



Access to Information Report

Media Freedom, Media Pluralism, Access to Government Information

Sustainable Governance Indicators 2018

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Indicator

Media Freedom

Question

To what extent are the media independent from government?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Public and private media are independent from government influence; their independence is institutionally protected and fully respected by the incumbent government.
- 8-6 = The incumbent government largely respects the independence of media. However, there are occasional attempts to exert influence.
- 5-3 = The incumbent government seeks to ensure its political objectives indirectly by influencing the personnel policies, organizational framework or financial resources of public media, and/or the licensing regime/market access for private media.
- 2-1 = Major media outlets are frequently influenced by the incumbent government promoting its partisan political objectives. To ensure pro-government media reporting, governmental actors exert direct political pressure and violate existing rules of media regulation or change them to benefit their interests.

Estonia

Score 10

Estonia follows a liberal approach to media policy, with minimal legal restrictions. The Estonian Public Broadcasting (ERR) company is constituted under the Estonian Public Broadcasting Act and governed by a ten-member council. Based on the principle of political balance, five of these members are specialists in the fields of culture, while the other four represent political parties holding seats in the national parliament. Members of the ERR Council are elected for five years (MPs until the next parliamentary elections).

Globally, Estonia has been ranked in the top ten on the World Press Freedom Index by Reporters Without Borders for several years. It ranked 12th in 2017, two places higher than in 2016. The main issues cited are the ease of bringing defamation lawsuits to the courts and the legal requirement for journalists to reveal their sources to legal authorities under certain circumstances.

Finland

Score 10

Media independence is a matter of course in Finland. Media independence is guaranteed by the Act on the Exercise of Freedom of Expression in Mass Media from 2003, and supported by public and political discourse. A free and pluralist media is considered an important contributor to debate among citizens and the formation of public opinion. Finland has been ranked at or near the top of the Reporters Without Borders' World Press Freedom Index since 2009; in 2016, Finland took first place, for the sixth year in a row. In 2017, however, Finland ranked

3rd, after Norway and Sweden. Several factors contribute to this rather unique success. Media consumption rates are fairly high in Finland. The rate of media consumption guarantees a strong market and healthy competition, promoting high quality journalism. In addition, the Council for Mass Media in Finland has successfully managed a system of self-regulation among media outlets. Furthermore, as Finland is one of the least corrupt societies in the world, the government has in general not sought to interfere with press freedom. However, at the end of 2016, prominent journalists at the national broadcaster YLE resigned following a dispute over Prime Minister Sipilä's email complaints about the broadcaster's coverage of a mining company in which Sipilä's relatives are stakeholders.

Sweden

Score 10

Media freedom in Sweden is valued and well-protected. The Swedish constitution's Freedom of the Press Act and the Fundamental Law on Freedom of Expression guarantee freedom of the press.

The media in Sweden operate independently from government. This is not to say that government is not present in the media sector, however. Government institutions offer financial support to newspapers (typically smaller newspapers) and also to magazines.

Furthermore, government is a leading owner of the public service companies Sverige Radio (SR) and Sveriges Television (SVT). In November 2017, a Royal Commission (SOU 2017:79) suggested that public service radio and television should henceforth be financed not via license fees but through a tax. This matter is likely to be widely debated during 2018.

The media market in Sweden has opened up considerably over the past couple of decades. Today, the SR and SVT face significant competition from privately owned and managed radio and television channels. It is noteworthy that trust is especially high in public media (television and radio), whereas trust in private media (especially television) is low in Swedish society. Private media ownership is concentrated in a small number of major corporate actors inside and outside Sweden.

A precondition for the media to scrutinize government and hold elected officials to account is that the government provides access to public documents. During the last couple of years there appears to be growing frustration among the media against government departments for failing to provide public documents to the media or individual citizens. Government departments increasingly use information as a strategic means of communication. Nevertheless, Swedish government and administration still meet high requirements regarding transparency and publicity.

Citation:

Andersson, U. et al. (eds.) (2017), *Larmar och gör sig till* (Gothenburg: The SOM Institute)

(<https://som.gu.se/publicerat/bocker/70.-larmar-och-gor-sig-till>).

Johansson, B. et al. (2014), *Det politiska spelet. Medborgare, medier och politiker i den representativa demokratin* (Lund: Studentlitteratur).

Olsson, J., H. Ekengren Oscarsson and M. Solevid (eds.) (2016), *Eqvilibrium* (Gothenburg: The SOM Institute).

SOU 2017:79 *Finansiering av public service – för ökad stabilitet, legitimitet och stärkt oberoende* (<http://www.regeringen.se/4a9767/contentassets/c557ad42ef7245daa0b9f60a8fe54769/finansiering-av-public-service-for-okad-stabilitet-legitimitet-och-starkt-oberoende-sou-201779>).

Switzerland

Score 10

Public- and private-sector media corporations are free from government influence. This is enshrined in the Swiss constitution. Although the federal government chooses the chairperson and some board members of the quasi-public non-profit radio and television organization, it exercises no influence over the organization's daily reporting or journalistic work.

Denmark

Score 9

Press freedom is protected by section 77 of the Danish constitution, with certain restrictions concerning libel, blasphemy and racism. Denmark's radio and privately run TV2 are governed by independent boards appointed by the minister of culture, the parliament (Folketinget) and employees. No members of parliament are allowed to be board members and legislation endeavors to assure that programs are impartial and diverse. There have been a few incidents in which board members have tried to influence specific programs or decisions taken by the management board of Denmark's Radio. State-run media are financed by an annual license fee. The government has announced that TV2 will be fully privatized, Denmark Radio will face budget cuts and the financing mechanism (e.g., general taxation or license fee as presently) is being reviewed.

Private media, especially newspapers, used to have party affiliations, but such affiliations have lessened in recent years. The print media is VAT exempt and gets other forms of government support. Freedom House describes private media in Denmark as "vibrant." In *Freedom of the Press 2017*, Denmark ranked joint 4 out of 199 countries, behind Norway, the Netherlands and Sweden, and equal with Belgium and Finland. Following a Danish newspaper's publication of a cartoon depiction of Islamic prophet Muhammad in 2005, Denmark was for several years ranked lower. Further, a 2015 incident in which an assailant of Palestinian origin shot and killed two civilians led to fears of self-censorship in the media.

Citation:

Reporters Without Borders, "Press Freedom Index 2017," https://rsf.org/en/ranking_table (Accessed 16 October 2017).

Zahle, *Dansk forfatningsret 3: Menneskerettigheder*. Copenhagen: Christian Ejlertsen's Forlag, 2007.

Ireland

Score 9

In Ireland, public and private media are independent of government. RTÉ, the state-owned broadcasting company, is supported by fees from a mandatory license. It is obliged to give balanced coverage of political events and to guarantee access to a variety of political views. Access by political parties for electioneering purposes must also be balanced. The state broadcaster faces competition from private TV and radio stations and does not enjoy a monopoly in any area.

The Broadcasting Authority of Ireland (BAI) was established on 1 October 2009. It has to “ensure that the democratic values enshrined in the constitution, especially those relating to rightful liberty of expression, are upheld, and to provide for open and pluralistic broadcasting services.” All broadcasters are legally obliged to report news in an objective and impartial manner, without any expression of the broadcaster’s own views.

All newspapers (whether they be “Irish owned” or “Irish editions of British newspapers”) are privately owned and dependent on commercial revenue; none receive public funding.

The Press Council of Ireland and the Office of the Press Ombudsman were established on 1 January 2008. Through it citizens have access to an independent press complaints mechanism that aims to be “quick, fair and free” and to “defend the freedom of the press and the freedom of the public to be informed.”

Press and government keep one another at arm’s length. Preferences and biases arising from the views of journalists and broadcasters undoubtedly exist in editorial matters, but there is sufficient variety of editorial opinion and adequate complaints procedures to prevent this from undermining the democratic process.

Controversy has surrounded the issue of the right of a newspaper to protect its sources, for example by destroying relevant documents. The European Court of Human Rights ruled that The Irish Times had to pay its own costs in a case on this issue filed against it by the state. The court commented that the costs ruling could have “no impact on public-interest journalists who vehemently protect their sources yet recognize and respect the rule of law.”

Citation:

Kevin Rafter (2018), ‘The Media and Politics,’ in *Politics in the Republic of Ireland* (6th edition, Routledge).

Lithuania

Score 9

Lithuania’s media are not subject to government influence, and their independence is respected by the incumbent government. Private newspapers and independent broadcasters express a wide variety of views and freely criticize the government. In

Reporters Without Borders' 2017 Press Freedom Index, Lithuania was ranked 36 out of 180 countries for press freedom, a fall of five positions compared to 2014. Despite this generally satisfactory situation, court decisions and prosecutors' orders are sometimes a threat to media independence. The courts ruled that Lithuanian intelligence services had acted illegally in 2013 and 2014 by tapping the phones of journalists from the Baltic News Services. In addition, media independence could be compromised as the government remains a key advertiser, and that a large proportion of media outlets are owned by a small number of domestic and foreign companies. Similarly, regional media is dependent on local government for advertising and other types of support, which might restrict their ability to criticize local government.

With the aim of combating hostile propaganda and disinformation, the Lithuanian authorities introduced modifications to the Public Information Law that impose a penalty of up to 3% of a broadcaster's annual income for spreading information that is deemed war propaganda, encouragement to change the country's constitutional order, or an encroachment on the country's sovereignty. This national-security decision restricted the broadcasts and rebroadcasts of some Russian TV channels in Lithuania. In March 2015, the Vilnius Regional Administrative Court issued a three-month ban on broadcasts by two Russian television channels that violated Lithuanian broadcasting regulations. The European Commission backed the Lithuanian authorities.

Citation:

2016 WORLD PRESS FREEDOM INDEX, see <https://rsf.org/en/lithuania>

2015 WORLD PRESS FREEDOM INDEX, see <https://index.rsf.org/#!/index-details>

New Zealand

Score 9

Freedom of the media is regulated by the Broadcasting Standards Authority. In addition, it is safeguarded by the New Zealand Press Council, an independent organization that hears complaints from consumers and publishes annual reports. There is an ongoing discussion whether the current situation adequately deals with new media as well as traditional media outlets. In 2011, the New Zealand Law Commission proposed to establish a new independent regulator (the News Media Standards Authority) that would replace the current dual public-private regulatory regime. By January 2018, this recommendation had yet to be adopted by the government.

In 2015, the Office of the Ombudsman undertook a "quality-assurance" review of the Official Information Act (OIA). It confirmed that there had been a number of complaints regarding delays in the government's response to applications for information under the provisions of the OIA, as well as regarding the incompleteness of the information provided.

An extensive article on the state of democracy in New Zealand, published in June 2017 by the New Zealand Herald, addressed issues such as government agencies thwarting the Official Information Act, tendencies within the government to skirt accountability, and government secrecy regarding its relationship with Israel.

Citation:

Annual Report of the New Zealand Press Council 2014 (Wellington: New Zealand Press Council 2014).

<https://freedomhouse.org/report/freedom-press/2016/> (accessed October 24, 2016).

<https://rsf.org/en/new-zealand> (accessed October 24, 2016).

Edwards, Bryce, 2017. Political Roundup: Let's make government more democratic. The New Zealand Herald. 20 June 2017.

Search and Surveillance Act 2012 (Wellington: The Government of New Zealand 2012).

The News Media Meets 'New Media': Rights, Responsibilities and Regulation in the Digital Age (Wellington: Law Commission 2011).

Online Media Standards Authority, <http://www.omsa.co.nz/> (last accessed October 24, 2016).

Norway

Score 9

Norway's dominant TV and radio corporation is state-owned, but the media market is also populated by significant private TV and radio stations. Newspapers are entirely in private hands, but receive state support. The state-owned broadcaster (NRK) is organized in a way that ensures considerable autonomy. The NRK is independent in its editorial policy, and the government does not intervene in the organization's daily practices or editorial decisions. However, since NRK is a non-commercial actor, it is largely financed by a fee that is compulsory for all citizens who have a television. The amount of the fee is set by parliament. The head of NRK reports to a board of directors. Board members are appointed by the government. An institution called the Broadcasting Council (Kringkastingsrådet) plays an oversight role, monitoring, debating and expressing views about the management and activities of the state-funded broadcast media. It can also provide advice on administrative and economic issues. The issues debated by the council can originate with the chairman of the state broadcasting organization or from the public (often in the form of criticism and complaints). The opinions expressed by the Kringkastingsrådet carry substantial weight, and recommendations from this council are usually implemented. Eight council members are appointed by the parliament, and an additional six by the government.

Newspapers are free from any government interference. The freedom of the press is explicitly guaranteed in the constitution; the constitutional article addressing press freedoms was amended and strengthened with a constitutional amendment in 2004.

Increased numbers of competing digital publications and other changes in the media world have burdened many of the media houses. Some major media houses have experimented with new combinations of marketing and journalism that might in the long run undermine consumers' faith in the independence of journalism. New technology is rapidly changing the media landscape, drawing audiences away from TV and newspapers to digital media. Social media platforms such as Facebook and Google increasingly draw advertisement revenues away from traditional media in Norway and elsewhere. Concerns about the long-term impact of this shift have increased. In addition, there are pressures to reduce state aid to media (*pressetøtte*). In sum, these factors might over time undermine the quality of the media and reduce its capability to engage in high-quality reporting.

Belgium

Score 8 Some of the main public television and radio stations are managed by representatives of the main political parties; the head of the main French-speaking public-media organization actually is appointed by the government and claims an official post comparable to that of a civil servant. Nevertheless, the media organization's journalists work largely free from direct control or political influence, even if some reporting may at times be a bit too uncritical of the government position.

The country's main private television and radio stations in general operate independently of political parties, even though some interpersonal connections exist at the levels of upper management. Privately held press organizations are largely independent, and they do their best to scrutinize public activities despite increasing financial pressures.

Canada

Score 8 The only publicly owned media organization in Canada at the national level is the Canadian Broadcasting Corporation (CBC), which runs radio and television stations. Its independence from government control is ensured by statute. However, this independence has limits. For example, it is unlikely that Radio-Canada, the French-language division of the CBC, would be permitted to advocate the breakup of the country. Privately owned media organizations can of course take any political position they wish. In theory, if a government does not like the viewpoint of a particular media outlet, it can use the retraction of government advertising as a punishment. This is seldom done by the federal government or provincial governments, but is more common on the part of municipal governments. Electronic media are subject to licensing requirements, but this regulation is performed by an independent body, the Canadian Radio and Television Commission (CRTC), without overt political influence. The federal government does appoint the members of the CRTC, as well as the head of the CBC.

Citation:

CBC/Radio-Canada, Ottawa. Press Release February 2017, CBC/Radio-Canada shares its Accountability Plan, <http://www.cbc.radio-canada.ca/en/media-centre/2017/02/01/>

Chile

Score 8 In general, the rules and practice of media supervision guarantee sufficient independence for public media. Privately owned media organizations are subject to licensing and regulatory regimes that ensure independence from the government.

During the last two years, the Freedom House index evaluated Chile's freedom of press as "free" whereas in 2015 it was still evaluated as "partly free." The report's authors argued that the level of violence and harassment faced by journalist covering protests had significantly decreased in recent years. The index takes into account "the legal environment in which media operate, political influences on reporting and access to information, and economic pressures on content and the dissemination of news." The latest Press Freedom Index 2017, published by the international NGO Reporters Without Borders, ranked Chile 33rd, a dropping two places compared to the previous year. Nonetheless, covering demonstrations still remains difficult. Given Chile's media landscape and its ideological and economic concentration, the degree of government influence over the media depends largely on which coalition is leading the government and clearly limits democratic debate.

Citation:

Freedom House Index (freedom of the press):

<https://freedomhouse.org/report/freedom-press/freedom-press-2017>

Reporters without borders press freedom index:

<https://rsf.org/en/chile>

Germany

Score 8

Germany's Basic Law guarantees freedom of expression, press and broadcasting (Art. 5 sec. 1) and prohibits censorship, with exceptions delineated by the standards of mutual respect, personal dignity and the protection of young people. Strong constitutional guarantees and an independent judiciary provide for strong media freedoms. A new anti-whistleblower provision in the German criminal code (§202d StGB) penalizes the handling of leaked data if the motive for leaking data is either to enrich oneself or to damage someone. Although certain professions like media representatives are excluded, critics still argue that protection for investigative journalists and their sources is inadequate. The recently reformed law governing the work of Germany's foreign intelligence agency (BND) allows for the surveillance of foreign journalists. While defenders of the reform point to the need to include this group in comprehensive intelligence operations (e.g., in countries with a state-controlled press), critics argue that this legalizes potential infringements on media freedoms rather than preventing them.

Print media, which are largely self-regulated, are broadly independent of political interference. The German Press Council is tasked with protecting press freedom. However, the latent economic crisis of newspapers and publishing houses may slowly but steadily undermine media pluralism. In the World Press Freedom Index of 2017, Germany ranked 16 out of 180 countries, a slight decline from rank 12 in 2015.

The Interstate Treaty on Broadcasting and Telemedia (Rundfunkstaatsvertrag) provides a general nationwide framework for the operation of public and private

broadcast media. In the private broadcasting sector, governmental influence is limited to the general provisions, regulations and guidelines stated in the interstate treaty that ban discrimination or other abuses. While the relationship between public authorities and private media can be seen as unproblematic, one can observe dependencies between authorities and the public media organizations (ARD and ZDF) that are at least questionable.

Citation:

World Press Freedom Index 2017. Available online: <https://rsf.org/en/ranking>

Luxembourg

Score 8

The country's media audience is small; the pluralistic media landscape is maintained mostly through generous direct and indirect press subsidies, of which the two big newspapers in Luxembourg mainly profit. One could argue that subsidies are an indirect way of influencing media coverage, however, the government strongly respects the independence of the media. The rules for granting subsidies are transparent and not subject of political debate. Moreover, following the reformation of the Electronic Media Act in 2013, the new government decided to allocate a greater part of its press subsidies to online media.

Following the European Court of Justice's condemnation of Luxembourg related to *Contacto's* (a weekly Portuguese language newspaper) investigative journalism in 2009, the country returned to fourth place in the 2012 World Press Freedom Index by Reporters Without Borders. However, the tax avoidance scandal which brought Luxembourg into the international news, was felt even within the realm of the free media. As result of the government's decision to charge journalist Edouard Perrin with complicity in leaking of confidential PricewaterhouseCoopers documents (*LuxLeaks*) and the resulting negative impact this action had on press freedom, Luxembourg dropped to rank 15 out of 180 countries in the 2016 and 2017 World Press Freedom Index. In comparison, between 2012 and 2014, the Grand Duchy was still in 4th place (2015: 19th).

Citation:

Beffort, Bérengère. "“Der Whistleblower ist (...) kein politischer Aktivist.”" Le portal de l'actualité gouvernementale, 6 July 2015, www.gouvernement.lu/5026791/06-braz-wort. Accessed 21 Feb. 2017.

"Le journaliste au coeur de Luxleaks." *Luxemburger Wort*, 23. Nov. 2017,

www.wort.lu/de/business/portrait-le-journaliste-au-coeur-de-luxleaks-5a159fe5c1097cee25b77aef. Accessed 21 Dec. 2017.

"The Press Freedom Index 2017.," Reporters Without Borders 2017. www.rsf.org/en/luxembourg. Accessed 21 Dec. 2017.

"Luxemburg und die Pressefreiheit." *Luxemburger Wort*, 24 Apr. 2015, www.wort.lu/de/politik/reaktionen-auf-journalistenanklage-luxemburg-und-die-pressefreiheit-553a13610c88b46a8ce57f96. Accessed 21 Feb. 2017.

"Mémorial A n° 241 de 2010." *Journal officiel du Grand-Duché de Luxembourg*, 24 Dec. 2010, legilux.public.lu/eli/etat/leg/memorial/2010/241. Accessed 7 Mar. 2017.

United Kingdom

Score 8

In the United Kingdom, television channels both in the public and the private sector are required by law to be politically neutral. The public regulator, Ofcom, oversees the sector. No such requirement exists for print media. The BBC, the main public-service broadcaster, is financed by a television license fee, which is effectively a poll tax. It is overseen by a board of governors and enjoys almost complete political independence. However, recent scandals may have weakened the BBC's standing, although there is as yet little evidence of that in its behavior, and it remains the case that TV and radio journalists often subject government and opposition politicians to very tough interviews. Politicians of all persuasions frequently accuse the BBC of bias, arguably highlighting the fact that it is outside political control. The aftermath of the News of the World scandal in 2011 (which led to the Leveson Inquiry and its 2013 report) exposed the overly close relations between politicians and the press. After a lively debate on whether stricter press regulation should be adopted to prevent excessively intrusive journalism, a new consensus seemed to emerge that formal regulation should not be introduced and the government has proved to be uneasy about acceding to demands for tougher statutory regulation.

Security reasons are sometimes given for restricting press freedom and, as in the case of government attempts to clamp down on disclosures by Edward Snowden, tend to cause considerable political and public backlash. Such incidents can tarnish the relationship between the UK media and the government. The journalists' resistance to intimidation and their reporting of government surveillance practices are a shining example for civil journalism. Several media actors have expressed concerns about the libel laws in the aftermath of the 2013 Defamation Act, which was meant to protect freedom of speech.

Australia

Score 7

Media organizations – both public and private – are largely independent from government, although the main public broadcaster is accountable to a board of directors appointed by the government. Censorship is mainly restricted to material of a violent or sexual nature. There are, however, several potentially significant threats to media independence. For one, regulation of ownership of media is politicized and some owners are regarded as favorable to the incumbent government. Also, the Anti-Terrorism Act 2005 allows for control orders to restrict freedom of speech by individuals and the freedom of the media to publish their views. The National Security Legislation Amendment Bill passed in 2014 also restricts the ability of journalists to report on secret intelligence operations, with up to 10 years in jail imposed for exposing errors made by security agencies. Journalists argue that if

whistleblowers are punished, journalism will be hurt. The implications of these two pieces of legislation for media freedom have not yet been tested in court.

Citation:

<http://www.theaustralian.com.au/business/media/call-to-scrap-security-laws-that-could-jail-journos/news-story/0b7b4d888751c0b11dc093ccb11c07bd>

<http://www.pressfreedom.org.au/press-media-alliance-freedom-report/introduction/foreword>

<https://freedomhouse.org/report/freedom-press/2015/australia>

<http://www.abc.net.au/news/2017-12-14/china-backlash-australia-questions-of-political-interference/9258462>

Austria

Score 7

Media freedom is guaranteed by the constitution. There is no censorship in Austria, and new electronic or print-media organizations can be freely established. Limits to the freedom of expression in the media are defined by law, and the courts ensure that these limits are enforced.

The federal and regional governments use public money to promote specific policies in various print publications. This tradition has been criticized by the Austrian Court of Audit and by media organizations, but has not stopped. Due to the pluralistic structure of Austria's political system (no single party has ever simultaneously controlled the federal government and all state governments), the impact of this practice is typically diffused, but this financial relationship necessarily reduces the credibility and the freedom of the media. A mutual dependence has developed, in which political parties try to influence the media and media try to influence political parties. A clear separation needs to be established, in which media organizations do less to start or support political campaigns or otherwise put pressure on politicians, and political parties do not use means such as financial incentives to have an impact within the media.

The Austrian Public Broadcasting (Österreichischer Rundfunk Fernsehen, ORF) company dominates both the TV and radio markets. The ORF is independent by law and is required to submit comprehensive reports on its operations. All parties in parliament are represented on the ORF's oversight body (the Stiftungsrat). A number of (real or imagined) cases of political influence over the ORF by various political parties have been alleged. However, the ORF in general fulfills its mandate quite well, particularly in international comparison.

There is an imbalance between the ORF and TV and radio stations beyond the ORF. The ORF is financed mainly by public fees, which everyone who owns a TV or radio device has to pay. Other TV and radio broadcasters have to finance their structures and activities through advertisements. The ORF and the government justify this imbalance by referring to the ORF's specific educational task, which private companies do not have to fulfill.

The impact of social media has not yet been fully analyzed in Austria. It can be seen as a counterweight to the highly concentrated traditional media market, in which a single daily newspaper (Die Krone) is read by more than one-third of newspaper consumers, and in which the ORF is still the dominant force in TV and radio. Social media use is highly skewed toward the younger generations, but are also responsible for a new means of access to information.

One particular aspect of new social media has been under discussion recently: how to deal with hate speech. Anonymous radical online postings, which violate the law and have been more or less under control in the traditional media, have widened the discourse. During the two most recent electoral campaigns on the federal level (the 2016 election of the Federal President and the 2017 election of the National Council), another impact of the new social media became visible (and discussed): the possibility to influence electoral behavior by disseminating lies about rival candidates. In the traditional media, the instruments to fight such lies is clear, as there are people responsible for a newspaper or a broadcasting company. However, accountability in social media is not so clear. The debate in Austria concerning this rather new phenomenon and its consequences for the fairness of the political process will become more intense.

Given Austria's small size and its shared language with Germany, the country is particularly dependent on German media (print and electronic), which is not subject to oversight by Austrian policymakers.

Citation:

Ingrid Thurnher: "Politik und Medien - eine unheilige Allianz?" In: Andreas Khol et al. (eds.): "Österreichisches Jahrbuch für Politik 2011." Vienna 2012, pp. 339 - 348.

Cyprus

Score 7

In general, the media do not suffer from direct governmental interference. Legal requirements for starting a publication are minimal. Provisions in the Press Law (Law 145/1989) for the establishment of a Press Council and a Press Authority have been inoperative since 1990. In 1997, media owners, publishers and the Union of Journalists collectively signed a code of journalistic ethics, entrusting its enforcement to a complaints commission composed mostly of media professionals. Reporters Without Borders ranked Cyprus at 30th place out of 180 states in 2016 without further details.

RIK, the public-service broadcaster, is a public-law entity governed by a council appointed by the Council of Ministers. Appointments to its government body are often politically motivated and include party officials. Budgetary pressures imposed by the government and political parties, along with public statements and interferences by parties for "more equitable" access remain diachronic phenomena. Despite this competition for influence, pluralism generally prevails.

A different law, incorporating the provisions of EU media directives, governs private audiovisual media services. Oversight is carried out by the Cyprus Radio Television Authority (CRTA), which also oversees RIK's compliance with its public-service remit. The CRTA has extensive powers and a broadly independent status. No high-level party official can be a member or chairperson of the authority's governing board, but appointments of its members by the Council of Ministers are often politically motivated rather than based on competence.

Overt criticism of the media by government officials remains a rare phenomenon.

At a different level, the Attorney General's constitutional powers to seize newspapers or printed matter constitutes a threat to the freedom of expression.

Citation:

1. Media Pluralism Monitor, Cyprus, 2016, <http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/cyprus/>
2. Reporters without borders, Cyprus <https://rsf.org/en/cyprus>

France

Score 7

In principle, media independence is guaranteed by a complete set of constitutional, legislative and administrative rules. There is not much more that can be done to improve the legal status of the press. This said, media independence is multifaceted. One must distinguish between public and private media, and separate legal independence from financial dependence or influence. Public authorities have in principle no direct capacity to intervene in public media decision-making as the power of control and supervision is delegated to an independent media authority. However, the situation is not clear-cut for many reasons. Public media are mostly dependent upon a special tax paid by every television owner, while their access to the advertising market was strongly curtailed by the former Sarkozy government. Most funding is now under government control.

In the private sector, public influence can be felt through the generous subsidies paid to all daily and weekly newspapers. However, it is paid as a kind of entitlement based on general rules and principles, and as such does not provide any real political leverage to the government. Much more serious is the porosity between the world of media and the world of politics, as well as the fact that most newspapers are owned by large business interests.

Iceland

Score 7

Until privatization in 1986, the state had a monopoly over radio and TV broadcasting. Private stations now have a significant role in the media market. There were nine private TV stations in 2008, 11 in 2011, and all but one offered national

coverage. There is only one state-run TV station. In 2004, Freedom House stated that Iceland had an “exceptionally open and free media environment.” Public funding for state-run Radio and TV (RÚV) was cut by ISK 173 million for 2016. In the five-year financial plan for 2017-2022, presented in the summer 2017, increased funding for RÚV was announced.

Owners of private media sometimes try to exercise influence over news coverage. The largest daily newspaper has faced accusations that its owners, a former business magnate and his wife, have unduly influenced content. Meanwhile, Iceland’s second largest daily newspaper is partly owned by fishing magnates and partly by financial investors. Its chief editor is a former Icelandic prime minister and discredited governor of Iceland’s central bank. The newspaper regularly publishes content critical of fisheries policy reforms as well as Iceland’s application for EU membership. Some politicians in government have repeatedly accused state-run radio and TV of bias against the government in their news reporting. However, despite criticism that Iceland lacks a strong, independent media, the position of those seeking to dominate the media has been considerably weakened by the advent of online social media platforms.

A recent example of reduced media freedoms occurred in October 2017, two weeks before the parliamentary elections. The Reykjavík Sheriff’s Department decided to issue a gag order on the newspaper Stundin, banning the newspaper from covering leaked documents that outlined questionable and problematic financial transactions involving the prime minister, Bjarni Benediktsson, the chairman of the Independence Party. The gag order and the questions raised by the coverage of Stundin had reignited a debate about the corrosive effects of money in politics and the value of a free press. OSCE expressed concern about the gag order, which bars Stundin and its partners at investigative journalism outfit Reykjavík Media, from any further reporting on leaked documents from Glitnir bank. The case will be heard in a district court in early 2018.

Citation:

Karlsson, Ragnar (2010): Íslenskur fjölmiðlamarkaður. Framboð, fjölbreytni, samkeppni og samþjöppun. (The Icelandic Media Market. Supply, diversity, competition and concern). An overview prepared for the Ministry of Education and Culture.

Statistics Iceland (Hagstofa Íslands) www.statice.is

Italy

Score 7

While in the past both center-right and center-left governments had exerted a significant or even a strong influence on public media, starting with the Monti cabinet governments have taken a more detached position. The public media organization, Radiotelevisione Italiana (RAI), had previously been steered by government and parties in both its personnel policies and the control of its organizational frameworks and resources. After the Monti government nominated as

heads of RAI new, fairly independent personalities who have ensured an enhanced political neutrality of the public media, cabinet interference has declined.

The Renzi government's reform of RAI has increased the powers of the CEO while reducing the powers of the board, which has typically comprised representatives of the main political parties. This has reduced the direct influence of political parties over the RAI, but could increase government influence – unless the selection process for the RAI's president and CEO are independent. Funding of RAI is more than sufficient.

While the privately owned Mediaset channels continue to be subject to the strong political influence of their owner, Berlusconi the increasing importance of other channels has helped balance things out.

As for the print media, newspapers and magazines are in general much more independent of government influence and able to ensure a broad spectrum of opinions.

The role of other digital and social media (e.g., Twitter and Facebook) is growing rapidly as a generation of younger politicians makes increasingly heavy use of them. But television still maintains its central role for a large part of the Italian public, which often is not reached by new media.

Netherlands

Score 7

The freedoms of the press/media and of expression are formally guaranteed by the constitution (Article 7). The Reporters Without Borders Press Freedom Index 2017 ranked the Netherlands 5 out of 180 countries, below Norway, Sweden, Finland, and Denmark. The somewhat lower score (compared to previous years) is due to legislative initiatives to expand the Intelligence and Security Act, which threatens journalists' rights to protect their sources. Additionally, Dutch journalists continue to practice "self-censorship" on sensitive issues such as immigration and religion, but not on the royal family.

Public-broadcast programming is produced by a variety of organizations, some reflecting political and/or religious denominations, others representing interest groups. These independent organizations get allocated TV and radio time that is relative to their membership numbers. However, broadcasting corporations are required to comply with government regulations laid down in the new Media Law. This new law abolished the monopoly of the incumbent public-broadcasting corporations and aims to boost competition by giving access to program providers from outside the official broadcasting corporations. A directing (not just coordinating) National Public Broadcasting Organization (NPO) was established, with a two-member government-nominated supervisory board, which tests and

allocates broadcasting time. The new law states that public broadcasting should concern information, culture and education, while pure entertainment should be left to private broadcasters. In practice this leads to controversy around television celebrities' salaries in public broadcasting, and blurred boundaries between "information" and "infotainment." The bill has been criticized for its lack of budgetary considerations. Broadcasting is both privately funded through advertisements and publicly funded, with budget cuts for struggling regional broadcasters who will need to collaborate to survive. Critics have argued that younger people and non-Dutch population groups will no longer be served by the public broadcasters.

The problem in all this is that "public" media have become increasingly indistinguishable from the private media; moreover, traditional or conventional media have become increasingly less important due to market shifts and increasing internationalization. People under the age of 32 consume (paper) media at ever-shrinking rates, while their use of YouTube channels rises quickly. International media enterprises increasingly follow multichannel strategies. Although media policy still formally distinguishes between the written press and broadcasting organizations, this distinction appears outmoded.

Citation:

"Dit verandert er door de nieuwe mediawet," Business Insider Nederland, 15 March 2016

Boekmanstichting, "Mediawet aangenomen in Tweede Kamer" (boekman.nl, consulted 26 October 2015)

Mediawet aangenomen door Eerste Kamer, 15 March 2016 (rijksoverheid.nl, consulted 8 November 2016)

Freedom of the Press 2017, Dutch Country Report, Freedom House

Portugal

Score 7

Public and private media are independent of the government's influence, as mandated by the constitution of 1976. The media are regulated by the Entidade Reguladora da Comunicação Social (ERC). Four of the five members of the ERC board are appointed by a qualified majority of two-thirds of parliament, and the fifth member – who normally becomes the ERC's head – is selected by the other four members.

Spain

Score 7

After 2012, when the government in power during the review period passed a decree reducing the autonomy of the Radiotelevisión Española (RTVE), the public broadcasting group lost some of its political neutrality. However, it would be unfair to regard the national television station as a simple government tool, as in the period prior to the early 2000s, when manipulation was almost systemic. The Radio Nacional de España (RNE), the main national public radio station, has also been criticized for a loss of impartiality and credibility. However, the situation has

changed under the new multiparty scenario. All parties (including the PP) agreed to appoint the next RTVE president on a consensus basis following the 2016 elections. The debate on the new president of RTVE, however, was one major domestic issue during 2017 which was not resolved.

The situation with regard to regional public-broadcast groups is probably worse, with incumbent governments openly promoting their partisan political objectives. This has long been the case in Andalusia and in Madrid but is also observable in other regions such as Catalonia, where the public broadcasting corporation used to be far more pluralistic. However, since 2012, it has openly supported the pro-secession views of the nationalist regional government.

With regard to private broadcasting operations, media groups are of course formally independent, but the parties in office (at both the national and regional levels) have traditionally sought to support those newspapers, radio and television stations ideologically closest to them (through regulation of the audiovisual sector or with generous subsidies). However, some important private television networks have actively promoted the emergence of Podemos, the new anti-establishment party, through the provision of very considerable airtime (see “Media Access”).

Citation:

September 2017, RTVE.es: “El Congreso da luz verde a la nueva Ley de RTVE con el acuerdo de PSOE, Podemos y Ciudadanos.”

<http://www.rtve.es/noticias/20170921/congreso-da-luz-verde-a-la-nueva-ley-rtve-acuerdo-psoe-podemos-ciudadanos/1621280.shtml>

Freedom House, Freedom of the Press 2016 report.

United States

Score 7

The United States has long upheld an unusually rigorous version of media freedom, based on the language of the First Amendment to the U.S. Constitution. In general, government interference in the media sector has been nearly nonexistent. News organizations are rarely subject to damage suits, even for clearly false accusations against government officials. Because judicial precedents virtually prohibit “prior restraint,” they are rarely enjoined from publishing information – even if a source illegally provided it. The United States does not have a national “shield law” protecting the confidentiality of journalists’ sources (and barring punishment for a journalist’s refusal to reveal them), but most states offer such protection.

Recent developments have placed journalists under new pressure. Conflicts have occurred between press freedom and national-security and counterterrorism efforts – including government surveillance of journalists and attempts to compel reporters to reveal the sources of leaked information.

Both in his presidential campaign and as president, Trump has threatened news organizations in various ways for critical coverage, which he dismisses as “fake

news.” He has demanded (unsuccessfully) that critical reporters be fired, threatened antitrust action against the owner of the Washington Post (though no such action has been taken) and suggested that a major television network might be denied its broadcast license (even though over-the-air TV stations, not networks, have licenses). He has also excluded reporters he regarded as unfriendly from campaign events or White House press briefings. By late 2017, there have been no apparent cases of substantial punishment or censorship of news organizations, but the president’s lack of deference for press freedom has been widely regarded as dangerous.

Czech Republic

Score 6

The Czech Republic has traditionally been characterized by a high degree of media freedom, partly because of the independence of public media but also because prevalent foreign ownership did not exercise any visible influence over the content and coverage of private media. In recent years, media freedom has been threatened by ownership transfers from foreign to Czech owners. The main concerns are found in print media. The main player on the Czech media market, the owner of MAFRA and Radio Impulse, Andrej Babiš, has used his media power to strengthen his political power. This was confirmed in May 2017 by five secret recordings leaked on Twitter by an anonymous account (the “Julius Šuman Group,” named after the former officer of the communist secret police who had handled the alleged informer Babiš before 1989). In these recordings, Babiš is heard discussing means to use the media to compromise political opponents, including the prime minister and several non-ANO ministers. The recordings, the authenticity of which was denied by Babiš, played a major role in Babiš’s removal from the cabinet at the end of May.

Jirák, J., B. Köpplová (2018): Vorzüge und Probleme eines liberal-demokratischen Medienmodells: Medien und Politik in der Tschechischen Republik, in: A. Lorenz, H. Formánková (Hrsg.), *Das politische System Tschechiens*. Wiesbaden: Springer VS, 245-265.

Israel

Score 6

Israel’s media environment is considered lively and pluralistic. Freedom of the press is generally respected, and neither the government nor the military abuse their power in order to restrict information. Israelis have wide access to free and largely uncensored internet, and the internet penetration rate reached a high level of 78.9% in 2017. Even though the country’s basic laws do not offer direct protection, and censorship agreements accord the military wide discretion over issues of national security, legal protections for the press are robust. The Supreme Court has ruled that freedom of expression is an essential component of human dignity and has continuously defended it, thus providing for the assimilation of this principle within the Israeli political culture.

In Freedom House's most recent Freedom of the Press rating, the media in Israel was rated as "partly free" (33 out of 100 points). The 2017 World Press Freedom Index also ranked Israel quite low, at 91st place out of 180 countries. These poor evaluations are mainly because of the economic threat to other newspapers presented by the freely distributed Israel Hayom, along with its close ties to Prime Minister Netanyahu. Another reason was the prime minister's decision to keep the Ministry of Communication under his authority, a decision that was later overturned by the Supreme Court in light of the investigations against him.

As part of an ongoing increase in public awareness about matters of government transparency, the level of public interest in issues concerning media ownership and politicization has grown in recent years. Several reports have exposed the media market's ownership structures, identifying issues of cross-ownership, crony capitalism and centralization while pointing out the influence such issues have on coverage of political and economic issues.

The law additionally gives immense power to a military censor. Under a 1996 Censorship Agreement between the media and the military, the censor has the power – on the grounds of national security – to penalize, shut down, or stop the printing of a newspaper, or to confiscate its printing machines. In practice, however, journalists often evade restrictions by leaking a story to a foreign outlet and then republishing. Nevertheless, since the beginning of 2016, the military censor has toughened its policies regarding the supervision of content in newspapers, blogs and other social-media channels. Journalists are subject often accused of inciting violence, cooperating with terrorist organizations, or otherwise posing a threat to Israel's security. Moreover, some bloggers have claimed that the censor has ordered them to pre-submit every text regarding security issues for approval. These practices are another main reason for the country's low ratings on media-freedom surveys.

Other affairs from recent years additionally seem to have undermined aspects of media independence. In 2016, the Knesset passed a controversial amendment to the Knesset Channel Broadcasting Law that prohibited degrading the Knesset as an institution on the official Knesset-broadcast channel. The law was perceived as attempt to limit the independence of the channel. In 2017, the right-leaning Channel 20 won the rights to broadcast Knesset TV. Critics claimed that Channel 20's right-wing ideology was the reason it won the tender (for the next 10 years), replacing Channel 2. The Supreme Court suspended the agreement after ruling that the tender process had contained irregularities. Another problem is the rise in libel litigation against journalists, sometimes perceived as so-called strategic lawsuits against public participation (SLAPP). Prime Minister Netanyahu himself has initiated several such suits against journalists, which were criticized as efforts to threaten press freedom.

In 2017, the Israel Broadcasting Authority ("Rashut Hashidur") was shut down and replaced by a new body, the Israeli Public Broadcasting Corporation (Taagid Hashdiur, IPBC). The decision was intended to guarantee the independence of the new body, and was made after many years of political debate and delay. The older

authority was said to be expensive and outdated. However, numerous delays to the launch of the new authority were proposed. They were mostly perceived as attempts to limit the new body's independence. Culture Minister Miri Regev was once cited as asking, "It's inconceivable that we'll establish a corporation that we won't control. What's the point?" Although Prime Minister Netanyahu sought to close the new corporation, the IPBC eventually started broadcasting on 15 May 2017.

Citation:

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"2017 WORLD PRESS FREEDOM INDEX," Reporters without Borders, <https://rsf.org/en/israel>

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Latvia

Score 6

Private media are generally free from direct government influence. Licensing and regulatory regimes are politically neutral and do not create a risk of inappropriate political interference. However, the opaque ownership structure of private media and the media working environment does enable actors associated with government to have an influence over editorial decisions. Research shows that media editors agree with the opinion that editorial policy is biased, because of the commercial interests of owners or prominent clients, or for political reasons. In 2011, a leaked chain of e-mails between the mayor of Riga and a Russian-language broadcaster showed the mayor to be engaged in daily editorial decisions affecting the news desk. In 2017, leaked transcripts of conversations between Latvia's three "oligarchs" document political influence in the major daily newspaper "Diena" and in public television. These conversations observed that public radio remains impervious to outside political influence.

Public broadcasting has been subject to political influence. The oversight body, the National Broadcasting Council (Nacionālā elektronisko plašsaziņas līdzekļu padome, NEPLP), is politically appointed, and this has had an impact on personnel choices and in some cases content. In 2015, the parliament dismissed the chairperson of the NEPLP. This unprecedented move was considered by some to violate the measures built into the Law on Public Broadcasting meant to safeguard the independence of the public-broadcasting system. The parliamentary decision was successfully challenged in the courts and the dismissed council member was reinstated. However, he is no longer chairperson of the council. In 2017, the Supreme Court rejected his appeal. Since then, a new council has been appointed. This new council has been criticized for violating the independence of public broadcasting after making swift, poorly substantiated changes in the leadership of public radio.

Independent local print media is under increasing competitive pressures from local government-owned media outlets. The latter not only offer a low, subsidized purchase price to readers, but also a low advertising rate, pulling advertising revenue away from independent publications. A local independent media outlet has successfully contested in the courts the legitimacy of local government-owned publications taking paid advertisements.

Overall, two trends are obvious. First, 2017 saw Latvia's media outlets compete for €480,000 in government funding aimed at promoting quality journalism. As the income of media outlets continues to fall, even private media will be ever more reliant on government funding. Second, Latvia's print media is in a downward spiral of falling readership and income. There were only six national newspapers in 2017, compared to fifteen 20 years ago. At the same time, the numbers of people reading only online media (such as Delfi) is rising and this will shake-up Latvia's media market.

Citation:

Rožukalne, A. (2010), Research Paper on Hidden Advertising Issues in the Media, Available at (in Latvian): http://politika.lv/article_files/2117/original/slepta_reklama_mediju_prakse.pdf?1343212009, Last assessed: 20.05.2013

Malta

Score 6

Private media operates free from government interference. Mechanisms exist to ensure that state media operate independently from government interference; since 2014, we have witnessed further progress on this issue. The prime minister appoints all the directors of the State Media Board, as well as all the members of its editorial board. Journalists do often display a clear party preference, which sometimes undermines media independence. Since the general election on 9 March 2013, the government has allowed for a greater diversity of program producers on state broadcasters. Even though state activities dominate the media, existing media diversity and a recent increase in competition ensures that the system is essentially pluralist and a range of opinions remain available. The 2016 World Press Freedom Index placed Malta 46th, two points higher than in the previous year. However, a number of surveys show that public trust in the media ranks among the lowest in the EU. In a 2016 European Commission report on media pluralism, 76% of respondents stated that the media provides a diversity of views and opinions, but only 28% thought that the media provided information free from political or commercial pressure. In the same survey, 44% believed that the media provided trustworthy information, with the lowest scores assigned to newspapers and social media. Also, only 39% viewed the national regulator as free and independent.

In 2016, Malta reformed its vilification laws to allow for greater freedom from prosecution. Prior to this reform, Malta overhauled its censorship laws, allowing for near zero control on the media and the arts. Journalists continue to claim that existing draconian libel laws undermine their work. Malta's press laws are, however, being overhauled. Proposed reforms include the removal of criminal libel and the restriction on defamation of the president, a cap on libel damages (including a clause stating that courts needs to take into account the impact that financial damages may have on a media outlet), and voluntary registration of media outlets. The OSCE welcomed recent changes made to the proposed legislation, but offered additional recommendations, including that a more balanced approach is needed with regard to the defense of truth.

Citation:

Journalists' institute calls for reform of libel laws. Times of Malta 18/07/2015

Cabinet mulls brave new defamation law. Malta Today 11/11/2015

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<http://www.timesofmalta.com/articles/view/20160713/local/justice-minister.618702>

<http://www.timesofmalta.com/articles/view/20160714/local/repealing-blasphemy-law-a-victory-for-freedom-of-speech-says-humanist.618859>

<https://rsf.org/en/ranking>

Standard Eurobarometre 84 Autumn 2015

Malta Today 29/11/17 OSCE analysis of Malta's upcoming media law

Legal analysis of the draft law of the Republic of Malta to provide for the updating of the regulation of media and defamation matters and for matters consequential or ancillary thereto, Commissioned by the office of the OSCE Representative on freedom of the media from Dr. Joan Barata November 2017

Draft law of the Republic of Malta to provide for the updating of the regulation of media and defamation matters and for matters consequential or ancillary thereto 2017

Special Eurobarometer 452. Media Pluralism and Democracy November 2017

World press freedom index of reporters without borders 2016

Slovenia

Score 6

Slovenia's constitution and legal system guarantee freedom of the press, and the media, for the most part, operate without direct political interference. The laws regulating public television and radio broadcasting reflect the strong corporatist element of Slovenian political culture. The Council of Radio-Television of Slovenia (Radiotelevizija Slovenija, RTVS) has 29 members, who are appointed by the National Assembly, but proposed by a broad variety of political and social actors. Changes to the rules and procedures in the previous years strengthened the independence of the public media by reducing the scope for discretionary cuts in public funding, and by requiring an absolute rather than relative majority for the election of the director-general of the Council of Radio-Television of Slovenia. An amendment of Article 260 of the Slovenian Criminal Code, which entered into force on October 2015, strengthened media freedom by making clear that an individual disclosing classified information no longer incurs a criminal liability. During the period under review, however, there have been cases of government-led and other political pressures on journalists when covering politically sensitive issues like the planned investment by Magna or the September referendum on the new rail track, leading to incidents of self-censorship and biased reporting. Another problem is that a lot of local newspapers and publications are owned and funded by the municipalities and exploited by mayors for political purposes.

South Korea

Score 6

In the Reporters Without Borders' 2017 Press Freedom Index, South Korea was ranked 63rd, climbing seven places from 2016. South Korea also remains on the list of "countries under surveillance" in the category of internet censorship. Defamation suits are frequently filed as a means of preventing critical reporting.

Under the Park Geun-hye government, government interference with the press was common. Since the president appoints the head of the public Korean Broadcasting Service (KBS) and indirectly the leadership of the also-public Munhwa Broadcasting Corporation (MBC), the Blue House was able to exert its influence both with regard to internal management and media coverage. In August 2017, KBS and MBC union members initiated a simultaneous strike, demanding the resignation of leaders

appointed under the old government. The protest escalated after it was found that the media companies had created blacklists of journalists based on the contents of their news reporting and had subjected those on the list to disadvantages.

However, the coverage of the impeachment scandal and the public protests demonstrated that the media is able to freely report if public support and interest in an issue is overwhelming. Some media companies such as JTBC even played a crucial role in investigating the corruption scandals related to the Park administration. The freedom of the press is expected to improve further under the Moon government.

Citation:

Korea Times. "KBS MBC to begin strike on Monday." August 30, 2017. http://www.koreatimes.co.kr/www/nation/2017/08/371_235664.html

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Greece

Score 5

The financial crisis, and the continuing decline in circulation and advertising has strained Greece's media sector. Numerous media outlets have shut down, reduced staff and salaries, scaled down or eliminated news departments, or failed to pay wages. These developments have made media outlets more susceptible to government influence.

After closing down the national public broadcaster, ERT, in June 2013, the coalition government of New Democracy and PASOK (in power between November 2011 and December 2014), passed legislation in May 2014 to establish a new national public broadcaster (this time named NERIT). The reestablishment of ERT and the re-hiring of all its employees (who had been dismissed in June 2013) was a major item in the pre-electoral agenda of the Syriza party. In April 2015, the Syriza government passed a law abolishing NERIT and reinstating ERT. It can be argued that this rectified the previous situation. ERT started operating again in June 2015.

However, particularly in the period under review, the ERT TV channels have clearly adopted a pro-government bias across all news programming. With a few exceptions, news presenters toe the government line on almost all issues, while invited commentators often follow a solid government line. This trend is disquieting in view of the government's attempt to control the private TV sector, although this attempt was finally aborted between September and December 2016. Moreover, in the first

months of 2017, the Syriza-ANEL coalition government attempted but failed to control DOL, one of the country's oldest and largest press groups, by allowing a former Syriza member of parliament to temporarily take over DOL's management. As a result of the mistreatment of ERT by the pro-austerity parties, and the recent, very intense meddling by the Syriza-ANEL coalition in TV and press groups, Greece ranked 88 out of 180 countries in the 2017 World Press Freedom Index.

Citation:

The law abolishing ERT and establishing the new public broadcaster, NERIT, i.e. law 4173/2013, was voted in July 2013.

The law abolishing NERIT and re-establishing ERT, i.e., law 4324/2015, was voted in April 2015.

The information on Greece's ranking on the Word Press Freedom index is available at <https://rsf.org/en/ranking#>

Slovakia

Score 5

Under the third Fico government, political pressure on the media increased. Prime Minister Fico and Speaker of Parliament Andrej Danko, the head of the SNS, continued to criticize journalists. The situation between the prime minister and the media was strained as Fico refused to answer questions from particular newspapers and launched verbal attacks against the media during his press conferences. Fico and Danko harshly attacked the public broadcaster RTVS, reproaching it for being opposition-oriented. In June 2017, parliament denied Václav Míka, the incumbent director of RTVS, a second mandate and replaced him with Jaroslav Rezník. A director of the Slovak Radio Broadcasting in the late 1990s and former chair of Slovak Press Agency (TASR), Rezník has been criticized by opposition parties (SAS and OĽaNO), NGOs and media professionals for his servility toward those in power, and his responsibility for the controversial cooperation of TASR with the Russian agency Sputnik, which is known as a Kremlin's propaganda instrument.

Citation:

N.N. (2017): Politics and businesses endanger the freedom of media, in: Slovak Spectator, June 27, 2017 (<https://spectator.sme.sk/c/20568685/politics-and-businesses-endanger-the-freedom-of-media.html>).

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Bulgaria

Score 4

In legal terms, media in Bulgaria are independent of the government. All electronic media – public or private – are subject to licensing by two independent state agencies: the Council for Electronic Media (issuing programming licenses) and the Commission for Regulation of Communications (for radio frequencies and other technological aspects of electronic media). The Council for Electronic Media also appoints the management of the Bulgarian National Television and the Bulgarian National Radio organizations. No specific regulation exists for print media.

In practice, however, the independence of the media in Bulgaria is limited. Many media organizations depend heavily on advertising and other revenues from the government or from government-owned enterprises and/or have owners involved in business deals with the government. The financial dependence of various media on the government budget has increased in recent years. Transparency regarding the ultimate ownership of private media organizations is very low, increasing the opportunities for and the suspicions regarding illicit use of media to further hidden political and business agendas.

While the media landscape in Bulgaria remains diverse and positions expressed in the media cover the full political spectrum, the end of 2017 saw several people in power make direct threats to media figures. For example, one member of parliament who was a candidate for the directorship of a government agency (Anton Todorov) and one deputy prime minister from the nationalist coalition (Valeri Simeonov) threatened a journalist from Nova TV (Viktor Nikolaev), stating that Nikolaev's job may be at risk if he continues to question the procurement of new military airplanes. This caused a public scandal and ultimately cost Todorov his seat in parliament, but Simeonov remains in his position even after publicly demanding that all media covering the scandal apologize to him.

Media independence continues to be compromised by a lack of ownership transparency and the low degree of editorial independence at pro-government media outlets, rather than by the harassment (legal or physical) or suppression of opposition outlets.

A major development in this space has been the growth of non-traditional media. On the one hand, non-traditional media are much more difficult to suppress by the powerful of the day. On the other hand, they are more susceptible to specific manipulations.

Citation:

Smilova, R., D. Smilov, G. Ganev (2012): Democracy and the Media in Bulgaria: Who Represents the People? in: E. Psychogiopoulou (ed.), *Understanding Media Policies. A European Perspective*. Basingstoke/ London: Palgrave Macmillan, pp. 37-54.

Croatia

Score 4

Media freedom in Croatia is limited. Political influence on the media is still fairly strong, as is the influence of private media owners. After the change in the governing coalition in May 2017, the HDZ intensified its control over the public media. In some cases, controversial journalists have been fired and critical programs discontinued. Interviews with the prime ministers and other cabinet members have become less confrontational. The government has weakened independent media by delaying the allocation of EU funding for non-profit media. It has so far failed to adopt the new media strategy announced by Minister of Culture Nina Obuljen

Koržinek at the end of 2016. Nor has it repealed Croatia's controversial 2012 shaming law.

Citation:

South East Europe Media Organization (SEEMO) (2018): Press Freedom in Croatia: Hate Speech and Hope for Change. Vienna (<http://seemo.org/assets/pdf/Croatia-Report-final%203152018.pdf>).

Japan

Score 4

Japanese media are largely free to report the news without significant official interference. While the courts have ruled on a few cases dealing with perceived censorship, there is no formal government mechanism that infringes on the independence of the media. The NHK, the major public broadcasting service, has long enjoyed substantial freedom. However, the Abe-led government has pursued a more heavy-handed approach since 2013, highlighted by a number of controversial appointments of conservatives to senior management and supervisory positions.

In practice, many media actors are hesitant to take a strong stance against the government or expose political scandals. Membership in government-associated journalist clubs has long offered exclusive contacts. Fearful of losing this advantage, representatives of the established media have frequently avoided adversarial positions.

As a result of the passage of the State Secrets Act, which came into effect in 2014, journalists and others charged with leaking relevant information now face jail sentences of up to five years. What exactly constitutes "state secrets" is left very much up to the discretion of the government agencies in question.

In recent years, Japan's ranking in the World Press Freedom Index has plummeted from 22nd place in 2013 to 72nd place in 2017. This is now the lowest rank among the G-7.

In a 2017 report to the United Nations Human Rights Council, a UN Special Rapporteur strongly criticized Japan for eroding media freedoms and stifling public debate on sensitive public issues. In a similarly strong response, the Japanese ambassador to the United Nations accused the report of inaccuracies.

In line with such accusations, former disaster reconstruction minister Masahiro Imamura broke off a press conference in April 2017 after unwelcome questions about the treatment of Fukushima evacuees, yelling at a freelance journalist. After another gaffe, the minister resigned from his post.

Citation:

Hiroko Nakata, Japan stays 72nd on press freedom list but falls to last in G-7, The Japan Times, 27 April 2017, <https://www.japantimes.co.jp/news/2017/04/27/national/japan-stays-72nd-world-press-freedom-list-last-g-7/>

Justin McCurry, Japan accused of eroding press freedom by UN special rapporteur, The Guardian, 13 June 2017,

<https://www.theguardian.com/world/2017/jun/13/japan-accused-of-eroding-press-freedom-by-un-special-rapporteur>

Griseldis Kirsch, Controlling the Media in Japan, 11 July 2016, Ballots & Bullets, School of Politics & IR, University of Nottingham, <http://nottspolitics.org/2016/07/11/controlling-the-media-in-japan/>

Mexico

Score 4

Officially, freedom of expression is protected and the media is independent from the government. Nevertheless, in practice, substantial restrictions exist on what news outlets can cover without fear of reprisal. Topics such as corruption or collusion between organized crime and public officials are particularly dangerous territory. According to data from the Committee to Protect Journalists, Mexico is one of the most deadly places for journalists, surpassed only by Iraq and Syria with regard to the number of journalists murdered. In 2017, a record number of journalists were murdered, making Mexico the deadliest country for journalists not experiencing a civil war. Journalists are routinely harassed and kidnapped. These dangers particularly affect journalists working for subnational news outlets as well as those who report critically on corruption and linkages between politicians and organized crime. The federal government fails to act decisively to protect journalists. Thus, even though press freedom is codified in national laws, in practice there are substantial restrictions on what journalists and news outlets can report on. When journalists are murdered, there is broad impunity for their killers. Again in 2017, the murders of prominent journalists and media workers like Javier Valdez Cárdenas, Miroslava Breach Velducea and Gumaro Pérez Aguilando were particularly horrifying, all the more since the last two were gunned down in front of their children.

Through lavish spending on advertisement, the government exerts influence over the tone and type of coverage by news outlets. While it is difficult to know the true extent of biased coverage, there is concrete evidence that investigative stories about collusion and corruption are buried, and journalists and outlets pay a high price for publishing such pieces. Carmen Aristegui, a prominent journalist, lost her radio show after reporting critically on a corruption scandal involving the wife of President Peña Nieto. Her website, Aristegui Noticias, which is one of the remaining outlets for critical stories, has been attacked by hackers. Moreover, critical journalists such as Aristegui have been tracked using surveillance technology, such as “Pegasus” spyware, which had been sold to the Mexican government. Thus, although the media are formally independent, considerable obstacles exist for the effective exercise of press freedom.

Citation:

New York Times (10 July 2017) “Spyware in Mexico Targeted Investigators Seeking Students.”

Guardian (19 Dec 2017) “Mexican journalist shot dead at son’s school Christmas pageant.”

New York Times (29 April 2017) “In Mexico, ‘It’s Easy to Kill a Journalist’.”

New York Times (21 Dec 2017) “Most Lethal to Journalists: 1. War Zones 2. Mexico.”

Poland

Score 3

The Polish government no longer respects the independence of the media. The Council of National Media was established in June 2016, and appoints the management boards of public TV and radio, and the Polish Press Agency (PAP). The council is dominated by the PiS and takes instructions directly from Jarosław Kaczyński. The National Broadcasting Board (KRRiT), a constitutional body overseeing electronic media, has been staffed exclusively with PiS personnel. Cases of politically motivated appointments and dismissals at TVP, Poland's public TV broadcaster and the public Polskie Radio are numerous. According to estimates, at least 225 journalists either lost their jobs or stepped down from their positions for political reasons in 2016. In response to the takeover of the public media by the PiS government, up to a million previous viewers have declined to watch the main news program of TVP (now often dubbed TV-PiS). The other two major TV channels, TVN and POLSAT, as well as part of the print media, have sought to counter the biased message of the (once) public TV. This may become more difficult in the future as the government plans to reduce the share of foreign companies or institutions to 15-20%, a regulation that would especially affect TVN. In fall 2017, the National Broadcasting Board imposed a fine on TVN because of allegedly unfair and partisan coverage of the protest that took place in the Polish parliament in December 2016. The fine amounted to PLN 1.5 million, but was ultimately dropped when the U.S. government protested strongly. In December 2016, the governing PiS party attempted to limit reporters' access to lawmakers inside the parliament, but ultimately gave up the idea due to resistance from the opposition and public.

Citation:

Chapman, A. (2017): *Pluralism Under Attack: The Assault on Press Freedom in Poland*. Washington, D.C.: Freedom House (https://freedomhouse.org/sites/default/files/FH_Poland_Report_Final_2017.pdf)

Romania

Score 3

In Romania, the independence of the media is limited. The government can exert strong control over the public media, and private media owners often chose to become obedient and to serve powerful politicians in exchange for favors. The decision to abolish the existing TV-radio fee and to have the public media financed directly out of the central government budget, hidden in a list of popular tax cuts, has raised fears about a further increase in the political control of the public media. So have the governing coalition's plans to ease the possibility of dismissing the head of the national press agency Agerpress. Amendments adopted by the Senate to the Law on the Romanian Television Company and to the Law on the Romanian Radio Company were challenged by the National Liberal Party (PNL) in a notification presented to the Constitutional Court of Romania (CCR), stating that reforms threaten the viability and autonomy of the two public services. The PNL have alleged that the legislative proposal (Law no263/2016) adopted in June 2017

involved significant changes compared to the content that was debated and adopted by the Deputies' Chamber, thus constituting a breach in the principle of bicameralism. The challenges are currently before the court but are symptomatic of the continued politicization of media in the country.

Active Watch (2017): Media Freedom in Romania 2015-2016. Bucharest (<http://www.activewatch.ro/en/freeex/publications/freeex-report-annual-press-freedom-in-romania-2015-2016/>).

Hungary

Score 2

In Hungary, media freedom exists only on paper, since more than 90% of media are controlled by the government, either directly, as in the case of the public media, or indirectly, as in the case of private media owned by Fidesz oligarchs. The second Orbán government pushed through highly controversial media laws in 2010/11. These laws have effectively involved a “media capture” by the state since they have strengthened government control over the media by vesting a Media Council (staffed entirely by Fidesz associates) with media-content oversight powers and the right to grant broadcasting licenses. Since then, media freedom has been further restricted by the takeover of formerly independent media by oligarchs close to Fidesz, supported through the strategic allocation of government advertisements. After the acquisition of the last four remaining independent regional newspapers in July 2017, Fidesz oligarchs now control all regional dailies, which still have a large readership, and almost all local radio stations. While Lajos Simicska, an enigmatic oligarch that fell out with Orbán and now supports Jobbik, still controls some media and while there are some minor independent print and other media, the internet has become the central forum for public discourse and information. However, the internet does not reach the society as a whole, as public TV and radio did until the government maximized its influence on them. Moreover, society is vulnerable to disinformation campaigns and fake news. In recent years, the Hungarian media has been penetrated by around 100 locally operated, Russia-linked disinformation sites which have supported the Fidesz agenda.

Citation:

Szicherle, P., V. Wessenauer (2017): A Média és a politika új viszonya Magyarországon (The new relationship of media and politics in Hungary). Budapest: Political Capital/ Friedrich-Ebert-Foundation (http://www.politicalcapital.hu/pc-admin/source/documents/FES_PC_A_media_es_a_politika_uj_kapcsolata%20_171004.pdf),

Györi, L., P. Krekó, J. Jakub, B. Weidinger (2017): Does Russia interfere in Czech, Austrian and Hungarian elections? Budapest: Political Capital (http://www.politicalcapital.hu/pc-admin/source/documents/western_experiences_eastern_vulnerabilities_20171012.pdf).

Turkey

Score 1

Although Turkey has a somewhat diversified media structure, the government places direct and indirect pressure on media owners in order to obtain coverage favorable to the government party. Most critical private media groups have been seized or turned into politically friendly trustees. The oligopolistic and pro-government ownership of media outlets, and self-censorship are the main factors undermining media freedoms.

The constitutional guarantees of freedom of the press and freedom of expression are rarely upheld in practice. The current legal framework and practice are restrictive and do not meet EU standards. The government appoints the general director of the country's public broadcaster, Turkish Radio and Television (TRT). In doing so, it essentially exercises tutelage over the public-media organization's administration. Several TRT channels regularly broadcast pro-government programs, and invite experts allied with the government party to appear on these programs.

Most concerning for many observers have been the unprecedented expansion in the range of reasons given for journalists' arrests, the massive phone-tapping campaign and the contempt shown for source confidentiality. These factors have in sum reintroduced a climate of intimidation with regard to the media.

Media freedom deteriorated dramatically in the aftermath of the July 2016 failed coup attempt. The Venice Commission reported that the use of state of emergency powers had violated media freedom. The Association of Contemporary Journalists reported that in the year following the state of emergency declaration on 20 July 2016, 318 members of the press were detained, 103 members of the press were arrested, 18 journalists were attacked, one journalist died, two online news sites were banned and 25 online news sites were suspended. Furthermore, a total of 147 media outlets were closed down, 1,404 members of the press were dismissed, and 32 parliamentary access cards and 624 yellow press cards were withdrawn. Thus, media pluralism was limited to a handful of low-circulation publications. Several foreign journalists were also detained or deported. Turkey ranked 155 out of 180 countries in the World Press Freedom Index 2017.

Particularly, the aftermath of the 15 July coup attempt saw high numbers of arrests, hearings, detentions, prosecutions, censorship cases and layoffs. A number of physical attacks on media outlets and journalists took place. The closure of media outlets, the appointment of trustees to control media groups, and the active use of the tax authority, the financial crimes unit and courts against critical media intensified.

Intimidating statements by politicians and lawsuits launched against journalists critical of the government, combined with the media sector's ownership structure, have led to widespread self-censorship by media owners and journalists. In some cases, journalists have simply been fired. The politicized Radio and TV Supreme

Council (RTÜK) has issued disproportionate fines to pro-opposition media; however, after the 2015 parliamentary elections, the Supreme Election Board asked the RTÜK to issue fines to media companies that violated the election law.

Citation:

Venice Commission, "Turkey Government Memorandum on the Measures Taken During the State of Emergency Relevant to the Freedom of the Media," 22 February 2017, [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2017\)010-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2017)010-e) (accessed 1 November 2017)

European Commission, Turkey 2016 Report, Brussels, 9.11.2016, http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf (accessed 1 November 2016).

Reporters Without Borders, Turkey, <https://rsf.org/en/turkey> (accessed 1 November 2017)

Freedom House, Freedom of the Press 2017, <https://freedomhouse.org/report/freedom-press/freedom-press-2017> (accessed 1 November 2017)

'FETÖ' Gerekçeli OHAL'de Neler Kapatıldı? <http://www.cgd.org.tr/index.php?Did=1016> (accessed 1 November 2017)

Bianet, Media Monitoring Report April-May-June 2017, <https://bianet.org/english/media/188342-301-journalists-face-4-260-years-in-prison-142-aggravated-lifetime> (accessed 1 November 2017).

Aslı Tunç, "Media Ownership and Finances in Turkey Increasing Concentration and Clientelism" Accessed June 15, 2016.

<http://mediaobservatory.net/sites/default/files/Media%20Ownership%20and%20Finances%20in%20Turkey.pdf>

Indicator

Media Pluralism

Question

To what extent are the media characterized by an ownership structure that ensures a pluralism of opinions?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Diversified ownership structures characterize both the electronic and print media market, providing a well-balanced pluralism of opinions. Effective anti-monopoly policies and impartial, open public media guarantee a pluralism of opinions.
- 8-6 = Diversified ownership structures prevail in the electronic and print media market. Public media compensate for deficiencies or biases in private media reporting by representing a wider range of opinions.
- 5-3 = Oligopolistic ownership structures characterize either the electronic or the print media market. Important opinions are represented but there are no or only weak institutional guarantees against the predominance of certain opinions.
- 2-1 = Oligopolistic ownership structures characterize both the electronic and the print media market. Few companies dominate the media, most programs are biased, and there is evidence that certain opinions are not published or are marginalized.

Finland

Score 10

Finland's media landscape is pluralistic and includes a variety of newspapers and magazines. Moreover, the conditions in which Finland's journalists operate are said to be among the most favorable in the World. In addition, Finland still boasts an impressive newspaper readership, despite a definite decline in circulation numbers in recent years. However, newspapers do face the prospect of long-term decline due to the rise of the electronic media and increasing economic pressures due to a loss of advertising share and increasing costs. Indeed, during the last decade, user-generated content and online social-media platforms have revolutionized the media landscape. As a rule, newspapers are privately owned but publicly subsidized. The ownership structure is therefore fairly diverse. The position of regional newspapers remains comparatively strong, and they provide a variety of print media at the national and regional level. Internet use is open and unrestricted, the share of Internet users in the population aged 16 to 74 exceeds 90%, and broadband internet access is defined by law as a universal service that must be available to everyone. According to Official Statistics of Finland, the Internet has become an established source of information concerning elections. The national broadcasting company, Yleisradio, operates several national and regional television and radio channels, and supplies a broad range of information online. Although state-owned and controlled by a parliamentary council, Yleisradio is viewed as unbiased. Yleisradio is complemented by several private broadcasting companies.

Citation:

Official Statistics of Finland (OSF): "Use of Information and Communications Technology by Individuals" [e-publication]. ISSN=2323-2854. 2011. Helsinki: Statistics Finland.

http://www.stat.fi/tup/suoluk/suolu_k_kulttuuri_en.html#newspaper;

Ville Manninen & Heikki Kuutti, "Media Pluralism Monitor 2015 - Results - Finland", monitor.cmpf.eui.eu/mpm2015/results/finland

Denmark

Score 9

There are currently about 35 daily newspapers in Denmark. This includes six daily (Politiken, Jyllands-Posten, Berlingske, Børsen, Kristeligt Dagblad and Information), three tabloid (MetroXpress, BT and Ekstra Bladet) and 26 smaller regional newspapers, as well as an increasing number of online news sites. Most private publications tend to be conservative or liberal in political philosophy. Left-wing views tend to be underrepresented in editorial pages, but in straight news reporting most newspapers tend to deliver fairly wide-ranging and diverse coverage. The main newspapers regularly include letters to the editor that do not reflect the paper's own views. So in practice, there is a high degree of pluralism of opinions in Danish newspapers. A vibrant civil society contributes to this. Today Jyllands-Posten (right-wing/liberal) and Politiken (social democratic/liberal) are run by the same publishing house, but with independent editorial policies and owned by separate foundations. Only one local paper, Skive Folkeblad, is owned by a party, the Social Liberal Party.

The public media (mostly radio and TV) are independent and have editorial freedom. Satellite and cable TV are increasingly creating more competition for public media. In addition, a number of local oriented radio channels exist. Internet access is widespread and not restricted. Denmark ranks among the top five countries in the world in respect to households having internet access.

All newspapers are active on the internet and are moving more toward paid content. Danes increasingly get their information digitally via social media platforms, such as Facebook and Snapchat. The readership of print media has declined substantially in recent years. But traditional print media and TV still play an important role in public debate.

Citation:

"Media Landscape – Denmark," http://ejc.net/media_landscapes/denmark (accessed 10 October 2015).

"The media landscape in Denmark," <http://www.eurotopics.net/en/home/medienlandschaft/dkmdlschaft/> (accessed 20 October 2014).

"Denmark Newspapers," <http://www.allnewsmedia.com/Europe/Denmark/newspapers.htm> (accessed 16 April 2013).

"Media Insights," <http://frontpage.dk/en/medie-insights/> (Accessed 16 October 2017).

Estonia

Score 9

A great variety of newspapers exist in the country. There are 21 national newspapers including two major daily broadsheets, 67 local newspapers and several newspapers in Russian. As a rule, newspapers are privately owned but some local and regional

papers receive support from the municipalities or counties. Some weeklies such as the Teachers' Gazette and the cultural weekly Sirp receive government funds. Printed newspapers struggle with decreasing readership since electronic media has become increasingly dominant. This trend is supported by high Internet and cable-TV penetration rate. All major newspapers have an online version, and there are two other major online news portals. One of these is publicly funded and run by Estonian Public Broadcasting (ERR), while another, Delfi, is owned by the private Ekspress Group. All TV and radio channels offer an online presence and make increasing use of social media.

Aside from ERR, media ownership is concentrated in two large companies owned by domestic investors (the Ekspress Group and the Eesti Meedia Group). A third major company, the foreign-owned Bonnier Group, publishes Äripäev, a business daily. Some minor online news portals, such as independent poliitikaguru.ee or radical right objektiiiv.ee enjoy an increasing number of followers.

Germany

Score 9

In Germany, the Interstate Treaty on Broadcasting and Telemedia (Rundfunkstaatsvertrag, RfStV) defines a threshold of average annual viewership share of 30%, over which a broadcaster is considered to have an unallowable dominance over public opinion (RfStV, Sec. III, Subsection 2). The Federal Cartel Office (FCO) regulates most questions of oligopoly and monopoly in Germany, and has blocked several potential mergers in both print and electronic media markets.

Two main public television broadcasters operate at the national level in Germany: the Arbeitsgemeinschaft der Rundfunkanstalten Deutschlands (ARD), a conglomerate composed of various regional TV channels, and the Zweites Deutsches Fernsehen (ZDF). According to the Arbeitsgemeinschaft Fernsehforschung (AGF), a broadcast media research group, public broadcasters hold a market share of 44.3%, slightly more than in 2012. In the private sector, the RTL Group holds 24.3% market share, while the ProSiebenSat.1 Media AG accounts for 18.8% of the total television market. TV is the most used media (80%), followed by radio (65%) and the internet (63%).

The nationwide print media market is dominated by five leading daily newspapers: Süddeutsche Zeitung, Frankfurter Allgemeine Zeitung, Die Welt, Handelsblatt and the tabloid Bild. Bild has by far the biggest circulation in Germany. Additional agenda-setters are a number of weeklies, in particular Der Spiegel, Focus, Die Zeit and Stern.

With newspaper circulation continuously falling, the internet has become an increasingly important medium for citizens to gather information. This has forced print media to engage in significant cost cutting measures, including reducing the

size of editorial staff. This structural change from print to electronic media has not been accompanied by increasing market concentration. In summary, Germany has a comparatively plural and diversified media-ownership structure and modestly decentralized television and radio markets.

Citation:

<https://www.agf.de/daten/tvdaten/marktanteile/>

https://www.bdzv.de/fileadmin/bdzv_hauptseite/aktuell/publikationen/2017/ZDF_2017.pdf

<https://de.statista.com/statistik/daten/studie/74804/umfrage/marktanteile-oeffentlich-rechtlicher-und-privater-vollprogramme/>

Norway

Score 9

The state-owned broadcast channels control dominant shares of the country's TV and radio audiences. There are two private TV channels and various private radio channels, including local radio stations. The government does not interfere with the daily activities of the private media, but does monitor to ensure that they comply with their contractual obligations, which for national channels includes broadcasting throughout the entire country. A special body called the Norwegian Media Authority (Medietilsynet) is responsible for monitoring and regulating the market.

The stated goal of government regulation of the broadcast-media market is to guarantee that quality remains high and that coverage is national. Cable TV is essentially unregulated beyond the effect of general laws (e.g., there is a ban on pornography).

Newspapers operate independently and express a plurality of views. As elsewhere in the world, newspaper circulation is on the decline, as is print advertising. As a result, many newspapers are under financial strain and have in recent years been forced to cut back on editorial staff. Web-based news outlets are replacing print newspapers, and are accounting for a steadily growing market share of media advertising. In the last few years, local newspapers in particular have come under increasing strain resulting from reductions in advertising income and subscription rates.

The concentration of ownership has not to date been perceived as a threat to media plurality. However, private ownership is becoming increasingly oligopolistic across print and broadcast media. The distributors of digital signals have also used their power to change marketplace dynamics. Since digital distribution is becoming increasingly important, the structure of ownership in this channel has a larger negative implication for media plurality. Although there is a tradition of nonintervention by owners in editorial matters, the print media as a body has at critical junctures become politically biased. The media landscape as a whole, as well as the general public debate, demonstrates a noticeable and sometimes-narrow political correctness. Broadband internet is widely used and accessible all over the country.

Sweden

Score 9

The Swedish media market is highly competitive. There is a very clear distinction between public service and commercial media with the former mitigating the downsides of the latter. The only problem with the growing private media market is that it has a highly centralized ownership structure with significant foreign ownership.

New social media (Facebook, blogs, Twitter, Instagram, etc.) are developing at an amazing speed in Sweden, as elsewhere, and are playing an increasingly important role in politics. Electronic media are most popular with a younger and well-educated demographic. Internet penetration in Sweden is among the highest in the world.

Citation:

Andersson, U. et al. (eds.) (2017), *Larmar och gör sig till* (Gothenburg: The SOM Institute) (<https://som.gu.se/publicerat/bocker/70.-larmar-och-gor-sig-till>).

Johansson, B. et al. (2014), *Det politiska spelet. Medborgare, medier och politiker i den representativa demokratin* (Lund: Studentlitteratur).

Olsson, J., H. Ekengren Oscarsson and M. Solevid (eds.) (2016), *Eqvilibrium* (Gothenburg: The SOM Institute).

Switzerland

Score 9

The most important electronic media organizations in Switzerland in terms of coverage and intensity of citizen use are publicly owned. Private-sector television stations play only a small role in the country's media landscape. These are largely regional stations. A number of foreign radio and television stations can be received in Switzerland, contributing to the country's media plurality. The country has a high number of privately owned newspapers, with a highly decentralized system of regional concentration. However, a strong tendency toward centralization has weakened the regional newspaper market. This has been amplified by the strong growth of free papers for commuters such as *20 Minuten* in the morning and *Blick am Abend* in the evening (similar publications exist in the French-speaking part of Switzerland). These have tended to crowd out readership of traditional newspapers, which have collectively suffered from a decline in readership of 23% (on a circulation basis) between 1990 and 2014. In addition, a trend toward concentration has affected formerly independent newspapers such as *Bund* and *Berner Zeitung*. In 1980, 290 newspapers existed in Switzerland; in 2014, this number shrank to 181, a reduction of 38%, a process that continued over the following three years. As with other small nations, Switzerland enjoys a relatively diversified ownership structure, but over time there has been a very strong process of centralization and concentration.

There will be a popular vote on a proposal for a constitutional article in March 2018.

The proposed article would prohibit the federal government from subsidizing or running broadcasting and TV stations. This would imply the abandonment of public radio and TV.

Ireland

Score 8

A wide range of newspapers – national and local – is published in Ireland and this is augmented by the circulation of the main UK newspapers and weeklies. In addition to the range of public-service state-owned radio and TV stations, a variety of privately owned stations also exist. Irish listeners and viewers also avail themselves of UK English-language stations, which are widely received in the country. As a result, Irish readers, listeners and viewers are exposed to a plurality of opinions.

There is a plurality of ownership in the Irish media – the sector includes state radio and TV, private radio and TV, a variety of newspapers with varied private ownership, and many small-circulation magazines that purvey alternative political views and philosophies. However, there are recurrent suspicions about the influence and power of the Independent News and Media Group, an Irish-based multinational media company that owns the largest circulation national titles. The control of this company has changed recently following a bitter internal feud. The group's editors maintain that its journalists are not restricted in their professional freedom.

There are also recurrent criticisms of the views promoted by the state-owned broadcasting company, RTÉ, and of bias in its core news and editorial comment. There does not appear to be much basis for such claims.

Irish libel laws are restrictive and may impair the ability of investigative journalists to have their work published. However, the restrictions imposed by the existing laws do not imply any bias toward one end of the political spectrum or the other.

United States

Score 8

The media market is characterized by pluralism in the electronic and broadcast sectors. Publicly funded television and radio networks provide high-quality programming but have modest resources for news gathering. There are strong television-news networks on both the left (MSNBC) and the right (Fox News) of the political spectrum. Within the private media, an unprecedented consolidation has occurred in recent years. The number of independent television-station owners has dropped by 40% since 1995. During the same period, the number of commercial radio stations has dropped by 36%. Just five big media corporations control nearly 75% of primetime viewing. In addition, there has been a steady decline of competition in the print media, especially with regard to local newspapers; few cities today have more than one newspaper.

The main challenge with respect to pluralism is the decline in financial resources available for actual news gathering and reporting, as opposed to commentary. As an unfortunate consequence, an increasing proportion of news coverage consists of statements made directly by politicians or public officials, often without filtering or analysis by reporters. The rapidly increasing use of mobile phones as a principal means of accessing news reduces the depth of the reporting people receive.

Cyprus

Score 7

In recent years, media companies have grown in size, extending their hold on the press and broadcasting (mainly radio) sector, and operating internet news portals. An increased dependency on financial interests has also been evident, even in content, which has led to less critical reporting. Strict ownership rules focus primarily on capital concentration, with a threshold of 25% on capital share in audiovisual media, and disallowing cross-media conglomerates. Very limited ownership data are publicly available. In 2017, additional print media companies faced serious challenges or closed down.

A deliberate focusing of attention on the Cyprus problem and a predominance of polarized viewpoints over real debate persisted in 2017. Additional themes such as corruption, the financial crisis and the need to address hydrocarbon use were also covered. Issues of social concern such as multiculturalism, the need for transparency and governance quality were also on covered during the period under review. The absence of analytical reporting, combined with advocacy journalism are major problems.

The government and other mainstream actors largely monopolize media access, restricting the spectrum of themes covered and viewpoints expressed. A focus on partisan confrontations, polarized viewpoints and blaming lead to critical problems rarely being discussed in a meaningful manner.

Citation:

1. Media Pluralism Monitor Cyprus, 2016 <http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/cyprus/>
2. Report on Cyprus in "The Citizens' Right to Information: Law and Policies in the EU and its Member States," 2012, pp. 163-182, <http://www.statewatch.org/news/2012/nov/ep-study-citizens-right-to-information.pdf>

Czech Republic

Score 7

The private media market in the Czech Republic has changed significantly in recent years. The most critical tendencies are the concentration of media ownership, the departure of several international owners and the broadening of the scope of media holdings (print, online, radio and television). Measured by print circulation, the most influential media group in the Czech Republic during the review period was the

Czech News Center (owned by entrepreneurs Daniel Křetínský and Patrik Tkáč) followed by MAFRA (owned by Andrej Babiš, since February 2017 in a blind trust which includes his close family members). The former was initially held by a Swiss group and the latter by German groups. The concentration of ownership is not as evident in the TV sector. Here the strongest private owners are the U.S. owned Central European Media Enterprises (CME) and Czech-owned FTV Prima. In the period under review, no significant changes in media ownership took place. However, CME announced its intention to sell as a single block its TV channels in the Czech Republic, Slovakia, Bulgaria and Romania. This would exclude potential local media magnates.

Citation:

Cichowlas, O., A. Foxall (2015): Now the Czechs have an oligarch problem, too, in: Foreign Policy.com (<http://foreignpolicy.com/2015/04/10/now-the-czechs-have-an-oligarch-problem-too-andrej-babis/>).

Italy

Score 7

The Italian media system is more balanced today than in the past. In television, the earlier duopoly between public television (RAI) and private television (controlled by Berlusconi's Mediaset) is now less exclusive. Sky TV and La7, as well as other national television and digital broadcasters, offer alternative sources for news. Public television is now under a more politically neutral governance. As for print media, the presence of four or five significant groups ensures a satisfactory degree of pluralism. Overall one can say that all political opinions of some relevance in the political spectrum receive fair media coverage. Understandably, the largest parties obtain more space than the smaller ones.

It would be difficult to say that certain positions are not published or are marginalized, especially in the case of newspapers. One of the big issues in Italy is still the predominance of television: newspapers, radio programs and electronic media can't counterbalance its influence. A large television company, Mediaset, continues to exercise significant influence over electoral campaigns. With the return of Berlusconi to political prominence, the influence of Mediaset may become increasingly more important.

Latvia

Score 7

Media ownership is diverse. Print media is privately owned, while broadcast media has a mix of public and private ownership. Market pressures have created some consolidation in the market, leading to concerns about pluralism. In 2012, the Modern Times Group sought to expand its TV holdings in Latvia by buying a competitor, LNT. The merger was reviewed by the Competition Council, which allowed it under a set of conditions to protect media plurality, including a

requirement to retain two separate news desks and news-programming systems until 2017.

Newspapers and magazines provide a diverse range of views, but ownership structures are in some cases opaque. Internet news portals (Delfi and TVNet) have replaced print newspapers as the primary source of news.

Citation:

1. Competition Council (2012), On the Merger of Market Participants, Available at (in Latvian): <http://www.kp.gov.lv/files/pdf/UNIdnCrDP7.pdf>, Last assessed: 17.05.2013.

Lithuania

Score 7

Lithuania's electronic and print media markets are characterized by a mix of diversified and oligopolistic ownership structures. Ownership structures are not transparent. Publicly owned electronic media (the state-funded National Radio and Television) to some extent compensate for deficiencies or biases in private sector media reporting. According to Transparency International (the Vilnius office), some media entities are more transparent than others. In 2007, the organization singled out Verslo Žinios and Valstiečių laikraštis among the print media and the Lithuanian Television from the electronic media for transparency, while print publication Respublika and Baltic Television were criticized in this regard. In 2014, the Journalists' and Publishers' Ethics Commission criticized print publications Respublika and Lietuvos rytas for failing to comply with professional ethics in publishing public information. In some cases, business conglomerates own multiple newspapers and TV channels. Media-ownership concentration has been increasing over the last several years due to the purchase of media outlets by domestic and foreign companies. In addition, although state and municipal institutions cannot legally act as producers of public information, the Druskininkai municipality finances a newspaper that is freely distributed to local people by working through an educational organization. In 2014, the Vilnius district court ruled that the Druskininkai municipality broke the law by publishing this newspaper. Between 2015 and 2016, other news of ruling municipal politicians limiting the independent reporting of regional media or close connections between ruling parties and regional media outlets surfaced, evidencing that on the municipal level pluralism of opinions is limited.

Citation:

See the 2007 Report of Transparency International (the Vilnius office) in http://transparency.lt/media/filer_public/2013/01/22/skaidresnes_zinia_sklaidos_link.pdf
See information by the Journalists' and Publishers' Ethics Commission <http://www.lzlek.lt/index.php?lang=1&sid=371&tid=400>

Luxembourg

Score 7

All of Luxembourg's six daily newspapers have links of some sort to political parties. One of the six dailies, *La Voix*, a French language supplement of the leading newspaper, *Luxemburger Wort*, was shut down in fall 2012. There is a marked imbalance of strength and influence among newspapers, which generally reflects the strength of their political sponsors. The *Luxemburger Wort* is owned by the Catholic Church and therefore has ties to the Christian Social People's Party. In 2016, it had a circulation of 69,700 copies (2015: 70,410), a staggering number considering Luxembourg's population of 590,000. This figure is also larger than the combined circulation of its competitors.

The media landscape was shaken with the launch of two free daily newspapers. The market share of the *Luxemburger Wort* fell to 32%, while that of *L'Essentiel*, the most successful of the free papers, recorded a share of 27.1% in 2017. *L'Essentiel* and *Tageblatt* (Luxembourg's second-largest newspaper, with a market share of about 8.7%) are both published by Editpress, which has ties to the Luxembourg Socialist Workers' Party and the socialist trade union OGB-L. The conservative media group Saint-Paul, publisher of the *Luxemburger Wort*, is losing ground because of increased competition and societal changes. Not only did it shut down *La Voix*, it also abandoned the free newspaper market by closing down its own paper, *Point24* in December 2012. In March 2018, an ambitious internet newspaper project driven by younger journalists will launch: *Reporter.lu*. These developments, in addition to a restructuring of the *Luxemburger Wort*, are signs of change in Luxembourg's media market.

Radio Télé Luxembourg has no competitors in the television market and remains well ahead in radio, despite liberalization launched in the early 1990s, which led to the creation of public broadcaster Radio 100,7. With 37.2%, RTL's audience share in 2017 is much higher than that of second ranking Elodoradio (23.3%). Two new radio stations began broadcasting in 2016. In addition, Chamber TV transmits live parliamentary sessions as well as weekly background information and news programs on Mondays. It is owned by the Chamber of Deputies and only broadcasts on those specific occasions.

Citation:

Des médias. Service information et presse du gouvernement luxembourgeois, 2013. www.luxembourg.public.lu/fr/publications/e/ap-medias/AP-Medias-2013-FR.pdf. Accessed 21 Feb. 2017.

"Luxembourg." Eurotopics, www.eurotopics.net/fr/142186/medias?search=&country=146415&language=0&art=0&circulation=0&typ=2#results. Accessed 21 Dec. 2017.

"Médias." Eurotopics, www.eurotopics.net/fr/home/medienlandschaft/luxmdn/. Accessed 21 Dec. 2017.

"Presse écrite." Le portail officiel du Grand-Duché de Luxembourg, www.luxembourg.public.lu/fr/le-grand-duche-se-presente/medias/presse-ecrite/index.html. Accessed 21 Feb. 2017.

Projet mondial de monitoring des médias (GMMP) 2015 – Rapport national. Conseil National des Femmes du Luxembourg, 2015. www.cnfl.lu/site/GMMP_LU_rapport%20final%202015.pdf. Accessed 21 Feb. 2017.

Étude TNS Ilres Plurimedia Luxembourg 2017. TNS ILRES, 2017. http://paperjam.lu/sites/default/files/communiquede_presse_etudeplurimedia_20171.pdf. Accessed 21 Dec. 2017.

„Wer wir sind.“ <http://www.reporter.lu/wer-wir-sind>. Accessed 27 Jan. 2018.

“L’essentiel Radio bientôt sur les ondes! La première radio francophone du Luxembourg commencera à émettre après la mi-février sur la fréquence 107.7 MHz.” <http://www.lesessentiel.lu/fr/news/luxembourg/story/L-essentiel-Radio-bientot-sur-les-ondes-15318466>. Accessed 9 Feb. 2018.

Netherlands

Score 7

The Dutch media landscape is very pluralistic but nonetheless subject to a gradual narrowing of media ownership, internationalization and rapid commercialization. On the other hand, availability of (foreign and national) web-based TV and radio has increased tremendously. The Dutch media landscape is still characterized by one of the world’s highest newspaper-readership rates. Innovations in newspaper media include tabloids, Sunday editions, and new-media editions (online, mobile phone, etc.). On a regional level, the one-paper-city model is now dominant; there are even several cities lacking local papers altogether.

The degree of ownership concentration in the print media is high. Three publishers control 90% of the paid newspapers circulated, and foreign ownership of print media outlets is growing. As the circulation of traditional magazines decreases, publishers are launching new titles to attract readers. There are currently at least 8,000 different magazine titles available for Dutch readers. Print outlets – both newspapers and magazines – carry a high share of advertising, but this is declining. There are several public and private television and radio stations at the national, regional and local levels. The three public channels continue to lose viewers. The Netherlands also shows one of Europe’s highest rates of cable TV penetration (about 95%). Internet usage rates in the Netherlands are high, and many people are connected through broadband (almost 50% of Dutch households). Ten million Dutch use the internet on a regular basis, amounting to almost 95.5% of the population over six years old.

In the European Union’s Media Pluralism Monitor 2017, the Netherlands was characterized low risk in the domains of basic protection, political independence and social inclusiveness. However, the country was characterized medium risk in market plurality and high risk for concentration of cross-media ownership, as there are no legal restrictions at all and transparency of ownership is low. Consequently, a typical person’s media sources are likely to be controlled by the same, one owner. This requires better regulation of media mergers.

Citation:
Media Monitor:
<http://www.mediamonitor.nl/>

P. Bakker, 30 jaar kranten in Nederland: consolidatie en monopolievorming, in mediamonitor.nl, consulted 5 November 2014

Media Pluralism Monitor 2017 - Results, Netherlands, October 2017 (monitor.cmpf.eu, consulted 13 October 2017)

Portugal

Score 7

Portugal's media market is competitive and relatively diversified. There are four free broadcast-television networks – one public (RTP, with two channels) and two private (SIC and TVI), each of the latter owned by a different media conglomerate (Impresa and Media Capital). In the aftermath of the transition to digital television, the Portuguese Assembly's own channel, ARTV (previously only available on cable), was added to the roster of free channels in December 2012.

The national cable television news channels, once restricted to offerings from the RTP and SIC groups, has been diversifying substantially since 2009.

The newspaper market has shown diversification, with several leading groups emerging. The Global Media Group holds several relevant titles, notably *Jornal de Notícias* (a leading daily in northern Portugal) and *Diário de Notícias* (another leading daily newspaper). The Impresa group also controls some print outlets, its flagship being the influential *Expresso* weekly. Meanwhile, the Sonae group is behind another influential title, the daily *Público*. Cofina Media owns the *Correio da Manhã* tabloid and the daily *Jornal de Negócios* financial newspaper, while Newsplex owns *The Sol* weekly and “i” daily. There is also an online daily newspaper called *Observador* with a classical liberal orientation (as set out in its editorial statutes).

This diversity results in a degree of pluralism of views and opinions. At the same time, it must be noted that most media outlets – notably newspapers – face considerable financial challenges. Indeed, the period under review saw the Cofina group fire around 30 journalists in April 2017.

These financial challenges have also produced considerable volatility in media-ownership patterns. In August 2017, it came to light that the Impresa group was seeking to sell some of its titles. However, a more problematic issue during this period was telecom and cable supplier Altice's attempt to take over the Media Capital group, which includes the TVI television channels as well as several radio stations and internet news services. Although the parties agreed to this purchase in July 2017, the sale had not been finalized by the end of the review period, and remained dependent on approval by the Competition Authority.

Citation:

Observador, “Estatuto Editorial,” available online at: <http://observador.pt/estatuto-editorial/>

Spain

Score 7

In terms of media demand, citizens have become more interested in politics during this era of crisis as they seek solutions to ongoing problems. However, economic adversity also limits participatory resources. The empirical evidence shows that the two processes – a stronger motivation to acquire knowledge, but fewer resources to do so – are running somewhat in parallel. Even if print media show reduced sales, the Spanish population's growing access to the internet (with a penetration rate of approximately 75%) and the widespread use of social networks have encouraged the proliferation of electronic newspapers and independent blogs that counterbalance oligopolistic trends and guarantee that certain opinions can be expressed in public debate. The largest newspaper is the very influential center-left *El País*. Other nationwide newspapers include the center-right *El Mundo* and the conservative *ABC*, published by the Vocento Group, which also owns many local newspapers in the Basque Autonomous Community and other regions. In Catalonia, the moderate nationalist *La Vanguardia* is the market leader. There is no print newspaper that represents genuinely left-leaning ideas, but progressive digital publications such as *publico.es* and *eldiario.es* have enjoyed considerable growth. There are also significant liberal and conservative digital media such as *elconfidencial.com* and the new *elespanol.com*. The country's most-read information websites are the electronic versions of print newspapers. With regard to television, the Italian company Mediaset is the leading group in the country (owning the most-viewed TV channel, *Telecinco*, as well as *Cuatro* and other minor channels). This is followed by *Atresmedia Corporación* (including both the right-wing *Antena 3* and the more leftist channel *La Sexta*). Mediaset España and Atresmedia controlled 85% of the Spanish TV ad market in 2017. In addition, there is the public broadcaster *Televisión Española* as well as regional public-television networks and small private stations.

The radio market is dominated by the center-left *SER* station followed by the center-right *Onda Cero*, the *Cadena Cope* (that belongs to the Catholic Church) and the publicly owned *Radio Nacional de España (RNE)*. The limited pluralism of public channels and some private channels hampers informed public opinion.

Citation:

Febrero-marzo 2017, Audiencia de Internet en el EGM

<http://www.aimc.es/a1mc-c0nt3 nt/uploads/2017/05/internet117.pdf>

Media Pluralism Monitor 2016 Monitoring Risks for Media Pluralism in the EU and Beyond, Country report: Spain

http://cadmus.eui.eu/bitstream/handle/1814/46812/Cover_Spain_re v2EN.pdf?sequence=1&isAllowed=y

United Kingdom

Score 7

The strong concentration of newspaper ownership has long been a feature of the United Kingdom's media market and that continues to be the case. The BBC as a

public-service broadcaster has a dominant position, especially with regard to broadcast and online news. There is a long tradition of powerful individual owners, such as Rupert Murdoch (News Corporation), dating back to the 19th century. This coexists with a lively regional newspaper scene. However, regional newspapers have little influence in terms of national opinion.

The electronic media and television market, in contrast, is much more balanced and also required by regulation to be politically neutral.

The support of the Murdoch media empire has been considered politically crucial over the last two decades. The firm has been very influential particularly in terms of the United Kingdom's position toward European integration. Following the News of the World scandal and the enquiry into corporate standards at News Corporation, Murdoch's influence may have been weakened, but that of the Daily Mail Group remains strong. In addition, the Leveson Inquiry has demanded higher diversity in ownership and tighter regulation on media mergers, both of which (if enacted) could also work toward more diversity of opinion. The press, collectively, has strongly opposed attempts to circumscribe the freedom of opinion, and the matter remains unresolved.

Belgium

Score 6 Relatively few actors have an ownership stake in the major private-media companies, a situation normal within an economy of this size and within an oligopolistic market. In practice, the various media outlets (television, radio, print and web) offer a diverse range of opinion, and most political positions are well represented. The boards of Belgium's two large public-media entities for radio and television (the Flemish VRT and the francophone RTBF) are composed of representatives from most political parties, including opposition parties (from among the main parliamentary parties).

One issue affecting media outlets is the growing financial stress on print media. Tighter budgets have restricted newspapers' ability to pursue in-depth investigations on a systematic basis, and have in general diminished some of the public scrutiny that a free press is in theory supposed to exert.

Canada

Score 6 Media ownership in Canada is concentrated, with a small number of Canadian-owned and Canadian-controlled media conglomerates dominating the mainstream print and electronic media. There is also strong media concentration in some parts of the country (e.g., the Irving newspapers in New Brunswick). A case can be made that this has led to a lack of diversity in views and positions. For example, mainstream

media outlets rarely support social-democratic political parties. The mainstream print media argue that while their editorials generally express a right-wing or centrist political orientation, they make an effort to seek out contributors with left-wing perspectives and to provide balanced coverage of issues. Whether this is indeed the case is, however, doubtful.

While alternative sources of information such as online newspapers, magazines and social media (e.g., blogs) may help promote a pluralism of opinions, mainstream media likely will continue to play a crucial role in setting the national agenda. In this regard, the concentration of media ownership in Canada means that certain opinions are not represented to the degree that they are held by the general population.

Iceland

Score 6

Media ownership in Iceland can be divided into three blocs, two private ones and one public.

There is one state-owned TV station (RÚV - Sjónvarp) and two state-owned radio channels (RÚV - Rás1 and RÚV - Rás2). There are also five private national TV channels (Stöð2, Sjónvarp Símans, ÍNN, Hringbraut, and N4) and two national private radio channels, separately owned. Until March 2017, the private 365 Media Corporation (365 Miðlar) owned a TV station (Stöð 2), Bylgjan radio station and Fréttablaðið, the larger of the country's two daily newspapers. 365 Media Corporation was the largest media actor in Iceland and has clear connections to Jón Ásgeir Jóhannesson, a business magnate and former bank owner until the 2008 economic collapse. But in March 2017, 365 Media Corporation sold all the TV, radio, and multimedia components of the company to Vodafone – everything except the newspaper Fréttablaðið, which is distributed free of charge to nearly all households in the country. Subsequently, Síminn and Vodafone will own the largest privately-run TV stations in Iceland. Síminn operates Sjónvarp Símans (Síminn's TV) while Vodafone is now the owner of all of 365's broadcast media, namely the TV stations (Stöð 2, Stöð 2 Sport, Stöð 3 and Bíórásin) and radio stations (Bylgjan, FM957 and X-ið).

Morgunblaðið, the second biggest newspaper after Fréttablaðið – still owned by 365 Miðlar, has long been considered the voice of the Independence Party. Its chief editor since 2009 is the former Independence Party prime minister, Davíð Oddsson. Other newspapers include DV, Stundin and Kjarninn, an online news site founded in 2013 by disgruntled journalists previously employed by Morgunblaðið. Fréttatíminn, established in 2010, went out of business in 2017.

Given the somewhat broader ownership of TV and radio media combined with several smaller TV broadcasters, radio stations and newspapers, media ownership in Iceland can be considered fairly pluralistic.

Israel

Score 6

The pluralistic makeup of Israeli society is reflected by the press landscape, which includes more than a dozen daily newspapers and a wide range of weeklies and news websites serving readers from various religious, ethnic and linguistic groups. A similarly diverse selection of broadcast media is also available in Israel, including local radio stations that cater to the country's regional communities as well as the ultra-orthodox, Russian-speaking and Arabic-speaking populations.

Israeli policy toward media pluralism follows a “multivalued approach,” in the sense that it views an open media field as a part of the democratic order, and thus values it not only for economic purposes but for normative ones as well. This view justifies utilizing special regulatory tools (as opposed to exclusive antitrust regulation) in order to prevent concentration of ownership and cross-ownership in the media sector. In this spirit, media regulation in Israel also addresses issues of content (specifically regarding issues of local production and censorship).

In practice, media regulation in Israel largely structural, controlling ownership in broadcast organizations (radio, public television, and private television via cable or satellite). The regulators are charged with authorizing broadcast rights and enforcing regulations in matters of ownership concentration, cross-ownership and foreign ownership. According to the Freedom House 2017 report, ownership concentration among private broadcast stations remains an issue of concern. The print media is not under the same restraints and is instead addressed through antitrust regulation or voluntary self-regulation. Most news websites in Israel are operated by print-media companies. There are current attempts to expand regulation within the digital sphere, but as of the time of writing, the parliament had passed no laws in this area.

A comprehensive media-ownership map that tracks the identities of tycoons, corporations and other entities that control Israel's media companies and outlets shows diversified ownership structures both in the electronic and print-media markets. The public and regulated private media compensates for deficiencies or biases in private-media reporting by ensuring representation of a wide range of opinions. Israel's diverse newspaper industry was joined in 2007 by “Israel Hayom,” a free daily newspaper owned by Sheldon Adelson, an American businessman who is openly aligned with the prime minister and the Likud party. This paper quickly captured 40% of the market, thus raising concerns due to its partisan coverage and its negative effect on competing commercial newspapers.

Citation:

Agmon, Tamir and Tsadik, Ami, “Analyzing economic ramifications of centralization and cross ownerships in the Media,” Knesset Research and Information Center, 2.11.2011 (Hebrew)

Tal, Yizhar and Ivry-Omer, Dina, “Regulation of electronic communications services in Israel: The need to establish a communications Authority,” Policy research 76 IDI, November 2009: http://en.idi.org.il/media/277043/pp_76.pdf

(Hebrew)

Tucker, Nati, "Why did Shlom Ben Tzvi disappear?," *theMarker* 3.10.2014: <http://www.themarker.com/markerweek/1.2449472> (Hebrew).

Zrahiya, Zvi, "Israel's media is riddled with alien interests," 15.11.2011, <http://www.haaretz.com/business/israel-s-media-is-riddled-with-alien-interests1.395639?localLinksEnabled=false>

"Freedom of the Press: Israel 2017," Freedom House, 2017, <https://freedomhouse.org/report/freedom-press/2017/israel>

Media Ownership Map, The Seventh Eye website: <http://www.the7eye.org.il/wp-content/uploads/2016/04/the-7th-eye-israel-media-ownership-map2016-english.pdf>

Japan

Score 6

Japan has an oligopolistic media structure, with five conglomerates controlling the leading national newspapers and the major TV networks. These include Asahi, Fuji Sankei, Mainichi, Yomiuri and the Nihon Keizai Group. Another major force is NHK, the public broadcasting service, which rarely criticizes the status quo to any significant degree. The NHK director-general installed by the LDP-led government in 2013 has made it clear that he intends to follow the government's viewpoint. The main media groups also tend to avoid anything beyond a mildly critical coverage of issues, although a variety of stances from left-center (Asahi) to conservative-nationalistic (Sankei) can be observed.

Generally speaking, the small group of conglomerates and major organizations dominating the media does not capture the pluralism of opinions in Japan. Regional newspapers and TV stations are not serious competitors.

However, new competition has emerged from international media, and particularly from interactive digital-media sources such as blogs, bulletin boards, e-magazines and social networks. Their use is spreading rapidly, while the circulation of traditional newspapers is in decline. The loss of public trust in the government and major media organizations may have intensified the move toward greater use of independent media channels, also opening some new potential for independent investigative journalism. Such channels tend to cater to their specific audiences, however. So while there is more pluralism, there is also a tendency toward increasingly one-sided interpretations of events. Among Japanese youths, right-wing internet channels have gained a considerable following.

Citation:

Alessia Cerantola, Investigative Journalism in Japan: Tough Times But Signs of Hope, Global Investigative Journalism Network, 6 July 2017, <https://gijn.org/2017/07/06/investigative-journalism-in-japan-tough-times-but-signs-of-hope/>

Malta

Score 6

Maltese media outlets, including visual media, electronic media and print publications, are primarily owned by a mix of actors: political parties, the Catholic Church, private entrepreneurs and the General Workers' Union (GWU), a major left-wing trade union. Thus, Malta's media landscape reflects a plurality of ownership. Pluralism of opinion within the media depends entirely on the willingness of ownership to allow the publication or dissemination of opposing viewpoints or dissent from current orthodoxy. The state media, by extending access to private media outlets, has expanded plurality of viewpoints and has had few legal cases brought against it. The state fulfills its obligations better now than in the past. However, competition for market share has forced both privately-owned and politically-owned media to publish dissenting opinions more readily. A report on media pluralism in Malta shows a high score in terms of basic protection and market plurality, but a lower score for political independence and social inclusiveness. It also pointed out that Malta is the only EU country where the two major political parties own television and radio stations as well as newspapers. According to the Media Pluralism Monitor 2016, media ownership is transparent but data on revenues are not available. Most of the risk-increasing factors relate to the lack of data on the media market, lack of protection for and self-regulation by journalists, and the lack of a media literacy policy. In a 2016 European Commission report on media pluralism, 76% of respondents stated that the media provide a diversity of views and opinions, 48% thought the media was more free and independent than five years ago; Malta showed the most improved score over the past five years in both cases. Notwithstanding, only 28% thought that the media provide information free from political or commercial pressure.

Citation:

<http://www.timesofmalta.com/articles/view/20130428/opinion/Making-PBS-a-fit-national-entity.467423>

<http://www.timesofmalta.com/articles/view/20130423/local/new-pbs-chairman-thanks-the-pm.466622>

<http://www.timesofmalta.com/articles/view/20130425/local/Time-for-changing-of-the-guard-at-PBS.467040>

Media Pluralism in Malta, A Test Implementation of the Media Pluralism Monitor 2015

Media Pluralism in Malta, A Test Implementation of the Media Pluralism Monitor 2016

Slovakia

Score 6

As other East-Central European countries, Slovakia has experienced a passing of private media ownership from foreign owners to intransparent domestic owners. A large number of media outlets are now directly or indirectly controlled by various Slovak financial groups (such as Penta, Grafobal Group, and J&T). In autumn 2014, the Penta financial group entered the media market, buying 45% of Petit Press from the German Rheinisch Bergische Verlagsgesellschaft (RBVG), which publishes the Sme daily, Slovakia's most influential political daily – a transaction finally approved by the Anti-Monopoly Office in June 2016. Penta, whose true owners are still

unknown, has also acquired two other publishing houses, and controls the economic weekly *Trend*, the daily *Plus Jeden Deň* and the weekly *Plus 7 Dní* (the latter two of which are tabloids). In addition, it operates websites and purchases advertising space via its media agency. The electronic public media only partly compensate for the ongoing concentration of ownership in print media. More recently, there are plans for the Chinese energy and investment group CEFC and the financial group Penta to jointly purchase the media group Central European Media Enterprises (CME). CME owns several TV stations in six central and eastern European countries, including the most watched private broadcaster in Slovakia, *Markíza*. If CEFC and Penta bought CME, this would lead to a significant concentration of the media in Slovakia, as all big media outlets would be connected. In response, the minister of culture, Marek Maďarič, announced a plan to strengthen the regulation of media cross ownership.

Australia

Score 5

Australia has a very high degree of concentration of media ownership, with the ownership of national and state newspapers being divided mainly between two companies: Rupert Murdoch's News Corporation and the John Fairfax Group. The concentration of newspaper ownership has resulted in a low level of diversity in reporting and editorial positions. There is slightly more diversity in broadcast media, with the government funding two bodies, the Australian Broadcasting Corporation and the Special Broadcasting Service, to provide a balance to the main commercial outlets. There are also three main commercial companies, none of which is politically aligned.

It is likely that the concentration of media ownership will increase following the passing of amendments to the Broadcasting Services Act 1992. The amendments repeal two regulations that currently prevent any single person from controlling commercial television licenses that broadcast to more than 75% of the federal population or controlling more than two regulated forms of media (i.e., commercial radio, commercial TV or associated newspapers) in one commercial radio license area.

Austria

Score 5

The Austrian media system features a distinct lack of pluralism in both the broadcast- and print-media sectors. The TV and radio markets are still dominated by the public Austrian Broadcasting Corporation (ORF). By law, the ORF is required to follow a policy of internal pluralism, which in practice translates primarily into a reflection of the various political parties' current strength in parliament. Thus, interests and movements not yet established in the political system may occasionally suffer a disadvantage.

The print-media sector is highly concentrated, with a single daily paper (Die Krone) accounting for a 40% market share on a circulation basis. This paper carries political weight insofar as politicians of various parties seek to please its editor and staff, a situation that erodes the fair and open democratic competition of ideas and interests. Print-media organizations are no longer owned by parties or organized interest groups, and the concentration can be seen as a consequence of market forces and the small size of the Austrian market.

Regional monopolies also pose a threat to media pluralism. In some federal states, a single daily paper dominates the market. Once again, the small size of the Austrian media market is largely responsible.

On the other side, the increasing importance of new social media have created a different problem: How to guarantee the minimal degree of media fairness in the new media?

Bulgaria

Score 5

Media pluralism in Bulgaria is supported by a quite diversified ownership structure. The sheer plurality of media outlets ensures relatively broad coverage of different points of view. At the same time, however, the ownership structure is often opaque. It is often unclear who the actual owners are, and what their business and political interests are, even though over the last two years at least one well known de facto owner of print media (Delyan Peevski) has made his ownership official. A very significant recent development is the rising importance of online media, including blogging and various independent sites, which have begun to influence the overall information process. These online resources played a prominent role in the referendum and election campaigns in 2015, 2016 and 2017 – and seem to be ever more actively used at the expense of traditional media.

Chile

Score 5

In general terms, the high concentration of media ownership in Chile notoriously limits democratic debate. This is especially the case among print media, which is practically a duopoly. The El Mercurio group and Copesa together account for much of the country's print sector, have the greatest share of readers and control of a considerable amount of the country's advertising portfolio. The papers owned by these two dominant groups offer essentially uniform political-ideological projects, editorial positions, styles and news coverage. However, these newspapers tend to be more influential among Chile's upper-middle class and political elites than among the broader public. The official government daily, La Nación, presents views and opinions that run counter to those in the dominant papers; however, its print edition was eliminated during the administration of former President Sebastián Piñera

(although it is still accessible online). A similar pattern can be found in the public-television sector, but on the whole the electronic sector offers a more diversified scope of opinion (especially on local radio stations and in a few online publications). In general, there is a very narrow informational mainstream, with the government-owned TVN being the most dominant free station. Whether it presents politically balanced views and provides access to all viewpoints is a point of debate. By the end of the period under review, TVN has been declared bankrupt and the future of the channel seemed uncertain as the parliament will have to decide by the end of 2017 whether to provide public funds and guarantee its functioning or privatize the channel.

France

Score 5

Media pluralism is reasonably guaranteed in France. Yet nearly all newspapers, daily or weekly, local or national, are under the control of either rich business people or companies or banks. Among the few exceptions are a regional newspaper in the western part of France and the daily newspaper La Croix. Whereas on the national level there is a wide range of newspapers expressing political pluralism, the local and regional situation is normally characterized by a monopoly or quasi-monopoly position of one paper in a given geographical area. The print run of daily newspapers is low by Western standards and has been negatively affected by online publications. The print market is largely in decline and suffers financially. The situation is further aggravated by an obsolete, inefficient, corporatist and costly system of distribution that is controlled by the unions. Many newspapers are put in jeopardy due to the costs and general malfunctioning of the distribution system. Faced with online competition, rising costs and a shrinking readership, print media have had to rely more and more on the benevolence of wealthy entrepreneurs or on the state. Given the multiple ties between political and business elites in France, this is not a particularly favorable situation for the maintenance of a vibrant culture of print media pluralism. This being said, the proliferation of online news media and online offerings by print media or “pure players” (like Mediapart, Rue89, Slate and Atlantico) should be taken in account. They contribute to media pluralism, whereas social media networks – which are gaining more and more influence – tend to focus on scandals, and disseminate partial information or fake news. While social media networks may play an important role in facilitating whistle blowers, they are unable to offer in-depth analysis and well-grounded information.

Greece

Score 5

There are a large number of electronic and print media organizations, but the structure of ownership remains oligopolistic with strong cross-ownership across media formats. In a country of 11 million inhabitants, there are more than 120 analog

private TV stations with a national, regional or local license. There are also approximately 950 regional/local radio stations.

The exact ownership structure of media outlets is concealed by the holding companies and little-known entities listed in official records, and no exact ownership information is available. Extensive cross-media ownership is common and this has negatively affected media independence. Wealthy businessmen with interests in shipping, telecommunications and other industries dominate the largest private TV, radio and social media channels.

Four of the biggest TV channels (Mega, Antenna, Star, Skai) attract the majority of viewers, as they offer popular shows, including Turkish and Brazilian soap operas, and infotainment. Their owners also hold majority shares in national daily newspapers (He Kathimerini, Ta Nea, Ethnos).

During June to September 2016, the Syriza-ANEL tried to regulate the media field by passing a law that would allow only four nationwide TV channels to function in the country as a whole. The four new licenses would be for sale and would be granted to the highest bidder. The number of licenses and the bidding process were to be supervised not by the competent independent authority, the National Council of Radio and Television (ESR), but by a government minister. While the media field clearly needed to be regulated after two and a half decades of regulatory instability and uncertainty, critics rightly understood this governmental endeavor as a challenge to established media owners, if not a challenge to media pluralism. In fact, this government initiative was partly annulled in October 2016 by Greece's Supreme Administrative Court (StE)

Electronic media is also flourishing in the form of websites and blogs. There are an unknown number of anti-establishment electronic media. Some of them have become critical of Syriza and ANEL after their coalition government failed to follow up on their pre-electoral promises. The influence of anti-establishment media, some of which are to the left of Syriza, while others are closer to the far right, is difficult to assess, although one suspects it is quite large.

The print media landscape is also pluralistic. There are 59 national newspapers and around 500 regional/local ones. However, between 1990 and 2008, circulation dropped by 50%. There are at least three pro-government Athens-based daily newspapers, while a similar number are critical of the government. In the beginning of 2017, the Syriza-ANEL government tried to gain indirect control of a major but heavily indebted press group, the Lambrakis group (DOL), through the attempt of a pro-government Greek-Russian tycoon to buy DOL. Eventually, the highest bidder was another tycoon who is not linked to the government but who already controls Greece's richest soccer team (Olympiacos) and has business interests in shipping and other sectors. In other words, private media enterprises have been changing hands but the overall oligopolistic nature of the media sector has not been altered.

For example, the owners of major Athenian Sunday newspapers (e.g., *He Kathimerini*, *To Ethnos*) also have shares in the major private TV channels. Some other large Sunday newspapers offer sensationalist coverage (*Real News*, *Proto Thema*). There are also regional daily newspapers in large cities.

While Greece lacks an effective anti-monopoly policy for the media business, the media actually do indeed report a wide range of opinions. The government voices its opinions through the state-owned TV broadcaster (ERT) and friendly newspapers and radio stations. The opposition has a voice in the media, as political party leaders participate daily in state and private TV and radio programs. Regardless of their political profile, however, some marginal newspapers and even “*He Avgi*,” an official party newspaper (Syriza), do not refrain from publishing news and reports which, at times, border on smear campaigns against political opponents.

Citation:

Information and analysis on media cross-ownership and newspaper circulation in 1990-2008 is drawn on Nikos Leandros, “Media Concentration and Systemic Failures in Greece,” *International Journal of Communication*, vol 4, 2010, pp. 886-905. Information on the numbers of print and electronic media businesses and media ownership in Greece is available at Evangelia Psychogiopoulou, Dia Anagnostou and Anna Kandyla, “Does Media Policy Promote Media Freedom and Independence? The Case of Greece,” case study report included in ELIAMEP’s MEDIADDEM research program, available at <http://www.mediadem.eliamep.gr/wp-content/uploads/2012/01/Greece.pdf>. Accessed on 08.06.2013.

Mexico

Score 5

The Mexican media is much more diversified and politically pluralist than it was a generation ago, but ownership is still highly concentrated. Despite Peña Nieto’s telecommunication reform, broadcasting continues to be characterized by oligopolistic ownership. In this area, very little has changed thus far and changes appear unlikely in the near future given the government’s close ties to the broadcasting company Televisa. Lack of government support has left regulators, like the Federal Telecommunications Institute (IFT), essentially toothless.

Younger Mexicans take full advantage of internet-based media, which have grown in both size and significance and offer a wide spectrum of information. The development of online media has done much to enhance pluralism, but it has also created new challenges. There is evidence of news website being hacked and of spyware being used against journalists and activists. Moreover, broadband access and cellphone coverage are highly unequal, with rural and marginalized citizens unable to take advantage of these new sources of information. This is unlikely to change in the near future.

Citation:

Latin American Regional Report: Mexico & NAFTA (February 2017). “Telecoms Reforms fail to impress sharp-eyed viewers.”

Poland

Score 5 Poland's media market is one of the largest in Europe, offering a diverse mix of public and private media organizations and reflecting a broad spectrum of political opinions. While the public TV station TVP and its four channels claim a large share of the market, and local authorities often publish newspapers and magazines, most Polish print media and radio in general are privately owned. Despite a tendency toward concentration, media ownership remains diversified. Foreign owners still control more than half of the Polish media market. Compared to other countries in East-Central Europe, Poland's media-ownership structures are relatively transparent, and there are no "media moguls" in the market who use their ownership positions to further a political agenda. Since the 2015 elections, however, media pluralism has substantially declined. For one thing, the public media have become highly partisan. For another, the PiS government has sought to limit the market shares of independent media. It has forced state-owned enterprises to refrain from placing advertisements in newspapers considered leftist or liberal. *Gazeta Wyborcza*, the main daily, for instance reported a 21% loss in ad sales in 2016 due to this ban. Likewise, public gas stations and other enterprises have been urged not to sell particular newspapers. In addition, the new bill on measures to limit foreign media ownership will decrease media pluralism.

Slovenia

Score 5 Slovenia currently has about 1,400 different media outlets, including more than 80 radio and 50 television broadcasters (both local and cable operators). However, the public-media market share is still substantial, with Radio-Television of Slovenia (Radiotelevizija Slovenija, RTVS) running seven out of 10 national TV and radio channels (for TV: SLO1, SLO2, SLO3; for radio: Program A, Program Ars, Val 202 and Radio Slovenia International).

Recent ownership changes have raised concerns about media pluralism. In the print media, the controversial sale in July 2014 of *Večer*, the fourth-largest daily newspaper (primarily serving the northeastern part of the country), was followed by the auctioning of Slovenia's biggest newspaper publisher *Delo* in June 2015. The new owner, the financial management company FMR, has little to no media experience and is run by Stojan Petrič, a business man who is believed to be politically well connected. In early 2016, FMR made the former head of its public relations division, Gregor Knafelec, a man with no journalistic experience, editor-in-chief of *Delo*. Several prominent journalists were fired and some quit, and as a result of these changes, sales of *Delo* newspaper dropped to the lowest level so far in March 2017, 63% lower than in 2014. In the electronic media, the U.S. media conglomerate, United Media received the green light from the Ministry of Culture to take over Pro Plus, the operator of the largest commercial TV channels in Slovenia,

POP TV and Kanal A in October 2017. As a result, United Media, which also provides telecommunication services and is a big player in the Balkan countries, will control a huge slice of Slovenian media.

Media pluralism has further suffered from the growing involvement of political parties in the media business. In February 2016, the Slovenian Democratic Party (SDS), which has long complained about an alleged media bias, launched its own private news TV station, Nova24TV. Nova24TV got new owners in early 2017 with three Hungarian companies taking over, reported to be connected to the Hungarian prime minister Viktor Orbán. In September 2017, the SDS also started to publish the new weekly Scandal24.

South Korea

Score 5

South Korea has a vibrant and diverse media sector that includes various cable, terrestrial and satellite television stations, and more than 100 daily newspapers in Korean and English. As the country has the world's highest internet penetration rates, a great number of readers today gain news exclusively from online sources. Yet despite the great variety of offerings, the diversity of content remains limited. The print media is dominated by three major newspapers: Chosun Ilbo, Dong-a Ilbo and Joong Ang Ilbo. Although the combined market share of these three outlets is declining, it remained at about 65% in 2014, according to the Korea Press Foundation. Smaller alternative newspapers also exist. The major newspapers are politically conservative and business-friendly, partly because they depend to a very large degree on advertising revenues. There is more pluralism in the broadcasting sector due to the mix of public and private media. However, the diversity of political opinions in this arena is threatened by government influence over broadcasters' personnel policies.

At the same time, newspapers and TV are losing importance as a source of information, particularly among the younger generations. Among these consumers, internet sources such as NewsTapa, GoBal News and AfreecaTV have become increasingly important sources of information. NewsTapa, launched by a former journalist forcibly dismissed for political reasons during the Lee Myung-bak administration, is the only Korean member of the International Consortium of Investigative Journalists. It has gradually been gaining popularity by reporting on issues ignored by the mainstream media.

Citation:

Youn S., Lee H. (2015) The Ongoing Media Pluralism Debate in South Korea. In: Valcke P., Siikösd M., Picard R.G. (eds) *Media Pluralism and Diversity*. Palgrave

Media Us. "Eight years after Media Law," July 21, 2017. <http://www.mediaus.co.kr/news/articleView.html?idxno=96976> (In Korean)

Freedom of the Press 2016, <https://freedomhouse.org/report/freedom-press/2016/south-korea>

Croatia

Score 4 Media pluralism in Croatia is limited. The TV market is dominated by the public TV station Croatian Radiotelevision (Hrvatska radiotelevizija, HRT) and two private broadcasters, Nova TV and RTL. In November 2017, Croatia's Electronic Media Council (AZTN) blocked the sale of Nova TV by CME to Slovenia Broadband, a subsidiary of United Media, which already owns Total TV, another leading provider of digital services in Croatia. The market for print media has likewise been dominated by a handful of companies. The Agrokor group, which fell apart in 2017, had owned the single distribution network for print media and most marketing agencies and, thus, advertising budgets. It has been highly indebted with several media companies, so that its restructuring will have an impact on the media market as well.

New Zealand

Score 4 New Zealand's media market has been affected by major changes in the last few years. Private-media companies are increasingly subject to influence by their well-funded owners. Private and public companies are replacing public-interest content with programs seeking high audience ratings. In September 2011, the New Zealand Press Association, New Zealand's largest news agency, closed. It was replaced by three news services, which are all Australian-owned. Consequently, apart from the Otago Daily Times, New Zealand is now one of only a handful of countries that does not have a domestically owned news agency.

New Zealand's media market is dominated by foreign companies (mainly from Australia), although there are two public television stations (Maori TV, TVNZ) and one national public radio station called Radio New Zealand. Sky TV monopolizes pay TV. However, Igloo, a joint Sky Network Television and Television New Zealand (TVNZ) venture, has made a small selection of pay TV channels available at low cost since 2012.

In September 2016, two Australian media giants, Fairfax and APN, signed a deal to merge their New Zealand businesses, Fairfax NZ and NZME respectively. The Commerce Commission rejected the merger in May of 2017, raising doubts about whether or not this amounted to a win or lose situation for democracy.

Bloggers have gained prominence as an alternative to traditional media offers. Some of them concern themselves with political affairs and reach high numbers of visitors. Despite this development, continued constraints on media funding help prevent a strong investigative reporting culture from developing.

Citation:

Fairfax-APN merger more bad news for media diversity. *The Conversation*. 12 May 2016

(<http://theconversation.com/fairfax-apn-merger-more-bad-news-for-media-diversity-59232>) (accessed September 26, 2016).

JMAD New Zealand Media Ownership Report 2015
 (http://www.aut.ac.nz/__data/assets/pdf_file/0011/608366/JMAD-2015-Report.pdf) (accessed September 26, 2016).
 Edwards, Bryce. Political roundup: Congratulating and condemning media merger rejection.
 (http://www.nzherald.co.nz/politics/news/article.cfm?c_id=280&objectid=11851457) (accessed January 15, 2018).

Romania

Score 4

There is a large number of different media outlets in Romania, suggesting that Romanians have access to a multitude of information sources. But these sources lack diversity and predominantly represent the views of only the two major political parties. Many media outlets have shady owners and suffer from financial troubles. Editorial independence is limited.

Hungary

Score 3

Media pluralism in Hungary has suffered further both from increasing government control over the public media and a process of concentration of private-media ownership in the hands of companies close to Fidesz. Some media pluralism has been maintained, as a result of the rifts within the right-wing camp, by the media outlets owned by Simicska, including Hír TV (TV), Magyar Nemzet (daily), Index (the largest information website) and Heti Válasz (weekly). There are also some independent media, but they work under very difficult financial and political circumstances and reach only 10% of the overall population. Klubrádió, the one and only independent radio station, is on air only in Budapest. Népszava, the only national-wide independent daily, has a small circulation and the role of the former opposition daily Népszabadság, purchased by Fidesz affiliates and shut down in October 2016, cannot be compensated for by the remaining independent weeklies, as those address predominantly highly educated readers.

Citation:

Bayer, J. (2016): Media Pluralism in Hungary, in: P. Bárd, J. Bayer, A comparative analysis of media freedom and pluralism in the EU Member States: Study for the LIBE Committee. Brussels: EU, 120-139
 ([http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571376IPOL_STU\(2016\)571376_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2016/571376IPOL_STU(2016)571376_EN.pdf)).

Turkey

Score 2

In addition to the increasing restrictions on media freedom in Turkey (see “Media Freedom” section), the country’s dominant media structure features ownership by industrial conglomerates, strong links between political forces and media organizations, and a lack of unionization in the media (a so-called Mediterranean or polarized pluralist media model). This undermines pluralism in the media sector. Adopted in 2011, Law 6112 increased the maximum allowable foreign-ownership stake in media companies from 25% to 50%, with the condition that a single foreign investor cannot invest in more than two enterprises. Foreign companies still cannot be majority stakeholders in domestic media companies.

Several media outlets were sold to unknown owners, who are assumed to have close government ties. Bianet Report found that media ownership lacks transparency and no information is available about the concentration of media ownership. Political control of the media, media financing and news agencies is high. In October 2016, the Press Advertising Authority (BIK), which controls the allocation of state advertising, adopted a new policy under which newspapers whose ownership, management or employees face terrorism-related charges cannot benefit from state advertising.

The economic interests of media owners constitutes a key problem for media freedoms. Although Article 29 of Law 3984 restricts media owners' shareholder rights, owners with stakes in other business sectors have still used media coverage to promote their outside business interests. A significant share of media owners are industrial conglomerates with interests that conflict with freedom of the press and opinion, and some have close relationships with the government. This further undermines media independence, and increases self-censorship and job insecurity among journalists. The number of outlets belonging to the so-called pool media (Havuz Medyası) – media owned by government-allied businesses which the government can use – has expanded.

Media Pluralism Report stated that the preselected media owners serve the government. The government uses economic tools or seizes media outlets to reconfigure the media environment. Dissident media outlets and critical journalists regularly face attacks and sanctions.

Journalists living inside and outside Turkey have found ways to publish on newly created news websites and portals. However, access to these websites from within Turkey is censored by the authorities.

Citation:

European Commission, Turkey 2016 Report, Brussels, 9.11.2016, http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf (accessed 1 November 2016).

Media Pluralism Monitor Results 2016, Turkey, <http://cmpf.eui.eu/media-pluralism-monitor/mpm-2016-results/turkey/> (accessed 1 November 2017)

Freedom House, Freedom of the Press 2017, Turkey Country report, <https://freedomhouse.org/report/freedom-press/2017/turkey> (accessed 1 November 2017)

Bianet, Media Monitoring Report April-May-June 2017, <https://bianet.org/konu/bia-media-monitoring-report-april-may-june-2017> (accessed 1 November 2017).

Aslı Tunç, "Media Ownership and Finances in Turkey Increasing Concentration and Clientelism" Accessed June 15, 2016. <http://mediaobservatory.net/sites/default/files/Media%20Ownership%20and%20Finances%20in%20Turkey.pdf>

Bianet, Media Ownership Monitor in Turkey, <https://turkey.mom-rsf.org/tr/bulgular/gostergeler/#!255aab01a0f9f22f09246334c9edbfe8> (

Digital Transformations in Turkey: Current Perspectives in Communication Studies, Banu Akdenizli (ed.), Lexington Books Lantam, Boulder, New York London, 2015.

Sabahattin Önkibar, İnamlar ve Haramiler Medyası, İstanbul: Kırmızı Kedi Yayınevi, 2015.

Indicator

Access to Government Information

Question

To what extent can citizens obtain official information?

41 OECD and EU countries are sorted according to their performance on a scale from 10 (best) to 1 (lowest). This scale is tied to four qualitative evaluation levels.

- 10-9 = Legal regulations guarantee free and easy access to official information, contain few, reasonable restrictions, and there are effective mechanisms of appeal and oversight enabling citizens to access information.
- 8-6 = Access to official information is regulated by law. Most restrictions are justified, but access is sometimes complicated by bureaucratic procedures. Existing appeal and oversight mechanisms permit citizens to enforce their right of access.
- 5-3 = Access to official information is partially regulated by law, but complicated by bureaucratic procedures and some poorly justified restrictions. Existing appeal and oversight mechanisms are often ineffective.
- 2-1 = Access to official information is not regulated by law; there are many restrictions of access, bureaucratic procedures and no or ineffective mechanisms of enforcement.

Finland

Score 10

The public's access to government information is in principle unrestricted. In accordance with the Finnish constitution, every Finnish citizen has the right of access to public documents and recordings. This right includes access to documents and recordings in the possession of government authorities, unless their publication has for some compelling reason been restricted by a government act. However, special categories are secret and exempt from release, including documents that relate to foreign affairs, criminal investigations, the police, security services and military intelligence. Such documents are usually kept secret for a period of 25 years, unless otherwise stated by law. Finland was among the first countries to sign the Council of Europe Convention on Access to Official Documents in 2009. The 1999 act on the openness of government activities stipulates that persons asking for information are not required to provide reasons for their request, and that responses to requests must be made within 14 days. Appeals of any denial can be taken to a higher authority and thereafter to the Administrative Court. The Chancellor of Justice and the Parliamentary Ombudsman can also review the appeal.

Latvia

Score 10

The constitution provides individuals with the right to address the government and receive a materially substantive reply. The Freedom of Information Act (FOIA), in place since 1998, creates the right to request information and receive a response

within 15 days. No reason needs to be given for the request. Information is classified as generally accessible or restricted. Any restrictions on the provision of information must be substantively reasoned in accordance with specific legal guidelines. The FOIA is actively used by the press, NGOs and the academic community. Appeal procedures are in place, including both an administrative and court review. Government decisions to classify information as restricted have been challenged in the courts, with the courts generally upholding a broad standard of access to information.

Latvia has a number of regulations promoting transparency in the decision-making process, requiring the government to make documents available to the public proactively. Documents regarding draft policies and legislation are freely available online, and cabinet meetings are open to journalists and other observers. Regulations require that many documents be published online for accountability purposes. This includes political-party donations, public officials' annual income- and financial-disclosure statements, national-budget expenditures, conflict-of-interest statements, and data on public officials disciplined for conflict-of-interest violations.

Citation:

1. Freedom of Information Act, Available at (in Latvian): <http://www.likumi.lv/doc.php?id=50601>, Last assessed: 17.05.2013

Norway

Score 10

Freedom of information legislation gives every person right of access to official documents held by public authorities. Official documents are defined as information that is recorded and can be listened to, displayed or transferred, and which is either created and dispatched by an authority or has been received by an authority.

All records are indexed at the time of creation or receipt. Some ministries make these electronic indexes available on the internet or through e-mail. Requests can be made in any form (even anonymously) and must be responded to without undue delay, generally (according to Ministry of Justice guidelines) within three days.

Documents can be withheld if they are made secret by another law or if they refer to issues of national security, national defense or international relations, financial management, the minutes of the State Council, appointments or security measures in the civil service, regulatory or oversight measures, test answers, annual fiscal budgets or long-term budgets, or photographs of persons entered in a personal data register. If access is denied, individuals can appeal to a higher authority and then to the parliament's ombudsman for public administration, or to a court. The ombudsman's decisions are not binding but are generally followed. There have been very few court cases dealing with this issue.

The 1998 Security Act sets rules on the classification of information. It creates four levels of classification and mandates that information cannot be classified for more

than 30 years. The Act on Defense Secrets prohibits the disclosure of military secrets by government officials, as well as the collection (in the form of sketches, photographs or notes) and disclosure of secrets by others, including journalists. Articles 90 and 91 of the criminal code criminalize the disclosure of secrets, and provide for imprisonment of up to 10 years for violations of these provisions.

In 2010, the government made it easier for citizens to access public documents by providing them with access to the government's electronic-post journal.

Denmark

Score 9

Denmark passed the Access to Public Administration Files Act in 1985, which replaced a previous act made law in 1964. The act stipulates that, "any person may demand that he be apprised of documents received or issued by an administration authority in the course of its activity." There are exceptions to this framework; the act does not apply to matters of criminal justice, nor does the right of access extend to an authority's internal case material. Further, the right of access does not apply to five specific sorts of documents, which include: records of meetings of the Council of State, as well as minutes of meetings of ministers, and documents prepared by an authority for use at such meetings; correspondence between ministers, relating to the making of laws, including appropriation bills; documents exchanged in connection with the secretarial function of one authority on behalf of another authority; correspondence between authorities and outside experts for use in court proceedings or in deliberations on possible legal proceedings; and material gathering for the purpose of public statistics or scientific research. The law previously included European Community documents, but this exemption was removed in 1991.

The law further describes files that "may be subject to limitations," namely files concerning the following: state security or the defense of the realm; protection of Danish foreign policy or of Danish external economic interests, including relations with foreign powers or international institutions; prevention and clearing-up of any infringement of the law, prosecution of offenders, execution of sentences and the like, and protection of persons accused, of witnesses or others in matters of criminal or disciplinary prosecution; implementation of public supervision, control, regulation or planning activities, or of measures planned under taxation law; protection of public financial interests, including interests relating to public commercial activities; or protection of private or public interests where secrecy is required because of the special nature of the matter.

The new Access to Public Administration Act in 2014 was approved in parliament by a majority consisting of the government coalition parties as well as the Liberal and Conservative parties; the act met opposition from both the left and right (the Danish People's Party, Liberal Alliance and Unity List). The revised act has been criticized for reducing access to documents prepared by government officials in the process of preparing new government policy.

This list is obviously rather long and some of the possibilities to deny access to documents are rather open-ended. The act does stipulate that requests must be dealt with quickly; if no decision has been made within 10 days, authorities have to inform the inquiring party as to why their request is delayed, and when they can expect a decision.

The parliamentary ombudsman can review the decisions by administrative authorities over the disclosure of information. The ombudsman cannot change decisions, but can make recommendations, which are normally followed by the authorities.

Denmark was not among the 12 European countries that signed the first international convention on access to official documents in Tromsø, Norway, on 18 June 2009. This Council of Europe convention has been criticized for its weaknesses.

Citation:

Act No. 572, 19 December 1985, The Danish Access to Public Administration Files Act, <http://www.unece.org/fileadmin/DAM/env/pp/compliance/C2008-28/response/DKAccessToPublicAdministrationFilesAct.pdf> (accessed 16 April 2013).

“Danish Government Seeks to protect decision documents,” <http://www.freedominfo.org/2013/02/danish-government-seeks-to-protect-decision-documents/> (Accessed 16 April 2013).

“Danish Parliament Adopts Controversial FOI Changes,” <http://www.freedominfo.org/2013/06/danish-parliament-adopts-controversial-foi-changes/> (accessed 20 October 2014).

Helle Krunke, “Freedom of Information and Open Government in Denmark,” <http://ojs.imodev.org/index.php/RIGO/article/view/9/70> (Accessed 16 October 2017).

“12 European Countries Sign First International Convention on Access to Official Documents, 19 June 2009,” <http://www.freedominfo.org/2009/06/12-european-countries-sign-first-international-convention-on-access-to-official-documents/> (accessed 16 April 2013).

Estonia

Score 9

The main principles of access to public and official information are laid out in the constitution. Additionally, the Public Information Act (PIA) has been in force since 2001, and the Personal Data Protection Act since 2007. The act is enforced by the Data Protection Inspectorate (DPI), which acts as an ombudsman and preliminary court, educator, adviser, auditor and law-enforcement agency.

Because Internet use is widespread in Estonia, the strategic policy has been to advance access to information by using official websites and portals. All municipalities, political parties and government institutions must maintain a website, which must contain at least the information defined by legal acts. The situation is annually monitored and evaluated by the DPI. The DPI also monitors state authorities' web pages and document registries.

Public access to information must be prompt and straightforward, with restrictions strictly defined by law. Any citizen or resident can submit an oral or written information request to the government and officials must provide a response within five working days. The obligations of authorities under the Public Information Act are not only to provide information, but also to assist the public in accessing documents. In conjunction with the EU data protection reform (2018), the information requests to DPI regarding personal data protection, especially in the digital environment, are growing.

Lithuania

Score 9

The principle of freedom of information is upheld in Lithuania's constitution and legislation. For instance, the Law on the Provision of Information to the Public states that, "Every individual shall have the right to obtain from state and local authority institutions and agencies and other budgetary institutions public information regarding their activities, their official documents (copies), as well as private information about himself." Appeals can be made to an internal Appeals Dispute Commission and to administrative courts. Legal measures with regard to access to government information are adequate, and do not create any access barriers to citizens; however, citizens often fail to take advantage of their right to use this information.

Lithuania joined the multilateral Open Government Partnership initiative in 2011. In 2012, 2014 and 2016, the Government Office developed action plans for improving open-government practices throughout the country. During the review period, Lithuania signed the Council of Europe Convention on Access to Official Documents (2015) and the U.N. Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (2015). In 2016, the government approved three major initiatives to reduce make public institutions more accountable to society, reduce corruption and increase transparency, while also increasing public engagement. However, implementation has been undermined by a lack of measurable targets and meaningful collaboration with civil society.

Information-access provisions in Lithuania cover all levels of the executive, yet exclude the legislative branch. The right to request information applies to citizens of and legal residents within Lithuania and European Economic Area states as well as foreign nationals with a residence permit (in contrast to most OECD countries, where there are no such legal restrictions concerning the status of participants). Following a complaint by 10 media organizations to the parliamentary Ombudsman regarding difficulties in accessing information, the Ombudsman issued a recommendation to the Ministry of Culture asking that journalists' right to acquire information be promptly implemented. The OECD has recommended helping the country's civil service to better understand the added value associated with access to information.

Citation:

OECD, Public Governance Review Lithuania- Fostering Open and Inclusive Policy Making Key Findings and Recommendations. 2015.

<http://www.opengovpartnership.org/blog/ogp/2014/02/12/three-cohort-2-countries-will-not-receive-irm-reports>.

Slovenia

Score 9

Slovenian law guarantees free and quite easy access to official information. Restrictions are few and reasonable (covering mostly national security and secret data issues), and there are effective mechanisms of appeal and oversight enabling citizens to access information. When access to official information is obstructed or denied, the Information Commissioner, an autonomous body that supervises both the protection of personal data as well as access to public information, can be called upon and intervene. In a number of cases, the Information Commissioner has helped citizens and journalists enforce their right of access. The new online application “Supervisor,” set up by the Commission for the Prevention of Corruption (CPC) as a means of enhancing transparency in the country, has helped the public and the media access some previously restricted financial information. In July 2016 Supervisor was upgraded and integrated into the new web application Erar, also developed by the CPC. The Ministry of Public Administration has developed a publicly available web-based public procurement portal and online statistical tool.

Sweden

Score 9

Sweden is a forerunner and remains a leading country on all issues related to transparency in government and public access to government information and documents. Both the political elite and public cherish the fundamental principle that all government documents are public, unless they are classified or relate to individual integrity. If anything, the emergence of e-government has further promoted the objective of accessibility and transparency. Sweden is also pursuing greater transparency within the EU Commission.

There has been a growing problem lately in the willingness of government departments to provide documents to the public and the media as swiftly as the constitution states. Media representatives in particular have criticized the government on this matter. There is also some frustration among executive agencies to have access to documents of the government departments. Nevertheless, Swedish government and administration still meet high requirements regarding transparency and publicity.

Citation:

B. Johansson et al. (2014), *Det politiska spelet. Medborgare, medie och politiker i den representativa demokratin* (Lund: Studentlitteratur).

Olsson, J., H. Ekengren Oscarsson and M. Solevid (eds.) (2016), *Equilibrium* (Gothenburg: The SOM Institute).

Switzerland

Score 9 Swiss authorities pursue very open strategies of information release. For example, the website of the federal administration offers access to major sources of political information.

Article 16 of the constitution, dealing with the issue of freedom of opinion and information, states that: “(1) The freedom of opinion and information is guaranteed; (2) Every person has the right to form, express and disseminate opinions freely; (3) Every person has the right to receive information freely, to gather it from generally accessible sources and to disseminate it.”

The Federal Law on the Principle of Administrative Transparency (Loi sur la Transparence, LTrans) was approved in December 2004 and took force in July 2006. The law gives any person the right to consult official documents and obtain information from authorities. The authorities must respond within 20 days. If a request is refused, a citizen can seek redress from the Federal Delegate for Data Protection. However, this law’s coverage is limited, applying to federal public bodies, other organizations and persons who make decisions under the Administrative Procedures Act, and parliamentary services. The Suisse National Bank and the Federal Commission on Banks are exempted. The law also does not apply to official documents concerning civil or criminal law processes, documents relating to foreign policy, or political party dossiers relating to administrative disputes. Consumer organizations have argued that the law contains too many exceptions.

Given these qualifications, it is noteworthy that this law has gained some influence, since the Federal Supreme Court has interpreted it in a liberal way.

United Kingdom

Score 9 The United Kingdom has a long tradition of official secrecy. However, in recent years successive governments have very actively tried to capitalize on the transparency and cost-savings potential of making government information available online. Together with the Freedom of Information Act 2005, this has contributed to easier access for citizens and, often in a very high-profile way, the media. The restrictions on what information can be provided under the Freedom of Information Act (cost limits; national security restrictions; state financial interests) are largely in line with the respective regulations in other countries. More recently there has been a debate about restricting the right to freedom of information. However, the former head of the civil service and the Cabinet Office minister responsible for the civil service have both opposed any restrictions on access, although former Prime Minister Tony Blair, whose government introduced the Freedom of Information Act, has said that he regrets doing so.

The United Kingdom has also been at the forefront of making government data available for commercial use and citizen inspection (“open data”). Recent efforts to simplify and render government information more accessible have seen the replacement of a profusion of web sites with a single government portal (www.gov.uk) and it is clear that the government now regards the provision of information as a high priority. It is noteworthy that the United Kingdom is now mentioned internationally as a leader in open government and access to data. In the World Justice Project’s 2015 Open Government Index, the United Kingdom ranked 8 out of 102 countries, behind the Nordic countries, the Netherlands, New Zealand and Canada.

Citation:

<http://worldjusticeproject.org/open-government-index/open-government-around-world>

Austria

Score 8

Citizens can access government information, but certain restrictions apply. The principle of privacy protection is sometimes used as a justification – at times, only a pretext – to prevent academic research and other inquiries. The Austrian bureaucracy still appears tempted to consider access to information a privilege rather than a right. However, despite these practical shortcomings, the principle of transparency is enshrined in the Austrian constitution, and generally enables access to information by citizens.

Indeed, the overall trend is favorable, with practices of information access becoming progressively more liberal. For example, the police and courts have now established structures (offices and officers in charge) responsible for information. This seems in part to be a result of generational change within the bureaucracy.

Despite ongoing discussions, Austria has not yet adopted an encompassing Freedom of Information Act, of which all citizens are informed and able to use. There are too many caveats in the law (defined as state-relevant “secrets”) to protect government acts from public access. A draft for an Austrian Information Act is currently being discussed in parliament.

Increasingly, the impact of controlled information in the form of government paid advertisements in the media has become an issue. As these advertisements generate significant income for some media (especially newspapers), this should not only be seen as information directed by the government at citizens, but also as a means of making media dependent on the government.

Croatia

Score 8 The Right of Access to Information Act has been in place since 2003 and the legislative framework is relatively well established, thanks in particular to later amendments to the act. In October 2013, a long-standing demand by NGOs was met and Anamarija Musa, a public administration scholar, was appointed by parliament as the first commissioner for the right of access to information. Thanks to her efforts, access to information has significantly improved. According to her 2017 report on the implementation of the Right of Access to Information Act, more than 80% of the 5,900 distinct public authorities now submit the required regular reports on the enforcement of the act and about 85% have an information officer in charge of handling information requests. Transparency is lower at the local and regional level and in the case of public companies.

Czech Republic

Score 8 The Czech constitution and the 1999 Law on Free Access to Information, substantially amended in 2006, provide for extensive access to government information. Public bodies have gradually learned what can and cannot be kept secret. There are still difficulties with regard to access within many municipalities, but municipalities can also be taken to court if officials refuse to respond to requests for information. Some smaller municipalities have faced stiff financial penalties following a failure to disclose information as requested. As a result, the actions of municipalities are becoming more transparent, through streaming municipal board meetings online and allowing citizens to participate in municipal activities in other interactive ways. An increasing number of NGO initiatives support better access to public administration information and the public's right to accessing it. These initiatives, together with the pro-active approach of the ombudsman's office, have contributed to an improvement in the quality of online portals for public administration and thus have further improved access to government information. One example of important new initiatives is the "Right to Information" program started in 2017 by the NGO Open Society (Otevrena Spolecnost) and co-funded by the Ministry of Interior. It has praised some public offices for openness and criticized, among others, the Chamber of Deputies and the Office of the President.

Germany

Score 8 The Freedom of Information Act took effect in 2006. The act defines what government information is publicly available. In his 26th Activity Report, covering the period 2015 to 2016, Federal Commissioner for Data Protection and Freedom of Information (BfDI), Andrea Voßhoff, acknowledged that nearly all German states

have adopted their own freedom of information laws or are in the process of developing legislation (BfDI 2017).

Even so, citizens remain largely unaware of the federal Freedom of Information Act. Although many federal agencies strive for transparency, some public authorities have interpreted the act in a very restrictive manner. Some have sought to introduce delays in the process of providing information, while others have refused to provide access to documents altogether, arguing that the contents were of vital importance to ongoing government activities and thus confidential. In an overall assessment in 2017, Andrea Voßhoff concluded that citizens are increasingly making use of their rights and that federal authorities no longer regard the information right of citizens as a nuisance but as a significant element of a civil society. More than 20,000 citizens turned to the BfDI concerning complaints and questions (BfDI 2017a). The main activity of the BfDI in collaboration with the government was the adjustment of national laws to the European Union's new Data Protection Directive from May 2016. However, the national law did not strengthen the BfDI and its federal commissioner, which was expected to be one of them main points in translating the EU directive into national law (BfDI 2017b).

Citation:

BfDI (2017a): Tätigkeitsbericht zur Informationsfreiheit für die Jahre 2015 und 2016, 26. Tätigkeitsbericht: https://www.bfdi.bund.de/SharedDocs/Publikationen/Taetigkeitsberichte/TB_BfDI/26TB_15_16.html;jsessionid=3028931A730688245B8AF97734BA9364.2_cid354?nn=5217212

BfDI (2017b): Pressemitteilung zum 26. Tätigkeitsbericht: https://www.bfdi.bund.de/DE/Infothek/Pressemitteilungen/2017/12_UebergabeTB_15_16.html

Greece

Score 8

Citizens' free and easy access to official information has been regulated since 1986. Two laws passed in 2006 and 2010 provide for the creation of an electronic system allowing access to any public document. There are a few reasonable access restrictions pertaining to matters of national security and defense.

There are effective mechanisms of appeal and oversight enabling citizens to access information. First, there are administrative courts, including the Supreme Administrative Court (StE, Symvoulio tis Epikrateias). Second, there is the ombuds office, established in 1997. Unfortunately, owing to work overload, administrative courts can take a long time to decide on a case, but the ombuds office represents a well-managed mechanism of appeal and oversight. The ombudsman can demand that any public service respond to a citizen's right to information, even though ministries themselves tend to be quite unresponsive to citizen requests.

A law passed in July 2010, known as Diavgeia (i.e., clarity), required all public authorities to upload to an electronic platform all administrative acts, laws, decrees and circular. Thus, the scope of access to official information was drastically expanded. In October 2014, the Greek government passed a new law which further

expanded access to public documents and adapted Greek legislation to the Directive no. 2013/37/EE of the EU's Council of Ministers. A new codification of all relevant legislation took place in March 2015, without practically changing any regulations. Since then no significant changes have been observed in this policy area.

Citation:

The four most important laws regulating access to information are Law 1599/1986, Law 3448/2006, Law 3861/2010 (the "Diavgeia" law), and Law 4305/2014. Presidential Decree 28/2015 codified all previous legislation on access to information and was issued in March 2015.

Ireland

Score 8

Irish Freedom of Information (FOI) legislation, initially enacted in 1997, was amended in 2003 to restrict access to data and information about decision-making in the public administration in several key areas, including defense, government meetings and areas of commercial sensitivity. The Freedom of Information (Amendment) Act passed in 2013 removed the substantive restrictions introduced in 2003, and extended FOI to all public bodies including the National Treasury Management Agency, the National Asset Management Agency, An Garda Síochána and the Central Bank of Ireland. Moreover, it reduced the cost of internal review from €75 to €30, and appeal fees from €150 to €50.

The existing FOI legislation has been used effectively by individuals and the press to gain access to information regarding the manner in which ministries reach decisions, the expenses incurred in public procurement, and instances of the waste of public funds.

Government departments, ministries and agencies now have information officers to channel information to the public. In some cases these officers act as purveyors of objective information; others act as spin doctors, putting biased interpretations on events to suit politicians.

The Central Statistics Office of Ireland (CSO) is responsible for the collection and dissemination of official statistics. An independent national statistics board oversees its performance. This office is located in the Department of the Taoiseach (the prime minister's office) and is not answerable to the ministers responsible for areas covered by the statistics. Sensitive data (such as figures on inflation and unemployment) are made available to ministries shortly before their publication, but they have no right to alter these data or to influence how they are presented. The CSO enjoys a good reputation internationally in both its independence from political interference and the technical competence of its staff.

A major problem has arisen with respect to the compilation of national income statistics by the CSO. Following changes to the European System of Accounts in 2010 as well as other statistical reporting procedures, the CSO's statistics for GDP,

exports and investment have been artificially inflated. This is due to multinational corporations transferring intellectual property rights to Ireland and then through a process of on-shoring in which the profits of their affiliates abroad are attributed to their Irish operations. Such has been the pace of these activities that official statistics for 2015 and 2016 are vastly exaggerated and need to be severely adjusted to determine the real value added by multinational corporations in Ireland. Both the Central Bank of Ireland and the Economic and Social Research Institute have published revised statistics using a value added approach to determine the real rate of growth of the Irish economy.

In May 2013, Ireland submitted a letter of intent to join the Open Government Partnership. Full membership was achieved early in 2014 with the submission of Ireland's National Action Plan.

In 2015, there was controversy surrounding the right of journalists to report allegations made in the dáil (parliament) in relation to commercial transactions between the National Asset Management Agency and a prominent businessman. The courts ruled that the allegations, made under parliamentary privilege, could not be reported in the press. In reality, they became public almost immediately.

Citation:

European System of Accounts 2010 and other Statistical Regulations (2014)

Israel

Score 8

Israel has a freedom of information law (1998) allowing each citizen or resident to apply for information regarding a government authority's activity, whether written, filmed, recorded or digitized. This legal standing has been the basis of considerable activity by NGOs and private individuals. For instance, municipal authorities and government offices issue online reports detailing their progress in various areas. Naturally, the right to freedom of information is not absolute, with reasonable restrictions on the basis of national security or privacy issues. However, an analysis issued by the Israel Democracy Institute in 2008 stated that the restrictions are reasonable, and they do not prevent the law from reaching its main goal: to assist in creating a more transparent and accountable government. In addition, the right-to-privacy law (1998) grants individuals the right to access their personal information held in government or private-entity databases. The implementation of this law is enforced by the registrar of databases in the Ministry of Justice, and petitioners can appeal to the courts if they find that government practice does not accord with the law.

In 2011, government decision no. 2950 established a designated unit for freedom of information in the Ministry of Justice. The unit is also in charged with implementing OECD guidelines for information management and sharing. As part of its mandate it publishes a yearly progress report. According to the unit, 6,659 applications were

received in 2016. A total of 63% of applications received replies within the legally mandated 30-day period. According to the report, the unit released classified correspondence and documentation following the request of the official committee investigating the Yemeni children affair.

In addition, in 2016, the government announced the launch of a program designed to open all governmental databases to public access. This step furthers an ongoing policy of increasing transparency by expanding the authority of the Governmental Unit for Freedom of Information, and by financing this unit's projects.

Citation:

"About the unit for freedom of information," The Ministry of Justice website: <http://index.justice.gov.il/Units/YechidatChofeshHameyda/About/Pages/OdotHayechida.aspx> (Hebrew)

"Freedom of Information Law," 1998: <http://www.freedominfo.org/documents/Israel-FOIL1998.pdf>

"Protection of privacy law," 1981: <http://www.justice.gov.il/NR/rdonlyres/C5205E15-3FE9-4037-BA0F-62212B40773A/18334/ProtectionofPrivacyLaw57411981unofficialtranslatio.pdf>

"The movement for freedom of information": <http://www.meida.org.il/>

"Annual Report of the unit for freedom of information: 2016," The Ministry of Justice website: <http://www.justice.gov.il/Units/YechidatChofeshHameyda/PeilotHayehida/DohotHayhida/ReportYears/Pages/report2016.aspx>

"The Government approved today the publication of all governmental databases," <http://www.themarket.com/news/politics/1.3053541> (Hebrew)

New Zealand

Score 8

Access to government information is regulated by the Official Information Act 1982. It is based on the principle that all official information should be made available to the public, but that there are restrictions with regard to the protection of the public interest (for example, national security or international relations) and the preservation of personal privacy. There are clear procedures in how queries are handled by public bodies, including a time frame of 20 working days. The Office of the Ombudsman reviews denials of access upon request. Decisions are binding, but there are no real sanctions for non-compliance. Following a number of precedent-setting decisions by the office in recent years, access to official information is now far-reaching, including access even to politically sensitive communications between political advisers and ministers as soon as these communications are made. The Official Information Act has been reviewed several times. Proposals for reform have included a reduction in the time frame for dealing with requests for official information; and more resources for the Office of the Ombudsman. These reforms have not yet been implemented. The office has instead concentrated on organizational restructuring to achieve more efficiency and effectiveness. This has to be viewed in light of the steep rise in the number of complaints the office has had to deal with in recent years. In 2012, a review of the Official Information Act by the New Zealand Law Commission resulted in several recommendations, including the

appointment of a statutory officer to provide oversight over the legislation's implementation. The primary purpose behind such a role is to provide leadership in the training and education of officials, as well as to help publicize developments. The government has yet to act on these recommendations. Recently, there has been a debate over the Reserve Bank decision to charge for most Official Information Act responses. A Dominion Post editorial claimed that this was undemocratic, calling it "the tax on democracy itself." The Reserve Bank responded by saying that this policy is a "common, fair and reasonable response to a marked growth of OIA requests." In June 2017 a Legislation Bill was introduced in parliament which, if enacted, would extend online access to the body of legislation by including secondary legislation.

Citation:

Annual Report of the Ombudsman 2015/2016 (Wellington: Office of the Ombudsman 2015/2016).

Bascand, Geoff, 2016. Reserve Bank: Charging for official information a 'reasonable' response. The Dominion Post. 19 January 2016 (<http://www.stuff.co.nz/business/opinion-analysis/76020387/Reserve-Bank-Charging-for-official-information-a-reasonable-response>) (accessed September 23, 2016).

New Zealand Law Commission, 'The Public's Right to Know: Review of the Official Information Legislation' (R125, Wellington, July 2012)

Slovakia

Score 8

Access to government information is guaranteed by the constitution and the Act on Free Access to Information (Infolaw), which was originally approved in 2000 and has been amended several times since. In mid-2015, parliament started to discuss an ambitious amendment which had been prepared by a commission established by the Ministry of Justice. Moreover, shortly before the parliamentary elections in March 2016, three prominent watchdog organizations (Transparency International Slovensko, Fair-Play Alliance, INEKO) lobbied for improvements in the Infolaw. In particular, they recommended subjecting companies that are fully owned by the state or municipalities to the Infolaw and making public the salaries and CVs of state nominees. Moreover, the agreements signed by the state and municipalities should be published at one place and the state should start to systematically connect the databases about public procurement, founding and ownership of companies, EU funds and owners of property. After the elections, Lucia Žitňanská, the new minister of justice in the third Fico government, prepared a new draft amendment that incorporates most of these recommendations. Though the draft amendment had not been sent to parliament by November 2017.

Citation:

Školkay, A. (2015): Complex amendment to Slovakia's FOI Act might make it one of the most liberal in Europe. LSE, Media Policy Project Blog, London (<http://blogs.lse.ac.uk/mediapolicyproject/2015/04/24/complex-amendment-to-slovakias-foi-act-might-make-it-one-of-the-most-liberal-in-europe/>).

Australia

Score 7

Since 1982, access to government information has been largely regulated by the Freedom of Information Act (FOI Act). Under this act, applications for information from the government must be made in writing and agencies must respond within 30 days.

The original FOI Act contained a considerable number of exemptions, including for cabinet documents; internal working documents; documents affecting national security, international relations or relations with states; documents affecting enforcement of law and protection of public safety; documents affecting Commonwealth financial or property interests; documents relating to business affairs or research; and documents affecting the national economy.

Ministers were also granted considerable discretion to issue “conclusive certificates” stating that information was exempt under the act’s provisions that protect deliberative process documents, national security and defense, cabinet documents, and documents related to Commonwealth/state relations. These certificates could not be reviewed during any appeal.

Compliance with the FOI Act was heavily criticized by many people in the past, and the Labor government elected in 2007 passed several pieces of legislation and new regulations that sought to improve community access to government information. This included: the Freedom of Information (Removal of Conclusive Certificates and Other Measures) Act 2009; the Freedom of Information (Fees and Charges) Amendment Regulations 2010; the Australian Information Commissioner Act 2010; and the Freedom of Information Amendment (Reform) Act 2010, under which requirements to publish information were increased as of 1 May 2011.

In May 2014, the coalition government announced the abolition of the Office of the Australian Information Commissioner, although in principle its main functions will continue to be carried out by other agencies.

Citation:

Attorney General’s Department web site describing the 2009 and 2010 Freedom of Information reforms: <http://www.ag.gov.au/RightsAndProtections/FOI/Pages/Freedomofinformationreforms.aspx>

http://www.oaic.gov.au/images/documents/freedom-of-information/applying-the-foi-act/foi-guidelines/part2_Scope_application_FOI_Act_v1.3.pdf

Statement by the Australian Information Commissioner, Freedom of Information Commissioner and Privacy Commissioner on the government’s decision to abolish the Office of the Australian Information Commissioner: <http://www.oaic.gov.au/news-and-events/statements/australian-governments-budget-decision-to-disband-oaic/australian-government-s-budget-decision-to-disband-oaic>

Belgium

Score 7 While there is no law that directly addresses freedom of information, access to official information is in general granted and is supposed to be provided without impediment (Belgium was one of the signatories of the Convention on Access to Official Documents in 2009). In practice, however, some information can be hard to find, is not directly publicized or is not made widely available. This is further complicated by the multilevel structure of state institutions and administration (federal, regional/community, provincial and local), which is additionally characterized by ineffective sharing and aggregation of information across all levels.

As a researcher, it is often difficult to determine how to gain access to information. To take just a few examples, at the time of writing, finding information from the country's main consumer-budget survey has become increasingly difficult; data on pass/fail rates at French-speaking universities is now considered classified; and the state is now specifically avoiding collection of information that may have "ethnic" content (a response to the country's tense ethnolinguistic conditions).

Bulgaria

Score 7 Access to government information for citizens is guaranteed by the Bulgarian constitution and regulated by the Access to Public Information Act originally adopted in 2000. The provisions, which have been refined several times, allow a very high level of access for citizens to government information and are subject to judicial oversight through court appeals. The opportunity for court appeals has been actively used by civil society actors and organizations, and a robust court practice has developed. In recent years, the amount of government information made freely and promptly available on the internet has increased markedly, so that the need for formal requests for information has declined. However, the annual reports of the Access to Information Program, an NGO established in 1996, indicate that a number of government institutions still try to impede freedom of access to information. The most common excuse for refusing to release such information is that interests of third parties may be affected, while confidentiality and classified information considerations come a distant second. Delays in the provision of information also persist.

Canada

Score 7 Access to official information in Canada is regulated by the Access to Information Act. Access is often impeded by bureaucratic procedures and delays. The 2017 Freedom of Information Audit by News Media assigned an F for disclosure of

information, stating that the system for requesting and accessing government documents is slow and inefficient, and that very few requests are granted in a timely manner. Although the law does provide for access to much of the Canadian government's documents, there are grounds to black-out or redact many requests, and many government agencies do not fall under the act. In general, there is reluctance on the part of political and bureaucratic officials to release information that places the government in a bad light, and the current system of access to information appears to allow such attitudes to influence the release of information.

In a recent report by the Canadian-based Centre for Law and Democracy and Madrid-based Access Info Europe, Canada's access to information legislation was ranked 49 out of 111 countries. "While standards around the world have advanced, Canada's access laws have stagnated and sometimes even regressed," the report concluded, noting that Canada was a world leader in 1983 when its federal information law came into force. Stanley Tromp argued that the federal government has failed to reform the legislation sufficiently over time to respond to implementation problems, and incorporate new and progressive developments in the sector.

One major campaign promise of Justin Trudeau's Liberal party in the lead-up to the 2015 election was a more open and transparent government, including updating the Access to Information Act and streamlining the process of requesting information. Although the government has eliminated fees related to Access to Information requests, except the CAD 5 application fee, government departments and agencies continue to be reluctant to grant requests. The bill currently before parliament to revamp the Access to Information Act (Bill C-58) has proven to be controversial. On the one hand, it will expand the power of the information commissioner, enabling the officer to order the release of government documents. On the other hand, the right to information would not apply to the Prime Minister's Office or other ministerial offices, but instead encourage pro-active disclosure. It would also give heads of government institutions the power to decline a request if the request concerns a large number of records, is made in "bad faith" or would interfere with government operations.

Citation:

Liberal Party of Canada (2015), "A Fair and Open Government," retrieved 2015 from <https://www.liberal.ca/files/2015/08/a-fair-and-open-government.pdf>

News Media Canada (2017) 2017 Freedom of Information Audit, posted at <https://nmc-mic.ca/public-affairs/freedom-of-information/2017-freedom-information-audit/>

The Centre for Law and Democracy (2012): Entrenching RTI: An Analysis of Constitutional Protections of the Right to Information, posted at http://rti-rating.org/docs/Const%20Report_final.pdf

Office of the Information Commissioner, Annual Report, 2016-2017, June 2017, http://www.oic-ci.gc.ca/eng/rapport-annuel-annual-report_2016-2017_1.aspx

Tromp, Stanley (2008) Fallen Behind: Canada's Access to Information Act in the World Context, posted at <http://www3.telus.net/index100/report>

Chile

Score 7

The statute on access to public information (Ley No. 20,285 sobre Transparencia de la Función Pública y Acceso a la Información de los Órganos de la Administración del Estado) was approved by Congress in August 2008 and implemented in 2009. It stipulates two dimensions of transparency. The first is “passive transparency,” and obliges all public institutions and authorities of the government to respond to any request for information constituted as public information within a 20-day period (with extensions of up to ten more days possible). The other dimension is that of “active transparency,” and requires governmental ministries and agencies to publish broad information on various topics on their websites. The statute also creates the Transparency Council (Consejo para la Transparencia), an independent agency responsible for monitoring transparency, regulating transparency practices and compelling public services to provide information should they refuse to do so. The Transparency Council’s board of directors is nominated by the executive and approved by the Senate. Information classified as a state secret is exempted from these transparency stipulations. This remains an important clause, as there are about 20 Chilean laws that are officially still classified as secret. These laws derive in some cases from the beginning of the 20th century, and in others from the military regime. Most are actually common knowledge, but remain formally treated as secret. Although the Transparency Law (Ley de Transparencia) leaves very little room for administrative interpretation, there have been cases of negligence regarding access to and publication of relevant information.

Citation:

<http://www.freedominfo.org/regions/latin-america/chile/>

<http://www.chiletransparente.cl/>

<http://www.leychile.cl/Navegar?idNorma=276363&idParte=0>

http://anticorpp.eu/wp-content/uploads/2014/03/Chile-Background-Report_Final.pdf (S. 14)

France

Score 7

The right of access to information was strengthened in 1978 through the establishment of an independent agency, CADA (Commission d’Accès aux Documents Administratifs). This body guarantees that any private or public entity is entitled to be given any document requested from a public administration or service, regardless of the legal status of the organization (private or public) if the institution maintains a public service. However, some restrictions have been established, mainly in relation with issues regarding the private sphere or the protection of intellectual property or business information in order to safeguard competition between companies. The main and more controversial issue is the refusal to issue documents

by citing security or defense concerns, a concept which can be applied broadly and with a limited capacity for challenging in court. The administration in question must deliver the requested document within a month. After that deadline, inaction is considered as a rejection which can be challenged in court. In some cases, the adopted solutions reflect the inability of the political elites to adopt clear-cut policies: for instance, it is possible to check the declaration of revenues and property of MPs but divulging the information is considered a criminal offense. It is a telling illustration of the reluctance to set up a full transparency policy. In general, a large range of governmental (or public bodies') information, including official drafts, reports and audits, are freely accessible via the internet.

Italy

Score 7

The first freedom of information act was introduced by Law No. 241 in 1990. Its provisions were amended and made less restrictive by Law No. 15 of 2005. Disclosure can be denied only under specific circumstances (such as national security, protection of privacy), which must be explicitly identified by administrative offices. Special offices (Uffici Relazioni con il Pubblico, URP) dealing with requests for access to information have been established in all administrative offices, both national and local. Access has been made more easy and effective by the Decreto Legislativo 25 maggio 2016, n. 97, which significantly extends the range of publicly accessible documents.

Both judicial and non-judicial mechanisms of appeal exist, and are increasingly used. Among these is the Commission for Access to Public Documents (Commissione per l'Accesso ai Documenti Amministrativi) of the Presidency of the Council of Ministers, which receives appeals in cases of information-disclosure denials, and can force public administrative bodies to reconsider their decisions. The commission, which is composed both of parliamentarians and technical officers, makes an annual report to parliament. Though the publication of these reports is usually delayed by at least a year. The most recent report for 2015 identified a continuing increase in and responses to citizens' appeals. Regional administrative tribunals can judicially enforce the disclosure of documents. In spite of this regulatory and organizational progress, the propensity of public administration to provide the answers in due time is still far from being fully satisfactory either because of bureaucratic inefficiency or because of a reluctance to disclose internal matters. A recent report by an Italian NGO found that only 35% of information requests received a response within 60 days.

Citation:

http://www.funzionepubblica.gov.it/sites/funzionepubblica.gov.it/files/Decreto_legislativo_trasparenza.pdf

<http://www.commissioneaccesso.it/media/54980/relazione%202015.pdf>

<http://www.funzionepubblica.gov.it/foia-7>

Netherlands

Score 7

The Government Information (Public Access) Act (WOB) 1991 governs both active and passive public access to information. Under the WOB, any person can demand information related to an “administrative matter” if it is contained in “documents” held by public authorities or companies carrying out work for a public authority. Information must be withheld, however, if it would endanger the unity of the Crown, damage the security of the state, or particularly if it relates to information on companies and manufacturing processes that were provided in confidence. Information can also be withheld “if its importance does not outweigh” the imperatives of international relations and the economic or financial interest of the state.

Between 2010 and 2012, access to government information became a politically contested issue. In practice, the law was used more and more to justify withholding of information to citizens and journalists in the name of “state interest,” which usually referred the desire to retain the confidentiality of intra-government consultation. On the other hand, local governments accused citizens of improper use of the WOB at the expense of public monies and time. Although there has been new legislation to counteract improper use, which removed the penalty local governments had to pay for not responding in time to a request, civil servants at the national level and in municipal governments continue to strongly oppose the new government transparency bill. The new bill still awaits approval from the Senate.

Citation:

Aanpak oneigenlijk gebruik WOB, in vng.nl, consulted 5 November 2014

“Einde misbruik WOB nog niet in zicht,” Binnenlands Bestuur, 13 April 2015

VNG, Behandeling Wet open Overheid in Tweede Kamer, 11 April 2016 (vng.nl, consulted 9 November 2016)

NRC-Handelsblad, “De moeizame weg naar open overheid,” 6 October 2017

Portugal

Score 7

Free and readily available access to official information is guaranteed by Article 48, subsection 2 of the 1976 constitution, and mechanisms exist to ensure that this does in fact happen. There are extensive legal provisions providing guarantees for access to official information. Additional support is supplied by the Aarhus Convention of the European Union, which was signed on 25 July 1998 and ratified by Portugal on 7 September 2003. The government has recently put virtually all official information and requirements such as permits and licenses online. This information can be readily accessed through home computers and without cost in a wide variety of public places such as municipal libraries. The Commission on Access to Administrative Documents (Comissão de Acesso aos Documentos Administrativos,

CADA), established in 1995, deals with complaints regarding public access to information.

The access to government documents is guaranteed in the following law:

Law number 26/2016 – Diário da República No. 160/2016, Série I de 2016

At the local level, the population generally has access to government information, documents and more through freely available computers at the local library or at government offices.

However, it should also be noted that, while information is available, it is often not well organized. Moreover, it is often not clear even to educated citizens, let alone to citizens with lower educational attainments. This renders citizens' de facto ability to obtain information somewhat less expansive than their de jure ability.

Citation:

Lei n.º 26/2016 – Diário da República n.º 160/2016, Série I de 2016

United States

Score 7

The Freedom of Information Act (FOIA) allows citizens a high degree of access to documents and files held by federal agencies. Various categories of information are exempt, such as information related to national defense, personnel rules and practices and ongoing criminal investigations. Administrators have considerable discretion in permitting access, as citizens and researchers have difficulty knowing when relevant information has been withheld.

The Obama White House reported that it had reduced FOIA request backlogs and denied fewer requests than the preceding Republican administration. Moreover, the Obama administration generally responded to requests from Congress for internal documents, making fewer claims of “executive privilege.” Yet, in 2013 and 2014, the Obama administration denied or delayed a record number of such requests, in many cases on national-security grounds. In 2015, Congress debated a Freedom of Information Oversight bill that would tighten FOIA procedures and standards.

Early evidence of the Trump administration's approach to providing information is alarming. Both as candidate and president, Trump has refused to disclose his income tax filings – a departure from the nearly consistent practice of the last half-century. His agencies refused to provide information on past lobbying activities to the Office of Government Ethics, which was legally responsible for examining the information to guard against conflicts of interest. Trump attacks the press almost daily as corrupt and biased. At the end of the study period, it is too early to assess the administration's response to FOIA requests, but all evidence points to a drastic decline in good-faith compliance.

Citation:

<https://www.newyorker.com/news/ryan-lizza/how-trump-broke-the-office-of-government-ethics>

Iceland

Score 6

The 1997 Information Act (Upplýsingalög), revised in 2012, aims to guarantee the right of access to official information. Memoranda, working documents, and materials related to the Council of the State (Ríkisráð), cabinet, and ministerial meetings were originally exempted. In 2011, a revision to the Act on the Government of Iceland (Lög um Stjórnarráð Íslands) mandated that the agenda of cabinet meetings be presented to the media and published on the government's website after each meeting. Paragraph nine states that the prime minister can decide, with cabinet approval, to create ministerial committees on an issue-specific basis. Following a 2015 revision, two permanent ministerial committees were established to oversee state finances and economic affairs.

Sensitive financial and personal information, as laid out in the Act on Processing and Protection of Personal Data (No. 77/2000), is not accessible unless permission is obtained from the person involved. Access to restricted information is available once the measures associated with the information are complete, after a period of 30 years for general information or 80 years for personal information (as per the National Archives Act, No. 66/1985). Information regarding the security or defense of the state, or international commercial activities is also exempted from the act. Decisions denying access to information can be appealed to the Information Committee, whose members are appointed by the prime minister. No other government or judicial body can overrule the decisions of the Information Committee.

Despite these provisions, public access to information can be restricted. For example, the central bank refused a parliamentary committee's request to see a transcript or hear an audio recording of a fateful telephone conversation between the prime minister and the central bank governor shortly before the 2008 economic collapse.

Governments have proved to be quite secretive about potentially compromising information. For example, an official report on Icelanders whose names appear in the Panama Papers was ready well before the October 2016 parliamentary election but was not disclosed to the public until after the election in which all three ministers whose names appeared in the Panama Papers were re-elected to their seats in parliament. There have been several other recent scandals involving information withheld from the public. One such scandal led to the collapse of the government in 2017.

Citation:

The National Archives Act no. 66/1985. (Lög um Þjóðskjalasafn Íslands no. 66/1985).

Information Act (Upplýsingalög). Act no. 50/1996.

Act on Processing and Protection of Personal Data. (Lög um persónuvernd og meðferð persónuupplýsinga) Act no. 77/2000.

Act on the Government of Iceland (Lög um Stjórnarráð Íslands) nr. 115 23. september 2011.

Change of Act on the Government of Iceland (Lög um Stjórnarráð Íslands) nr. 115 23. september 2011.
(Lög um breytingu á lögum nr. 115/2011, um Stjórnarráð Íslands (skrifleg framlagning mála á ríkisstjórnarfundum)).

Lög um breytingu á lögum um Stjórnarráð Íslands, nr. 115/2011, með síðari breytingum (skipulag ráðuneyta og stofnana o.fl.) nr. 82 13. júlí 2015.

Luxembourg

Score 6

Luxembourg has no freedom of information act nor any equivalent legal regulation. Such law has been demanded by journalist associations and many NGOs, as well as by Regulation No. 1049/2001 of the European Commission. The government cultivates a certain culture of secrecy; a directive issued in 1987 requires civil servants to get authorization of their respective minister before releasing any information. Numerous advisory bodies, which include representatives from interest groups, usually serve as a channel to spread government messages in advance of official notifications to parliament or professional chambers. It is up to the government to decide what becomes public and when. The previous government promised to draft a law that was inspired by information practices in neighboring countries, as well as by recommendations of the Council of Europe. However, the draft law presented by the new government in 2014, did not meet information access advocates' expectations.

The most effective way to get information from the government remains the so-called parliamentary query (question parlementaire). The government is required to provide an answer within a month, or even within a week in case of urgency. This instrument is widely used by members of parliament and during the 2015 – 2016 parliamentary session, 966 questions were filed. Interested parties, lobbies and associations often enlist MPs and make use of the parliamentary query process to discover the government's intentions on issues of relevance to them. MPs' questions and government answers are published in the regular account of parliament's activities (Compte rendu des séances publiques), in press releases and on the website of the Chamber of Deputies.

Citation:

Association luxembourgeoise des journalistes, www.journalist.lu. Accessed 21 Feb. 2017.

"Rapport d'activité 2016.", Ministère d'État. 2017, <http://www.gouvernement.lu/6752004/2016-rapport-activite-etat.pdf>. Accessed 21 Dec. 2017.

"Mémorial A n° 206 de 2007." Journal officiel du Grand-Duché de Luxembourg, 26 Nov. 2007, legilux.public.lu/eli/etat/leg/memorial/2007/206. Accessed 21 Feb. 2017.

"Mémorial A n° 69 de 2010." Journal officiel du Grand-Duché de Luxembourg, 30 Apr. 2010, legilux.public.lu/eli/etat/leg/memorial/2010/69#page=2. Accessed 21 Feb. 2017.

"Presse écrite." Le portail officiel du Grand-Duché de Luxembourg, www.luxembourg.public.lu/fr/le-grand-duche-se-presente/medias/presse-ecrite/. Accessed 21 Feb. 2017.

Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents. Official Journal of the European Communities, 2001. www.europarl.europa.eu/register/pdf/r1049_en.pdf. Accessed 21 Feb. 2017.

Poland

Score 6 Access to public information is guaranteed in Article 61.1 of the constitution of the Republic of Poland, and the Law on Access to Public Information provides for far-reaching access to official information. The law defines public information as information on public matters and covers trade unions and political parties as well as the government. In response to an EU directive, a September 2011 amendment facilitated the reuse of government information by citizens and called on public institutions to provide resources enabling citizens to access information. While the PiS government has left the legal framework more or less untouched, it has been more restrictive than its predecessor in granting public access to information and has sometimes openly misinformed the public.

Romania

Score 6 Law 544/2001, known as the Freedom of Information Act (FOIA), ensures citizens' access to public information. Its remit creates obligations for all central and local state institutions, as well as public companies for which the state is the majority shareholder. Along with ministries, central agencies and local governments, public universities, hospitals, and many off-budget central and local public companies have to comply with the terms of law 544. However, actual enforcement differs from the terms of the existing legislation. Privacy and secrecy considerations often trump the transparency principle. Confronted with allegations of corruption and plagiarism, the academies of police, national defense and intelligence services, for example, have consistently refused to make basic info pertaining to job searches for their presidents, promotion criteria and procedures to grant doctoral degrees available to the public.

South Korea

Score 6 The Act on Disclosure of Information by Public Agencies regulates access to government information. It makes available all documents described by the act. Information can also be accessed online at the Online Data Release System. If an individual requests the disclosure of information, the agency in possession of that information must make a decision on the petition within 15 days. While this is a reasonable level of exception in theory, "national security" is often interpreted very broadly.

South Korea's ranking in the Open Data Barometer has declined from eighth place out of 92 countries in 2015 to 17th out of 86 in 2017, with an overall score of 57.65 points in the latter year. Korea obtained a fairly high 79-point score in the "readiness" category, but only a respective 54 points and 48 points in the implementation and impact sections. For example, there have been significant limits on access to detailed data on government spending and registered company lists, as reflected in the low score of five out of 100 in this area. The Park government in particular was very reluctant to disclose official information, particularly about Park herself or the sinking of the Sewol Ferry. By contrast, the Moon government has proved more proactive in administering national affairs as transparently as possible, in part by disclosing information very quickly.

Citation:

Article 19. Country Report: The Right to Information in South Korea. January 21, 2016. <https://www.article19.org/resources.php/resource/38242/en/country-report:-the-right-to-information-in-south-korea>
 Open Data Barometer, World Wide Web Foundation. Global Rankings 2017. <http://opendatabarometer.org/2ndEdition/analysis/rankings.html>
 Open Data Barometer, World Wide Web Foundation. Country Detail: Korea. http://opendatabarometer.org/4thedition/detail-country/?_year=2016&indicator=ODB&detail=KOR

Spain

Score 6

The first specific law enabling free and easy access to government information in Spain is only four years old (Law 19/2013 on "transparencia, acceso a la información pública y buen gobierno"). Despite being new, this legislation establishes some limits to the freedom of information. According to the Madrid-based NGO Access Info Europe, Spain still scores comparatively low for four reasons: 1) some institutions (including the parliament and the royalty) are not rendered completely transparent by the law, 2) access to information is not recognized as a fundamental right, 3) the oversight body (the so-called Transparency Council) is not fully independent, and 4) the transparency website has shortcomings (with most data available only upon request). Nevertheless, the 2013 legislation did significantly improve access to government information by imbuing public policies with a higher degree of transparency. A team of around 40 civil servants works for the transparency website, and under the existing procedure, requests for information must receive a reply within 30 days. If the answer is not forthcoming or is unsatisfactory, citizens may turn to the Transparency Council, which decides whether there are data-protection or other security issues that justify withholding the information.

Citation:

access-info,
<https://www.access-info.org>

June 2017, Access Info: "Spanish Government takes open government secrecy battle to High Court."
<https://www.access-info.org/article/28951>

Japan

Score 5

Japan's Act on Access to Information held by Administrative Organs came into effect in 2001, followed in 2002 by the Act on Access to Information held by Independent Administrative Agencies. The 2011 Public Records Act provides the basis for information access in Japan. In formal legal terms, Japan is among the leaders in terms of open-government information policies, according to the OECD's 2017 OURdata index.

Basic rights to access government information are thus in place; however, a number of issues remain. Various exemptions apply, as for instance with respect to information regarding specific individuals, national security issues or confidential business matters. Claims can be denied and the head of the agency involved has considerable discretion. Appeals are possible, but only in court, which involves a very burdensome process.

In a case highly publicized in 2017, the process through which a right-wing private school in Osaka, Moritomo Gakuen, had received public land came under scrutiny. The Ministry of Finance had designated almost all relevant files as requiring preservation for less than one year, and had accordingly destroyed them. Other cases also surfaced, illustrating the weakness of the existing regulations; one such matter, for instance, involved allegations that schools operator Kake Gakuen had received preferential treatment at the behest of the prime minister.

Since 2014, a controversial State Secrets Law has been effect, giving ministries and major agencies the power to designate government information as secret for up to 60 years. There are no independent oversight bodies controlling such designations. Whistleblowing can be punished by up to 10 years in prison, and even those trying to obtain secrets can be jailed for up to five years. Critics argue that governments may be tempted to misuse the new law. Moreover, the rights and powers of two Diet committees tasked with overseeing the law's implementation have been criticized as being too weak.

In early 2017, one of these committees reported that various ministries have been scrapping documents related to state secrets before their declassification, using a loophole in the legislation.

Citation:

N. N. (Editorial), State secrets law needs strict monitoring, *The Mainichi*, 9 May 2016, <http://mainichi.jp/english/articles/20160509/p2a/00m/0na/013000c>

Lawrence Repeta, Backstory of Abe's Snap Election – the Secrets of Moritomo, Kake and the “Missing” Japan SDF Activity Logs, *The Asia-Pacific Journal/Japan Focus*, Vol. 15, Issue 20, No. 6, 15 October 2017

State Secrets being shredded under legal loophole in divisive 2014 law, *The Japan Times*, 4 May 2017, <https://www.japantimes.co.jp/news/2017/05/04/national/politics-diplomacy/state-secrets-shredded-legal-loophole-divisive-2014-law/>

OECD, *Government at a Glance 2017 Country Fact Sheet Japan*

Mexico

- Score 5** Mexico's freedom of information act became law in 2002. The law was the first in Latin America to impose obligations on the state to publicly share information and increase the level of political transparency. Mexico's freedom of information act has proved to be a considerable success in increasing publicly available information. Scholars, journalists and bureaucrats have all made use of its provisions and a lot of new information has come to light. Despite the progressive spirit of the law, however, the extent to which it is obeyed and enforced varies considerably. Powerful public and private actors can delay and obscure access to information, despite formal transparency laws. As is often the case in Mexico, there is a gap between theory and practice. The government response to the disappearance of a group of students in the state of Guerrero, and the frustrated efforts by an international committee to investigate the role federal and local authorities and security forces played in their disappearance, is a case in point.

Hungary

- Score 4** While existing law provides for far-reaching access to government information, the government has made it difficult for the public and the media to obtain information, especially on issues relating to public procurement by referring to business secrets. Under the third Orbán government there has been a constant fight between the government and the democratic opposition over access to government data and documents, often fought at the courts. Professional NGOs – notably Transparency International Hungary, the Hungarian Civil Liberties Union (TASZ) and the “Átlátszó” (Transparent) website – have worked intensively to claim government information through the courts, and independent media organizations (websites such as hvg.hu and index.hu) have regularly published categorized government information. Providing day-to-day information on fake government deals (“mutyimondó”) has become a new feature of the opposition online media. As a reaction, the government has tried to raise fees for processing public documents substantially.

Malta

- Score 4** The Freedom of Information Act was passed in 2008 and only came into force in September 2012. Since this time journalists have had better access to information from government bodies. However, exemptions compromise the bulk of the legislation. Under Article 5(4), no Maltese citizen is entitled to apply to view documents held by the Electoral Commission, the Employment Commission, the Public Service Commission, the Office of the Attorney General, the National Audit Office, the Security Service, the Ombudsman Office and the Broadcasting Authority, when the latter is exercising its constitutional function. Under Article 3, only Maltese and EU nationals who have been resident in Malta for a minimum of five years may

access information. The prime minister also holds the power to overrule the Information and Data Protection commissioner, despite the latter's declaration that a request for information should be approved. Moreover, there are a number of laws that still contain secrecy provisions to which the act does not apply. This undermines the essential workings of the act, as it could be in the political interest of the prime minister to suppress the publication of documents, which might embarrass or undermine his administration. The act does not meet the standards of the Council of Europe's Convention on Access to Official Documents. In 2016, the government received 175 requests for information, a considerable increase over the 62 filed between 2013 and 2015. Just over half of the requests in 2016 were fully or partially replied to.

Aquilina, K, Information Freedom at Last. Times of Malta, 22/08/12
 Freedom of Information Act Comes Fully into Force. The Independent 02/09/12
 In spite of fines ministry offers no reply to Times FOI request Times of Malta 9/5/2015
<http://www.timesofmalta.com/articles/view/20160827/local/has-the-freedom-of-information-act-worked.623201>
 Government says no to most Times of Malta requests for information Times of Malta 11/06/16
 Times of Malta 12/08/17 Freedom of information requests tripled in three years
 Times of Malta 27/08/16 Has the Freedom of information Act worked?
 Times of Malta 30/11/17 Over 400 Freedom of information requests in 3 years

Turkey

Score 4

According to Law 4982, citizens, noncitizens and foreign corporations have the right of access to government information. However, many public records are not included within the scope of the law, as there are exceptions for state secrets, intelligence information, individual privacy and communication privacy. There is no legislation on state and trade secrets, preventing effective use of access to information. Most public offices have a department that deals with access to information requests. These requests can be made in person or electronically.

Access to information rights and complaint mechanisms are not used effectively. A total of 1.6 million applications for information based on Law 4982 were submitted to public institutions in 2016. According to official information, 84% of requests resulted in the full provision of the requested information, 7.2% resulted in partial information or a negative response, and 8% were rejected. A total of 6,924 applications were found to concern state secrets or private issues. The government's annual report on access to information requests does not include details about the subject of the applications.

The Board of Review for Access to Information examines administrative decisions rendered under articles 16 and 17 of the access to information law. The board did not publish an annual report for 2015. As with other administrative decisions, appeals can be made to an administrative court if information requests are denied. A total of 622 information requests were appealed in 2015. Although the number of applications decreased radically, the number of "positive" responses from the relevant public bodies increased in 2015.

In addition to the right to petition (Law 3071), the Prime Minister's Communication Center has received public complaints, requests, denunciation and opinions since 2006. The center received two million submissions in 2016.

Finally, under its state of emergency powers, the government passed laws by executive decree without the need for parliamentary debate. This sidelining of parliament and parliamentary deputies by the government exacerbated the already limited access of citizens to political decision-making processes.

European Commission, Turkey 2016 Report, Brussels, 9.11.2016, http://ec.europa.eu/enlargement/pdf/key_documents/2016/20161109_report_turkey.pdf (accessed 1 November 2016).

World Justice Project, Rule of Law Index 2016, https://worldjusticeproject.org/sites/default/files/documents/RoLI_Final-Digital_0.pdf (accessed 1 November 2017)

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https://www.tbmm.gov.tr/bilgiedinme/2016_raporu_baskanlik_aciklamasi.pdf (accessed 1 November 2017)

Türkiye Büyük Millet Meclisi Başkanlığı, 2016 Yılı Bilgi Edinme Genel Raporu, https://www.tbmm.gov.tr/bilgiedinme/2016_yili_degerlendirme_raporu.pdf (accessed 1 November 2017).

The Board of Review for Access to Information, Sample Decisions, <http://www.bedk.gov.tr/Kararlar.aspx>

Cyprus

Score 3

No legal framework on access to official information exists. References to the issue are found in various legal documents: in the constitutional clause on free expression (Article 19) and individual laws on personal-data processing, access to environmental data, the reuse of public sector information, the public service, the press and more. Article 67 of the Law on Public Service (L. 1/1990) prohibits the disclosure without authorization of any information that comes to employees in the exercise of their duties. Despite administration efforts, including the creation of an open-data portal where officially generated data is published, access to information is limited by the absence of specific and coherent legislation. This leads to contradictory policies by government officials, which ultimately limits transparency.

Mechanisms for administrative appeal are provided in connection with the reuse of public sector information, environmental information and data protection. Recourse to an independent authority, the Commissioner for Data Protection, is also possible for relevant issues. Another option is recourse to courts, though no direct legal provision on this issue exists.

No developments were noted on a draft law under discussion since late 2015, criticized by NGOs as being below international standards.

1. Press report, NGO calls for FOI fees to be axed, <http://cyprus-mail.com/2017/02/18/ngo-calls-foi-fees-axed/>

2. Press report, 'AccessInfo welcomes Cyprus' commitment to strong FOI law,' Cyprus Mail, <http://cyprus-mail.com/2015/10/21/access-info-welcomes-cyprus-commitment-to-strong-foi-law/>

3. Open-data portal, <http://www.data.gov.cy>

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