

ASSOCIATION OF INDEPENDENT JOURNALISTS
COMMITTEE FOR EDITORIAL INDEPENDENCE

EUROPE'S FREE PRESS UNDER SIEGE



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The subject of media freedom has emerged as the latest test to the EU's values and unity, with isolated but serious challenges to the press and independent media across a number of member states yet to be met with a firm response by the bloc. Over the last few months alone, the proposal of a controversial media advertisement tax in Poland, the end of broadcasting by independent radio station Klubrádió in Hungary, reports of a "war on the media" by Slovenian PM Janez Janša, and interference in the independence of the public broadcaster in the Czech Republic have brought the issue to the fore. There are also grave concerns about media ownership and political influence in Bulgaria and Greece.

Most recently, the Polish Government has launched one of the most brazen attacks on media freedom by steering legislation through the Sejm, the lower house of the Polish parliament, which will ban foreign companies from owning media outlets. This has been widely interpreted as an attempt to throttle the independence of the most influential private TV station, TVN, in which Warner Brothers holds a majority shareholding. If confirmed by the Senate and the President, it will force Warner Brothers' filial, Discovery, to sell its holding. Jarosław Kaczyński, the power behind the throne of government, has called this "the re-polonisation of the media". We warmly support the more than 1,000 of our Polish colleagues who have signed an open letter protesting against the new law.

Until now the EU has been slow to respond to the attacks on media freedom in several member states and has rightly faced criticism for its inaction. In a European Parliament debate in March, a number of MEPs condemned Poland, Hungary and Slovenia over their attempts to restrict independent media. Commissioner Věra Jourová on that occasion responded by calling for more tools to protect journalists and independent media, lamenting the "limited" options currently available to the executive.

Yet the situation continues to deteriorate. The most recent World Press Freedom Index published in April this year by Reporters Without Borders saw Slovenia, Poland, and Hungary all fall in their media freedom rankings, with the watchdog noting the EU's existing mechanisms have not been able to stop the "draconian measures" taken in some member states.

“The attack on media freedom in Poland clears the way for an all-out assault on the very values on which the European Union was founded.”

Adam Michnik, Editor-in-Chief, Gazeta Wyborcza

In the Czech Republic, there are growing concerns over government interference in the public broadcaster, Czech Television. Opposition MPs voiced criticism of the selection process for new members to sit on the Czech Television Council after the Electoral Committee of the Czech Parliament’s Chamber of Deputies whittled down a list of 56 applicants to a dozen shortlisted names, featuring a number of candidates critical of the broadcaster's current management and work. The Council has the power to have the CEO dismissed, something opposition MPs believe is the government’s aim. The European Broadcasting Union has expressed its concern about the situation, warning the independence of Czech Television is under threat and noting "the increasing politicisation of its governing body" alongside efforts to "undermine" the broadcaster's current management.

Bulgaria represents the nadir of media freedom not just in the EU but well beyond as it stands at 112th in this year’s World Press Freedom Index. Here the oligopoly controlling the great majority of media outlets cooperate openly with impunity. There is overwhelming evidence that journalists sacked for refusing to tow an editorial line will find it impossible to secure employment elsewhere. The extreme narrowing of editorial opinion in Bulgaria has taken place chiefly during the long Prime Ministership of Boyko Borissov. Both elections held this year were inconclusive and a caretaker government is now running the country. In advance of a probable third poll in December, the European Union must impress upon any incoming administration that it is actively screening media plurality in the country.

In neighbouring Greece, in addition to the concentration of much of the media in the hands of a small group of oligarchs, several of whom have alleged criminal connections, there is the additional fear of violence against journalists. In April this year, veteran reporter Giorgos Karaivaz was shot dead near his house in Athens in an act with the hallmarks of a mafia-style execution. Meanwhile, police are investigating reports of a conspiracy to assassinate another leading journalist, Kostas Vaxevanis. These disturbing trends in Greece underline how dangerous it has become within the EU to investigate corporate malfeasance on a grand scale as the murders of Ján Kuciak and Daphne Caruana Galizia in Slovakia and Malta respectively have already

demonstrated. More recently, we were deeply saddened to hear of the murder of the courageous Dutch investigative reporter, Peter de Vries, in July this year.

In February, one of Hungary's last remaining independent radio stations, Klubrádió, finally came off air following an 8-year battle, after being stripped of its broadcast licence. In a written response, the European Commission said the case had only "deepened their worries" about Hungary, adding they had "encouraged" Hungary to allow Klubrádió to continue to use its frequency. But the station had first sought EU assistance as far back as 2016, and the Commission has come under sustained criticism for being too passive and for not reacting more forcefully.

In Slovenia, there is talk from journalists and watchdogs of a "climate of fear" as PM Janša attacks journalists critical of the government. Commissioner Jourová called on Interior Minister Hojs to do more to protect individuals who experience attacks, and the EU is said to be working on a systematic approach to deal with threats to journalists across the bloc. There have been calls for even greater action however, with Dutch MEP Sophie in 't Veld claiming the EP should already be monitoring Slovenia's rule of law and media freedom compliance, warning Slovenia could be "the next autocratic country in the EU".

In Poland meanwhile, seven months after EU leaders struck their landmark €1.8 trillion deal to resuscitate Europe's economies in the wake of the Covid-19 crisis – a pact at least partly predicated on the adherence by member states to the bloc's core principles – Poland's right-wing PiS government appears set on a collision course with Brussels that will test both sides' commitment to upholding media freedom and the rule of law.

Critics say a new law being discussed to impose steeper taxes on media company earnings risks suffocating much of the country's independent journalism. While the Morawiecki government is adamant the proposed legislation simply seeks to ensure social justice, arguing international media giants are suffocating local Polish outlets, many fear an ulterior motive to constrain criticism is behind the change; one media executive described the government's aim as "more or less copying the Hungarian approach - to diminish the viability of the independent media," adding: "The money will just go to propaganda operations close to PiS." One opposition MEP described the planned tax as "simply the nationalisation of the media".

As the *FT* recently noted, the stand-off over private media is "the latest in a series of disputes" that have put Warsaw "at the centre of a contest about Europe's political and cultural values".

The EU worked hard to placate Poland and Hungary in the budget debate and came under strong criticism for allegedly favouring Poland in its compromise action. It remains to be seen if it will look to take a similar approach now, or if this is even possible in the face of real threats to media freedom.

Last September, Commission President von der Leyen talked about the EU being a Union of values – if that is to mean anything then Europe cannot stand by while independent media is under such targeted attack.

Hungary

On 14 February 2021 Klubrádió was stripped of its frequency licence as a result of a series of often arbitrary and cynical decisions by the Hungarian authorities and judiciary.^[1] The independent broadcaster has pleaded in vain for close to a decade for European support for its fight to retain its licence amid increasingly frequent attacks. The European Commission did not act until the station was forced to move online after it lost its radio frequency.^[2] The EU's infringement procedure has been invoked since then – this would be a welcome development if the process had any deterrent effect, and if it were capable of protecting what remains of the free press from continued attacks. There is pressure from three directions: attempts to bring media owners to heel, attempts to limit advertising revenue at targeted media outlets, and attempts to restrict access to information.^[3] The latest addition to this three-pronged attack is the government's newly enacted homophobic law, which provides legal grounds for active censorship of media content. Using the pandemic as pretext, the Hungarian government has extended the deadline within which freedom of information requests must be dealt with to 45 days. As a result of comprehensive centralization of all functions of government, virtually no public official is allowed to respond to any query from journalists without the government's knowledge or approval. The government has unilaterally restricted journalists' access to its press briefings, and has barred journalists and representatives of newsrooms it does not like from events of note or public interest. In addition to such systematic obstruction of the workings of a free press, journalists are routinely targeted with campaigns aimed to discredit them, forcing them to endure continuous online harassment.

^[1] <https://www.respekt.cz/respekt-in-english/viktor-orban-finally-ousts-the-zebra>

^[2] <https://www.reuters.com/article/us-eu-hungary-radio-idUSKBN2AD0NE>

^[3] https://cadmus.eui.eu/bitstream/handle/1814/71949/hungary_results_mpm_2021_cmpf.pdf?sequence=1&isAllowed=y

“Free press in Hungary is in a bad shape, the number of independent outlets keeping a check on power has been in a sharp decline for the past ten years as more and more newspapers, radios, and televisions have owners who are well-connected to parties and politicians.

“Journalists do not go to prison in Hungary, and there have been no murders of journalists in recent memory – yet the work of independent journalists has rarely been more difficult. Not only do we have to struggle to maintain an economic basis for our work, but we also have to fight for access to information.”

Veronika Munk, Founder, Editor-in-Chief at Telex, former Deputy Editor-in-Chief at Index

Slovenia

A *Politico* report on 16 February spoke of a “war on the media” in Slovenia, saying PM Janša’s attacks had created a “climate of fear”. The outlet said that, among other things, Janša had referred to the Slovenian Press Agency [STA] as a “national disgrace”. He has accused public broadcasting organization Radiotelevizija Slovenija [RTV] of spreading “lies” and misleading the public, while also referring to RTV as “irresponsible virus spreaders”.^[4] Last October, editors from major Slovenian media outlets co-signed a public letter highlighting the attacks and intimidation they had suffered during their coverage of the pandemic. Editors condemned the “discreditation and demonisation” of the media, adding attacks came “from the top of the government”.^[5]

In a recent European Parliament debate on press freedom, Values and Transparency Commissioner Jourová used Slovenia as example of a situation where there are “continued attempts to undermine the sustainable funding and independence of the national press agency,” adding: “Frequent verbal attacks against journalists are also a cause of serious concern.”^[6] Already in February, Jourová had called on Interior Minister Hojs to do more to protect individuals who experience attacks, and the EU is

^[4] <https://www.politico.eu/article/slovenia-war-on-media-janez-jansa/>

^[5] <https://www.rtvlo.si/slovenija/pismo-odgovornih-urednikov-pod-pritiski-ne-bomo-klonili/540482>

^[6] <https://www.faz.net/aktuell/politik/ausland/pressefreiheit-in-slowenien-wie-frei-sind-die-medien-unter-janez-jan-a-17237625.html>

said to be working on a systematic approach to deal with threats to journalists across the bloc.^[7]

Other figures have also spoken out against the behaviour of the government; Dutch MEP Sophie in 't Veld has warned Slovenia could be “the next autocratic country in the EU”, saying the EP should already be monitoring the country’s rule of law and media freedom compliance.^[8] Finnish Minister for European Affairs Tytti Tuppurainen has also expressed concern, describing reports of government attacks on the media as “unfortunate and disturbing”. With Slovenia due to take over the rotating EU Council presidency on 1 July 2021, Tuppurainen said: “We expect the future presidency to uphold our common values, media freedom included,” adding: “Any erosion of this puts the credibility of the Union as a whole in jeopardy.”^[9]

“Public service journalism is under sustained attack. Attempts to bankrupt our national press agency are just the latest in a wave of activities by the Janša government to avoid democratic scrutiny. Every week the government refuses to provide financial support, weakens the service.

“Ordinary citizens and journalists have been donating to keep the service going, but the government knows they will win out in the end. We need urgent support at a European level. Without it, our only independent news agency will be hollowed out or destroyed.”

Ali Žerdin, Editor at Delo

Poland

On 10 February, independent Polish media outlets suspended their coverage for 24 hours in protest at the government’s planned advertising tax, which they see as an attack on media freedom in the country, with editors of *Gazeta Wyborcza* claiming the government had “declared war on free public opinion”.^[10]

^[7] <https://www.dnevnik.si/1042949404/slovenija/komisarka-ponovno-opozorila-hojša-naj-zavaruje-novinarje-pred-napadi>

^[8] <https://www.sta.si/2868806/vodja-skupine-za-spremljanje-demokracije-v-evropskem-parlamentu-za-spremljanje-razmer-v-sloveniji>

^[9] <https://www.politico.eu/newsletter/brussels-playbook/politico-brussels-playbook-made-in-europe-getting-giggy-with-it-who-blinked-first/>

^[10] <https://wyborcza.pl/7,75968,26771136,protestujemy-bo-wladza-wypowiedziala-wojne-wolnej-opinii-publicznej.html>

Despite government claims that the revenue from the tax would be divided between developing the national media market and alleviating the economic strain of the pandemic,^[11] Polish outlets have pushed back, saying the real purpose behind the tax is to weaken independent outlets.^[12] More than 40 news groups signed an open letter opposing the tax, addressed to the government.^[13] One media executive said the actual motive was to “diminish the viability of the independent media,” adding: “The money will just go to propaganda operations close to PiS.”^[14] MEP for Poland’s centre-right opposition, Magdalena Adamowicz, described the planned tax as “simply the nationalisation of the media”, adding: “Such a concentration of ownership poses a real threat to free and fair elections.”^[15]

80 MEPs from various European Parliament factions urged the European Commission to take “effective and concrete action” to protect the media in Poland. In a letter to Commissioners Jourová and Breton, lawmakers said Poland’s planned media advertisement tax was an assault on media pluralism.¹⁶

“The attack on media freedom in Poland clears the way for an all-out assault on the very values on which the European Union was founded.

“By achieving this acquisition without legislative changes, the government engineered the long-awaited takeover of a foreign-owned media company without provoking diplomatic repercussions with other EU member states or a head-on collision with Brussels over the rule of law. The state energy giant PKN Orlen is now likely to remain the economic engine of PiS’ media capture model.”

Adam Michnik, Editor-in-Chief, Gazeta Wyborcza

Of particular concern is how the authoritarian regime deploys massive legal harassment of media outlets in Poland. The government, its various agencies, individual politicians, the ruling Party, the PiS, and its leader Jarosław Kaczyński have brought over 180 SLAPP cases against independent media, 73 alone against one of

^[11] <https://www.rp.pl/Rzad-PiS/210219632-Morawiecki-Podatek-od-reklam-Ktos-musi-budowac-drogi-dbac-o-zlobki-szpitala-To-nie-bierze-sie-znikad.html?cid>

^[12] <https://wiadomosci.onet.pl/tylko-w-onecie/media-bez-wyboru-o-co-chodzi-w-akcji/6rphngc>

^[13] <https://www.rp.pl/Spoleczenstwo/210209343-List-otwarty-do-wladz-Rzeczypospolitej-Polskiej-i-liderow-ugrupowan-politycznych.html>

^[14] <https://www.politico.eu/article/polish-media-suspend-reporting-to-protest-a-planned-tax-on-advertising/>

^[15] <https://www.ft.com/content/a7cbaefc-66d6-4599-ab79-b11ae54a59f8>

^[16] <https://wyborcza.pl/7,75399,26792712,80-euoparlamentarzystow-pisze-do-komisji-europejskiej-w-sprawie.html?disableRedirects=true#S.-K.C-B.1-L.1.maly>

its primary targets, Gazeta Wyborcza. Furthermore, since the end of 2015 the PiS has taken over public service broadcasters, TVP and Polish Radio, which have the largest audiences in the country notably in rural areas. These have been reduced to propaganda outlets for the PiS and the government.

Most recently, the Polish government's refusal to renew the licence of TVN24 which is the country's most watched news outlet has triggered condemnation from across Europe and North America. The Biden Administration has been unequivocal in its demand for TVN24 to continue broadcasting without interfering. But proposed legislation in Poland could further constrain any foreign ownership of media like TVN24 in flagrant violation of EU rules.

In a European Parliament debate earlier this year, Commissioner Jourová lamented the "limited" options available to the Commission to act, stating: "We need a tool which recognizes the role of media as the key players in democratic society."^[17] Jourová added she was aiming to identify ways the bloc could strengthen its toolbox, listing financial support and regulation and enforcement actions as potential measures to help protect press freedom and journalists' safety.

Czech Republic

Fears of government interference in the Czech public broadcaster Czech Television are growing after a shortlist of candidates for posts on the broadcasters' Council mainly comprised of public broadcaster's critics. In March, the Electoral Committee of the Czech Parliament's Chamber of Deputies whittled down a list of 56 applicants for a position on the Czech Television Council to a dozen shortlisted names. The shortlist showed a preference for candidates critical of Czech Television's management and of the work produced by the public broadcaster's journalists.^[18]

The new-look Council is being created in an emotive atmosphere, with the position of the current CEO of Czech Television Petr Dvořák widely seen to be under threat. The Council has also attacked critical journalism and those programmes and journalists who work on the cases related to the prime minister, government politicians or the president's office.

^[17] <https://www.politico.eu/article/vera-jourova-calls-more-tools-boost-media-freedom/>

^[18] <https://zpravy.aktualne.cz/domaci/do-finale-volby-rady-ct-postoupili-fistejn-cernocky-nebo/r~3b98bb1e87d311ebbfd0cc47ab5f122/>

The European Broadcasting Union has expressed its concern, warning the independence of Czech Television is under threat and noting "the increasing politicisation of its governing body" alongside efforts to "undermine" the broadcaster's current management.^[19]

"Czech Television has experienced the greatest threat to freedom of speech and media independence since the Velvet Revolution. Although the first attempt to politically control the station resulted in a so-called television crisis in 2000, civic protests forced politicians to withdraw from the plan. Today, 21 years later, the situation is even more serious: politicians have the power to succeed.

"Parliament is to elect new members of the council. Pre-1989 communists, pro-Russian extremists and people close to the government movement predominate. The future of the station is at stake. Unfortunately, the Polish and Hungarian scenarios are the most likely so far."

Zdeněk Šarapatka, member of the Czech TV Council

What the EU institutions must do

The European Union's failure to act in defence of one of its most important fundamental freedoms when Viktor Orbán began a string of crackdowns on and intimidation of the free press has encouraged several other member state governments to follow the same path. The European Commission has lamented developments in Hungary and elsewhere but has yet to formulate any concrete programme for combating this egregious violation of EU norms. As we have seen in Poland, the constraints placed on the press allow governments to perpetrate violations of other basic principles and democratic institutions. At a time of an urgent global debate about the retreat of democracies in the face of growing authoritarianism, whose aims are furthered by disinformation and fake news, the Commission and other European institutions must protect media freedom as an overriding priority.

In recent months, we have seen encouraging signs and tougher rhetoric coming from various members of the Commission. In his update on the EU's Action Plan, Thierry

^[19] <https://www.seznamzpravy.cz/clanek/verejnopravni-media-v-cesku-jsou-v-ohrozeni-zni-z-evropske-vysilaci-unie-150145>

Breton, Commissioner for the Internal Market, reiterated that media freedom is a *sine qua non* for the member states. We believe the Commission possesses real tools to address this issue. While we recognise there are constraints on the direct linkage between EU financial disbursement and freedom of the press, the recalcitrant governments of the EU are violating Single Market rules and the legal requirements on data and information.

The Commission must now demonstrate as a matter of urgency that these rules have teeth and move towards sanctions on those member states which refuse to abide by their solemn commitments of membership.

About the Association of Independent Journalists

The Association of Independent Journalists is an informal group of frontline journalists and publishers from across the Central and Eastern European region. It is the only network of its kind to bring together writers and editors from the whole region who have to face challenges to editorial independence at the coal face.

About the Committee for Editorial Independence

The Committee for Editorial Independence is an independent body of the media house Economia. Its role is to promote the idea of free media and to guarantee to readers and the general public that Economia's journalists and editors may carry out their work free from inappropriate interference. The Committee seeks to improve not only the Czech media environment, but also to advance the journalistic culture of Central and Eastern Europe, and possibly of other countries.

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