcaster to the GDP (0.142 per cent), with minimum of EUR 90 mil. guaranteed.⁶ However, the change was subsequently reversed after the early 2012 parliamentary elections, after the reformist government collapsed in 2011.⁷

Yearly fee for the public broadcaster, unchanged since 2003, is EUR 4.64 per month (EUR 55.68 per year), in comparison to some EUR 88, an amount available for both Czech public broadcasters combined.⁸ The amounts is fixed in the legislation, as of 2012 in the Law on Payments for Public Services [*Zákon č. 340/2012 Z.z. o úhrade za služby poskytované Rozhlasom a televíziou Slovenska*] and overall is one of lowest in Europe.

Everyone who consumes electricity has this obligation. The payment of the concession fee depends on the consumption of electricity, but a person has several properties, the fee is paid only once. The rule is that a payer who is registered with an electricity supplier in several consumption points pays only for one consumption point.

Recently, discussion concerning the license fees is again gaining its momentum. While its increase ("*optimisation*") was incorporated in the Programme Statement of the third Government led by Prime minister Robert Fico,⁹ one coalition partner SNS (Slovak National Party [*Slovenská národná strana*]) blocked its implementation. The new government led by Prime Minister Eduard Heger¹⁰ from OĽANO (Ordinary People and Independent Personalities [*Obyčajní ľudia a nezávislé osobnosti*]) declared in its Programme that it "*will consider introducing a new financial model for financing RTVS while maintaining the publicity and independence of RTVS*".¹¹

The options are various, including the increase of license fees or the share of advertising. According to analysis of the Ministry of Culture, "*the average state of the European Broadcasting Union (EBU) derives up to 9.8 per cent of its revenue from advertising, while another 12.5 per cent comes from other commercial revenues (rent and others). Advertising in RTVS accounts for only 3.1 per cent of all revenues*".¹²

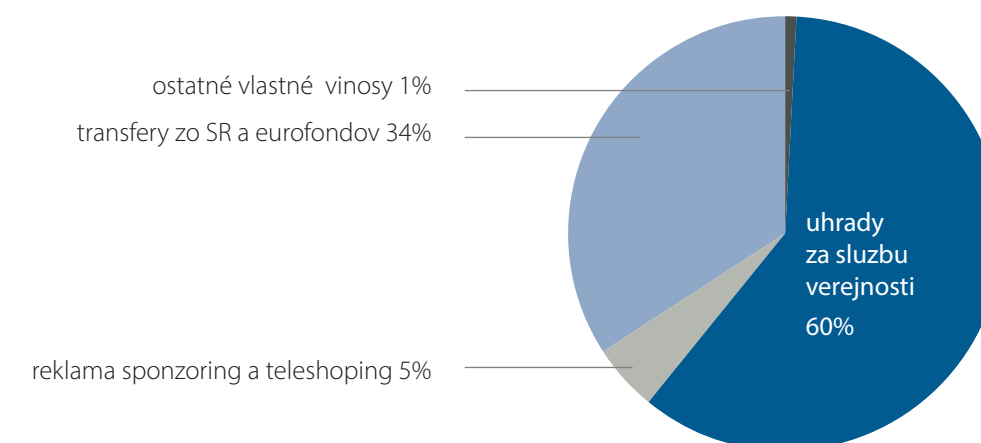
In 2020 the RTVS declared revenues EUR 125.314 mil. (consisting of EUR 91.357 mil. by television and EUR 33.957 mil. by radio), down from EUR 129.994 mil. from 2019. RTVS significantly decreased its revenue from the main source - from payments for public services (license fees), due to the effectiveness of the amendment to the Act on Payments for Public Services (314/2019 Coll.), which exempted from 1 January 2020 from the payment of recipients of pension benefits and benefits in material need.

RTVS revenues in 2020 in EUR (Radio, Television, Total)¹³

Ukazovateľ	Skutocnosť 2020 OZ SRo	Skutocnosť 2020 OZ STV	Skutocnosť 2020 OZ RTVs
Uhrady za služby verejnosti	22 586 629	52 702 135	75 288 764
Reklama, sponzoring a teleshop	1 532 436	5 057 156	6 589 592
Vyroba programov	42 322	10 500	52 822
Predaj služieb	179 842	106 395	286 237
Prenjámy	164 729	339 572	504 301
Predaj práv a licencií	7 608	125 903	133 511
Hudobné pozdravy	116 230	0	116 230
Predaj majetku, mater. a DFI	2 284	10 4888	12 772
Ostatné vynosy	25 747	105 958	131 705
Vlastné vynosy spolu	24 657 827	58 458 107	83 115 934
Transfery zo SR a eurofondov	9 298 756	32 899 359	42 198 115
Vynosy RTVS spolu	33 956 583	91 357 466	125 314 049

The biggest share of the revenue create license fees (60 per cent), the state and EU transfers create 34 per cent and advertising creates 5 per cent.

RTVS total revenues in 2020 (share)¹⁴



² SME, 2012, [Pre RTVS bude spoločná nová zmluva so štátom](#).

³ National Council of the Slovak Republic, Reasoning report to the new legislation (*Dôvodová správa*).

⁴ London School of Economics, 2019: [The future of national news agencies in Europe. Executive summary](#).

⁵ The Constitutional Court, 31 March 2005, *Nález*, PL.ÚS 2/04-48.

⁶ Novinky.cz, 21 October 2011, [Slovensko od 2013 zruší koncesionárske poplatky](#).

⁷ The government, in office since July 2010, led by prime minister Ivetta Radičová did not win the vote of confidence on 11 October 2011 due to coalition disagreement over proposed bailout for Greece.

⁸ There are certain categories of citizens as well as institutions (inter alia schools, social, healthcare and penitentiary institutions that pay either half of the price or are entirely exempted).

⁹ Programové vyhlásenie vlády 2016-2020, p. 47, [Kultúrna politika](#).

¹⁰ Eduard Heger, initially the Minister of Finance in the coalition government formed after the 29 February 2020 parliamentary elections, replaced leader of OĽANO Igor Matovič at the post of Prime minister as of 1 April 2021.

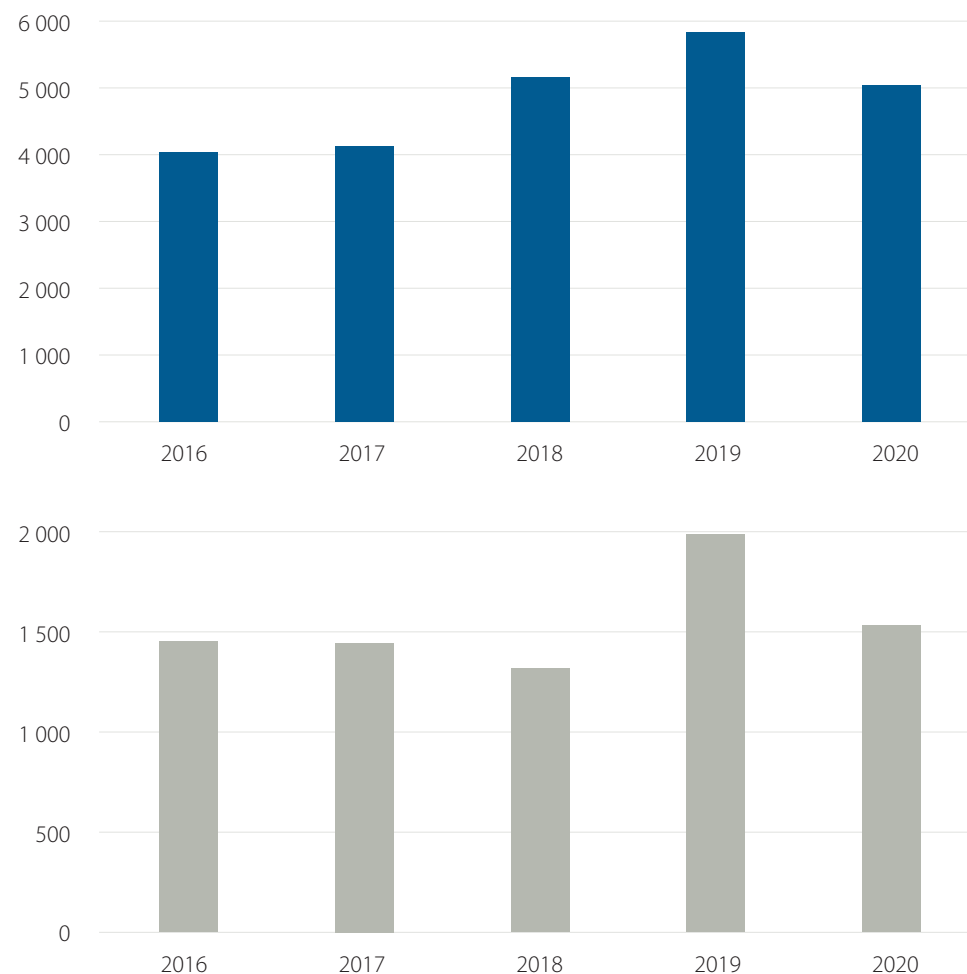
¹¹ Programové vyhlásenie vlády 2021-2024, p.129, [Mediálna politika](#).

¹² HN Stratégie, 3 August 2020, [RTVS čaká zmena financovania. Ministerstvo navrhuje zvýšiť koncesie aj podiel reklamy](#).

¹³ The 2020 Annual Report on the activities and management of RTVS, p.314, [Výročná správa o činnosti a hospodárení RTVS za rok 2020](#).

¹⁴ Ibid.

RTVS revenues from advertising – Television, Radio (in thousands of EUR)¹⁵



When comparing the financial results with a decade ago, in 2011 the RTVS declared revenues EUR 114.485 mil. (consisting of EUR 87.109 mil. by television and EUR 27.376 mil. by radio), up from EUR 102.059 mil. from 2010. The biggest share of the revenue was also formed by license fees (65 per cent), the state and EU transfers created 30 per cent and advertising some 4 per cent.¹⁶

2. APPOINTMENT PROCEDURES OF MANAGEMENT AND OVERSIGHT BODIES

The RTVS Council (the Council) is the sole oversight body¹⁷ obliged primarily to oversee the compliance of the Law and the fulfillment of tasks that result to the public broadcaster arising from special regulations; and to oversee the economy, efficiency and effectiveness of the management of public funds of the RTVS.

The Council consists of nine members elected by the National Council of the Slovak Republic (Parliament) in such a manner that according to the Law on Radio and Television of Slovakia (*Zákon č. 532/2010 Z.z. o Rozhlase a televízii Slovenska*) it should represent important experts in television (3 members) as well as in radio broadcasting (3), and in the fields of economy (2) and law (1). The tenure of the members is six years, with one third of them elected every two years. Council members may be re-elected.

Proposed candidates for the members of councils are presented to the Parliament by organizations operating in the fields of audiovisual, media, culture, economics, law, economics, science, education, development and protection of spiritual values, human rights and the environment, health protection, or representing the interests of national minorities or ethnic groups, other minorities or registered churches, and religious society.

Politicians are legally not allowed to propose candidates, however in reality, the final outcome is very often aligned with political interests. Candidates are usually proposed after preliminary support of political parties. Their candidacy is legitimized by some association, club or non-profit organization but in fact they are often political candidates.

The term of office of a member of the Board shall be terminated

- a) upon expiry of the term of office of a member of the Council
- b) resigning as a member of the Council
- c) by removing a member of the Council from office,
- d) dismissal of all members of the Council; or
- e) death of a board member.

The National Council shall dismiss a member of the Council if

- a) performs a function or activity incompatible with the function of a member of the Council
- b) has been convicted of an intentional criminal offense or of an offense on which the custodial sentence has not been suspended,
- c) has been lawfully deprived of legal capacity or its legal capacity has been lawfully restricted, or
- d) does not perform the function of a member of the Council for at least three consecutive calendar months.

The National Council shall dismiss all members of the Council if

- a) by its resolution, twice within six months, declares that the council has not fulfilled the obligations stipulated by this Act, or
- b) by its vote, it did not decide on the dismissal of the General Director due to a specific reason

¹⁵ Ibid, p.321.

¹⁶ The 2011 Annual Report of RTVS, p.118, [Výročná správa RTVS za rok 2011](#)

¹⁷ The RTVS Council has, as stipulated by its 2016 Statutes [[Štatút Rady Rozhlasu a televízie Slovenska](#)], an advisory Supervisory Board, consisting of three Council members, including one lawyer and one economist.

The process of selection of the Council members has been a subject of various doubts, politicization resulting in lack of trust in its independence as well as required expertise.

Similarly, and naturally more importantly, selection of the General Director as a top executive is a prime concern and a predominant reason behind perceived lack of independence of the broadcaster. A shadow of political influence exercised through the affiliated General Director has been looming over public media in fact since the very beginning in after Slovakia gained independence in 1993.

In fact, only Richard Rybníček (2003-2006), former Director of private *Global TV* (later transformed into TV JOJ) and originally coming from the think-tank environment, managed to preserve less political label. Lately, also Václav Mika (2012-2017), coming to public broadcaster after a successful spell in the most popular private radio and television stations (*Rádio Expres* and *TV Markíza*, respectively) was seen as politically less affiliated.

However, the 2017 appointment of current General Director Jaroslav Rezník, previously Director of public Slovak Radio (then as an individual station) and public news agency TASR sparked protests from various corners of media experts due to his known political inclinations in the past, dubious policy towards Russian propaganda outlet Sputnik¹⁸ and his election was seen as a clear outcome of a political deal.¹⁹

The Director General is elected by the National Council on the proposal of the relevant committee based on a public hearing of registered candidates. The public hearing includes a presentation of the project of management and development of RTVS. The public hearing is broadcast live on the National Council's website.²⁰

The new government led by Prime Minister Eduard Heger declared in its Programme that it "will review and, if necessary, propose a new mechanism for the election of the General Director of RTVS in the future so that the process of his selection is apolitical in the widest possible scope".²¹ In fact, first round of discussions, including also independent NGO and media experts, that concern possible changes of appointment mechanism, for both the Council and the General Director, have been initiated by the Ministry of Culture in June 2021.²²

3. ROLE OF PUBLIC SERVICE MEDIA IN THE AUDIENCE MARKET

Rozhlas a televízia Slovenska is the Slovak public broadcaster that is composed of both public TV and public radio. It was established in January 2011 in a merger of Slovak TV (STV) and Slovak Radio (SRo), two separate public entities that existed as public media services from January 1993. RTVS currently operates 3 TV channels (soon 4) and 9 radio stations.

Thematically, RTVS's main TV channel **Jednotka (:1)** offers news formats, current affairs programmes, entertainment, drama; in addition, it airs programmes for children and religious programs. *Jednotka* (together with *Trojka*) broadcast extraordinary news programs in the event of exceptional societal events and some top sporting events. It focuses on universal target group with a specific focus on family type of viewers.

Dvojka (:2), the second RTVS TV channel is designed for specific segments of the universal target group. It offers discussions, programmes about history, art, etc. The emphasis is on documentaries and talk shows, while it also offers broadcasts for minorities. Movie broadcast segment focus on more versatile and iconic works.

Trojka (:3), the third RTVS's TV channel currently operating is dedicated to news and sport. News and current affairs programs have regular and fixed timelines. It focuses on events at the global, national, but also regional and local level.

Šport is upcoming channel launched on 23 July 2021 for coverage of the opening ceremony of the Tokyo Summer Olympics. Main focus will be on live national and worldwide sporting events, presentation of new national sportstars and also emphasis on healthy lifestyle.

Rádio Slovensko, the main RTVS radio station is a 24-hour program service, primarily a live stream of broadcasting with a dominant focus on current news, current affairs and sports. The target group is a listener in both, productive as well as post-productive age, who prefers a more dynamic way of receiving news and is also interested in global topics as well as in current socio-political events.

Rádio Regina; program service of *Rádio Regina* is created by three regional studios – Bratislava (west), Banská Bystrica (centre) and Košice (east), each of them offering their own authentic programmes focusing on regional issues. It is a 24-hour broadcast in which the current affairs and news alternates with regular thematic programmes. It focuses on those who are interested in regional events.

Rádio Devín as a 24-hour program service that focuses on an artistically demanding and intellectually oriented listener, looking for programs in the field of classical music, jazz, artistic-dramatic and artistic-verbal programs; it also offers information from the world of culture, art, science and literature.

Rádio FM offers mainly alternative (non-mainstream) music with an overlap into a wider cultural and artistic space, oriented towards the more-demanding younger listeners.

Rádio Patria offers broadcasts for national minorities in their languages, with informational, cultural and linguistic function. It aims to create an environment that strengthens the ties between the majority population and ethnic minorities.

Rádio Slovakia International (RSI) offers news and reports (related to Slovakia) to a wide range of listeners. For a long time, it has been an important mediator of political, social and cultural life for Slovaks abroad. Since 2015 it also serves as a source of news for foreigners living and working in Slovakia.

Rádio Litera and **Rádio Junior** are digital radio program services that offer 24-hour broadcasting. Radio Litera broadcasts radio plays, poetry, sequel readings and journalism for adult listeners. Junior Radio focuses on children and youth.

Rádio Pyramída is a program service that offers high-quality recordings from the radio archives.

¹⁸ O médiách, 29 March 2017, [Rezník vysvetľuje, prečo si v TASR vybrali proputinovskú agentúru](#)

¹⁹ Denník N, 20 June 2017, [Novým riaditeľom RTVS bude Jaroslav Rezník, získal až 95 hlasov, podporili ho fašisti aj Most](#)

²⁰ Hearings of candidates for the RTVS General director, 30 May 2017, [Verejný vypočutie](#)

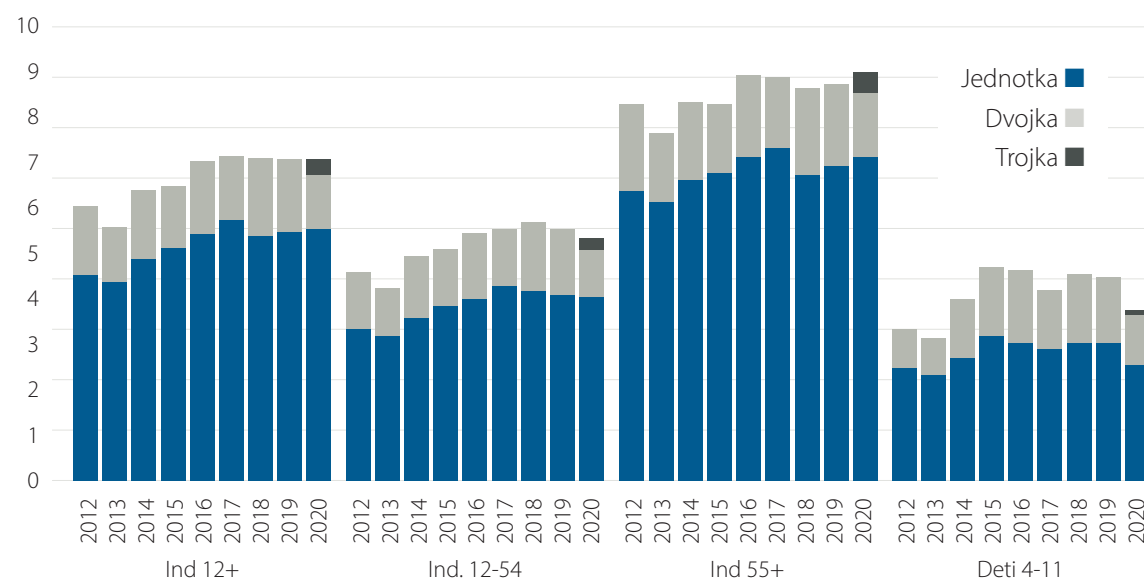
²¹ Programové vyhlásenie vlády 2021-2024, p.129, [Mediálna politika](#)

²² MEMO 98 was invited to take part.

Over the period of years viewership data of public broadcasters has been changing, reaching its peak during tenure of pre-last General Director Mr. Václav Mika (August 2012 – August 2017), in February 2016 it reached market share 17.8 per cent during its news programme.²³

RTVS market share in 2012-2020 (Jednotka, Dvojka, Trojka)²⁴

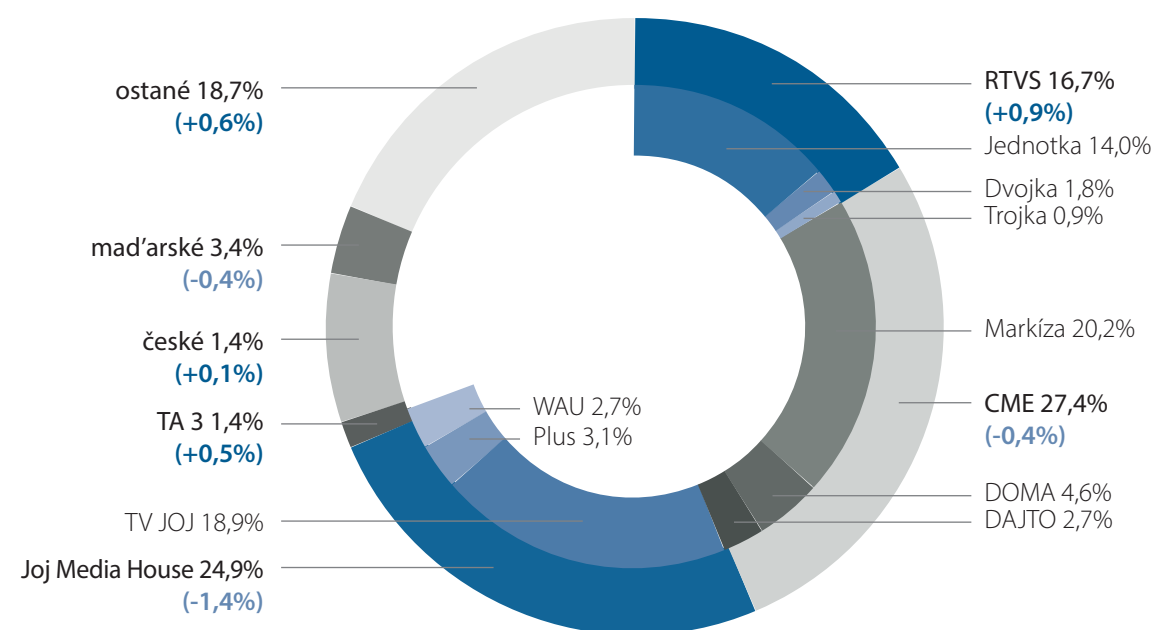
Podiel na trhu (%), cely den RTVS (Jednotka, Dvojka, Trojka), r. 2012-2020, CS12+



Source: PMT/Kantar Slovakia

RTVS market share in 2020 (Czech and Slovak channels)²⁵

Prime time podiel na trhu (%), TRH ROK 2020 CS 12+



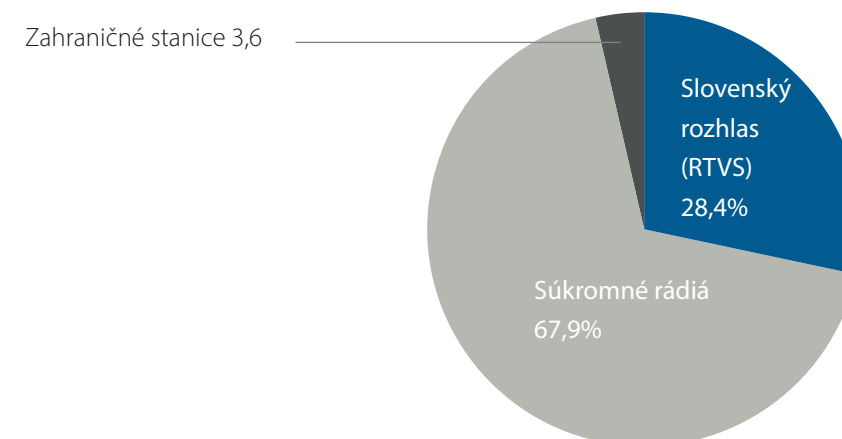
²³ RTVS, 22 February 2016, [Rekordná sledovanosť Správ RTVS](#)

²⁴ The 2020 Annual RTVS report, p.8, [Výročná správa o činnosti a hospodárení RTVS za rok 2020](#)

²⁵ The 2020 Annual RTVS report, p.10, [Výročná správa o činnosti a hospodárení RTVS za rok 2020](#)

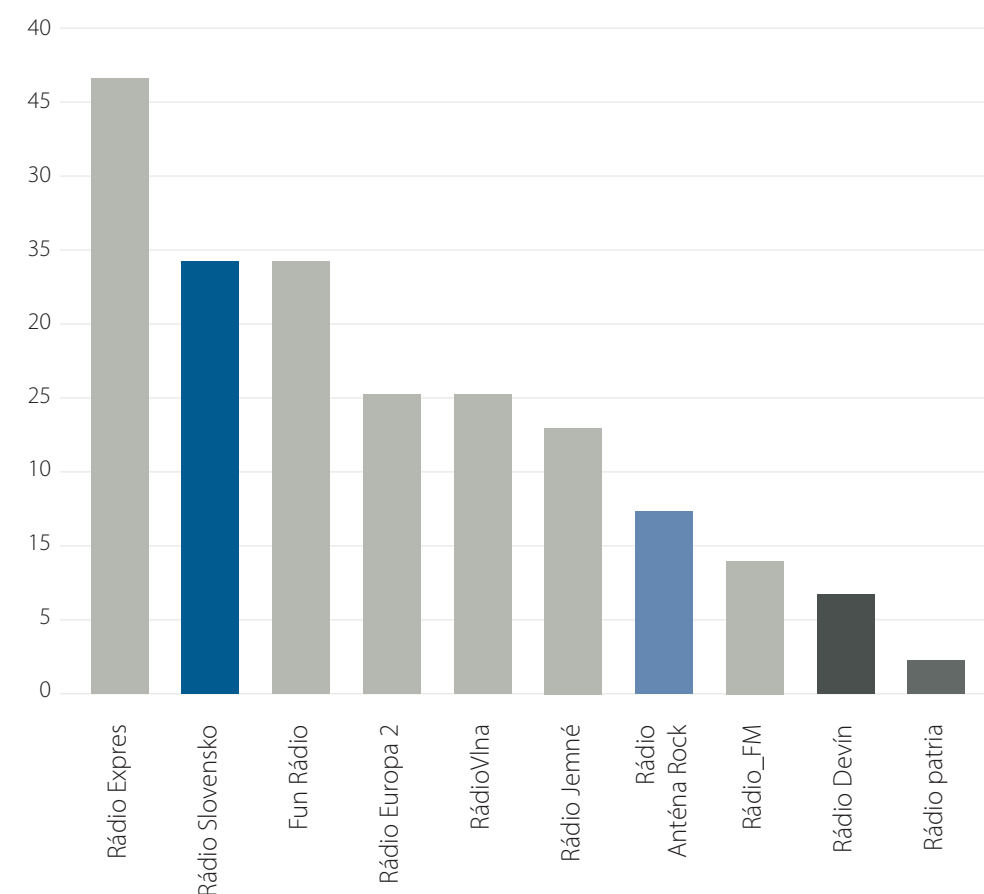
Public Radio market share in 2020 (RTVS, private stations, foreign stations)²⁶

Podiel na trhu (%)



Radio stations listenership in 2020 (Rádio Slovensko)²⁷

Rádiá posledný týždeň (%)



²⁶ The 2020 Annual RTVS report, p.83, [Výročná správa o činnosti a hospodárení RTVS za rok 2020](#)

²⁷ Ibid.

4. MAIN PROBLEM AREAS OF PSM

RTVS belongs to one of the most trusted institutions, but it is not free from political pressure and meddling by politicians. The RTVS, and especially its news section, is in continuous crisis since its current director, Jaroslav Rezník, assumed office in June 2017. However, the situation in the news-room has deteriorated and escalated relatively quickly, with almost sixty journalists signing the open letter against the management in April 2018 citing various problems, including the management's ban on wearing badges as a sign of solidarity after the murder of journalist Ján Kuciak and his partner Martina Kušnírová.²⁸ The situation has gradually led to departure of more than 30 journalists and workers from the public media, including their prominent newsroom personalities starting in May 2018.²⁹

*"We are witnessing the elimination, degradation and reassignment of professionals who express their critical opinion of management."*³⁰

Rezník's alleged ties to the Slovenská národná strana (SNS) were especially problematic prior the 2020 parliamentary elections.³¹ According to several former RTVS editors, after the new leadership came to power a tense atmosphere prevailed in the newsroom, with pressure on the journalists' self-censorship and even outright content tampering efforts.³²

There are several structural problems. First, the RTVS director is elected directly by the parliament (which also elects members of the supervisory body, the RTVS Council), therefore, a result of political bargaining within the government. Another issue further deepening the public broadcaster's dependence on the government is its financing. The price of license fees has not risen since 2003, as a result of which Slovakia has one of the lowest public broadcasting license fees in Europe. Furthermore, the government continues to shrink the pool of people who pay the television and radio license fees, thus increasing the economic deficit of RTVS. This deficit is balanced by a five-year contract with the government that requires the negotiation of an annual amendment. RTVS has to publish all its contracts in the Central register of contracts³³, which increase transparency of its financial operations and allows for detail scrutiny.

A case of public broadcaster RTVS has been mentioned several times throughout the various segments of interview with journalists, mostly in a negative context. Since the state of the public media impacts the whole media environment and is sort of manifestation of press freedom in the country, its dire current state was lamented.

"Public TV is not good as it should be, the perceived influence of a politically appointed director is being felt. There is a self-censorship, there is no drive for investigative topics, because those who opened them in the past, were fired. Many who dared to say something, eventually left or was left. Directors, including those of TASR [public agency] and RTVS Council should not be politically appointed, otherwise the political influence will remain."

[Miroslava Kernová, *omediach.sk*]

²⁸ SME, 4 April 2018, Open letter of members of RTVS news and current affairs programs [[Otvorený list členov sekcie spravodajstva a publicistiky RTVS](#)]

²⁹ Stratégie, 31 May 2018, 12 journalists, including Kovačič Hanzelová resigned from RTVS [[V RTVS podalo výpoveď 12 novinárov, vrátane Kovačič Hanzelovej](#)]

³⁰ bid as #28.

³¹ MEMO 98, 5 May 2020, [The media coverage of 2020 Slovak elections](#)

³² Voxpot, 31 May 2020, [Structural problems threaten press freedom and independence in Slovakia](#)

³³ [Zmluvy | Centrálny register zmlúv \(gov.sk\)](#)

ANNEX

COLLECTION OF RELEVANT SOURCES

Radio and Television of Slovakia (RTVS – *Rozhlas a televízia Slovenska*)

Website

<https://www.rtvsk.sk/>

Website organization (management structure, annual financial reports, state contracts)

<https://www.rtvsk.org/uvod>

<https://www.rtvsk.org/o-rtvs/organizacna-struktura>

<https://www.rtvsk.org/o-rtvs/vyrocne-spravy/vyrocne-spravy-rtvs>

<https://www.rtvsk.org/o-rtvs/dolezite-dokumenty-rtvs/zmluva-so-statom>

Website (TV / radio)

<https://www.rtvsk.sk/televizia/tv>

<https://www.rtvsk.sk/radio/radia>

Contacts

<https://www.rtvsk.sk/kontakty/>

Social media presence

<https://www.facebook.com/RTVS.sk/>

<https://twitter.com/rtvs>

<https://www.youtube.com/user/rtvsofficial>

https://www.instagram.com/rtvs_official/

<https://www.linkedin.com/company/rtvs>

<https://vimeo.com/rtvsofficial>

RTVS Council

<https://www.rtvsk.org/rada-rtvs/o-rade-rtvs>

Legal documents (on RTVS website, only in Slovak, version)³⁴

<https://www.rtvsk.org/o-rtvs/legislativa>

News Agency of the Slovak Republic (TASR – *Tlačová agentúra SR*)

Website

<https://www.tasr.sk/>

<https://www.tasrtv.sk/>

<https://www.teraz.sk/>

<https://newsnow.tasr.sk/>

Website organization (management structure, annual financial reports, state contracts)

<https://www.tasr.sk/o-agenture>

<https://www.tasr.sk/o-agenture/hospodarenie-TASR>

Contacts

<https://www.tasr.sk/kontakty>

³⁴ Versions of all 13 available documents are outdated, with most of them reflecting situation in 2009-2012.

Legal documents relevant to the public media

Law on Radio and Television of Slovakia No. 532/2010 Coll.

(*Zákon č. 532/2010 Z.z. o Rozhlase a televízii Slovenska*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2010/532/20190101>

Law on Payments for Services Provided by RTVS No. 340/2012 Coll.

(*Zákon č. 340/2012 Z.z. o úhrade za služby poskytované RTVS*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2012/340/20210101>

Law on Press Agency of the Slovak Republic No. 385/2008 Coll.

(*Zákon č. 385/2008 Z.z. o Tlačovej agentúre Slovenskej republiky*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/385/20190101>

Law on Disposal with Public Institutions Property No. 176/2004 Coll.

(*Zákon č. 176/2004 Z.z. o nakladaní s majetkom verejnoprávných inštitúcií*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/176/20190901>

Law on Work in Public Interest No. 552/2003 Coll.

(*Zákon č. 552/2003 Z.z. o výkone práce vo verejnom záujme*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/552/20200101>

Law on Advertising No. 147/2001 Coll.

(*Zákon č. 147/2001 Z.z. o reklame*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2001/147/20190101>

Freedom of Information Act No. 211/2000 Coll.

(*Zákon č. 211/2000 Z.z. o slobodnom prístupe k informáciám*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/211/20210101>

Law on State Language No. 195/1995 Coll.

(*Zákon č. 270/1995 Z.z. o štátnom jazyku*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1995/270/20160701>

Law on Use of National Minorities Languages No. 184/1999 Coll.

(*Zákon č. 184/1999 Z.z. o používaní jazykov národnostných menšín*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1999/184/20121001>

Audiovisual Law No. 40/2015 Coll.

(*Zákon č. 40/2015 Z.z. o audiovizíi*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/40/20200101>

Law on Audiovisual Fund No. 516/2008 Coll.

(*Zákon č. 516/2008 Z.z. o Audiovizuálnom fonde*)

<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/516/20201101>



FREEDOM AND SOCIAL ROLE OF JOURNALISTS

in the Czech Republic,
Hungary, Romania
and Slovakia



INTRODUCTION

In each country, we conducted structured interviews with at least 10 journalists based on a pre-defined set of questions. Journalists participated anonymously in the research, except in Slovakia. In selecting the journalists, we sought to cover as much as possible the diversity of the media system in each country, both in terms of ideology and type of media.

During the interviews, the following questions were asked, naturally adapted to the specificities of the interview situation:

- 1.a. *How do you assess the social role/ social roles of the journalists in your country?*
- 1.b. *How do you assess the reputation of journalists in your country?*
2. *Which are the top three positive and the top three negative characteristics of journalism in your country?*
- 3.a. *Do you consider that journalists in your country are facing challenges that are impeding their work?*
- 3.b. *What are the most serious work challenges that journalists are facing in your country?*
- 4.a. *Do you consider that the daily working conditions of the journalists in Western countries, comparing to the ones in your country, are better or worse? Give 2-3 reasons!*
- 4.b. *What are the most important changes in your working conditions in the last five years?*
5. *How do you assess the current state of press freedom in your country?*
- 6.a. *In a dynamic perspective, how has changed the state of press freedom in the last five years?*
- 6.b. *And which were the main changes of the state of press freedom since you have been working as a journalist (if working for longer than 5 years)?*
7. *What are the top 3-4 components of press freedom for you?*
- 8.a. *Did you personally experience political and/or economic pressure on your work in the last two years? Yes/ No*

- 8.b. What does “pressure” mean for you?
- 8.c. Describe here 1-2 such examples from your experiences!
- 9.a. Do you think that the economic situation of your media outlet (media company) depends on the political environment? Yes/ No
- 9.b. How does the political environment influence the economic situation of your media company?
- 9.c. In your assessment, how can politics and the political leaders influence the economic situation of media companies in your country?
10. In your assessment, is it possible to create and maintain a sustainable business model for pursuing journalism in current public issues?
- 11.a. In your opinion, does the legal framework of journalism play a determining role in your work, and in the function of your media company?
- 11.b. Is it a rather positive or negative role?
- 11.c. Have you ever decided not to publish something because of the unpredictable legal consequences?
- 12.a. In the last two years, have you decided not to publish or distort any information to avoid existential or economic consequences?
- 12.b. Have you heard about such situations from your colleagues?

- In all countries, there has been self-criticism that more and more journalists are becoming activists, which is hampering the many functions of journalism.
- Self-censorship is a well-known phenomenon in all countries. If not the respondents themselves, other journalists they know are reported to have withheld information in the past in order to avoid negative consequences.

Overall, despite the difficulties, Czech and Slovak journalists have a much more positive perception of their own situation and their role in society than their Hungarian and Romanian counterparts. In the Czech Republic and Slovakia, respondents do not feel that there is a systemic lack of transparency in the work of journalists. Hungarian and Romanian colleagues, on the other hand, have a fundamentally dark and pessimistic view of the situation.

Key lessons from the interviews:

- A recurring element of the conditions that make journalism difficult is the ownership of the media, the presence of oligarchs (media moguls), i.e., owners with strong political connections and motivations, which was mentioned by respondents in all countries.
- Among the threats to the freedom and quality of journalism, economic instability and low levels of financial dignity are recurrent. In particular, Hungarian and Romanian journalists mentioned the role of public funding and its distorting effect on publicity.
- It was also reported in all countries that journalists are increasingly verbally attacked, including by leading politicians. Difficulties in access to public information were the most frequently mentioned by Romanian journalists during the interviews, but this problem is also a problem for Hungarian journalism.
- Economic difficulties and political pressure have also motivated positive changes. The spread of crowdfunding and the launch of innovative independent projects could help the democratic development of these media systems in the long term.
- Journalists in all countries perceive their own social image as rather poor. In addition to the general, but varying degrees of political pressure on the media, they believe that the specific characteristics of digital media also play a role. In this media environment, it is becoming increasingly difficult to maintain journalistic credibility among the many sources of information, and journalists themselves are being forced to adapt to this environment at the expense of professional standards.



CZECH REPUBLIC

RESPONDENTS' CHARACTERISTICS

- C1 *Journalist working for a local daily owned by an oligarch.*
- C2 *Former top manager, manager of content and journalist working for a publishing house owned by a local businessman.*
- C3 *Journalist working for a media industry website.*
- C4 *Editor-in-Chief of business daily - owned by a Czech businessman, former business journalist.*
- C5 *Journalist working for a daily owned by PM Andrej Babiš.*
- C6 *Former Editor-in-Chief of several dailies, currently a founder and Editor-in-Chief of an independent news website.*
- C7 *Former Editor-in-Chief of several dailies, currently a founder and Editor-in-Chief of an independent media outlet.*
- C8 *Former journalists for several newsrooms, currently Editor-In-Chief of an independent journalists platform.*
- C9 *Former Editor-in-Chief of several weeklies and a daily, currently Editor-in-Chief of a publication owns by a Czech oligarch.*
- C10 *Reporter at a national radio station.*
- C11 *Former media top manager who worked for different media outlets.*
- C12 *Producer and a host at the public television.*
- C13 *Investigative journalist working now on a news online platform owned by a local businessman.*

1a) How do you assess the social role / social roles of the journalists in the Czech Republic?

Majority of respondents answered that the social role is very important as journalists are still bringing information about the government's failures and scandals but is getting worse and worse. "The main reason is the change of political climate and the change of media ownership aka oligarchisation of media sector." Moreover, general public has become cynical.

"The social role of journalists is not as good as in Germany, but not so bad such as in Hungary."

Journalists in the Czech Republic belong to the middle class - the lower-middle class. Two respondents mentioned an interesting phenomenon - a couple of Czech journalists has become influencers. They are active on social media, they do have hundreds of thousands followers and they are influencing public opinions directly.

1b) How do you assess the reputation of journalists in your country?

The reputation of Czech journalists is very bad and markedly deteriorated, answered majority of respondents.

"15 years ago, the reputation was much better. The reasons of the worsening? Partly because of the media ownership shift, partly because of our own journalistic failures."

Respondents are also mentioning that the journalistic profession is being undermined by politicians as well. President Miloš Zeman and PM Andrej Babiš are showing hostility towards journalists - they are using verbal attacks, improper jokes, both refuse the admission for some journalists to their press conferences or reject to answer their questions. Just to remind: during a press conference in 2017, President Zeman "welcomed" journalists holding a mock assault rifle with an inscription with read "toward journalists." In May 2017, he was speaking with his Russian counterpart Vladimir Putin when the microphone caught him ironically saying that journalists should be "liquidated" as there are "too many" of them.

Five respondents pointed out the public opinion researches: trust in journalists and journalism in general is decreasing. On the list of trust in professions, journalists are among the least trusted professions as same as politicians. Similar results shows the list of least appreciated professions.

"Journalists are next to housecleaners and politicians as for the least appreciated professions. It speaks for itself."

2) Which are the top three positive and the top three negative characteristics of journalism in your country?

One journalist describes the state of media in the Czech Republic:

"If you compare the situation with Eastern countries where dictatorships rule, the situation is better in the Czech Republic. Compared to Western Europe: the Czech media sector is deeply influenced by commercial interests of its owners and other factors: e.g. due to 40 years of communism, we do not have a tradition of independent journalism,

therefore there is nothing to build on. Compared to other Central European countries: we are relatively the best among them, as state media regulation and political pressures on journalists are not as huge in the Czech Republic as they are for instance in Hungary or Poland."

2a) Top three positive characteristics

It is very interesting that when asking respondents about positive characteristics of Czech journalism, they do have problems to name some of them (to name the negative ones was much easier for them). Nearly each journalist has different answers and quotes more-less unique characteristics. Therefore we listed the 3 of them that were mentioned more than once, and below the line we are quoting other answers that might be interesting for the whole grant research:

1. START OF NEW INDEPENDENT PROJECTS (3/13 RESPONDENTS) - respondents mentioned as very positive that oligarchisation of Czech media and the entry of Andrej Babiš into politics and media business brought new independent projects on the scene in last few years - those projects are totally independent of political and economic interests and are being owned and run by journalist themselves. Another positive characteristic that goes hands in hands with this is the crowdfunding activity - thus is general public supporting those new independent projects.
2. INFLUENT AND INDEPENDENT PSM (2/13) *"PSM position, even if eroded and under pressure from politicians' side, is very strong. People do trust them and PSM are still broadcasting the investigative reportages that are critical to the government."*
3. TRYING FOR OBJECTIVITY (2/13) According to respondents, media is a proper ante-dote of political power and offers opinions' diversity. On the other hand, one journalist mentioned a paradox: *"The better part of Czech journalism is constantly trying to balance their opinions. As a result, it is often uniform. The worse part of Czech journalism will sell more examples because it is unbalanced."*

Apart from above mentioned three characteristics, the responded journalists mentioned as well: desire to preserve democratic values by majority of media, pro-Western orientation, historical memory before 1989, relative freedom, formats' diversity.

2b) Top three negative characteristics

It was much easier for journalists to define the main negative issues that are characteristic for Czech journalism:

1. OLIGARCHISATION OF MEDIA (the most often mentioned answer - 5/13 respondents). *"Political and business interests of media owners are interfering into media and journalism in general." "A key part of the media market is in hands of a company that belongs to the prime minister. It is not important what the newspapers write, but especially what they do not write and thus deflect the public debate."* One respondent said that Czech media market is too big thanks to the oligarchs because they are artificially keeping alive non-viable media because of their own political or business interests.
2. LACK OF FUNDING (4/13 respondents): *"Media sector is in recession since 2008." "We are missing viable business model of journalism."*

3. ACTIVISM and ACTIVISTIC JOURNALISTS (3/13 respondents). One journalist quoted: *"There is too much mainstream and too little out of mainstream. Majority of news outlets are left-wing, nothing is right-wing."*

Apart from above mentioned 3 characteristics, the responded journalists mentioned as well: declining quality of news and "flatness", relatively small insight into covered problematics and lack of erudition and experience of journalists.

3a) Do you consider that journalists in your country are facing challenges that are impeding their work?

Yes (11/13 respondents answered YES)

No (2/13 respondents answered NO)

3b) What are the most serious work challenges that journalists are facing in your country?

- media oligarchization and media ownership in general ("The very specific economic and political interests of media owners are the main obstacles."),
- advertisers' and owners' pressure and effort to influence content and politicians are trying to negatively influence media as in Hungary and Poland and PSM under pressure,
- economic un-sustainability and media funding and economic conditions in general (low salaries, working for small independent publishing houses where employee comfort and earnings are lower than in traditional big publishing houses),
- intimidation and defamation of journalists ("When Czech president comments several times per year that journalists are prostitutes, so it becomes anchored in the public - see the example of Trump in the USA."),
- self-censorship (For many people - especially the young ones - the tying factor is a mortgage. They do not want to go to more risky actions, they suffer from self-censorship. Moreover, young people have different priorities than investigative journalism. Lifestyle journalism predominates."),
- corruption and unhealthy relations between business and government,
- fake news (there are as many as 40 pro-Kremlin „alternative“ websites that operate in the country),
- social media boom (everybody is a journalist now and to get info is much easier than before),
- coronavirus - distinction between working in an office and working from home is blurred,
- to defend the essential space for critical journalism.

4a) Do you consider that the daily working conditions of the journalists in Western countries, comparing to the ones in your country, are



BETTER (10/13)

10 out of 13 respondents answered that the daily working conditions of the journalists in Western countries are better comparing to the ones in the Czech Republic.

GIVE 3 REASONS

The responded journalists mentioned different reasons why the conditions in Western countries are better and explained what Czech journalists are facing up to

- journalists in the Czech Republic have less time for news coverage and nearly no time for in-depth journalism,
- Czech media is under-funded and under-invested, lack of finance, financial background in Western countries is much better and more solid,
- Czech journalists are facing huge pressures from owners who have their own political and business interests,
- Czech journalists are operating on a very small language market,
- the most dangerous factor that is fatally worsening the working condition is the oligarchic ownership structure of media that totally eliminated the presence of traditional western publishers and media houses at the Czech market,
- we are missing publishing culture, there is a lack of journalistic tradition (because of the 40 years under communism regime),
- the advertising market is much more cultivated in Western countries, in the Czech Republic the advertisers try to make pressure on media,
- the Western media are able to be based on subscription model, that is still something new for the Czech Republic where the general public is still not willing to pay for information,
- the management of big publishing houses owned by oligarchs is unprofessional and inexperienced and its main mission it to be able to fulfil the owners wishes,
- political pressure.

WORSE (0/13)

0 out of 13 respondents answered that the daily working conditions of the journalists in Western countries are better comparing to the ones in the Czech Republic.

THE SAME (3/13)

3 out of 13 respondents answered that the daily working conditions of the journalists in Western countries are better comparing to the ones in the Czech Republic.

I DON'T KNOW (0/13)

4b) What are the most important changes in your working conditions in the last five years?

Summary: Majority of respondents answered that they can see the changes in their working conditions, only two of them cannot see any changes.

New technologies and entry of internet

Speaking about the most important changes, the most often mentioned (7/13) ones were connected with the entry of internet into media sector, new technologies and social media. New technologies are helping with journalistic work, journalists can react much more flexible thanks to mobile phones. Social media has changed the work as well. There are few new celebrities, that means journalists who are influencing public opinion. On the other hand, "there is too much democratization of public debate thanks to social media" and everyone can express their opinions of bring information without any verification.

"I am much more oriented on web now (web first, mobile first) and trying to find the key of a viable business model. I am assessing journalists according to PVs and article performances in general."

"Now we have new technologies, new technics, new search tools, however it is more complicated and harder to verify information."

Under-investment and financial pressure

Similarly, often (6/13) were the answers connected with financial issues. Journalists were mentioning constant financing pressures - under-investments and pressures from owner's side. The media houses have been constantly cutting costs and there are less and less funds for journalistic work.

"I have experienced deteriorating of my income - a very significant decline. I do not earn 200K CZK that I used to (working as editor-in-chief in big media company owned by foreign owner), but 35K CZK. I had to build a brand new platform to be able to do my work."

More work, less time

Four journalists mentioned constant working pressures. They have to produce more articles for less time. There is less time for in-depth analyses as well and therefore you can find more surface information in media.

Political pressure

Two journalists mentioned the harsh behaviour of politicians from the majority of political spectre (president, PM, government, some extremist parties etc.) and their attacks on independent critical journalism.

"We are not allowed to participate on press conferences of Czech PM Andrej Babiš, as we are critical towards him."

5) How do you assess the current state of press freedom in your country?

Surprisingly, a majority of respondents (9/13) said that the level of press freedom in the Czech Republic is satisfying and quite high despite the threats from Andrej Babiš and other oligarchs. They argument that if you compare the situation in our country to the rest of Visegrad countries, the Czech Republic is much better. You can still find different opinions' sources and the market is wide enough to get free information and there is a

plenty of small independent new media outlets. Moreover, the efforts to "nationalize" public service media are - thanks god - still unfulfilled and unsuccessful. One journalist however pointed out that within each media house, you can find different level of press freedom according to different interest groups - e.g. there is no press freedom in Mafra publishing house that belongs to the trust fund of Czech PM Andrej Babiš. Another one thinks that press freedom is being affected mainly by economic situation as a whole - lack of ads, lack of funding etc. - rather than oligarchs.

Of course, answers differed based on the type of media respondents work for. The fact that the majority of respondents said they do not see the situation of press freedom so critical may be explained by the fact that while those who work for oligarchs are ashamed to confess the fact they are not free, others are not under such pressure.

"There is not a problem with press freedom, but with economic confidence and ignorance from establishment side. Media is the barking dog who does not bite."

"Relatively high. I do not feel any limits in what I am speaking of and writing about. Journalist can publish whatever he wants without a fear of any repression."

"If you take international reports - we are not in such a bad situation like in Hungary, but we are in a much worse situation than the whole Western Europe."

One respondent thinks that we are on average as for press freedom. 3 journalists out of 13 are not so positive and they answered that there is a very bad press freedom in the Czech Republic. One respondent mentioned that out of 100 percent there is 20 percent of press freedom in our country. If you have taken respected media organizations, they are ranking the Czech Republic at around 40th place in global press freedom index. In 90th years, we were around 20th place. It speaks for itself.

"We are less free, the media market has totally changed and there are many journalists who are NOT willing to work for oligarch media structures."

6a) In a dynamic perspective, how has changed the state of press freedom in the last five years?

When speaking about the change of the state of press freedom in our country in the last five years, 8 out of 13 journalists admit that media freedom is much worse now than it used to be and that the changes are very intensive and quick.

"It has been awful continually for the last 5 years."

The most often mentioned argument for this quotes is the oligarchisation of Czech media: the entry of Andrej Babiš into media business (2013) started the departure of traditional foreign (mostly German) publishers and "boarding" of local oligarchs with political ambitions and financial interests who lack any publishing culture and experience. It is the beginning of so called oligarchisation: strong concentration of power in oligarchs hands. Media owners and government are interconnected (new owners have a business with state as well) and it causes subsequent weakening of media independence. PM Andrej Babiš, who owns media through his trust fund, is the key player. By acquiring two key dailies (MF Dnes and Lidové noviny), he eliminated the independence of them and is controlling news agenda in the country and worsening communication opportunities for democratic parties as well.

Also other new owners are not ashamed to push their business and political interests. Moreover, there is much intensive pressure on PSM than ever before. The journalists in general are facing verbal attacks and intimidation more often.

Some respondents mentioned self-censorship as well. According to them, there is a higher self-censorship among journalists as they are afraid to lose their jobs.

However, 3 out of 13 respondents think that the situation is not so bad and one doesn't know the answer. One journalist said that as for him the situation is more or less the same since the fall of communism in 1989. Another one added: *"It is not much worse, as we still belong to the free world. Nobody kills journalists here."*

6b) And which were the main changes of the state of press freedom since you have been working as a journalist (if working for longer than 5 years)?

Majority of respondents - no matter the media type - mentioned that the entry of Andrej Babiš into the media business shortly before he entered politics and total media ownership changes that followed were the main changes of press freedom.

Andrej Babiš enters publishing company Mafra in 2013, taking over two crucial liberal daily newspapers, traditional independent foreign publishing groups left the market and media are acquired by Czech oligarchs with political ambitions and financial interests who lack publishing culture and media business is not their core business but a tool how to push their interests.

"The main changes? Ownership structure - traditional independent foreign publishing groups are gone, the Czech media market is being oligarchised, our current PM Andrej Babiš is owning the majority of media market."

"Ownership of media - the publishing business it is not the core business of new media owners."

"The entry of Andrej Babiš into media business (2013)."

"Being a journalist: first 15 years, the situation got better and better - dubious media with dubious owners disappeared. Around 2010, the situation was pretty stable. Since 2013, it is getting worse and worse because of the owners changes."

"Changes are absolutely dramatic. I started to work as journalist before the Velvet Revolution in underground. And now I am back in underground."

"Departure of renowned publishers from Czech Republic."

"After the Velvet Revolution, journalists were full of excitement and there was a strong ethos of free journalism. Now - many journalists are only 'producers of letters and paragraphs' without any integrity."

"Mafra acquisition of Andrej Babiš just before he entered politics."

One journalist mentioned another huge factor which is Google - Facebook duopoly and its impact on digital advertising landscape. Google and Facebook take 80% of all digital ad spendings and it hit traditional ad-supported media—broadcast television, radio, newspapers and magazines—the hardest.

"The entry of Andrej Babiš into media business and oligarchisation of media. The most important challenge for media is however the existence of Google-Facebook duopoly

that is 'eating' the lion's share of digital advertising all around the world and thus de facto killing the media revenue model. This is the main reason why there are nearly no self-funded media projects in our country and it leads to oligarchisation then."

Only two journalists - one from a daily owned by PM Andrej Babiš and one a reporter of a national radio station - answered that they cannot see any significant changes.

"I can't see no significant changes. In contrary, as for actual press freedom, it is better now. I can see only one huge obstacle - self-censorship of journalists which is connected with economic situation and new media owners."

"The situation is the same since the fall of communism in 1989."

7) What are the top 3-4 components of press freedom for you?

Respondents offer a different range of answers when describing the main components of press freedom. The freedom to express opinions and provide information without pressure from the side of owners and without political pressures or interference was mentioned most often. No censorship - the interests of owners or advertisers are not reflected and the journalists might choose the topics according to their importance. And such circumstances that do not lead to self-censorship.

Another component being mentioned was the necessity to have access to the leading representatives of the country (the government must not refuse the access to its press conferences to journalists that are critical towards the political representation - which is happening now in the Czech Republic). The possibility to ask whatever you want and the possibility to lean on and being supported by media organisations and journalistic personalities goes hand in hand with the previous component.

Journalists said as well quite often that it is necessary to have enough funds in order to be able to hire excellent journalists and to develop media.

A journalist working for a Czech oligarch says: "Publishers must be economically self-sufficient and must be able to generate enough revenue (especially from readers) in exchange for its products and services to cover all of its expenses. There must be funds for excellent journalists so that he or she is not dragged down by any other corporation from different sectors. Open state administration - open data as much as possible. It is certainly essential that journalists have a good reputation in general so that society trusts them."

"Freedom to spread information and express opinions regardless of the owner and political constellation. Freedom of expression. Sufficient money to enable the development of the media environment."

Former Editor-in-Chief of several dailies, currently a founder and Editor-in-Chief of an independent news website mentioned: "For me it is the possibility to disclose the real state of affairs. If I find out facts that cannot be disclosed to public, then I consider it as a helplessness against lies and impossibility to unmask lies."

Former top manager of several media houses insists: "Freedom has no components, it is a complex, and if it is torn from that complex, it loses its meaning and is not worth dissecting. As for the independence from the owner: as a top manager who represented the owner, I cannot imagine that someone would work in an editorial office and would not agree with its editorial orientation and point of view."

8a) Did you personally experience political and/or economic pressure on your work in the last two years?

Five journalists answered: No. (Respondents who used to work for traditional media outlets and now are heading or working for independent projects mentioned that they are experiencing economic pressure rather than political ones). Answers of our respondents proves that the press freedom situation in the Czech republic is worsening since professional foreign owners disinvested and left the country.

Eight journalists answered: Yes. (Mainly the ones that are working for oligarchs' and big media houses owned by local businessmen, and PSM as well).

"Yes. I've been living in it for seven years and I got used to pressure."

"Yes, it is the same situation as in 1985 during communism regime."

8b) What does "pressure" mean for you?

Journalists mentioned many issues: interference into editorial work from media owners, request to write or not to write something (mainly in case of journalists working for oligarchs), pressure from inside of a company - advertising department namely, compromises towards biggest ad clients, financial pressure, intimidation and physical threats.

"Financial pressure: I need to regularly defend the reason why the media exists."

"Any force that affects the non-disclosing of information so that it does not turn out as it should."

"Request to write or not to write something."

"Pressure is when someone tries to threaten me physically or economically and uses all his tools to harm the newsroom."

"My opinion differs from the views of the media coalition pressure-group and is critical to that."

"I do not mind being offended by representatives of political parties or the president, but by some media that give them support. Journalists are becoming servants of political power." (TV host of an investigative show).

"The worst is when working on a sensitive topic, I meet a crook, and I do not have the support of my own editorial office because my editor-in-chief is afraid of publication and enforces self-censorship." (investigative journalist who has worked for several media outlets).

8c) Describe here 1-2 such examples from your experiences!

"I have not published some piece of information because of the fear of pulling out the advertisements. It is necessary to say that every owner has a potential risk. It is important to be careful what is the significance of information that I do not disclose."

"An economic background and security of free independent journalism and small independent media outlets is reduced to an absolute minimum. As those small independent projects are very often critical to the government, the advertising department

practically cannot function properly in independent media. Why? Potential clients are afraid to advertise here and they fear of revenge from PM, his government and public authorities."

"We don't automatically receive state advertising. As we are a small project and are critical to government."

"Threats of pulling out the advertising. Bribe offer."

"Inclusion of a guest into a broadcast on the basis of a political request and order. Selection and sorting of questions for a given guest."

"A media commission has been formed where people who are either local politicians or people who depend on politicians predominate. And they censor in advance what is to be included into a local magazine. The proceedings of this commission is not public."

"I have experienced several times with a previous employer that some information and opinions concerning PM Andrej Babiš were questioned by my Editor-in-Chief and were not published. For instance the one when I compared Andrej Babiš to Hungarian PM Viktor Orbán."

"The worst experience ever? When one of Czech oligarchs sued me directly for defamation and violation of reputation and a good name. The trial dragged on for three long years (before I won)."

9a) Do you think that the economic situation of your media outlet (media company) depends on the political environment? Yes/No

Nine out of 13 respondents answered that the economic situation of their media outlet depends on the political environment. Among those were all respondents working for independent new online media outlets, for PSM organisations and even ones working for Andrej Babiš and other oligarchs.

"Yes, I don't know a medium which doesn't depend."

Journalist who works for Andrej Babiš adds:

"Yes, but it's not crucial. The decisive factor is the further development in society - content being out on the internet, paywalls etc."

Four out of 13 answered "no". Among them those working for big media houses owned by local businessmen who have some business interests in doing business with Czech government (except of one).

"We are a commercial subject."

"A big advantage - our owner is not dependent on government procurements and is dependent on his own business. "

9b) How does the political environment influence the economic situation of your media company?

The most often answer was: yes, a lot. As for respondents who work for Czech oligarchs and local businessmen, they mentioned that their owners are doing business with state and/or are profiting from state advertising because Czech state is still a large financier. Such media outlets have the access to press conferences of Czech President, PM and other ministries (only limited numbers of journalists is now allowed to participate - it is said that because of COVID rules, the small and independent ones are totally ruled out).

"Yes, randomly, our owner is doing business with the state and is involved in criminal cases abroad."

"Quite significantly: we have the access to state advertising, to information and to press conferences of our government."

"It causes that multinational digital giants to gain dominant power by not being regulated."

On the other hand, small and independent media projects insisted that state offices are bullying them and refusing to give access to state advertising as they are critical to Czech government. Moreover, this situation is discouraging the commercial advertisers as well - as they do have fear of a revenge of tax offices for instance. (Nevertheless it is fair to say that there is not any case known that such a pressure as controls from tax offices or other governmental bodies was used against independent media.) Thus, the current government with PM Andrej Babiš is creating an atmosphere in which the advertising model for small independent media outlets cannot function. But there is one positive factor as well:

"If there was not such a political environment, there would be no demand to read us," said one of the representatives of new independent projects.

"The current political environment creates such an atmosphere in which the advertising business cannot function for small and independent projects that are critical to Andrej Babiš and offer investigative journalism. Moreover, some people who could be potential donors are afraid that they can draw the attention of the tax office and a potential revenge."

Last, but not least – PSM organisations. Both respondents replied that neither Czech TV nor Czech Radio are dependent on state advertising. But politicians can significantly influence the functioning of PSM. First, Chamber of Deputies are electing the members of their supervisory bodies - Czech TV Council and Czech Radio Council. Moreover, Czech deputies are setting the Radio and Television licence fees that are a crucial revenue stream for PSM and they are deciding the laws concerning the deduction the VAT for PSM. At the beginning of June 2021, Chamber of Deputies canceled the possibility for media of public service to deduct the VAT. Thus, public broadcasters cannot claim VAT back on goods and services to the same degree as commercial radio and TV stations. Czech TV calculates that this change will cost it up to 400 mil CZK (15 mil €) per year and Czech Radio 120 mil CZK (4.5 mil. €) per year.

(Explanation: In 2018 Czech government implemented the change of the law which cancels the possibility for media of public service to deduct the VAT. This possibility was implemented for PSM the previous year to give them the same possibilities as commercial media have. Thus, public broadcasters could claim VAT back on goods and services to the same degree as commercial radio and TV stations. Government explained the cancellation of VAT deduction for PSM by the EU regulations which according the government doesn't allow it and that the amendment will end a discrepancy between Czech law and European Union legislation. However, the Czech Television chief said the amendment breached a principle agreed with the government under which it was to invest savings

made on VAT into the station's shift into DVB-T2 digital broadcasting until the year 2021. The CEO of Czech TV said that if the government did not offer some form of compensation the change would impact Czech TV's digitalization process and asked the Czech PM to support him and to proceed with the deduction of value added tax after 2021. Czech TV calculated that this change will cost it up to 400 mil CZK (15 mil €) per year and Czech Radio 120 mil CZK (4.5 mil. € per year.)

9c) In your assessment, how can politics and the political leaders influence the economic situation of media companies in your country?

The answers were more less similar to the answers 9B) above. To sum it up once more: politics and political leaders influence the economic situation in Czech Republic through state advertising, through introductory of regulatory measures - taxes, sanctions, fees, laws going against media, through donations, subventions, and state aid, through providing information only to some media.

"They can enforce Google and Facebook regulation."

"They can introduce regulatory measures - taxes, sanctions, laws that go against the media (through licence fees) and they can direct state advertising only to the media who has a friendly approach towards them."

"Czech government supplies state advertising to the media of PM Andrej Babiš. Independent ones are being totally neglected."

"There is no coincidence that no state aid is given to support the media. It can be affected by state advertising and EU subventions as well - not surprisingly, it heads only to some media and the ones who are not neutral and friendly towards the government are excluded."

"This is done through the advertising of state-owned enterprises which are sent to specific media outlets - namely Mafra that is owned by PM Andrej Babiš. Conversely, there is a ban on state advertising into alternative media."

"No coronavirus subsidies."

"There were attempts to abuse the covid situation by placing a large amount of state advertising to support Czech tourism - intended mainly to support the oligarchic media."

10) In your assessment, is it possible to create and maintain a sustainable business model for pursuing journalism in current public issues?

All 13 respondents answered yes with few explanations. They think that it is possible but only for a few entities and in general cannot see a sustainable model for a wide range of competing media outlets. Some respondents pointed out that a sustainable model is viable rather for small projects than mass media and it should be based on a broad support of readers (subscription model, crowd-funding).

"If I knew the answer to this, I would already be a publisher. I can't imagine there wouldn't be a sustainable model. I can't imagine a space without professional information. But the existence of social networks is exactly the reason why the sustainable model has not still been created."

"It is possible to build a journalism on author's writing and with the strong support of the fan base. This is the only way how to compete with oligarchic media that has a bottomless budget."

11a) In your opinion, does the legal framework of journalism play a determining role in your work, and in the function of your media company?

Eleven out of 13 respondents consider that Czech legal framework play a role in their work, but the scale of importance differs according to their answers.

In general, freedom of the press and speech is legally protected by the Czech Constitution, and by the Charter of Fundamental Rights and Freedoms respectively. The Press Law (No. 46/2000) provides a solid basis for independent journalism, and media protections have been bolstered by Constitutional Court decisions and other institutional rulings. Freedom of information is provided for under the law. Other important regulations are the Act on Czech Television (No. 483/1991) and the Act on Czech Radio (No.484/1991). Both went into force in 1991 and have been amended several times. They provide councils that control public service media - Czech Radio and Czech TV. The Free Access to Information is guaranteed by the Law No. 106/1999 which nevertheless doesn't give any special rights to journalists concerning access. And responded experts are aware of them.

Quite a few respondents think that legal enforceability is the basis for the functioning of any media. It could be done much more to protect journalists, but the legal framework has no defect, think an owner of one of new independent projects. Two journalists pointed out that the legal framework is quite vague:

"We do have freedom of press, but we do not have for instance the regulation of interests on publishers." Another one adds: "Legal consequences may have a great influence - the potential threat resulting from publishing something is pretty strong. It came with the entry of oligarchs into media who are using it as weapons not only against his business competitors but against journalists that are critical towards them."

An ex-top-manager of different media organizations explained one more thing:

The legal aspect is becoming more and more significant. Czech media space is "americanised". In past, lawyers in media organizations previously acted more less as consultants only. Today, their role is much more important. Publishers show them articles before publishing, ask for legal advice and articles are subsequently adjusted according to their recommendations in order not to face legal consequences.

However, interestingly, two respondents independently mentioned that the legal framework is more comfortable and transparent in Slovak Republic or Romania than in the Czech Republic (one has experience with working in Slovakia, another one has friends in Romanian PSM).

"It plays a very basic role. One cannot publish something that has no importance and something that is missing the factuality of the writer's information and the reliability of his source. In the past, we often laughed about Romania but as far as I know, it is a more transparent environment there today."

11b) Is it a rather positive or negative role?

Five journalists answered that the role of legal framework is quite positive (they pointed out to much worse situation in Eastern Europe - Russia, Hungary, Poland, or argued that the environment is not regulated too much).

Three journalists answered that it is rather negative as it enables the functioning of non-market environment and keeps alive digital giants such as Google and Facebook who are dismantling media business and content model.

One person chose both:

"Positive - it protects publishers against attacks on economic basis. Negative - as for content it gives journalists the straitjacket - they are afraid to bring something that might bring potential legal consequences."

Rest of respondents (7/13) were not able to give their opinion on this matter.

11c) Have you ever decided not to publish something because of the unpredictable legal consequences?

Eleven out of thirteen respondents answered a clear NO. Majority of them argued that if they decided not to publish anything it was not because of the unpredictable legal consequences but only because the article or reportage was not adequately sourced. So they are mentioning that the main obstacle is the lack of the factuality of the writer's information and the reliability of his source.

"When we were on the edge, we asked our legal departments for an analysis, and then we published it anyway."

Two respondents working for local businessmen answered rather yes - but then they added that due to the owners' business interests they decided to adjust the articles.

One person who used to be Editor-in-Chief of several dailies and now is the owner of his own independent media project added one interesting example:

"No, not at all. It is my job to publish important information about the misusing of political power. Thus in past, when I decided to publish something against Andrej Babiš and the previous publisher advised me not to, I finally published it against his will and was forced to leave afterwards. I could have stayed in my position, but only if I had decided not to publish it."

12a) In the last two years, have you decided not to publish or distort any information to avoid existential or economic consequences?

No (9/13)

Yes (4/13)

12b) Have you heard about such situations from your colleagues?

Eleven journalists answered: yes. They mentioned that it is quite common practice in the Czech media not to write against/about their owners' and advertisers' issues. Most often they mentioned the media that belongs to the trust fund of PM Andrej Babiš and its bad journalistic practice - they are serving such as spin doctors of Andrej Babiš: they are totally avoiding or neglecting his scandals and are spinning the situation and publishing some total non-important topics on its cover pages instead of it.

"Journalists do not generally write negatively about matters related to their owners."

"It is an absolutely common practice for most political journalists in our country."

"Yes, it is quite often to adjust and bend information - you know who is your owner and who are your advertisers and either you are not writing about them or you are so "politically correct" in order not to upset them."

13) Are the mainstream media in general in the Czech Republic still the watchdog of democracy and politics?

Seven out of 13 respondents think that mainstream media is still the watchdog of democracy and politics in the Czech Republic but it is harder and harder. Three more answer that only partly.

Respondents mainly mentioned the important role of PSM. There are a couple of investigative programs, debates, breaking news (in comparison to private TV stations). But the situation can change quite quickly. Czech TV Council - body that controls the activities of Czech Television, named by MPs - has started to become the tool of politicians who are trying to enforce their political interests.

As for commercial media - being owned by Andrej Babiš and other oligarchs - the situation is quite opposite. Respondents say that media that belong to Andrej Babiš are totally out of game now. Those media does investigative work only if it concerns opposition to the Andrej Babiš's government and in principle serves as government garniture. In case of its owner Andrej Babiš - his main dailies stay often silent. As one respondent says: the best model is to buy (acquire) the journalists as it happened with journalists under the rule of oligarchs. Some of them got used to it and are writing in accordance with the instruction or guidelines of their owners (censorship, self-censorship).

"Its role is falling. A watchdog is someone who is able to change or influence something. The mainstream media is able to bring down ministers, but on the other hand is unable to do anything with a following issue: there are still people without a security clearance working for the Czech president. Czech intelligence services mistrust President Zeman's office so much that they have denied top security clearance to his chief of staff and to his top military aide."

Three journalists answered that mainstream media is not the watchdog of democracy (one is working for media in the trust fund of Andrej Babiš, one is the owner of the new independent project). One who used to work for a Czech businessmen answered simply: "I never thought they ever were."

14) Can you mention the most significant misusing of media power in last 2 years?

The most often examples of significant misusing of media power in last 2 years were connected with Andrej Babiš who is the owner of several media outlets through his trust fund and thus controls huge parts of crucial media in the Czech Republic, who is the current Czech prime minister, who is the leader of the anti-EU, anti-immigrant and populist ANO party, who is a tycoon suspected of stealing money from the European Union and of having worked as the collaborator with the communist-era secret police.

"Two main dailies owned by Czech PM Andrej Babiš are serving such as spin doctors of Andrej Babiš: they are totally avoiding or neglecting his own scandals and are spinning the situation and publishing some total non-important topics on its cover pages instead of it."

"Dailies belonging to Czech PM are covering problems and scandal of the largest political party ANO, of its members and at the same time of Czech PM as well (he is the leader of ANO)."

"Two main dailies are messengers of Czech PM Andrej Babiš and are able to bring down the politicians according to his will."

"Undoubtedly the abuse of media power by our Prime Minister. He is now the forth richest person in the Czech Republic with the vague resources of his start-up capital. He is the founder and the final beneficent (through his trust fund) of Agrofert group, a conglomerate of more than 250 companies spanning chemicals, agriculture, and media, who has monopoly over some sectors of economy and who is the biggest receiver of EU subventions in Czech Republic. Most importantly: he is controlling huge parts of crucial media in the Czech Republic. As a result and thanks to it, he is still a prime minister."

"If you take the media belonging to the trust fund of Andrej Babiš, it is not about what they write about but rather what they does not write about. Some information is not targeted and thus it distorts a picture of Czech society as a whole. His two dailies are labelling themselves as independent but whenever PM Babiš needs a help, they will help - by publishing or not publishing anything or by spinning the information. The „normalisation“ (term used to control the society after the soviet occupation of Czechoslovakia in 1968) of media scene in the Czech Republic applies to commercial televisions and other media outlets which are owned by other oligarchs and have connections with Babiš."

Another respondents mentioned the pressures of their owners and advertisers.

"The most accurate is the definition of what Marek Dospiva said when he acquired the publishing house that publishes 72 local daily newspapers: We need media as a nuclear briefcase to protect ourselves against irrational attacks of other media tycoons. We do not have to use the red button. But it's good to have it."

Last but not least is the problem of fake news and Russian propaganda in the Czech Republic. There are as many as 40 pro-Kremlin „alternative“ websites that operate in the country. They look like a news website: publishing many articles, nobody verifies them. The problem is that journalists from those websites are even being invited into Czech TV and Czech Radio discussions. The counterintelligence service confirms as well that Russia is conducting "an information war" in the Czech Republic and building a network of puppet groups (trolls farms). Moreover, the Czech president is a leader that shows considerable sympathies to Russian interests.

"Russian propaganda is being spread even through some mainstream media. Which are consider as really dangerous."



HUNGARY

RESPONDENTS' CHARACTERISTICS

- H1 Employee of a Budapest-based online news site which is not pro-government*
- H2 Senior employee at a regional online news site*
- H3 Employee of a Budapest-based weekly which is not pro-government*
- H4 Employee of a Budapest-based weekly which is not pro-government*
- H5 Journalist working for a pro-government media outlet*
- H6 Journalist-editor of a staff-owned online political magazine*
- H7 A journalist-producer at a commercial community radio station in Budapest, which has its own newsroom and produces political reports*
- H8 Journalist at a private television channel with many political shows and its own news show*
- H9 Employee at a national online newspaper*
- H10 Employee at a regional/county daily newspaper*

1.a. How do you assess the social role/ social roles of the journalists in (your country)?

The journalists we interviewed assessed – either expressly or implicitly – the actual job they perform against an idealised version of journalism. In this idealised understanding of journalism, the journalist presents and explains reality in an impartial manner, with due distance from the various stakeholders and with an open-minded approach. In the reality of the prevailing political framework, however, they are drawn more intensely into the ongoing political processes. Thus, for example, independent journalism must fill the void created by the elimination of the institutions that had served as the pillars of the rule-of-law.

H2 – The social role that real journalism is expected to play in Hungary today is far greater than what it can actually realistically deliver. On account of the political circumstances, journalists are expected to solve many problems that they were not originally meant to be responsible for.

H3 – Journalists play a very important role in Hungary since there are no checks and balances left to monitor the operations of the state. Hence, without journalists citizens would not find out about important public issues.

Journalists perceive that in combination with their own work conditions, the prevailing political environment and media system make it impossible for them to live up to the idealised vision of journalism that they harbour in their minds. The “increased social role” that journalism has had to assume already marks a shift in the direction of activist journalism, but some of our interview subjects formulated even more stringent criticisms of this situation. The most important among these referred to the problem of partiality in media coverage. This problem was also manifest in the respondents’ comments pointing out that opinion-centred journalism prevails over fact-centred journalism.

H7 – Journalism is incredibly partial. The language it deploys is shoddy, it lacks refinement, and that in itself renders it devoid of seriousness. There is a vast amount of partiality, hierarchies and moral standards are being disrespected, and it is very emotional.

H8 – Journalists, too, play a role in inciting audiences, in sealing them into bubbles and thereby creating and reinforcing parallel realities.

H9 – The majority of readers are no longer merely passive media users but active media producers through social media. This gives rise to a lot of noise in the media, it is full passions and emotions. In this situation, the responsibility of journalists to produce credible, properly reviewed and reliable information may even be greater than previously. Regrettably, what we have seen instead is an even stronger trend in journalism to mix news and opinions, and on the whole this has hurt the credibility and objectivity of the profession.

At the same time, we have also seen a pronounced desire on the part of journalists who are independent or critical of the government to distance themselves from their colleagues who work for pro-government media outlets. The journalists working for independent media typically do not even allow the staff of pro-government media outlets into the professional journalistic communities they are part of.

H4 – The way the role of journalists is perceived depends on the given bubble. They are not seen in the same way in the pro-government segment of the public as compared to the rest of society.

H6 – It depends on whom we classify as journalists. If we only consider those as journalists who use the tools and methods of journalism, then those professionals have an important social mission until such time as the country has ended up going all the way in deconstructing the democratic structure. It is a common misperception, how-

ever, to call propagandists journalists merely because they type letters which are then published on a platform that seems like a newspaper. That in itself does not make them actual journalists.

H7 – The attack-dog media have seen their role appreciate. This category is mainly made up of some newly-created government-friendly propaganda outlets (Pesti Srácok, Magyar Nemzet, 888 etc). These constantly incite their readers and talk about everyone in a degrading manner. And then there are the media outlets that take a traditional approach towards their job, but these struggle with their own problems: lack of money, lack of personnel, and the difficulty in accessing information. Nevertheless, one cannot compare their understanding of the role of journalism with that of the attack-dog media. (...) There are so many scribes for hire out there who make sure to adjust what they write to curry favour with those who are in a strong position politically.

H10 – Some of the journalists have gone into the business of disseminating messages, although some of those who disseminate messages were never actually journalists to begin with. The watchdog function over those who exercise political power is now very limited, there are increasingly few opposition newspapers and critical journalists left to discharge this function. Performing meaningful journalistic work is especially challenging in the rural areas, where it is hard to report in a politically independent manner about the actual problems that everyday folks face.

Those who work for pro-government media are also aware of the contradiction inherent in their position but they typically seek to generalise the problems they face and to project them onto the entire profession of journalism. This is an excellent method of self-exculpation.

H5 – Journalists do not really play a significant role in society, and this is also reflected in their social standing. At the same time, the few who are recognised for their professional work do sometimes play a substantial role in shaping certain social issues.

The answers provided by our respondents show that the scandals uncovered by the media do not give rise to appropriate consequences. The lack of consequences constitutes a significant impediment in the way of realising the envisioned role played by journalists.

H8 – Under the present circumstances, we are limited to playing the role of chronicler, we are people who research and record what is actually going on. But even our investigative work tends to be mostly limited for use in the history books, given that uncovering something does not result in any consequences, our work is a matter of documenting what is happening today for future generations.

1.b. How do you assess the reputation of journalists in your country?

The journalists we interviewed uniformly assessed that the social prestige of journalism is very low. The main reason for the lack of social respect for journalism is the extremely polarised nature of public discourse. A segment of journalists in the Hungarian media sphere do actually serve political interests. Politicians, for their part, do all in their power to ensure that independent journalists and media outlets are labelled as partisan, too, thereby drawing them as well into this polarising logic. The result is that ultimately journalists as well as their audiences are trapped in their own “bubbles”. The narratives proffered by the respective “other side” either fail to break through into the bubble or, when they do so, they are interpreted along the lines dictated by the given bubble. A portion of the responding journalists formulated sharp self-critiques admitting that they cannot escape this polarising logic – in fact, they even end up accommodating it in their work.

H1 – Our prestige has fallen to immeasurable lows. The reason is the degrading tone adopted by governmental actors towards journalism and their refusal to share information, which ends up serving as a model for all of society even as it renders acceptable the notion that the representatives of state institutions have no obligation to inform the public and that they cannot be held to account. That is why media products cannot excel, and that is how “partisan work” is created.

H2 – [The prestige of journalism] has declined continuously over the past 30 years since I have been in this profession. The reason is that a segment of the professionals serve economic and political interests, they have no interest in their profession.

H4 – Journalists fail to live up to the strong expectations in Hungarian society which wants them to contribute to solving problems. This makes them seem like people who distort what they produce to serve one political side or the other, and the impression is that their work does not count for much.

H6 – They are viewed very negatively. Wide swathes of society believe that there is no such thing as a journalist, there are only propagandists. One journalist serves one interest, the other serves another. That is not in fact the case, but the impact of the activities of some propagandists who pretend to be journalists is that those in power can use them to taint and discredit the entire profession. For the most part, this has been accomplished already.

H7 – It’s very bad. When I go someplace and say that I’m a journalist I feel no respect (...) There are many scribes for hire out there who write to serve prevailing political interests. And people are fully aware of this. And they know, too, how worthless the stuff that journalists try to sell them is.

H8 – It’s never been worse than today. And to some extent that’s really justified because journalists are seen as being the same as propagandists – even though propaganda is associated with political marketing rather than journalism, which is based on critical thinking.

H9 – My own personal experience in my everyday work is slightly better than what the research suggests. True enough, I often encounter the reverberations of political tribalism in society, but oftentimes I do not – and the latter is a surprising and positive experience.

The respondents’ answers also reflected on the issue of fake news. For one, audiences are increasingly less likely to distinguish between news sources; contents disseminated by journalists are just a few among the many items of information in the vast mass of information that audiences encounter. This devalues the activities of journalists, placing their contents on the same level with non-professional unverified contents. At the same time, another characteristic aspect of the prevailing Hungarian public discourse is that a politician who is subject to criticism in the media will label the critical media outlet as a disseminator of fake news. This obviously damages the social standing of journalism and exacerbates the divisions in society.

H9 – It is increasingly difficult to tell information stemming from credible and professional journalistic sources apart from deliberately misleading contents or opinions disseminated by ordinary laypersons who argue vehemently for their position. This public sphere, inundated with and diluted by all sorts of information, does not serve to improve the general view in society of journalists.

H10 – An ordinary news consumer does not necessarily have the ability to distinguish the authors and disseminators of fake news from those who do not disseminate fake news. Thus, gradually faith emerges as the only remaining measure of credibility. Those who are on our side write good things, while those on the other side are liars.

H3 – When a governmental figure accuses a journalist of fabricating fake news, they substantially damage the credibility of the journalists working for the given media outlet even though the quality of the work performed by the latter hasn’t actually changed. What happens in such an instance is that a political actor reduces the credibility of journalists in order to serve their own political ends. This is true for governing and opposition parties alike since it is far easier to discredit a journalist in this way than to refute the information they have published.

Journalists also mentioned the weakened ties between their profession and the audiences as one of the reasons behind the low esteem in which journalism is held. This seems to contradict the finding that social media and comment sections create an ongoing interaction between newsrooms and their audiences. Nevertheless, the underlying relationship has lost its personal character, it tends to be superficial and impersonal.

H10 – We no longer have a telephone hotline or a readers’ section where we shared comments and letters to the editors – this used to be the readers’ favourite – and customer services have been closed. There is just not much space for readers and journalists to get to know one another, and I suspect it may have been deliberately planned this way. We need to be replaceable, indistinct, impersonal – people should not want to turn to us with information that could be damaging to anyone’s interests, and they should neither respect nor like us.

2. Which are the top three positive and the top three negative characteristics of journalism in your country?

Among the positive characteristics, several respondents mentioned that quality journalism continues to exist and that the political threats have thus far not resulted in violence.

H3 – The most positive feature of the Hungarian situation is that thus far journalists have not been beaten, jailed or shot. Another positive aspect is that for the time being it remains possible to distribute a newspaper that is not government-friendly (although at the same time the newspaper of the respondent in question could not be printed in Hungary). Yet another positive feature is that readers fund such a newspaper.

H10 – The only positive feature is that they do not jail opposition journalists, although I think that’s pretty basic.

A few other recent developments were also included among the positive features mentioned by the respondents. This included the audience’s growing willingness to pay for contents and increased cooperation between newsrooms. Covid has also led to major changes in the public sphere, with the new public platforms allowing new media players to emerge.

H6 – The readers and viewers now understand that if they want quality content, they have to pay for it, otherwise such contents will simply not be available. And they will pay, too, as long as they can.

H8 – There is an increasing amount of cooperation between the most outstanding journalists and newsrooms. There is no longer a competition for sources and even if you have nothing (materially speaking) you can still become a partner more easily.

H9 – An influx of young journalists, a generational change. The impetus towards bringing in more young people has accelerated and the market absorbs more people.

H7 – There are a lot of female journalists.

The negative features observed by our respondents tend to revolve around the intense politicisation of the media system. These lead to divisions within the journalistic community and make it impossible for the media to fulfil its social function.

H1 – The most unique characteristic of the Hungarian press is that it is not actually a press. What we have in Hungary is a fake press: we have activist newspapers; there are business-oriented media outlets funded by billionaires; and there are those which are funded and maintained by the state. Neither of these comport with the traditional criteria that we apply to the press.

H2 – Journalists who try to engage in those dimensions of political journalism which involve the monitoring of those who hold power, uncovering scandals and making sure that the interests of minorities are publicly aired make up a minority of the profession these days. A large segment of the media today serves the interests of those in power and deploys gross manipulation techniques.

H6 – The public media system operated with hundreds of billions in taxpayer money are not really public media, they are simply partisan propaganda outlets. The media market has been distorted beyond recognition. Government propaganda, controlled from the centre, has taken over and has put an end to the independent existence of over half of the politically relevant Hungarian press.

H7 – Political division, as if we were living in two different countries. A significant portion of the political press has been instrumentalised, 80% are controlled from above and the journalists write what they have been told to write, partly because of censorship and partly because of self-censorship.

It follows from the above that there is a lack of broadly-based professional solidarity and common professional and ethical standards.

H4 – There is no common understanding of journalism. Various newsrooms have different takes on what journalism means, and the line dividing them does not only pit pro-government against non-government media, but the latter, too, are divided on this dimension. A typical feature of this division is that everyone thinks they are better than they really are and think worse of everyone else.

H5 – Journalists have no collegiality; there is no professional community between them.

The division is also manifest in the attitudes of the audiences.

H9 – It's painful to see the depreciation we see in the role of reading and informing oneself. Instead, the trend is going in the direction where people try to push their own opinions while they pay little mind to how well-founded these opinions are.

The respondents also mentioned professional deficiencies. They perceive that the divisions within society have emerged as impediments in the way of effectively accessing market resources.

H7 – [The profession is marked by] highly limited language skills, seclusion, and an effort to continuously whitewash those in power and to point out how well we are doing despite the circumstances.

H9 – Hungarian journalism and the Hungarian media are not properly prepared for tackling the challenges stemming from technological progress, the disadvantages and threats emanating from the vastly increased amount of information in public discourse. This includes, for example, the problem of how difficult it is for readers to distinguish between credible and valid information on the one hand and unverified or false information on the other.

H8 – I don't harbour any hopes that we will have a situation like in Slovakia, where journalism has moved in unison behind a paywall. I'm afraid that quality journalism will become the privilege of the wealthy and educated few, thus even further abandoning the communities torn apart by propaganda. The best of the critical journalists are leaving the profession.

3. What are the most serious work challenges that journalists are facing in your country?

An overwhelming majority of the respondents mentioned access to information as the paramount challenge. The refusal of the state, public institutions and public figures to respond to the queries of journalists jeopardises the quality of the work performed by the media.

H1 – The top challenge is to get official information. A long time ago, journalists could obtain information about public interest issues by drawing on official sources. For the time being, they are forced to rely on semi-official information, on sources that are difficult to verify, which claim to be competent even as their competence is difficult to establish.

H8 – Parliament has become a no-go zone. Public figures do not think they have any obligation to make themselves available for questions.

A problem that was often mentioned in the responses was the intense politicisation of the media through both media owners and journalistic practices. In this environment, investigative work does not result in actual consequences and there is no real solidarity between journalists. Since the law is a political instrument, the threat of legal proceedings against journalism has emerged as a constant problem for journalists.

H2 – Because of the high concentration of pro-government media owners in the market, it is increasingly difficult for journalists to remain active in the profession without being required to render some type of "political service".

H4 – Journalists have come to believe that they need to refute what the government says. That is why the biggest challenge for the Hungarian press is to be relevant rather than merely reactive.

H8 – The facts and information published, the investigative reports do not yield any consequences whatsoever.

H10 – As rural journalists working for a county newspaper there are certain issues that we are not allowed to touch because they could be embarrassing for the governing party or its local representatives. We can't even report them after half the country has already written about them (and we are being ridiculed for not covering them). There

are articles which I believe are written based on orders from above – but at the county daily newspaper I work for they brought their own people in to write these.

H7 – There is very little cooperation and solidarity between journalists. The largest domestic newsroom was destroyed without so much as a real demonstration against its demolition.

H3 – The fear of lawsuits is a major challenge facing journalists and has emerged as a key impediment in the performance of their work.

Many respondents discussed the financial difficulties of media enterprises and the excessive work burden of journalists, how hard it is for them to make ends meet and the problem of burnout.

H6 – Whatever meagre resources they have need to be collected by way of crowdfunding or subscriptions, and as a result journalists are rarely able to perform extensive research for their articles. Those who work as journalists today need to slave for 16 hours a day to make sure that their newspapers survive and that they can, too.

H7 – You never really know who your work for, the ownership is opaque, there is always something fishy going on. You constantly work with this feeling that whatever it is that you're doing is being controlled from above. And that's immensely frustrating for a journalist.

One of the respondents referred to the challenges posed by the operations of global platforms.

H9 – There is an immense responsibility that is incumbent on the big tech players in the media industry as well as the politicians who are vested with the authority to regulate this market; they need to identify and tread the thin line between free expression on the one hand and security on the other – and in discussing this issue, media enterprises and journalists, too, need to go soberly into the negotiations. For one, a major challenge is to ensure that tech companies do not abuse the data they have about citizens, while at the same time we must also pre-empt the major threat of states exploiting this situation and abusing their authority – they should not try to expand and entrench their powers with reference to the issue of security.

4.b. What are the most important changes in your working conditions in the last five years?

Almost every respondent mentioned continuously deteriorating work conditions

H1 (over the past five years, our subject has had insight into the work conditions of four different newsrooms, including both pro-government newsrooms and newsrooms that operate independently of the government) – The work conditions are awful because Hungarian newsrooms tend to be poor. Their work accessories are in need of replacement, there are no staffers available to cover key areas, journalists are often forced to work as entrepreneurs and they labour for low pay, which results in financial insecurity and immense workloads.

H3 – The lack of money has resulted in a drastic decline in the volume of local reports; international reports have all but vanished.

H4 – Journalists have to cover too many thematic areas, and as a result they have less time and opportunity to explore issues that they are themselves interested in.

H6 – Since several of my former workplaces have been taken over by politics, some colleagues and I have founded our own online newspaper. While I was previously only responsible for articles I wrote myself, and sometimes I had as much as five days to write major pieces, I continue to produce these just as I did before, with the difference that nowadays I also spend the early morning hours on editing the writings of my colleagues. So there is a major change which results from the prevailing political situation. Ultimately, however, I don't mind that this is how things have shaped up.

At the same time, journalists noted as a positive development that the media has adapted to the new economic environment.

H8 – The widespread use of modern financing techniques, and more demand with an ability to pay.

A decidedly positive opinion was also voiced by a journalist (H9) who had previously worked for public media, as well as local, municipal media outlets and a national news site. Their experience reflects the experience of the staff of pro-government media in Hungary: I had it pretty well everywhere I worked; I was employed with an indefinite contract, the compensation scheme was not bad, I was professionally appreciated and allowed to work freely; I wasn't forced to unconscionably compromise my work.

A recurring element in the responses was the growing market concentration, the diminishing array of job options in the market and – in close connection with the aforementioned – growing political pressure. Several respondents noted that these factors have led to a decline in their motivation.

H1 – The most important change in the past five years was the creation of the portfolio of the Central European Press and Media Foundation (abbreviated as KESMA in Hungarian). As a result of the latter, we have seen an extraordinary decline in the news base while the work conditions of journalists have deteriorated significantly.

H3 – a newspaper can vanish suddenly

H10 – a journalist might be easily labelled a traitor merely for asking questions concerning certain issues involving public figures – questions that are definitely relevant for the public, for example inquiries into the sources of the wealth of the public figures in question. In many cases we can only obtain the relevant data by suing. And the most important consideration in understanding a given issue is how the respective political sides relate to it, who is for it and who is against it. That is not the way it ought to be; and this problem is not limited to the pro-government press.

H4 – what we are seeing in Hungary now is that people no longer demand change. After a while, this will render journalism obsolete, journalists will become cynical and they will be fed up with writing the umpteenth article describing how Lőrinc Mészáros, the billionaire pal of prime minister Viktor Orbán, has further boosted his wealth.

However, a journalist working for a commercial television channel (H8) sees a positive trend in the fact that “scoops are not without consequences”.

With regard to pressure, a journalist (H9) working for a pro-government media outlet noted that although they had run into pressure everywhere, that is part and parcel of what this profession is about: those who comment want to be featured in the media in a way they prefer. The question for the journalists is always whether they can say no. I've never been in any situation in which I thought I had to do something that was irreconcilable with my professional credo.

Some interview subjects also mentioned the changes in the legal environment among the circumstances that have deteriorated.

H1 – In November 2020, the government invoked the pandemic when adopting a decree which they extended the deadline for responding to freedom of information requests. Now, public institutions can take up to 90 days to respond to such inquiries. There have also been legal amendments concerning the privacy rights of public figures, and a constitutional amendment adopted in November 2020 has narrowed the definition of public funds.

H3 – those who comment are afraid that they will be subject to retaliation because of their comments.

5. How do you assess the current state of press freedom in your country?

An overwhelming majority of respondents has a crushingly low opinion of the state of press freedom. Even the respondent working for a pro-government newsroom said that “accessing information has become more difficult”, although on the whole they did not see any major changes as compared to the pre-2010 situation.

H9 – I don't think the state of press freedom has deteriorated significantly over the last decade or even when compared to 25 years ago. I saw instances of self-censorship and pressure already back then. At the same time, it is true that accessing information has become more difficult – but I think that owes to the fact that there is no pressure to form coalitions, there are no clashing interests within the government, there is no need to balance political interests.

The other respondents attributed the deterioration in the level of press freedom primarily to the pervasive politicisation of the media market.

H2 – The main limitations on press freedom do not stem from legislation but from the circumstances, the general framework wherein the press operate. This includes, for example, the high concentration of pro-government ownership in the media as well as the fact that the government allocates public advertising spending in a highly biased manner and uses such spending to fund pro-government media. A further limiting factor is that the work conditions of journalists are deteriorating substantially and it takes an enormous sense of professional commitment to continue under the prevailing circumstances; there is massive adverse selection going on in the market.

H3 – The room for operating a free press has narrowed because players with close ties to the governing party are either buying up independent publishers or are gaining influence over seemingly independent publishers. Certain publishers (for example Népszava, ATV, 168 óra) have entered into bargains of their own in return for state advertising. In the meanwhile, independent media outlets are being shut down one after the other.

H6 – Government-controlled media outlets whose work is coordinated from the centre are gaining ground: newsrooms that had previously operated as actual press products have been taken over en masse by political players. Today, these newsrooms are very much like giant billboards – they are instruments of direct political communication.

H7 – The end of Index as an independent newsroom marks the destruction of a major bastion. What's left is the rearguard – some 5-6% of the journalism left in Hungary is free. The few media that remain have a small audience. Index was the only media outlet through which large audiences could be reached. RTL does not function as a newspaper, it has no online presence and its principal objectives are different, its goal isn't the proper information of the public.

The respondents attribute the deterioration in the state of press freedom to the worsening work conditions of journalists, among other things.

H1 – Press freedom has not ceased in the sense that it's not impossible to publish media products or articles, but it is limited in the sense that the range of information that's available has narrowed substantially.

H8 – The attitudes/knowledge/deference of editors and opinion leaders were freer in the last decade of communism than what we see in the pro-government media outlets today. I thought we'd never again experience a situation like the one we are in now. There are newsrooms where orders are called in, articles are sent in, and they just copy-paste them. What makes this situation better than Putin's Russia is that those who want to write freely are not actually harmed in Hungary.

H5 – the situation of objective coverage has deteriorated

On the whole, there is a sense of menace the nature of which is difficult to pin down, but it nevertheless shapes the work of journalists.

H10 – There's no black car coming for us, but there are other ways of pressuring people. What they are playing at is a system in which you are free to write, there is just nowhere to publish it. They are trying to buy up the critical newspapers, to raze or realign them, and the same is true for TV channels, radio stations, everything that's media-related. I also see an unfounded sense of apprehension on the part of journalists. It's justified, of course, in the sense that they can be fired, but at the same time it's not like they will be imprisoned for writing something. The situation is not like in a hard-line dictatorship, although the same mechanisms are already present.

One of the respondents, however, saw the situation of independent media far more optimistically than the others. The reason is that since the pro-government media have to serve the interests of the government, there is less governmental pressure on the media that are not aligned with the government.

H4 – The newsrooms or publishers that manage to hold on to their independence in terms of financing can work relatively freely. In the pro-government media, the freedoms of expression and thought have narrowed to a stunning extent. Actually, it's not HVG – which is not aligned with the government – that is being censored but the pro-government Magyar Nemzet along with all the other pro-government media outlets.

6.a. In a dynamic perspective, how has changed the state of press freedom changed in the last five years? And which were the main changes of in the state of press freedom since you have been working as a journalist (if you've been working for longer than 5 years)?

With the exception of the respondent who works for a pro-government outlet, every other journalist has observed trends that are unequivocally negative. In addition to political pressure, this included changes in the technological and economic framework and the business instability of the digital media.

H1 - Press freedom has fallen to incredibly low levels in Hungary. This is most poignantly reflected in the fact that despite the work of the press, the representatives of the government and of the governing party can effectively do whatever they want without any repercussions.

H2 - The period of regime transition was a time of brief respite. But somewhere in the mid-90s the improvements in the level of press freedom stalled and we've been witnessing a hopeless trend of deterioration ever since. This trend did not change between 2002-2010 - the terms in government of the leftwing coalitions - either, and it continued after 2010, under the Fidesz governments. However, the decline was not as precipitous before 2010 as it has been since.

H7 - I began working as a journalist in Hungary in 2005, in a very diverse, high quality and exceedingly friendly/professional environment, which was methodically destroyed by those in power. Things began to get really rough starting in 2006, when Orbán no longer engaged in opposition politics but shifted to a politics of obstruction and Fidesz began building cadre media, which operated as attack-dog media (as well) rather than performing fact-based journalism. But the massive decline only began in 2010, since then they no longer tolerate anyone who's different. In the meanwhile, they support even media with an overt Nazi style (Vadhajtasok.hu).

H10 - Working for a county newspaper there are many topics that one cannot touch today, even though we had been allowed to cover these previously. Even before politicians had tried to have certain articles, issues or topics quashed, but such efforts were rarely successful. Today, it is perfectly normal for such effective suppression to occur, and sadly many readers also see this as a natural phenomenon. People increasingly think of the free press as an institution that spouts whatever it is that they want to hear about the world. This phenomenon is not limited to Fidesz supporters, we also see it among opposition voters in instances when a journalist is critical of their "side" - in the same way as they are with the government, actually. Opposition supporters can't abide that, either, even though that ought to be the normal, natural default setting for journalism.

H6 - When I started out in 2004 we still had a classical press market with print newspapers which funded themselves through a mix of advertising and subscriptions. By the end of the decade the rise of online newspapers which operate exclusively based on advertising had resulted in a decline of print newspapers. Then online news took a major hit as a result of the economic crisis and the surge of Google and Facebook, which collect a major portion of online advertising revenues. This was topped off by political pressure - it was easy to take over or shut down a press that was already massively weakened.

The respondents saw positive changes in the ability to adjust to the current situation and the launching of new media

H4 - There is the seed of the possibility of a new free press emerging in these new newsrooms, in the media that are independent of the government. The way the pro-government media operate, however, marks the comeback of an earlier, myopic political understanding of the press and its operations.

H6 - These days, one can only operate if one has readers who are willing to pay. To our surprise, such readers exist, however.

H8 - Journalists, too, have adapted to the struggle, they have acquired a wide variety of skills: digging up facts, suing for data, refusing to be intimidated, and managing their depression, the lack of consequences, etc.

7. What are the top 3-4 components of press freedom for you?

Among the factors that determine the level of press freedom, actual market competition and operating free from political intervention are key.

H3 - Journalists should not be subject to either political or business pressure and politics should not influence where commercial advertisers decide to advertise; journalists should have real access to information.

H4 - Free market competition is at least important as the freedom of information.

H6 - The financial independence of the majority of newsrooms depends either on the state or on businesses that are in a monopolistic position or are dominant market players. (Paradoxically, in our case this has now been perfectly realised, whereas previously it had not been the case. As a result, the level of press freedom that's available to the independent press is now higher than ever before).

H10 - There are no taboo issues that we may not touch, they do not make it impossible for us to pursue investigative reports or to scrutinise the activities of decision-makers; what gets published in the media or how it is covered is actually determined based on professional considerations and it is not up to advertisers or politicians to decide this; there are no efforts to silence media that are critical of the government, to pressure them, to "make them see reason".

A vital component of the free operation of the press is the clarity and stability of the legal background framing the work of journalists, the availability of legal safeguards which guarantee access to information and prevent arbitrary actions against journalists.

H8 - A democratic environment and a proper legal framework.

H6 - Independent courts, clear and transparent laws and regulations that apply equally to all journalists

H7 - Protection: if I write something that is based on facts, then the state should protect me through the laws because writing something that is based on facts is my job. Access, the freedom to operate (I can access a variety of places and view important events)

H9 - Access to information with public relevance

In addition to the external factors, several respondents also mentioned compliance with ethical standards - a stable moral and professional basis on which journalists rely on in their work - as a factor that shapes press freedom.

H4 - Compliance with professional and ethical standards.

H7 - There is some fundamental moral and social commitment (standing up for the weak and downtrodden)

H8 - Journalistic ethos.

H8 - The presence of conscious news consumers who support the work of journalists by following it, by being outraged and thinking critically, and in some cases with money.

H9 - The publication of a diversity of opinions. It's no problem if we disagree, but I think it's vital for all types of opinion to be featured.

8. Did you personally experience political and/or economic pressure in your work during the last two years? What does “pressure” mean for you? Describe 1-2 such examples from your own experience!

Pressure through advertisers

H2 – I haven’t experienced direct business pressure in my work in the past years. Indirect pressure, however, was heavily present. Our news site features no ads whatsoever because if a business dares advertising on our site, it will be stigmatised and audited by the authorities. During the time when I worked as the editor of a county newspaper, the pressure was incredibly intense. Advertisers emphasised their political and business interests and made clear that if the newspaper were to feature contents that did not align with these interests, they would pull their ads.

H3 – It’s a significant source of business pressure if your newspaper does not receive any state advertising from the government even as commercial advertisers don’t dare to buy any ads, either.

Work conditions

H1 – The economic pressure that my colleagues are subject to is manifest in the fact that they have to work without fixed work contracts, they often have no choice but to work for their newsrooms as single-person corporations.

H7 – My media outlet pays a very low salary, thereby keeping its workers in a dependent position. This is fed by a general trend, as journalists at other media outlets are in a similarly vulnerable position, and so are the media enterprises themselves. And there are some really mundane issues that nevertheless feel humiliating. Thus, for example, I pay the phone bill myself, and when we invite a guest to come on our show we can’t pay their taxi fare. The honorariums – too low to begin with – have not been raised in a long time. So what’s left is to struggle.

H7 – A typical dilemma for journalists these days is that they have to choose between working without censorship for very little pay or to take some job that is directly or indirectly dependent on taxpayer funding, even though they’re fully aware of how unethical this work would be. So this has emerged as a very real career-defining dilemma: to either do something unconscionable for lots of money or to become a destitute and frustrated scribe. Or – and this option is gaining ground – you leave the profession altogether.

Harassment, character assassination, direct pressure, social utility

H2 – Fidesz and its affiliated institutions do all in their power to interfere with our work. They set trolls loose on journalists. When they are trying to pressure a journalist on a given issue that the journalist is working on, they have people they know call the journalist in question. A new trend is that some opposition parties have begun using similar methods, too, as they try to gain influence over the media.

H3 – One example of political pressure are the efforts of pro-government private media and public media to discredit media that are not aligned with the government.

H8 – I’ve yet to meet a journalist who hasn’t experienced political/business pressure. And when I speak of pressure that doesn’t primarily mean that some brawny henchmen show up at our doorstep; a source of pressure can also a subtle hint by the politician which highlights that he is in a position of power. And they do communicate their objectives, sometimes subtly and vaguely, sometimes openly, saying “publish this and that about me” or something else about their opponent.

H9 – I’ve also ran into situations when someone failed to make headway by pressuring me directly so they turned to my boss. The idea is obviously that it’s more difficult to say no to one’s boss.

H10 – They’ve never tried to convince me to write propagandistic articles that were controlled from above, they’ve their own people for that. Instead, in the year after the newspaper was taken over by Mediaworks, we predominantly experienced situation in which we were jerked around and bullied. The editor-in-chief who was in charge that year was highly fanatical in their ideological outlook. They bullied me for months because they simply couldn’t live with the fact that I’m a liberal and that I make no secret of this. They constantly accused me of undermining the interests of the newspaper or of Fidesz in some way. I wasn’t the only one they focused on, but I was definitely one of the “favourites”. For the most part, they don’t quibble with the topics I write about, but it’s nevertheless extremely irksome to know that there are many issues we simply can’t write about. Even though I’m not the one who has to write the embarrassing stuff, it is still depressing to know that a county newspaper which should serve the entire populace has aligned itself with a political party.

H7 – How do you find meaning in your work in an environment when half the country doesn’t believe that your motivations are pure, that you are really driven by professional motivations? Instead, at the very best, they think you’re an activist. There is the lacking access to information about the various goings-on involving those in power, which makes you feel really redundant – what we’re doing is meaningless.

Lawsuits

H3 – One method of pressuring newspapers is to initiate many lawsuits against them. There is clearly political pressure behind this effort, it seeks to wear us down. A clear example of this are the lawsuits filed by the prime minister’s son-in-law, István Tiborcz. A journalist was detained and interrogated by the police for an article which stated that there are military vehicles on a manor owned by the prime minister’s pal, the billionaire Lőrinc Mészáros.

9. Do you think that the economic situation of your media outlet (media company) depends on the political environment? How does the political environment influence the economic situation of your media company? In your assessment, how can politics and the political leaders influence the economic situation of media companies in your country?

H1 – The publishers – including the publisher that employs the interview subject – are most effectively influenced by the withdrawal of state advertising money. Another instrument of political pressure is when the owner of a publishing company is regularly attacked and discredited by the pro-government media.

H2 – To ensure its independence, the publisher strives to create a subscription-based model that will allow us to operate without being at the mercy of political or business players.

H3 – Our newspaper is not directly dependent on politics because it is funded by the readers. It is dependent, however, in the sense that it does not have the same level of access to either state or commercial advertising as one would expect based on its circulation. The most effective way for politics to influence the financial situation of media enterprises is to reroute state and commercial advertising. Advertising makes up less than 5% of our revenues even though in terms of the copies sold, ours is the second most widely-read weekly. Another phenomenon that is attributable to the political

environment is that the share of subscribers is extremely low because of the political apprehensions of our readers.

H4 – Politics can also dominate the printers and the agencies that distribute the newspapers. Another tool in the arsenal of politics is the media tax.

H6 – We deliberately plan assuming very little in terms of advertising revenue and we fund our newspaper based on the financial support of our readers. But it would only take the stroke of a pen to abolish the possibility of donating money to newspapers and then it's game over. Until that happens, however, our dependence is merely theoretical – in practice we've been completely free in our work over the past two years, we only had to make our readers happy, we could blissfully ignore political expectations.

H7 – When a media company is too critical towards the government it will find that it's very hard to find commercial advertisers, and they will obviously have no access whatsoever to state advertising. And all this in a market where the state itself is the biggest advertiser. The state can also influence our operations through its regulatory powers, for instance the radios through its power to award frequencies. My outlet has been operating based on the donations of listeners for seven years now, we're practically begging them.

H8 – The government is in a position where it can blackmail media. Just consider state advertising – that in itself is enough to determine whether a media corporation can operate profitably or not. But the authorities can also pressure media owners by leaning on their activities outside the media business, if that's the way they want to go.

H9 – In all my years in this profession, I've never worked for a media provider that was able to operate without receiving some type of political support on the side. The Hungarian market is so small that there is no publisher that can operate purely based on the market, based on commercial advertising revenues alone. They all need someone to support them, a sponsor, and often enough they need state advertising, which will determine whether the given media company is profitable or not. Or they depend on the goodwill of the regulator to be exempt from certain tax rules or to make sure that those are not specifically targeted at them, to ensure that the legal environment does not change in a way that is detrimental for them specifically. There may always be some compromises in the background, some not readily apparent forms of support that help keep a media outlet afloat. This may be the result of deals that the journalist is at best vaguely aware of but has no real insight into.

10. In your assessment, is it possible to create and maintain a sustainable business model for pursuing journalism that covers current public affairs?

H1 – At least for a while it is possible to sustainably operate an apolitical publication with a small readership in the Hungarian market. Nevertheless, even such a media product will be subject to the risk that once it grows beyond a certain size, figures with ties to the governing party will make the owners an offer they can't refuse. If they nevertheless do refuse, then the publisher needs to brace itself for adverse consequences. It's impossible to sustainably operate a media product that covers public affairs against such a backdrop.

H2 – I'm hoping that the success we've had by asking our readers to sponsor us will serve as an example for other publishers to emulate. At the same time, it is also true that readers are often wary of supporting independent media because they're afraid of the repercussions. That's why in some cases you'll find that the family's subscriptions are in grandma's name.

H3 – The survival of our newspaper is evidence that you can operate a newspaper with a sustainable business model. This model has proven its resilience even during the pandemic because we have managed to increase our sales during this time.

H4 – Looking at the machinery which is deployed to increase the governing party's influence over the media, it always turns out that they are operating methodically. Thus, the shutting down and occupation, respectively, of Népszabadság and Index, was a process that was planned years in advance and was implemented gradually over time. There is also a countervailing dynamic going on now, certain efforts drawing on the readers as investors, such as for example the recently launched telex.hu. That and similar efforts by other sites appear sustainable.

H8 – There are some heroic attempts that can stay afloat as long as the legal environment doesn't take another massive turn for the worse.

H9 – The sustainable way I see is one in which well-capitalised private persons or corporations come up with the business model.

11.a. In your opinion, does the legal framework of journalism play a decisive role in your work and in the functioning of your media company? Is it a rather positive or negative role? Have you ever decided not to publish something because of the unpredictable legal consequences?

H1 – Journalists have recently become a lot more cautious in touching certain issues because of the stricter regulations against scaremongering. Another legal change that inhibits our work is the constitutional amendment that has narrowed the concept of public funds, along with the government decree that has extended the authorities' deadline for responding to freedom of information requests.

H1 – Public figures and prominent business representatives are "smelling blood in the water", they are increasingly prone to attack publishers or the authors of given articles in court. This has emerged as a massive impediment in the way of the work done by journalists.

H2 – I've not been in a situation when I had to decide that in light of the unpredictable legal repercussions I will not to publish a given piece of information. What did happen, though, was that I couldn't finish my work on some issues even after months of research because I just couldn't get access to the necessary information.

H3 – The legal framework regulating our work is becoming increasingly restrictive, and this continuously impedes our efforts at gathering information. As of 1 January 2021, we are no longer allowed to use drones for recording, even though they were important tools for the media. The government decree extending the authorities' deadline for responding to freedom of information requests is another change that makes it harder for journalists to do their job. We've often had to decide to refrain from publishing certain pieces of information because of the unpredictable legal ramifications, since it often seems uncertain whether we would win a potential lawsuit filed in response to the article. We only publish information when our lawyers say that the odds of us losing in court are below 20%. The reason is that our publisher would not be able to fund a defeat in court. Furthermore, they want to avoid a situation in which the pro-government media can attack them and allege that we've been lying.

H7 – It's absolutely decisive, just look at the awarding of frequencies. A better media law could do wonders. The first thing that they rewrote using their two-thirds supermajority was the media law. The system in place is untouchable: the Media Council is entirely made up of Fidesz delegates and their terms extend beyond the terms of parliament.

H8 – We did make such a decision concerning a public issue because we were afraid of a lawsuit. It's very difficult to decide whether a given issue is a pure instance of whistleblowing where public interests are at stake or whether it is an instance of sensitive data being leaked.

H9 – It's interesting that since I started working as a journalist the legal framework regulating the profession has changed several times. Nevertheless, what I've done professionally has remained the same throughout, so in practice these legal changes do not impact in my work.

12.a. In the last two years, have you decided not to publish or to distort any information to avoid existential or economic consequences? Have you heard about such situations from your colleagues?

H1 – I used to work for a pro-government publisher. We regularly encountered situations in which the titles of articles were rewritten to exude a more positive message. Thus, for example, we were not allowed to write in the title that the forint had depreciated. They also made clear that tracking the official notices about public procurement decisions was not important. When we published articles which contained information that was available in the official company registry, a precondition for publishing was that the figure involved had to comment on the given piece of information. Figures with ties to the government never ended up responding to our inquiries, however, which meant that ultimately we couldn't write those articles. Although they never actually stopped any of my articles from being published, that was only possible because I grasped what I was permitted to write about and what I wasn't allowed to touch.

H2 – In some instances they didn't publish because there wasn't enough evidence or because the sources were afraid.

H3 – I've some colleagues who will not write certain things because they don't want to receive hundreds of threatening messages on their Facebook page yet again. Or they don't want the kids at their child's school to bully their child, saying that their dad is a "dirty liberal or Soros scum." There was also a situation when a journalist declined to write an investigative piece on Lőrinc Mészáros's wealth accumulation because they live near the billionaire and did not want bags of faeces chucked into their backyard.

H4 – The fear of losing one's job often looms over our head as we perform our work.

H7 – The Fidesz cronies like to sue a lot. They almost always end up losing, but part of the pressure you're subject to is that you have to keep defending and justifying yourself. You expend time, energy and money on this, and in the end it can wear you down massively.

H8 – I hear such stories from colleagues almost every day.



ROMANIA

RESPONDENTS' CHARACTERISTICS

- R1 Reporter for a *national newsroom*
- R2 *Journalist with more than 10 years' experience in coordinating a local newsroom*
- R3 *Journalist at a national radio station*
- R4 *Former manager of a national newsroom; former producer for another newsroom*
- R5 *Reporter in the local press*
- R6 *Chief editor for a national publication*
- R7 *Former investigative journalist within a traditional newsrooms, currently member of an independent media outlet*
- R8 *Journalist at one of the biggest online publications*
- R9 *Former journalists for several newsrooms, currently member of an independent journalists platform*
- R10 *Former chief editor for several publications*
- R11 *Chief editor of an online daily newspaper, independent, owned by an important West European media company*
- R12 *Journalist at the public radio, the national news department*
- R13 *Producer and host at the public television*
- R14 *Producer of minorities programs at a regional branch of the public television*
- R15 Chief editor of an *online publication* focused on the mass-media market

Note: The journalists accounts presented below are paraphrases, and quotes.

1.a. How do you assess the social role/ social roles of the journalists in (your country)?

The journalists involved in the study made a distinction between their role, as they see it, in the current social, political and economic context, and their role, as their public sees it.

The journalists mentioned the expectation of the general public that the media should solve problems in our society – from very concrete issues affecting their community and ending with direct involvement in the political conflicts, or in eradicating corruption.

The interviewed journalists believe that citizens of Romania suffer from an acute lack of trust in public authorities and, therefore, these journalists believe that their audience turns to them in order to solve problems that otherwise should be dealt with in courts or otherwise.

Furthermore, bearing in mind the recent past (starting with the massive street protests in 2017), there is an expectation from the general public that journalists should embark into the political fight. Activist journalism is expected to replace objective reporting. Some of the journalists mentioned that the contents of their social media accounts were criticised for what they consider to be honest reporting, and they were asked to give up on the values of objectivity so that they would not, for example, facilitate the success of a political party that is perceived in Romania as being “corrupt”.

Another factor mentioned as constantly reshaping the social roles of journalists is the thin line between being a journalist or an influencer. Social media gave a public arena to people who are not journalists, but commentators or analysts. Despite the importance of such roles in a democratic public forum, it has been mentioned by the respondent journalists that some of these commentators are neither experts, nor people with legitimacy to embark in this process, but they are nevertheless highly appreciated by the general public. This has impact on mass-media as it pushes for a journalistic approach focused more on opinion and less on facts. Some of the respondents mentioned that one of the causes for this phenomenon is the de-professionalization of journalism.

A final factor mentioned as relevant in shaping the journalists’ role in society was the so-called “mogul effect”. There is a general agreement that there are media outlets that are obviously taking one political side, but there is no open public admittance of such political partisanship. It has been mentioned, by the respondents, that this leads to confusion and makes it more difficult for the public to understand a media outlet’s agenda.

R7 - The social role of the media, in general, is to inform citizens. What has happened lately is that we are being bombarded by different citizens, including from rural areas, who have the impression that we are the rescue to all their problems. They have lost hope in the judiciary and are coming to us as if we were their last hope.

R9 - There should be a delimitation between journalism and activism, which is not happening now in Romania. What is happening in Romania is that journalists are making plans to „save the country”. [He was reproached that if he didn’t do a particular thing in his work, as a journalist, the Social Democratic Party would come and we would all be sorry]. There is a political context that pushes journalists towards political activism, which is unethical regarding readers. It seems that the press moguls have decided that their newsrooms should be politically involved, but without a public acknowledgment of this political bias. In newsrooms openly dedicated to being politically engaged, it is simpler for the reader to know how to decode the message. But from the press presumably non-involved in the political game, it is more complicated, because it claims to be independent.

R10 - The press positioned itself not only as an intermediary of information, but also as a moral court. So, it is natural that people expect the press to do what the authorities do not do. But the press must not replace justice, it must be humble. It’s just that the press sometimes abuses this position. There is a tone of justice in the media that creates an expectation for the press to solve things. Which sometimes it does - see the example of nosocomial [infections in hospitals]. It should normally make life easier for the authorities by drawing attention to relevant aspects of society. The level of pressure that journalists put on the authorities is high, compared to what is happening around our country.

R12 - Accurate reflection of reality. Now, in Romania, there are almost no roles for the journalists. I am referring primarily to televised journalism. Tv stations are still the main source of information for Romanians, but televisions are partisan. Whether they belong to party leaders (...), or belong to people who have been in political entourage, they seem to be politically regimented. Here the important role should be played by the public television, but the national station has a politicized administrative board.

1.b. How do you assess the reputation of journalists in your country?

All the journalists interviewed stated that Romania is now in a time when the reputation of journalists is poor and that there is a general mistrust from the public towards this profession. This is rather contradictory to the social roles that the respondents attributed to journalists in the first section of the interview, when they mentioned the expectation of citizens, that journalists should solve problems in their communities.

Most of the people interviewed consider that this reluctance and mistrust of the general public is justified, bearing in mind the de-professionalization, as a consequence of superficiality in reporting by some of their colleagues, or the ambiguous mix between influencer and journalist. Another factor that affects the image of journalists is the general perception of the media outlets where journalists work. According to some of the answers, there is a tendency for the general public to associate all journalists from a newsroom with the “mogul” that owns it or with the leading political commentators of that newsroom. It has been mentioned that no matter how one journalist chooses to do her/his job, she/he would be associated with the general direction of the media outlet where she/he works.

Some of the respondents mentioned that it is hard to live up to the general public expectations because of the political passion of the public. Social media platforms have enhanced the interactivity between the public and journalists and this led to situations that increase the pressure on journalists to take a political side. Whenever this does not happen, there is an aggressive reaction of the public towards those journalists. Therefore, some of the journalists involved in the study mentioned that their reputation is sometimes altered by the political agenda of the media consumers.

The National Council of Audiovisual, the institution that should supervise the audiovisual in Romania, has failed, in the opinion of some respondents. Therefore, one of the solutions could be to have a form of self-regulation within the profession.

R1 - It is very difficult for a reporter or journalist to have a reputation/identity separate from that of the person who makes the largest audience for the news station at which he/she works for. And when there are controversial statements/ a bad reputation for it, the whole newsroom suffers, regardless of its size.

R4 - The journalists' image is extremely affected - the media consumer can no longer discern between the journalist and the influencer. Social networks have led to role confusions - we no longer know who is the person who gives his opinion and who is the journalist who documents and publishes facts. Sometimes information is strictly validated by virtue of the number of shares on social media.

R7 - Some have the feeling that the whole press is politically enrolled. People seem to need new politicians, new leaders, and they look at these new political figures as saviors. Or, if a journalist comes and criticizes this new political movement, he/she is accused of being a politically engaged journalist. Every time they write against the PNL and USR [the National Liberal Party and the Save Romania Party], people come to tell them that they are paid by PSD [the Social Democratic Party], and vice versa.

R15 - In Romania, journalists are no longer seen as a respected guild. The general perception is that they have abandoned their mission to serve their audience and that they serve anyone other than the public: they serve their employers, they serve the economic interests, the secret services or politicians.

R13 - There has been so much talk about a code of ethics for the profession, for a strong union - as a doctor/lawyer responds in front of the guild when it harms the profession; just as architects respond to a code of ethics - so should journalists. There are journalists who have put themselves in the service of the untruth, they bring a disservice to the guild. The biggest danger is that the profession itself is irrelevant - neither principles nor experience matter, the profession is abolished, anyone can do it.

2. Which are the top three positive and the top three negative characteristics of journalism in your country?

The respondents could not agree on a common set of positive characteristics of journalism, but rather they have identified some exceptions to the negative ones.

Almost each of the respondents mentioned that most of the journalists lack the strictness in the process of documenting their articles. This leads to situations in which journalists are a source of fake news. Also, the journalists involved in the study mentioned that the internal editorial pressures (economic and political) end up with journalists mainly implementing the agenda of the press moguls they are working for, while paying little attention to the public interest.

Another major problem identified by several persons involved in the study is the lack of solidarity among journalists and little to no availability for collaboration across newsrooms.

Several respondents have mentioned that they have come across journalists that do not mention the source of the primary news. Besides that, because of insufficient funds allocated to field work, they have noticed that there is a common practice of resuming one's job to picking information online, with little reporting alongside the "Facebook status" news.

A frequently mentioned problem (although not as an answer to this question) is the fluid roles of some in the profession. The ambiguity of roles for some journalists (political adviser, member of a party, PR specialist) and the economic and political agenda they embody are factors that severely affect the journalistic activity.

Most of the problems mentioned seem to be generated by the low pay and de-professionalization.

The positive characteristics were presented in most of the cases as exceptions. Among the qualities mentioned are the perseverance of some of the journalists to perform their duty despite pressures in the newsroom they work in. One of the respondents mentioned that the work that some journalists did during the pandemic was of extreme importance for Romania, bearing in mind their stubbornness and their thorough investigative methods, during a period in which most of the respondents mentioned that public interest information was highly inaccessible.

R8 - The superficiality in verifying the information, sometimes the information being taken over without a minimum of verification. Lack of objectivity. It can get here if the journalist creates too many friendships in the field he writes about. Ideally, the journalist should maintain as much professional relations as possible with the people in the field.

R15 - Curious and full of imagination. We overflow with imagination. And critical thinking. I am not saying that it is not sometimes exercised in self-interest, but it is a rather obvious phenomenon. Negative: recklessness and irresponsibility. Many are unaware of the effects of the terrible things they wrap as journalism. Others, who are aware of the effects, are irresponsible. Then there is cynicism/amorality and docility - the ease with which it molds its spine to what is required.

R4 - Fear of collaboration in the guild. Stupid pride, especially in the independent press area - extremely rarely, press articles are republished in order to increase the impact of those subjects. There is no reflex to quote information. There are very few models and very little training. A very big problem is that, in fact, there is no longer a good school of journalism, post-university studies - there is no room for apprenticeships.

R6 - There is no solidarity among the journalists - if there is an important person (minister, president, etc.) in a room, who will offend a journalist, you will not be able to unite ten people to refuse to ask questions [to that minister, president, etc.] after such an episode. Such solidarity at the level of the whole guild is out of discussion.

R7 - Although most journalists are very poorly paid, there are some who do their work with dedication; there are some who document their materials very, very well, and there are journalists who still ask uncomfortable questions. Negatives: there are some who have chosen to serve certain political interests; there are some who do not document the materials as they should. They prefer to forward fake news, including fake news from politicians' statements. There are situations where certain journalists choose to document the topics in front of computers, without testing the reality in the field (there are many journalists who do not even call the person being written about).

R11 - Positive: combativeness, the resilience of the local press, a press that I thought was dead, but during the pandemic it proved that it has viable and valuable information from the community. An extremely competitive market materialized through the number of publications, TV stations and websites - this means a great variety of opinion.

Negative: the irrationality of combativeness. The clickbait has become almost an acceptable norm in ¾ of our newsrooms. It is considered normal. The lies in the titles out of the desire to capture an audience has become a norm. The unprecedented dependence of almost all newsrooms on public money that is distributed both partisan and without any rationale.

3. Do you consider that journalists in your country are facing challenges that are impeding their work? What are the biggest obstacles that journalists face in their profession?

All the respondents mentioned as an obstacle the access to public interest information. The legal provisions, despite being perfectible, should be enough to ensure access to information, but in fact the respondent journalists feel they are used by public authorities mainly to obstruct access to information. FOIA Act (Law no. 544/2001) and GDPR (data protection) provisions are mainly used to impede journalistic work. The alternative solution is the appeal to justice, but it is a rather long and costly process. Not all journalists have the resources to do it. Furthermore, bearing in mind the lengthy time before in court decision is made, the relevance of the subject is often overdue.

A challenge mentioned by the vast majority of journalists included in the study are the pressures that lead to censorship and self-censorship. Political pressures were referred to in the context of media moguls still controlling some of the newsrooms in Romania. Several respondents mentioned that there are taboo subjects for some of the media outlets. Among the most frequently mentioned pressures are the economic ones. The media in Romania is still (heavily) financed by public institutions. Taking different forms (promoting the activity of local institutions in the form of commercial ads, direct public funding from the Government during the pandemic, contracts between local authorities and local press etc.), the money coming from public authorities are considered by the respondents to seriously affect the independence of the newsrooms. Highly criticised was the decision of the Romanian Government to directly finance a national campaign aiming at informing citizens during the first year of the pandemic. Most of the respondents involved in the study mentioned this measure as a direct intervention in the editorial agenda of most of the media outlets, as they have noticed that journalists working in these newsrooms softened their criticism towards the Government after receiving the funds.

Economic pressures also come in the form of low pay and job insecurity. Most of the respondents mentioned that there still exists the practice to avoid hiring journalists with permanent labour contracts (mainly by using instead copyright contracts), which leaves the journalists at the whims of the employer. Furthermore, because of the very low pay, there are journalists who are forced to write a certain number of articles/day, which prevents them from working on in-depth stories.

A third type of pressure was identified as coming via the public. There were respondents who mentioned that the pressures coming from the audience that journalists have on their own social media accounts, could affect their work, as they might be tempted to self-censorship in order to not lose their public. Furthermore, social media has also contributed to the phenomenon of fake news, as journalists are being pressured to publish their materials fast and have little time for checking the accuracy of newsworthy information.

A distinctive set of problems mentioned was in regard to the local press. According to some of the journalists, there is an acute lack of funds allocated for the minimal logistics needed in a newsroom.

R4 - Many public authorities do not respond to requests on the basis of Law no. 544/2001 [on access to public interest information] (...) The GDPR law [data protection] - is invoked very often in order not to respond to journalists' requests.

R6 - There is an extreme barrier to public information in Romania. Everything starts from public institutions. And this problem has worsened in recent years. Example: during the pandemic, when transparency was needed, we did not have complete data). Journalists ended up going to court for receiving information such as how public money is spent. And these kinds of lawsuits take up to two years.

R4 - The pressure coming from social media - they no longer have the time to check the information because there is a competition between newsrooms and people on social media to publish first the information. There no longer exist the funds necessary for investigative tv formats/investigative content. It is very expensive to have a team for an investigative production and only very few media companies can afford such content.

R1 - Pressures from the editorial management. There is a path of enhancing these pressures - politicians, television channels owners, editorial directors. There are often requests to quit a specific topic. Moreover, beyond political interests, there are also economic interests - editors who do not take into account the quality of materials, but are focused on their quantity. There is also pressure from audiences, because newsrooms are dependent on advertising contracts (there are no direct subscriptions paid by mainstream media consumers). This rush of not missing out on what is considered a hot subject led to making derisory the idea of checking information from three sources. Therefore, it is really easy to publish fake news.

R2 - In what concerns local press: there is a lack of technological means (up to date) to collect information - no software is paid, there is not even a minimum of voice recorders, there is no online team available to the journalists, and sometimes there are not even cars available for field work (the journalist needs to use his own resources). There is a lot of economic insecurity and there are many situations where, on journalists' labour contracts, the tax fees that ensure that they get health insurance are not paid. There are a lot of political pressures on the local press. There are situations in which newspapers were left without access to distribution kiosks, or companies that used to pay for advertising in certain newspapers withdraw their contracts because of fear of the politicians about whom we write in the newspapers.

R4 - The volatility of the media market is huge because there is no security in the labour market in this area. I worked in a media company for eight years and I didn't have a work contract. At my next work place, in the next newsroom, there were several consecutive short-term employment contracts. It's a way to put pressure on journalists, a kind of blackmail. Because, at a certain moment, they could not conclude these contracts in the case of some journalists (they can do it for a maximum of three years), they hire them in other companies [belonging to the same media owners]. People need this job (monthly expenses, loans, children, etc.), so they will not say anything and will accept this form of employment.

4.a. The working conditions for journalists from Western Europe compared to the working conditions in Romania are better or worse?

All journalists included in the study stated that there are consistent differences between Western countries and Romania regarding the working conditions. Among the most important differences, they mentioned the legal framework, which, in Western Europe countries, grants better protection for journalists. Another frequently mentioned difference is the public perception regarding journalistic outcomes. There is no reflex from the general public in Romania to pay for content, therefore almost all media rely on traditional forms of budgeting (exception – independent media outlets that have a recurrent donation system that works). Also, the investment in technology infrastructure and training is considered better for Western newsrooms.

Another important difference is in the funds available for the investigation teams within newsrooms. Respondents mentioned that in Romania there are very few traditional media outlets willing to invest resources in investigative journalism. Furthermore, the very low pay forces journalists to produce content focusing more on volume and not on content. Another effect of the poor budgeting of newsrooms is the insufficient resources for field work, which severely affects the reporting process.

The general attitude of public institutions towards journalists was another difference mentioned, as it is perceived that Western authorities show more respect to journalism and, therefore, allow more access of the press to public information.

The small number of journalists within a newsroom and the lack of specialization for journalists are other important differences that affect the work of journalists in Romania. The respondents mentioned that this is also a consequence of poor budgeting of media institutions that ends up in a lower quality of press outcomes.

A considerable number of journalists mentioned as an important difference the lack of protection for journalists. One of the journalists talked about receiving death threats, made by influential politicians, while she worked at a local newspaper. The weak legislative context and the lack of NGOs or structures to defend them expose journalists to threats that, in their opinion, are no longer existent in Western Europe.

R1 - There are two essential differences: readers' respect for the work done by journalists and the authorities' respect for public information. The practice of paying subscriptions for various contents is quite common in Western Europe, and people are aware that in this way they finance the quality of journalists' work, versus Romania where readers complain that they have to watch commercials before reaching the content. The public authorities in Western Europe respect the journalistic act and respond promptly to press requests.

R6 - Some of the challenges related to pressures in the newsrooms may be similar across Europe. I think there is, however, a tradition of the democratic press in the West that has a huge lead over ours. We cannot recover this difference in 30 years. And the social status associated with being a journalist is much stronger in Europe than in Romania - security, laws that prevent abuse, institutions that prevent abuse. But there are also incidents with journalists that were shot, that we don't have here.

R8 - A problem in Romania is the insufficient funding in this field. From this point of view, western journalists are much more advantaged, have better working conditions, more advanced technical equipment and, of course, are more financially motivated.

R15 - From a technical point of view, we are coming close, but we do not come equal. Romania is deficient in terms of databases - computerized systems lack in public institutions. For the technical part of the job: journalists are well equipped, they have cameras, etc. But this is hardly enough to produce good materials. We suffer in terms of human resources: we have no newsroom to compete with newsrooms in Western countries. You have newsrooms of up to 80 people in Romania - therefore we cannot compete with big newsrooms in Western Europe. As for the legislation and salaries - and when I say the salary area I do not mean the size of the salary, but the way it is ensured: types of contracts, contract security and your protection as an employee.

R10 - A serious problem is that journalists can no longer travel. I'm not even talking about the local press. If we have an event like the one in Piatra Neamț [fire at a COVID hospital], the editorial office will discuss how there are no accommodation and transport funds, etc. If a man from the editorial office decides that it is a subject worth travelling for, the financial department will block this editorial initiative.

R12 - In the west there is a better legal basis for the protection of journalists. They have a better material base and they have sort of a comfort there. Our press is going through a crisis, people are afraid of losing their salary, which affects their freedom.

4.b. What are the most important changes in your working conditions in the last five years?

The most recurrent observation is that in the last years Romania has experienced a significant growth in the number of independent newsrooms. This has echoed in the traditional newsrooms, as some of the respondents mentioned that a significant number of journalists migrated towards the independent press. On the other hand, journalists sometimes migrate to political parties or PR jobs.

The development of online media in recent years is also seen as significantly affecting journalism. On one hand, there is a stronger pressure to swiftly publish news, which affects accuracy. On the other hand, advertising budgets were diverted from news outlets to social platforms. The pandemic brought more financial strain on the newsrooms.

Another significant change, in the opinion of the journalists involved in the study, is the deterioration of the access of journalists to public information. They mentioned that the way public authorities interpret to comply with the FOIA requests has been deteriorating in the last years.

A particular case is that of public radio and television, where some of the respondents note the recent change in funding (from licence fee taxes paid by citizens to direct state budget allocation) as putting more pressure on editorial freedoms, even if its forms are subtle.

Some of the respondents referred to the pandemic context and considered that part of the practices imposed during this time (remote work) could be useful for their work.

R1 - The economic crisis has made many good journalists, from traditional newsrooms, move to independent journalism, so that many of the existing newsrooms at the time of 2009 have emptied over the years. The pandemic has profoundly affected the way journalism is done - entire newsrooms have moved most of their work home.

R7 - In the last five years, more and more independent media organizations have started, which is visible in the media landscape. Therefore, the space for journalists has increased.

R2 - Reducing the number of journalists in the local press - they either migrated to political parties or got a job with a better salary.

R2 - A lot of money has been lost from advertising in recent years because the private sector has migrated with advertising on social platforms and advertising contracts have increasingly weakened financially even more the newsrooms [advertising on social networks can be much cheaper and more targeted].

R14 - Conditions have worsened severely. The budgets have been drastically reduced. There is no money for travel, limited budgets in general.

R13 - Public radio and TV are no longer public but state owned, bearing in mind the subordination of these institutions in 2017 [financing directly from the state budget]. This situation is well illustrated by Doinea Grădeanu [head of the public television]: „I have to beg for your salaries from the government and you criticize the government”.

R12 - There has always been an appearance of radio independence [on the public radio], because we measure in minutes the presence of parties in broadcasts and try to keep a balance. But it is one thing for a politician to appear during the day, and quite another to be broadcast in the middle of the night. One is to make 5 news out of a single statement of a political actor, and that of the opponent to appear buried somewhere towards the end of the radio news bulletin.

R3 - During the pandemic, there have been radio newsrooms who managed to make radio from home, which can be a very important discovery for the radio of the future.

5. How do you assess the current state of press freedom in your country?

All the respondents agreed that, officially and according to the legal framework, in Romania the right to freedom of the press is granted. But the way journalists can make use of it is rather restrictive, therefore there is, in fact, a rather small space for exercising this freedom. Again, the poor funding of the media was invoked as a reason for restricting media freedom – journalists depend on budgets in order to report on a subject they consider important. More importantly, some of the journalists mentioned that the economic and political interests of media outlets affect the editorial agenda. There still exists in newsrooms the practice of censoring some subjects and, even more, there is a spread phenomenon of self-censorship among the journalists working in these newsrooms, as they are afraid of losing their jobs.

The poor access to public information was mentioned as an important factor that affects freedom of the press. A final factor limiting media freedom is popularity and the need for an audience: some of the journalists mentioned that the clickbait practice, the economic interests of media outlets and the need for reinforcing the political beliefs of the public sometimes have an important impact on the agenda of a media outlet.

R1 - The freedom of the press ends where the interests of the press owners begin. Whoever says something else, lies. There still are newsrooms where team coordinators prevent certain topics from airing. The only places where this does not happen is in the independent press.

R3 - There is an intense phenomenon of political partisanship in the media and a poor knowledge/compliance with the deontological norms in the guild. These things affect the freedom of the press.

R4 - Overall, there seems to be freedom of the press. We are doing relatively well, people can talk. However, in newsrooms there exists the practice that certain topics are stopped from broadcasting. There are many impediments in documenting some topics. In the traditional newsrooms there is also the phenomenon of self-censorship - a self-preservation instinct is activated that makes you stop pushing topics that you know are not working. (...) You don't leave that newsroom, because you're financially dependent (...)

R11 - We are an EU country, censorship in our country does not apply in Russian or Chinese terms, rights are guaranteed, there are no systemic pressures and aggressions. There are cases, but it is not typical. Censorship in our country is rather in lack of resources, and in the self-censorship of the newsroom or in partisanship.

6.a. In a dynamic perspective, how has the state of press freedom changed in the last five years?

All the journalists who were interviewed considered that media freedom has worsened in the last years, mainly because of the economic pressures. Bearing in mind the decline of the advertising market, the respondents mentioned the practice of public money being diverted to media outlets as a serious threat to freedom of the press.

The respondents gave examples that, in their view, are relevant for the tendency of a shrinking space for media freedom. One such episode dates back in 2017, when a newsroom was pressured by authorities to indicate the name of the sources of an investigative news article on the president of the ruling party back then. Another serious episode took place in 2019, when a journalist received death threats from a policeman. A worrying trend is public institutions suing journalists in court for libel.

Most of the journalists mentioned the pandemic year as being one of the worst periods in recent years. Measures such as the extension of the deadline for answering to access to information requests, the committee which, unilaterally and with no legal review, could ban websites on the ground of fake news dissemination, or the attempts to modify the Law on access to public interest information, with no prior public consultation, were mentioned as episodes that would indicate towards a negative tendency of freedom of the press.

To add to all these, some of the journalists involved in the study mentioned online communication, as a worsening factor for how media freedom parameters have changed in the past five years. It was mentioned that there are politicians and people in office that use their social media pages to put pressure on journalists. Another effect of social media is one often repeated by the respondents: the public pressure and the critiques that are expressed online, which push journalists to self-censorship.

R1 - Because the money from advertising is less, the freedom of the press also suffered. The financial pressure is much higher and at such times it is much easier for editorial pressures.

R15 - When the advertising market stagnates, and when the authorities - ministries, town halls - become an important advertising client, the press becomes vulnerable. You are a watchdog! How can you watch them when they provide you large sums of money. Likewise, when politicians choose their journalists, or when the president of Romania only allows journalists to ask one question at a time, after which his answer is irrelevant because he knows that the journalist cannot ask a second question; when there are hundreds of sites for which there is only the clickbait; when you have public media institutions who have nothing to do with their public role, they only hold the name of public radio and tv.

R7 - Regulations during the state of emergency - the possibility for an institution [a governmental committee] to label fake news and the possibility of closing the sites publishing fake news. Public institutions tend to bully journalists by going to court - there are many cases of journalistic coverage that ends up being in court after a lawsuit is filed by representatives of public institutions.

6.b. And which were the main changes of the state of press freedom since you started working as a journalist (if working for longer than 5 years)?

Journalists with more than 20 years' experience mentioned that now the coordinates of press freedom are far better than it was when they began their career in the press. They have mentioned that they have witnessed censorship practices far worse than today (referring mostly to years 2000).

R3 - The most important change is related to the phenomenon of fake news. And the development of social networks and the power they have in manipulating citizens has effects on freedom of expression. Journalists are often under pressure from these phenomena.

R13 - The 90s were the romantic years - it seemed to us that journalism has a higher stake; the 2000s - were the years of the resettlement of the press, the resettlement of properties, the employers - the waters were cleared. The last decade - less vibrant - those who leave [the journalism] schools want more to be seen on TV, are more pragmatic, ask what is the salary - pragmatism replaces the romance.

R12 - Immediately after 1990 it was a golden period, many independent publications appeared; radios appeared very quickly, then, more slowly, TV - television held power. You look for the degree of freedom of the press in the independent press. And there we have to make a difference. Then, the independent press was monopolized by the press moguls, who had, for the most part, criminal problems. Now it is a struggle for survival. But social media helps a lot because they complete the press a bit. Now it is not important to be the first to publish the information, because that it appears everywhere, but to contextualize it.

R11 - We are less free; I'm in the press from the '90s. It seems to me that we lost on two components. We now fear the public and its reaction on social media. This leads to self-censorship and ideological partisanship. Both produce a press illiberalism.

7. What are the top 3-4 components of press freedom for you?

Most of the respondents mentioned as crucial components of media freedom the right to have access to public interest information and the transparency in the activity of public institutions (including here public institutions availability to answer to FOIA requests in good faith and according to deadlines imposed by Law). Another frequently mentioned element was the financial stability of media outlets and the need for political and economic independence.

Transparency of media ownership and sources of funding, and integrity of journalists are also considered as indicators of press freedom. Self-regulation of the journalists and the industry are needed. An apolitical National Audiovisual Council as well as public media institutions truly serving the public interest, are seen as missing components for true media freedom in Romania.

R15: Media transparency in all areas: shareholders, sources of money for media companies. Transparency of journalists: conflicts of interest. Strong industry actors should organize themselves as a forum for self-regulation/a Code to refer to. An apolitical CNA that would really ensure the smooth running of the game on TV. Public media institutions to work for the public interest. Legislation to ensure that journalists have unrestricted access to public information and the unrestricted pursuit of their profession.

8. Have you, personally, experienced political and / or economic pressure in the work you do in the last two years? What does "pressure" mean for you? Describe here 1-2 such examples [of political or economic pressures] from your experiences.

Pressure was mentioned in the form of threats (starting with lawsuits and ending with physical threats), economic constraints (being forced to protect the interests of private companies) and political partisanship and taboos.

R1 - There were situations in which the editors did not allow for a topic to be documented, because it involved a certain politician.

R6 - I felt, but rather indirect, not directly on me. I heard voices in the newsroom, during the live broadcasting: „don't criticize person X" or „don't give news about the diaspora vote" or „politician x is not our friend".

R5 - There is a lot of pressure at the local level. Physical threats, threats with lawsuits.

R7 - Pressure from public institutions threatening with huge fines in order to obtain the disclosure of the sources. There is also public pressure from politicians who insinuate that newsrooms are paid [financed by entities with political interests].

R15 - Politically no, but economically yes. We also write about advertising clients - if the ads are correct, if they comply with the law, etc. There was no direct pressure, but I can't deny that if I write something about a client, I don't keep in mind that the client may not leave our company (almost 100% dependent on advertising). I wrote about a disguised campaign that two clinics were doing and I assumed that they might not want to be our customers anymore. Then, there is an example of a big private broadcaster: we criticized them when they used the channel to put pressure on a telecom company - I wrote about it, after which the broadcaster cut off all communications with us - no press release, nothing; it's a form of pressure.

The lack of protection offered by a long-term labour contract is considered by most of the respondent journalists as a tool of editorial pressure and control of media managers over their employees. Not having a long-term contract makes journalists vulnerable and, therefore, can lead to self-censorship.

An important form of pressure was mentioned for the local press – companies withdrawing their advertising contracts as a consequence of politicians calling these companies to complain about being criticized by these media outlets.

R1 - All newsrooms in Romania feel the management's pressure in media institutions. All journalists were forced, at some point, to give up a subject due to pressure from superiors (yes, some did not give up, but had to leave the respective newsrooms). [The respondent repeatedly insinuated that he/she also feels editorial pressure in the current newsroom, but avoided giving a concrete example (he/she gave the interview while being at work)].

R2 - There were economic and political pressures: the withdrawal of some companies that bought advertising space (following some phone calls given by the politicians about whom the publication wrote), exclusion from the kiosks where the newspapers were sold, an online bullying campaign (based on untruths), direct death threats addressed to the respondent. In one case, the respondent was promised that if she withdraws a complaint for these threats, she will receive exclusive topics from the police.

R4 - There were often moments when he was told in the newsroom: „the article will not be published". No one explains why a certain article is not published. (...) There is content [about companies] provided by media owners: "We pay salaries from their money. We will publish their content".

R4 - There is a huge political pressure in the local press. Sometimes she was personally threatened, other times there were even attempts of physical assault. When complaining to the police, they advised to wear a defence spray (without providing other support). There was sometimes the fear of getting physically hurt.

R14 - Fixed-term contracts with journalists are a very effective tool of economic pressure. A colleague lost his contract with the TV station after proposing a series-pamphlet about the prime minister.

9.a. Do you think that the economic situation of the media institution where you work is dependent on the political environment?

Some of the respondents consider that political parties influence the economic situation of the media. It is especially obvious in the case of the public radio and television, where the licence fee (the tax paid by citizens) was removed, and replaced with direct state funding.

R7 - No, but it is a constant concern for independent publications because they have to fundraise, which is expensive for an editorial office.

R13 - 100% yes.

R12 - 100% no, especially since the licence fee for the public radio was removed; being paid from the budget, dependence on the government is obvious. Any budget rectification is a threat.

9.b. How does the political environment influence the economic situation of your media company? In your assessment, how can politics and the political leaders influence the economic situation of media companies in your country?

Across all interviews, the journalists mentioned that the economic situation of media outlets, as it looks now in Romania, is a big problem for the press.

The respondents mentioned again the pressures made by politicians on local advertisers to withdraw advertising from the publications that criticize them.

Important tools for political parties' influence over the economic situation of newsrooms are local authorities. The respondent journalists mentioned that the local press is strongly financed through advertising contracts with local authorities and institutions. They mentioned that this type of financial dependency strongly affects the independence of a newsroom. Furthermore, the central (national) media also has advertising contracts with local authorities. All these contracts have the potential, in the respondents' view, of affecting the objectivity of a newsroom towards the public authority.

Most of the journalists interviewed reminded once again that the funds allocated by the government during the pandemic, with the official justification that the media outlets need financial support, was a severe interference in the freedom of the press. They considered that this measure strongly affected the media willingness to criticize the government's approach to pandemic.

R2 - Decisive. Politicians have persuaded companies to withdraw advertising from publications critical of them (by threatening to control their companies: „Do you have money to pay for enemy newspapers?“).

R5 - If a media outlet is a party's propagandist, you can deal with money in the newsroom much easier. There is the practice of having contracts with the County Councils for the provision of services. Contracts have higher values [than market values]; payments are made on time. The money that the Government decided to give during the pandemic [for an information campaign] had no other purpose than to lure journalists (...). Journalists had to inform the citizens anyway, what's the point of this money?

R10 - There are very few newsrooms that live strictly with funds from the market. One form of political support for media institutions is debt relief. Money from the state can be stolen directly from the state (media institutions belonging to politicians with proven problems in the justice system), institutions that take money from the mayors, whose political agenda they support. And that's because there aren't many newsrooms that can support themselves independently. These funding schemes have been encouraged even by the [current] Government, under the pretext of the pandemic - millions of euros in the press are poison. From the monitoring I went through, it paid off. If the Social Democratic Party [the former ruling party] were in power now, after Piatra Neamț [a fire at a COVID hospital, which resulted in deaths], now it would be war. Money was put in the press for this type of reaction.

A possible alternative could be the public media institutions - but national television stations are struggling to stay under the radar. It is the only television in the world that strives to remain unseen.

10. In your assessment, is it possible to create and maintain a sustainable business model for journalism in the current context?

A possible financial solution that would help fund a healthy journalistic product was identified in the recurrent donations from the press consumers. But most of the respondents mentioned that this would be possible only for small newsrooms. It is a model used by the independent press in Romania, but, as a journalist from one of these independent media institutions mentioned, it is an expensive and time-consuming practice, falling on the shoulders of journalists themselves.

Another possible way would be direct subscriptions for the content. But respondents mentioned that in Romania there is no reflex to pay for journalistic content and, therefore, it would be rather impossible to finance an entire newsroom as such.

Almost all journalists included in the study mentioned that the first thing to be done in order to develop a healthy and sustainable financial mechanism for a media institution would be a complete cut from the public funds.

R2 - Direct subscription of readers. Theoretically, 2000 people, for a small subscription, should be enough to maintain a decent newsroom. But in Romania there is no reflex to pay for content. Creating community-relevant events as a pretext for fundraising for the publication.

R1 - Journalists are seen as a socio-professional category that works for free. There are expectations of documenting, of journalistic investigations, but people are no longer willing to pay for this content, so they are perceived as volunteers of the society.

R4 - People have completely forgotten that they used to buy the newspaper. Now no one is willing to pay for editorial content. There is currently no sustainable funding model in Romania. And because there is no such reflex of the reader to pay for the content, there is always the risk that a good publication will be taken over by an owner who will destroy it. The ideal mix is selling and advertising. You can't live exclusively from readers either. Until the economic crisis, there were very high salaries in the press. After the crisis, we again reached a bad financing area. This may be a sign that all wages before the crisis were money dubiously obtained by media owners. Because salaries are very low and working conditions are so bad, some journalists choose to go to public institutions or communication/PR. That is one of the reasons why the press has become unprofessional.

R5 - For local publications this possible model is very complicated. There is no local economy, there is a lot of poverty and, therefore, there is no possibility of advertising contracts to support a local publication. Ideally, there should have been grants for the local press to support the newsrooms, but these are fantasies.

R10 - There should be a register of funding from public institutions or politicians - you may find that we actually have over half of publicly funded media outlets. And yes, there is a form of subtle pressure - the moment you stop the money to the media institution, they start criticizing that public institution. (...) The money that goes to different media institutions via town halls and county councils - distorts the media market. Public money is used to influence the media market.

11a. In your opinion, does the media legal framework play a determining role in your work, and in the function of your media company? Is it a rather positive or negative role?

The general understanding concerning the legal framework is that the legal provisions are not extremely bad, but the way public authorities interpret to enforce them is in disregard to the public interest. A special focus of the respondents was again on the access to public interest information legislation (Law no. 544/2001) and the GDPR provisions that are often used against journalists and as a shield to maintain opacity. There is the option of going to court, but it takes money and time, and few journalists can afford this.

The enforcement of the audiovisual law by the National Audiovisual Council was mentioned by some of the respondents as being ineffective.

Also, some of the respondents mentioned that the law of public radio and television broadcasters should be reformed.

It was reminded that the whistleblower law should be enforced.

On its turn, the media should also be made more transparent, by law, according to some respondents. This includes transparency of media ownership and sources of funding.

Strategic litigation and self-regulation could be instrumental in improving the legal framework in which media currently operates in the opinion of some of the respondents.

R2: Law no. 544 [on access to public interest information] and Law no. 52 [public transparency] are used to harass journalists rather than to support them in their journalistic documentation [there have been situations in which responses to requests for information have reached the competing press]. The law providing for the protection of personal data is another legislative instrument used to circumvent the provision of information of public interest. The whistleblower law would also help, but this is also frequently violated.

R5: [instead of waiting for official responses to public interest information requests] I work with sources much faster (they take pictures of documents and send them to me).

R7: If you want to go to trial because they didn't answer your request for public information, the process is so long that you may not find the data useful.

R5: The GDPR law has not yet been well clarified internationally either. Unfortunately, in our country it was abused and affected journalists' work. The GDPR is invoked to hide information of public interest. The legislation is favourable, in general, enforcement is problematic.

R10: NCA [National Council for AudioVisual] is not functional.

R13: The law of public radio and television broadcasters - was surprisingly modern for the 90's. Now there are a few points that need to be changed: the separation of the President position from the General Manager position, a public contest in order to occupy these positions, return to the system of taxation for the public [the licence fee tax paid by citizens, for the public tv and radio].

R12: We don't have a press' law, I think it would be needed. Lack of transparency - we do not have the transparency of funds spent on public media. Also, the transparency of the owners would increase the public's trust.

R10: If I gave money for something, I would give for strategic litigation.

R13: The best regulation is the de-regulation of the journalistic profession. Any regulation produced by an almost illiterate political environment can do us much harm. Self-regulation would be the best solution.

11.b. Have you ever decided not to publish something because of the unpredictable legal consequences?

Civil lawsuits are used as a deterrent against journalists, as the respondents have explained. Sometimes journalists have to face such lawsuits on their own, with no support from their employer. There are legal costs and also time investment is needed. But many of the respondents said that the prospect of a potential lawsuit did not stop them from publishing.

R6: No. In Romania, there is often the threat of going to court, but it rarely happens and much less often for the journalist to lose. This threat with a process has intensified in recent years, especially because of the GDPR - notifications are being sent to publications threatening that they were not allowed to write about person X. It happens quite often in the tabloid press.

R12: Not. I preferred to do my job at the risk of being censored, which is what happened.

R11: I know that journalists are censored, they are afraid of lawsuits, they are not assisted by their newsrooms - it's about money, lost time - a lot of it. Investigative journalists are the most exposed - we have lawsuits three times a month. Journalists must physically go to court, the journalist knows the case best.

12.a. In the last two years, have you decided not to publish information to avoid economic consequences?

Most of the journalists mentioned that there is the practice of refusal of censoring topics from publication, by the editorial management. Some of the journalists who were interviewed said that they decided to give the subject of their journalistic research to colleagues in other newsrooms, so that it had the chance to reach the public. Others just gave up on subjects.

Another conduct, leading to self-censorship, is what some of the respondents called to be *taboo subjects*. Despite not being explicitly told not to deal with a certain subject, politician, political party, or company, there is, in some newsrooms, the common knowledge that a certain topic cannot be touched upon by journalists.

R1: Yes, it still happens that politicians call the newsrooms/editors/owners to withdraw content that was published. One of the major problems is that the Romanian press owner is not interested in the public interest, but his agenda is a political or economic one.

R4: The respondent was often told in newsrooms that he could not publish a material, but without explanations. There are certain taboo subjects in some newsrooms, which journalists know cannot be touched.

12.b. Have you heard about such situations from your colleagues?

Approximately half of the respondents mentioned that they know about colleagues that were asked to give up on their articles. They did not give a precise example, but they mentioned that they know the practice persists in some of the newsrooms.

R6: I think that the newsrooms in Romania were full of topics unpublished for years. I think that now in Romania it is harder to keep a subject pending for publishing than it was 10-15 years ago, because now you have many places where you can give the subject. The biggest pressure is in the management/editorial area, the reporter doesn't even get to attack a subject that the management doesn't want to touch.



SLOVAKIA

RESPONDENTS' CHARACTERISTICS

Tomáš Bella, *Denník N* daily, Chief of online section

Pavol Bielik, TA3, Anchor of daily public affairs programme *Téma dňa* (*Topic of the day*)

Lukáš Diko, *Investigative Center of Ján Kuciak*, Chairperson

Filip Domovec, *Plus jeden deň* daily, Journalist

Katarína Gécziiová, *Korzar* biggest regional daily, Deputy Editor-in-Chief

Miroslava Kernová, *omediach.sk* media portal, Owner

Eugen Korda, *.týždeň* weekly, Journalist

Zuzana Kovačič Hanzelová, *SME* daily online (sme.sk),
Anchor of socio-political discussions *Rozhovory ZKH* (*ZKH Talks*)

Jana Krescanková Dibáková, *TV Joj*, News reporter,
Anchor of political debate *Na hrane* (*At the edge*)

Pavol Majchrák, [Postoj.sk](https://postoj.sk), Deputy Editor-in-Chief

Andrej Matišák, *Pravda* daily, Deputy Editor-in-Chief of Foreign-affairs desk

Dušan Mikušovič, *Denník N* daily, Journalist

Ján Modrovský, *Slovak Syndicate of Journalists*, Chairperson

Alena Pániková, Self-regulatory *Press-Digital Council*, Chairperson

Zoltán Rácz, *Trend* economy-weekly, Journalist

Peter Tkačenko, *SME* daily, Columnist

Martina Toroková, *TV Markíza*, News reporter

Pavel Urban, *SITA* news agency, part-time journalist (former Deputy Editor-in-Chief)

Marek Vagovič, [Aktuality.sk](https://www.aktuality.sk), Deputy Editor-in-Chief

Lucia Vírostková, Public *RTVS*, Journalist

Braňo Závodský, *Rádio Expres*, Anchor of political discussion
Braňo Závodský naživo (Braňo Závodský Live)

Undisclosed, Public *RTVS*, Journalist

Avoided (three different representatives contacted, no appointment scheduled):
TASR, public news agency

1.a.) How do you assess the social role/ social roles of the journalists in (your country)?

Overall, a social position (role) of the journalist reflects a general development of Slovak society. Wide variety of opinions concerning this question were noted, some pointing out towards increased perception of the profession, leading to uplifting of its social status. Solidarity, togetherness among the journalists was visibly strengthened in the aftermath of the Ján Kuciak's murder (February 2018). A common view that economic conditions of journalists could have been much better was also widespread. Various respondents brought up a problem of verification of journalists – that certain license (accreditation) would be needed as its non-existence makes it complicated for ordinary citizens to orientate between real professionals and social media 'sources'.

"There is no special privileged status, journalists, similarly as all other people, have to work." [Braňo Závodský, *Rádio Expres*]

"I don't see my role as a mission, I'm not a known person, I do want to communicate through the work, not by attracting the fan-base through the social networks." [Dušan Mikušovič, *Denník N* daily]

"Journalist is privileged to explain to other the idea that is unknown to him." [Filip Domovec, *Plus 1 Deň* daily]

"There is no need to legalize it, but let's unify the criteria for recognition of journalists – education or some sort of media activity as well own publication record, excluding engaging in hoaxes. There should be a social consensus on this." [Pavol Modrovský, Slovak Syndicate of Journalists]

Some respondents drew attention to the fact there is no legal definition of the 'journalist' in the Slovak legislation and such a limbo leads often to uncertainty in their working status and conditions. Most of the journalist are contracted as self-employed rather than as employees (some 75 per cent, according to estimate from the Slovak Syndicate of Journalists' Chair), with media houses being apparent beneficiaries of this *modus operandi* - all social and health insurance payments are paid by journalists (ad1); the journalists have to suffice with minimal working protection as terminating of their services (that is based invoice-based) can happen any moment (ad2).

"We need to ask what it means 'a journalist' in Slovak reality, there is no such definition in our legislation." [Peter Bielik, *TA3* news channel]

1.b.) How do you assess the reputation of journalists in your country?

Many journalists assessed their reputation as satisfactory. At the same time they acknowledged that it should be better and higher. Overall, being influential, having a say to public affairs, to shape public discourse through its own work, those were remarks shared by many journalists.

As a consequence of hyenous murder of Ján Kuciak, young investigative journalist from [aktuality.sk](https://www.aktuality.sk) (alongside with his fiancée) in February 2018, the reputation of the profession has overall increased. One would assume that a significant portion of society has understood the importance of journalism and dangers that journalists potentially face. However, most of the interviewed did not dare to quantify whether this social awakening could really be applied to the majority of population or only to its critical masse (in the latter, however, the understanding appears to be very visible). Also, it was noted that a courage to focus on more controversial or sensitive topics has increased, an investigative element in some media has been taken more seriously.

"After the murder people really realised how important, and dangerous is work of a journalist. In this sense the reputation has increased." [Marek Vagovič, [Aktuality.sk](https://www.aktuality.sk) news portal]

Overall, it was agreed that for some 1-2 years (2018-2019) the negative labeling of journalists decreased (and expressions like 'good-for-nothing, useless mouths [darmožráči], dirty Slovak prostitutes, pressstitutes' have been diminished), as well as negative targetting on social media. However, with the suicide of the imprisoned former Police Chief Milan Lučanský (December 2020) – that has been twisted in various conspiratory stories - led to a new wave of negativity towards mainstream media. While a number of core journalists' supporters is stronger and probably wider than before the murder, overall, there is a clear polarisation within the society and scissors' gap is further widening.

Most of the answers reflected this increasing polarization, including concerning the profession's perception. Rise of disinformation sources (or so-called 'alternative' sources) also brought a topic of journalism into the negative spotlight - they target the system, the mainstream, including the mainstream journalists, and its active, often one-sided and manipulative social media content often inflamed vitriolic reactions towards journalists.

"A vocal group of social media haters has appeared, in addition, disinformation on-line sources are more regularly focusing on journalists." [Zuzana Kovačič Hanzelová, [SME.sk](https://www.sme.sk) news portal]

"Journalists are the losing side of this hybrid wars." [Peter Tkačenko, *SME* daily]

"On a daily basis, there are hatred expressions and reactions on social media from people with lower media literacy, including older generations who recently discovered new online opportunities." [Martina Toroková, *TV Markíza*]

Important feature that should not be forgotten is the ever-lasting influence of the politicians which is still rather negative. However, almost *en bloc*, a friendlier and more respectful attitude of current political establishment (ruling coalition after 2020 parliamentary elections) in comparison with the past, was noted. Former prime minister Robert Fico (from SMER-SD [Direction-Social Democracy]), in particular, attacked journalists on a regular and systematic basis trying to discredit and damage their reputation on purpose.

In addition, it is crucial to mention the phenomena of several politicians that operate on the verge of disinformation scene (not admittedly, but if reflecting the content and used vocabulary, very vividly) – from nationalist, pro-fascist parties that are supported by echo-chamber of several online sources to one of the most popular politicians on Facebook (most popular social media channel concerning politics in Slovakia) – Ľuboš

Blaha. One of top politicians of then-ruling SMER-SD (now opposition parliamentary party) is widely known for his toxic derogatory (and propagandistically pro-Russian) views. He uses distortion and manipulative selection of facts as a working method to attack all sorts of oponents, a style presented by himself as a sophisticated way of criticism.

"Politicians, in particular those that are afraid, further widened negative perception. Fico contributed to degradation with his discrediting labeling, such as slimy snake or toilet spider, against real serious journalists". [Miroslava Kernová, omediach.sk, media portal]

Some also noted that journalists to some degree contributed to this environment – which can be attributed to non-existing (or loosely respecting) self-regulatory mechanisms, as well as too active presence of journalists on social networks, often crossing a thin line of ethical standards.

"Partly it is caused by communication of journalists on social networks, while media outlets too, do not exercise their opportunities to minimize confrontation by drawing significant attention to the Code of Ethics principles. Vocal group of social media haters has appeared. In addition, disinformation online sources are more regularly focusing on journalists." [Lukáš Diko, Investigative Center of Ján Kuciak]

"The perception of a journalist has moved from someone unknown who's role is to seek the truth towards more personality-oriented, it is more personal, image-based." [Lucia Vírostková, public RTVS]

2.) Which are the top three positive and the top three negative characteristics of journalism in your country?

Most of the journalists started to answer with negative features, somewhat indicative on its own. On the other hand, it is important that journalists do realize their public authority and influence over public affairs, very visible manifested during massive Slovak protests in spring 2019 (*For decent Slovakia [Za slušné Slovensko]*) – they lasted for several months as civic protests against the abuse of power, nevertheless, the initial impulse was motivated by the murder's public outburst.

Several aspects were mentioned as positive and negative aspects, most prominently the following features

Positive characteristics

- A general feeling that journalist can contribute to an overall good, to improving things, life in the country. Most of the journalists stay on a side of truth, honesty and rule of law and have ability to fulfil a fundamental media role – to inform citizens and to defend their interests by controlling the power;
- Freedom to do what is important/newsworthy, not what somebody wishes me to do;
- Overall, there are free media outlets existing in Slovakia, even if in defunct democracy. In comparison with neighboring countries, there is a wider range of media with pro-liberal-democracy and common-sense values - certainly in comparison with Hungary or Poland, but also when looking into Czech scene, so-called 'crazy views' are much more limited in Slovakia;
- There is a sense that journalist have their important say on a public discourse, that they can shape the agenda with their stories. This feeling seems to be even more

- important given the sense of despair not so long time ago when despite various serious revelations there was no public reaction or a visible resonance;
- Critical, courageous journalism is present and after the murder this feature is visible even more;
- A chance to reflect variety of areas (politics, culture, media) as well as of topics, not only of a political nature (social issues, single mothers, etc);
- While underfinanced, still very important investigative element in many outlets;
- Several strong and independent media despite the fact that significant part of media arena is controlled by oligarchs;
- Strong media outlets that generated several respected journalistic personalities;
- Relatively easy to reach out to politicians;
- It is one of the most interesting things to do;

Negative characteristics

- Financial situation of media, often understaffed newsrooms, requires overload of journalists – that is further stressed by a newsroom multi-genre tasks (text, video, podcast). At the same time, their financial conditions are not reflecting this growing demands;
- Content-oriented, too fast and stressed era – with an aspiration to be ever quicker, the quality is often compromised, producing a rather unfinished, superficial outcome. Social media boom also contributed to generally lower quality reporting as media newsroom try to catch up with a popularity of quick and short social media posts. As a result (in combination with a lack of big media houses that would create conditions for more analytical journalism), there is a decline in long-reads journalistic forms;
- Leaning towards tabloidization, superficiality, often even disinformation or false reporting. Also leaning towards commentary-type of journalism rather than reporting as a possible effect of social media threads;
- Political activism of some journalists, the media outlets are less and less seen as a platform of different views (as was previously at expense of pursuing own political views);
- The very fact that the murder of journalist actually could happen;
- Misperception of a concept of journalist, with proliferation of social media accounts and self-declared 'outlets', people are misused, which goes hand in hand with lack of digital media literacy;
- Social pressure (victimization, targeting on social media) often combined with political pressure;
- A limited number of really exceptional journalists, including low-level personal qualities of existing journalists, such as provincialism, manners, arrogance, status-based drive;
- The poor state of public media is influencing the media environment on its whole, as the new generation has no desire to work for them. Overall, it is manifested in various aspects – political influence (selection of topics, guests in political discussions), over-reaching effort of balance, at expense of more courageous, issues-driven reporting;

"If speaking about the quality of public discourse, it is getting sharper, more clan-based society, with waves of hate are much stronger than it used to be in the past."
[Jozef Majchrák, [Postoj.sk](https://postoj.sk)]

3.a.) Do you consider that journalists in your country are facing challenges that are impeding their work?

Yes, various challenges have been mentioned, most in the connection with the usual daily routine, such as rather heavy workload and unsatisfactory financial conditions.

3.b) What are the most serious work challenges that journalists are facing in your country?

There are various moments that journalists are facing, some perceived as normal conditions that belong to their work (sometimes difficult and rocky relationship with politicians or officials), some are seen as more serious or troublesome.

Among this could be counted hostility from some business circles that eventually led to murder of Ján Kuciak in February 2018. While the perpetrators of the murder are known, the investigation who ordered it is still ongoing. Nevertheless, one of the most controversial businessman in Slovakia that is accused of masterminding it (Marián Kočner), created a scheme aimed to spy on most critical journalists (such as Monika Tódová from *Denník N*, Adam Valček from *SME*, Ján Kuciak from aktuality.sk), paparazi, threaten and discredit them through publication of tapped communication or compromising materials.¹

Within the scheme, a list of 29 journalists (as well as their 140 relatives) from mainstream media was created, subsequently lustrated in cooperation with contacts from within the police, and spied on during 2017.

"You have to have a strong motivation to stay in this system, to face threats, following, disinformation trolling, black PR or even institutionalized reputation damage. While there is no direct evidence of political order, it was happening to those journalists critical to SMER." [Jana Krescanko-Dibáková, TV JOJ]

Other aspects mentioned was a habit of Slovak society to receive information for free. Perhaps, there is a growing part of population that understands the needs and price of quality journalism, however, it is estimated at some 20 per cent. The current financial model is not healthy, given that huge share of advertising money is taken by big tech firms, such as Google.

"Media are forced to focus on activities that are profitable, to hire young, less costly journalists, while many senior ones left the profession for a better paid PR. As a result, the quality of media outcome is decreasing." [Miroslava Kernová, omediach.sk]

¹ Marián Kočner in these activities closely cooperated with Peter Tóth, who was a former chief of Slovak counterintelligence (within SIS - Slovak Information Service [*Slovenská informačná služba*], working for 5 years in daily *SME* as a double agent. Website napranieri.sk created by the former to publish such materials operated for several months in 2018, while the latter moderated special web portal with similar policy (datel.sk).

4.a.) Do you think that the daily working conditions of the journalists in Western countries, comparing to the ones in your country, are

Mostly it was difficult to compare given relatively low level of exchange with foreign newsrooms or lack of personal foreign experience. Nevertheless, when comparing with neighboring Czech media outlets, very many journalists admitted bigger support teams – where in Slovak media 1-2 people are designed for a team, the same type of reporting is supported by 5-6 people in Czech media.

There is an assumption of better financial conditions of western journalists, however, if taken by average salary of the country, it's relatively comparable. Presumably, technical side of media operation is advanced in a similar fashion. Bigger media houses, operating in the West are presumably more suited for more in-depth journalism, with a more generous timeline provided to cover some serious issues.

4.b.) What are the most important changes in your working conditions in the last five years?

Home office, in particular in connection with COVID-19 pandemics, but numerous journalists mentioned this factor as a change regardless of it, starting already time ago.

Also, numerous journalists (in particular from print and online sources) pointed out at management demands towards their newsrooms - to become multimedia journalist as given. One reasoning of this demand is to increase professional level of the output, the other are motivated by fast production available on social media, and by a chance to financially rationalize their operation.

"It is great to have broader skills, however, it is probably not right to expect that a writing journalist is automatically equipped to prepare a video story or to produce a podcast." [Andrej Matišák, *Pravda* daily]

One specific case was represented by media web portal omediach.sk (About media) which was launched by a single journalist previously working for daily *SME*. The beginning was difficult and unexpected by its protective and unfair manners - the advertising companies working for big media houses tried to limit any chance of the new media outlet to secure any contract on the market. The owner managed to find the clients through a quality and systemic reporting, and decided to cut advertising intermediaries entirely, not to skew her business.

5.) How do you assess the current state of press freedom in your country?

Quite good, adequate. Given the situation in some post-Soviet countries or even in our neighbors such as Hungary and Poland, there is not much to really complain about in Slovakia – if speaking about fundamentals of the profession.

6.a.) In a dynamic perspective, how has changed the state of press freedom in the last five years?

That is rather difficult to summarise as there were multiple answers. Most of the journalists noted some kind of positive progressive change over last years, others noted that it is linked to election cycle, thus depending on the results, which means that the freedoms are respected fully or elsewhere in a declaratory manner - as it was the case of Fico's later governments where prime minister himself on a regular basis either attacked several critical media or did not answer their questions.

Such behaviour inherently produced effect of self-censorship in some journalists' minds. This was also a card that is believed Marián Kočner, a businessman accused of masterminding murder of Ján Kuciak, was playing with – that the threatening will eventually pay off and journalists will stop digging into his problematic deals and that nobody would care about their problems.

As a positive paradox, outcome of 2018 milestone murder, is much stronger sense of what freedom of media actually means, there is change in a climate, for both society that ventured to massive public protests and certainly for journalists and media that seem to emboldened in their quest for truth.

Some noted that the press freedom has extensified – while media, and broadcast media in first place, are bound by strict legal regulations, there are no limits for misuse of freedom elsewhere, in particular in online sphere.

The case of public broadcaster RTVS (combining together TV and radio) has been mentioned several times throughout the various segments, mostly in a negative context. Yet another example was brought up in this question. Since the state of the public media impacts the whole media environment and is sort of manifestation of press freedom in the country, its dire current state was lamented.

"Public TV is not as good as it should be, the perceived influence of a politically appointed director is being felt. There is a self-censorship, there is no drive for controversial topics, because those who opened them in the past, were fired. Everyone who dared to say something, eventually left or was left. Directors, including those of TASR [public agency] and RTVS Council should be less political, otherwise it is openly visible."
[Miroslava Kernová, omediach.sk]

At the same time, media concentration has been mentioned, with big financial groups diversifying their portfolio with media business. While in some cases the results are yet to be seen (Czech PPF Group of recently deceased Petr Kellner purchased in late 2019 most popular TV *Markíza*), in other cases is the effect on the content obvious (Slovak financial group Penta through its News and Media Holding since 2015 owns tabloid dailies and weeklies *Plus 1 Deň/Plus 7 Dní* or economic weekly *Trend*).

6.b.) And which were the main changes of the state of press freedom since you have been working as a journalist (if working for longer than 5 years)?

"It was a period in which the modus operandi between journalists and politicians was further calibrating, including through the European Court for Human Rights. Still, the attitude of state towards media is different than 25 years ago – Fico did not dare to go that far as Mečiar, to eliminate individual critical media outlet. In Slovakia it is about the owner, and we are living in a relatively happy period that most of the owners do not interfere." [Tomáš Bella, Denník N online]

Very important aspect and significant change in work of many journalists, as it was widely acknowledged, is access to information that was rapidly improved over last decades (through the Law No. 211/2000 On Free Access to Information). As of 2011 another supplementary law entered into force which made obligatory access to all state contracts, a huge addition towards a more transparent governance.

Social media power in all aspects is what resonated amongst the journalists too. A previous tendency (some decade ago) to claim big financial compensations from the media, has declined significantly. On the other hand, there is a finding that the organized crime be very brutal.

7.) What are the top 3-4 components of press freedom for you?

This was a question with that enabled journalists to really think more broadly of what their profession really means to them – some admitting that they have never faced such angle. Noteworthy, mostly basic journalistic standards, both professionally and ethically have been mentioned, such as

- To have a freedom and independence to inform, to seek for a truth – if some newsworthy topic is discovered, it is up to journalist to decide how to cover it;
- To be a watch-dog of the power;
- To realize accountability at the same time;
- To defend public interest, to help free democratic society to flourish, while protecting the most vulnerable;
- To have a platform where the opinions are presented – and that the owners will not interfere against them or that the opinions are not punished by the power;
- To be financially viable/independent, to have a clear division between management and content, as well as to be free from political pressure;
- To have a strong management that stands by a journalist, including its legal services;
- To have a free newsroom exchange that pushes for higher quality reporting;
- To avoid close relationship with politicians to preserve own independence;
- To have a free market, not obscured by some shady deals;
- To have a strong professional organization that unites and protects journalists in problematic cases and times;

8.a.) Did you personally experience political and/or economic pressure on your work in the last two years?

Most of the journalists did not. The public media person that did not want to be disclosed for a fear of retribution shared an opposite view – that on various occasions the political considerations (influence) were presented and halted or prompted some topics or selection of respondents.

However, there are several other prominent journalists that left (editor-in-chief of newsroom Lukáš Dikó, chief of investigative programme Eugen Korda, journalist Zuzana Kovačič Hanzelová) that shared similar experience which overall results in a rather damaged reputation of the public broadcaster, certainly within the media professionals.²

While journalists from *Trend* and *Plus 1 Deň*, print media outlets from the News & Media Holding (that belongs to Penta Investments, a controversial financial group) admitted that certain economical topics are seen as taboo (core business of the owner and related political aspects) and that self-censorship is the ultimate result, they did not want to provide more details.

8.b.) What does “pressure” mean for you?

Mostly it is viewed as direct order or censorship from the media management (senior editor) even though more subtle forms (hints, comments, recommendations what to/not to cover) are seen as leading in that direction. At the same time, it is important that factor of politicians is probably decreasing in the context of ‘pressure’. Noteworthy, the social media and very vitriolic commentaries are seen as a dangerous tool in pressuring journalists – either by implanting seeds of fear of negative reactions or by introducing self-censorship tendencies.

8.c.) Describe here 1-2 such examples from your experiences!

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9.a.) Do you think that the economic situation of your media outlet (media company) depends on the political environment? Yes/ No (If No, jump to q. 10)

Almost unisono, no – if assuming that an existing concept of liberal democracy will continue. Naturally, if more authoritarian parties (ĽSNS, Republika) would gain power, the existing situation could be endangered.

9. How does the political environment influence the economic situation of your media company? In your assessment, how can politics and the political leaders influence the economic situation of media companies in your country?

² During 2018-2020 more than 30 respected journalists left public broadcaster (mostly from its TV arm) in protest to various forms of management interference or pro-government reporting.

³ In 2014, the Penta Investments, Slovak financial group with a problematic reputation announced the purchase of Petit Press, the publisher of the newspaper SME. In reaction, a major part of the editorial board, including the editor-in-chief, announced their resignation. As stated by Matúš Kostolný, the departing editor-in-chief, reported by aktualne.cz, “We are leaving SME and we will try to create a new medium that no one will suspect that it serves someone other than the readers”. The outlet, starting under label *Projekt N*, was launched with a significant initial investment by known Slovak software-company Eset.

10.) In your assessment, is it possible to create and maintain a sustainable business model for pursuing journalism in current public issues?

Yes, it is possible. Most of the answers pointed out in direction of *Denník N* daily project that was launched at the beginning of 2015.³ Despite rather pessimistic expectations it quickly became one of the most respected example of quality journalism, running daily paper issue as well as very influential online version.

“Yes, we are such medium. Our subscription model we projected a correlation between what our readers wish for with what our journalists want to write about. And it has worked very successfully, we are not dependent on any advertising, only on subscription.” [Tomáš Bella, *Denník N* online]

*“It is a difficult task, quality reporting always pulls for a shorter end. There is a need for such journalism, however, is there a demand? *Denník N* is one of a kind (as well as *Deník N* in Czech Republic⁴). They were lucky to find a very solid investor, at the same time there is a real room for own journalistic work.”* [Alena Pániková, Press Digital Council]

11.a.) In your opinion, does the legal framework of journalism play a determining role in your work, and in the function of your media company?

Respondents did not consider themselves legal experts, thus commented on the question in a rather subtle manner. Most of the journalists nodded that the media legal framework is essentially fine and in line with basic democratic values. Despite the threat posed by the 2008 Press Law initial wording (concerning right for response and right for correction and requirements of publishers in this respect), media houses fortunately have not encountered serious or damaging consequences. Partly also due to the fact of their unified position and resistance.

11.b.) Is it a rather positive or negative role?

The responses varied between positive and somewhat neutral. Legal framework is in place, and despite some problematic aspects that are still present (defamation is still a criminal offence in Slovakia) it is not causing any real harm, quite opposite.

11.c.) Have you ever decided not to publish something because of the unpredictable legal consequences?

Yes, there were several cases presented, however nothing of a major nature. While some cases were noted, the final decision not to publish some material was reasoned by lack of factual evidence, a real journalistic issue.

12.a.) In the last two years, have you decided not to publish or distort any information to avoid existential or economic consequences?

None of the journalists faced directly such existential moment.

⁴ It was launched in 2018, with the help of N Press, publisher of Slovak *Denník N*, that provided its know-how and currently controls 33 per cent of N Media, publisher of Czech outlet.

12.b.) Have you heard about such situations from your colleagues?

Some of them mentioned such situations, but did not venture to specify details. An overwhelming majority of cases referred to journalists from other outlets, not from their own media. The murder of Ján Kuciak was brought into spotlight, as he was threatened, too. While it has sounded as a message to be scared - delivered from businessman Kočner (currently under accusation of masterminding journalist's murder), it was subsequently not picked up by the police and eventually led to a hyenous murder.



