

## Recommendation for the reformation of the Czech media landscape in detail

Impartial and independent media are one of the basic preconditions for a functioning democracy. They are key to social cohesion, the ability of citizens to form informed views on public affairs, they give our society a chance to face the influence of overly concentrated economic and political power and, last but not least, they stand opposed to social networks in terms of the integrity of the information provided. The Czech legal system needs more guarantees that will prevent influence over, or control of, the media and which will strengthen the legal and institutional framework of our media landscape.

To achieve these goals, it is necessary to amend the current legislation for the media market, thus creating favorable conditions for maintaining media pluralism, objective and independent work of journalists, and ensuring publicly available, professionally verified and high-quality information from independent sources.

### We view the following as the most significant current issues in the media field:

- insufficient shielding of **public service** media from possible political pressures,
- absence of independent audits of financial management of public service media,
- lack of binding rules that would prevent media owners from influencing media content (including journalists' self-censorship),
- ineffective regulatory oversight of media market and outdated media **legislation** that does not reflect new media,
- the gradual disappearance of independent **regional** media,
- the threat to economies of traditional media by digital giants,
- a low level of professional cooperation; in other words the unwillingness of most journalists to participate in the creation of self-regulatory solutions and a functioning media council,
- large impact of **disinformation** purposefully disseminated through social networks and websites that do not respect journalistic and publishing ethics.

We therefore present a list of measures that we propose to address the current shortcomings:

## 1) Strengthen the position of public service media councils and the plurality of views represented

- a) **Expand public service media council elections to include both chambers of the Parliament.** Currently, the Chamber of Deputies appoints and recalls members of the Czech Television Council and the Czech Radio Council. The involvement of the Senate in the election of media councils will strengthen the plurality of opinions represented and reduce the risk of politicization of public service media.
- b) **Establish stricter qualification criteria for council election candidates and nominating organizations.** The current legislation does not impose any criteria on professional qualifications, relevant experience, or any ethical requirements. Eligibility requirements should therefore be established, in order to ascertain candidates' knowledge and ability in relation to the media sector. The rules on incompatibilities and conflict of interest should also be strengthened. The power to nominate candidates for council elections should be reserved to organizations with a track record in terms of a consistent professional focus and a minimum number of years of operation.
- c) **Legislate judicial review of council decisions and parliamentary decisions on the appointment and removal of members of public service media councils.** Compliance of public service media council decisions with relevant law is a basic precondition for the proper performance of their function. We therefore propose to introduce the option to review the councils' decisions by administrative courts. In order to strengthen safeguards against the politicization of the nomination and election process, the same mechanism should be applied for decisions of the Chamber of Parliament by which a member of one of the councils is elected or recalled.
- d) **Amend legislation to no longer allow the possibility of dismissing a media council as a whole.** Each time a council member is recalled, it should have to be based on an individualized decision. Currently, the Chamber of Deputies has the power to approve annual reports of public service media and it can mount pressure on their management by not approving these reports. This is because if two subsequent annual reports fail approval, the Chamber may dismiss the corresponding council as a whole. To remedy this, annual reports should only be presented for the Parliament to take note of, not approve.

## 2) Establish audits of financial management of public service media

- a) **Give the Supreme Audit Office the power to oversee the management of public media' budgets.** The Supreme Audit Office is an independent audit institution whose mission is to oversee management of public funds. The inclusion of public service media among the audited entities will lead to more efficient management and reduce opportunities for clientelism or wasteful expenditure.

## 3) Modernize the regulation of audiovisual media in order to protect market pluralism

- a) **Strengthen the expertise of members of the Council for Radio and Television Broadcasting (RRTV) by setting qualification criteria for election nominees.** In order for RRTV to protect market pluralism, it needs qualified councilors. This can be achieved on the one hand by strengthening expertise and on the other hand by increasing political independence. The introduction of qualification criteria for RRTV election nominees will ensure greater expertise.
- b) **Strengthen the independence of councilors from politicians by abolishing the possibility of dismissing the RRTV as a whole and dividing the election between both chambers of the Parliament.** The possibility of dismissing the council as a whole is dangerous, because it allows for the immediate replacement of all councilors, potentially filling the council with loyalists of the current House majority. The involvement of the Senate would lead to a greater representativeness of the council in relation to the whole Parliament.
- c) **Change the focus of RRTV from formalistic administrative supervision towards analyzing plurality, supporting independent media, and cooperating with self-regulators.** At present, RRTV's capacity is, for the most part, exhausted by activities such as licensing and broadcasting supervision. This was largely justified at the time of creation of the broadcasting law, but with the growing number of channels and the advent of the Internet, this task is becoming unmanageable and less important.

Therefore, rather than overseeing individual operators and their programs, the Council should collect data on the media market, promote pluralism and work with self-regulators to develop journalistic ethics.

- d) **Reform competition law in the media market: lower turnover threshold for competition assessment of media mergers (compared to other industries) and introduce legally binding inputs by RRTV in media anti-monopoly decisions. This is dependent on the previous point and on RRTV gaining access to the register of beneficial owners.** Mergers between competitors in the media market - even among major players - rarely exceed the turnover threshold of competition law. The involvement of RRTV is appropriate because media pluralism can hardly be simplified to economic criteria alone.
- e) **Update regulation for the age of Internet by reducing the regulatory burden on broadcasters and extending the scope of RRTV to other digital media.** The Council currently devotes the vast majority of its attention to television and radio broadcasting. This is offset by the low level of oversight of on-demand audiovisual media services (ie. streaming and video-sharing platforms).

#### 4) Establish rules for private media and online media

- a) **Prevent conflict of interest of private media owners who hold or run for public office.** The Conflict of Interest Act prohibits selected public officials (e.g. deputies, senators, members of the government, etc.) from operating radio and television broadcasts, publishing periodicals, or being a partner, member or otherwise in control of a legal entity that operates these types of media. However, the law does not cover cases where a politician can exercise influence over a medium, even though they do not run it themselves. An example is the transfer of media to a trust. In addition, the operation of online media by a public official is not considered a conflict of interest. At the same time, we consider it important to strengthen the enforcement of the law on conflict of interest.
- b) **Strengthen self-regulatory mechanisms and define accountability standards in the media market so as to strengthen the credibility of media.** It is desirable that private media establish self-regulatory bodies and adopt internal codes. This is connected with the need for a transparent and efficient professional association of journalists. In order to facilitate this

development, we will provide media with a methodological guideline based on the concept of Media Accountability Instruments. The use of these tools will improve consumers' trust in media, as well as guarantee the freedom of objective and professional journalism.

- c) **Invest public budget PR funds transparently, and only in media that adhere to accepted standards for accountability and transparency.**
- d) **Ensure the establishment of fair conditions for cooperation between publishers and digital platforms (content license agreements).**

## 5) Preventing the emergence of "media deserts"

- a) **Turn the attention of politicians, experts and citizens to the problem of disappearing independent regional journalism.** The number of regions in the Czech Republic that are not covered by any independent regional medium (so-called media deserts) is growing. The space is filled by "dependent media", ie. official municipal newspapers or private regional television. These have been traditionally used for promotion of local politicians and they do not give space to criticism. Likewise, private regional television produces most of its content on commission by municipalities and regional administrations. Presently, the public discourse is strongly focused on the quality of nation-wide and public media, and there is a lack of effort to solve the problems associated with the poor coverage quality of regional journalism.
- b) **Establish a public fund for the support of (regional) journalism.** Regional media are not economically sustainable in a market environment affected by the seamless transmission of information via the Internet. However, same as cultural institutions, their positive impact on society is proven. The consequences of the emergence of media deserts - areas without independent regional media - may include, for example, lower election turnout or stronger polarization of society. It is therefore in the public interest to financially support their activities.