

# MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

## APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2022

Country report: Austria

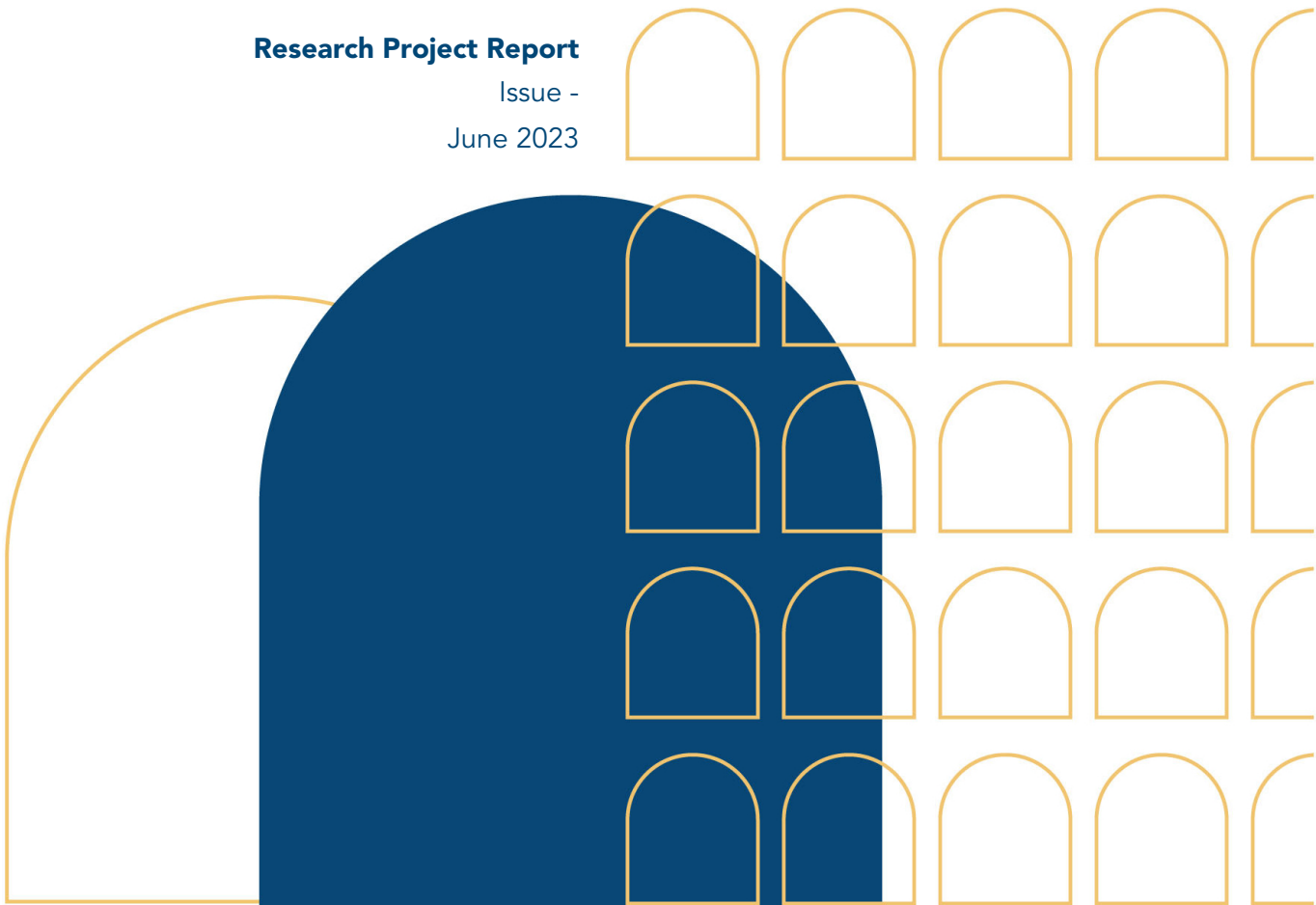
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**Research Project Report**

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# 1. About the project

## 1.1. Overview of the Project

*The Media Pluralism Monitor (MPM) is a research tool that is designed to identify potential risks to media pluralism in the Member States of the European Union and in Candidate Countries. This narrative report has been produced on the basis of the implementation of the MPM that was carried out in 2022. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.*

## 1.2. Methodological notes

### Authorship and Review

*The CMPF partners with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the case of Italy where data collection is carried out centrally by the CMPF team. The research is based on a standardised questionnaire that was developed by the CMPF.*

*In Austria the CMPF partnered with Josef Seethaler (Austrian Academy of Sciences, Institute for Comparative Media & Communication Studies), Dr. Maren Beaufort and Mag. Andreas Schulz-tomancok (Institute for Comparative Media and Communication Studies (CMC) at the Austrian Academy of Sciences and the University of Klagenfurt), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annexe II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.*

*Risks to media pluralism are examined in four main thematic areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The results are based on the assessment of a number of indicators for each thematic area (see Table 1).*

<b>Fundamental Protection</b>	<b>Market Plurality</b>	<b>Political Independence</b>	<b>Social Inclusiveness</b>
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

### The Digital Dimension

*The Monitor does not consider the digital dimension to be an isolated area but, rather, as being intertwined with the traditional media and the existing principles of media pluralism and freedom of expression.*

*Nevertheless, the Monitor also extracts digitally specific risk scores, and the report contains a specific analysis of the risks that related to the digital news environment.*

### **The Calculation of Risk**

*The results for each thematic area and Indicator are presented on a scale from 0 to 100%.*

*Scores between 0% and 33%: low risk*

*Scores between 34% and 66%: medium risk*

*Scores between 67% and 100%: high risk*

With regard to the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

### **Methodological Changes**

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. For the MPM 2023, no major changes were made to the questionnaire, except for the Indicators Transparency of Media Ownership, Plurality in Digital Markets and Editorial Independence from Commercial and Owners Influence (Market Plurality area), and Protection Against Disinformation and Hate Speech (Social Inclusiveness area). The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

In the Market Plurality area, the names of three Indicators have changed. The former indicator on "News Media Concentration" is now named "Plurality of Media Providers"; "Online Platforms and Competition Enforcement" has been renamed as "Plurality in Digital Markets"; "Commercial & Owners' Influence Over Editorial Content" has been renamed as "Editorial Independence from Commercial and Owner Influence".

**Disclaimer:** The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2023 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2023, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

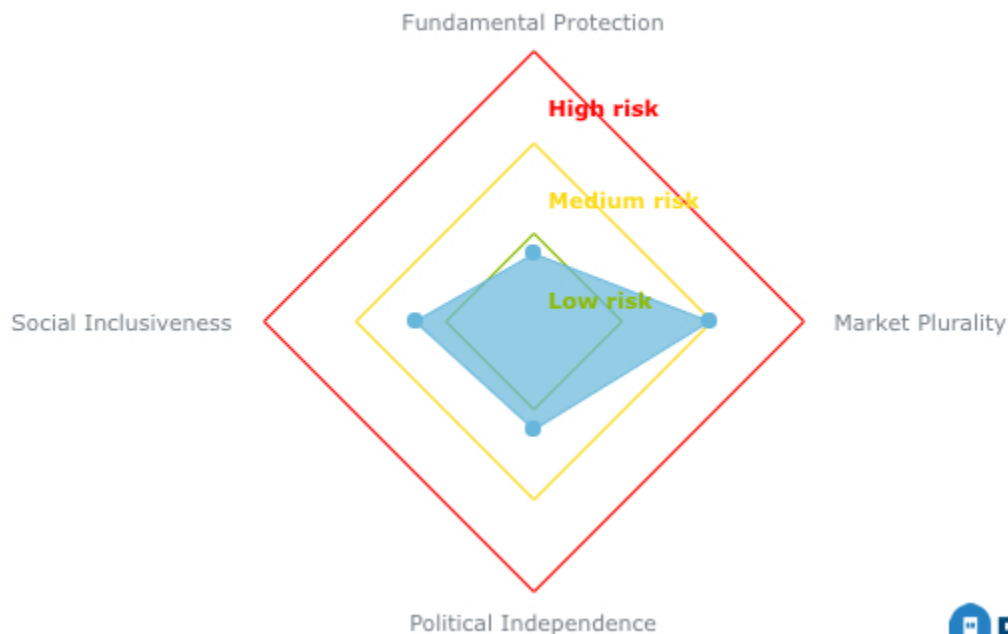
## 2. Introduction

- **Country overview.** Austria covers an area of 83,878 square kilometres. As of January 1, 2022, it has a population of 8,978,929 (data from [Statistics Austria](#)). This is 0.53% more than at the beginning of 2021. The population growth, which has continued for years, is exclusively due to people with non-Austrian citizenship. In March 2022, the 9-million mark was exceeded.
- **Languages.** German is the official language. However, in some regions, Burgenland-Croatian, Slovenian and Hungarian are also recognised as official languages of autonomous population groups.
- **Minorities.** 17.7% of the population are citizens of other countries; 20.5% are born in countries other than Austria (data from January 1, 2022). These include Germany (2.8%), Bosnia and Herzegovina (1.9%), Turkey (1.8%), Serbia (1.6%) and Romania (1.5%). People with migration background (= 1st and 2nd generation) count for 25.4% of the population (annual average 2021) (data from [Statistics Austria](#)).
- **Economic situation.** After the sharp economic downturn in 2020 and the beginning growth in 2021 (4.5%), Austria's economy recorded a GDP growth of 5.0% (in real terms) in 2022, mainly due to a very high GDP increase in the first half of the year, which weakened in the second half. The inflation rate for 2022 was 8.6% (compared to 2.8% in 2021). A higher inflation rate was last recorded in 1974 (9.5%) (all data from [Statistics Austria](#)). According to the EUROSTAT definition, the unemployment rate was 4.8% in 2022, and according to the national definition, 6.3%. This means a decrease of 1.7% compared with the previous year (data from the [Austrian Ministry of Labour and Economy](#)).
- **Political situation.** Since 2020, Austria has been governed by a coalition of the conservative Austrian People's Party (ÖVP) and the Greens. After the resignation of Sebastian Kurz as chancellor in October 2021 (due to corruption investigations) and short-term chancellor Alexander Schallenberg, Karl Nehammer (all ÖVP) took office in December 2021. According to polls, however, the government is increasingly losing its credibility, whereas the right-wing Freedom Party (FPÖ) is gaining popularity.
- **Media market.** After the COVID-19 crisis, interest in news declined sharply. In 2022, only 57% of the Austrian population were highly interested in news – compared to 67% in 2021. Despite losses, television remains the most significant source of information, and the public service broadcaster has maintained a relatively high market share of about one-third of the television market. For the first time, social media has caught up with radio news programmes, making it the third most frequently used main source of news in Austria (after websites and apps of newspapers). For 41,6% of people under 24, social media is the most significant daily news source, and almost two-thirds of people under 35 use it as one of their sources. Smartphones are the primary way to access news online (71%). General trust in news has fallen back to pre-pandemic levels and, at 40.6%, is lower than in the EU (42.3%) (Gadringer et al., 2022).
- **Regulatory environment.** The EU Whistleblower Directive (European Parliament and Council, 2019b) was transposed into [national law](#) in February 2023. While in February 2021, the government had agreed on a draft law on Freedom of Information (which has been the subject of wrangling for decades), it is currently on hold again (Republik Österreich – Parlament, 2021). Ein 'Qualitäts-Journalismus-Förderungs-Gesetz' [Quality Journalism Promotion Act] for print and online media, which still has to be approved by the European Commission, and amendments to the [Federal Act on Transparency in Media Cooperation](#) are expected to come into force on July 1, 2023. The training of

journalists in the context of a state-funded 'Media Hub Austria' provided for in the Journalism Promotion Act has drawn criticism – as has the end of the print edition of the state-owned *Wiener Zeitung*, which is also enshrined in the new bill. While the Transparency in Media Cooperation Act provides for full disclosure of advertising contracts without a de minimis limit, it also does not set a cap on the placement of state advertising.

### 3. Results of the data collection: Assessment of the risks to media pluralism

#### Austria: Media Pluralism Risk Areas



JS chart by amCharts



The implementation of the MPM 2023 in Austria indicates (like the MPM 2022) that only **Fundamental Protection** is at low risk. However, for the first time since the introduction of the MPM, one of the four areas is at high risk, and that is **Market Plurality**. Horizontal and cross-media concentration, insufficient consideration of changes in media supply and use in competition law, only modest revenue increases (if any) that are far below GDP growth, the outflow of well over one-third of online advertising revenue to a few global platforms, cross-cutting measures for newsrooms, and an inadequate system of media subsidies that favours large corporations all threaten market viability and market plurality. In the other two areas – **Political Independence and Social Inclusiveness** – media pluralism in Austria is at medium risk. Across all four areas, three out of twenty indicators represent a high risk, ten a medium risk, and seven a low risk.

It has to be emphasised that the foundations of a democratic media system are intact and robust: Freedom of expression is well protected, even on the Internet. Media authorities work independently. Public TV and radio signals reach almost everyone, and broadband connections cover more than 90% of the population. Access to journalism is free, and the number of physical attacks on journalists has declined. There is (still?) a rich and varied supply of regional and local media services, including a lively community media sector. During election times, the public service broadcaster ORF represents the parliamentary parties reasonably well. Regulatory safeguards that preclude government officials and political parties from media ownership in the audiovisual and radio sector, the Austrian Press Agency's (APA) professional work, and editorial statutes (wherever they are in place) are among the precautions that seek to make political interference in journalism more difficult.

However, these results are impeded by the results of other indicators that indicate a higher risk. Like all previous governments, the current one has so far failed to pass a Freedom of Information Act. A comprehensive framework for journalists' protection is still missing, which can abruptly worsen the situation in the face of social polarization, which is increasingly being exploited by forces that are ready to use



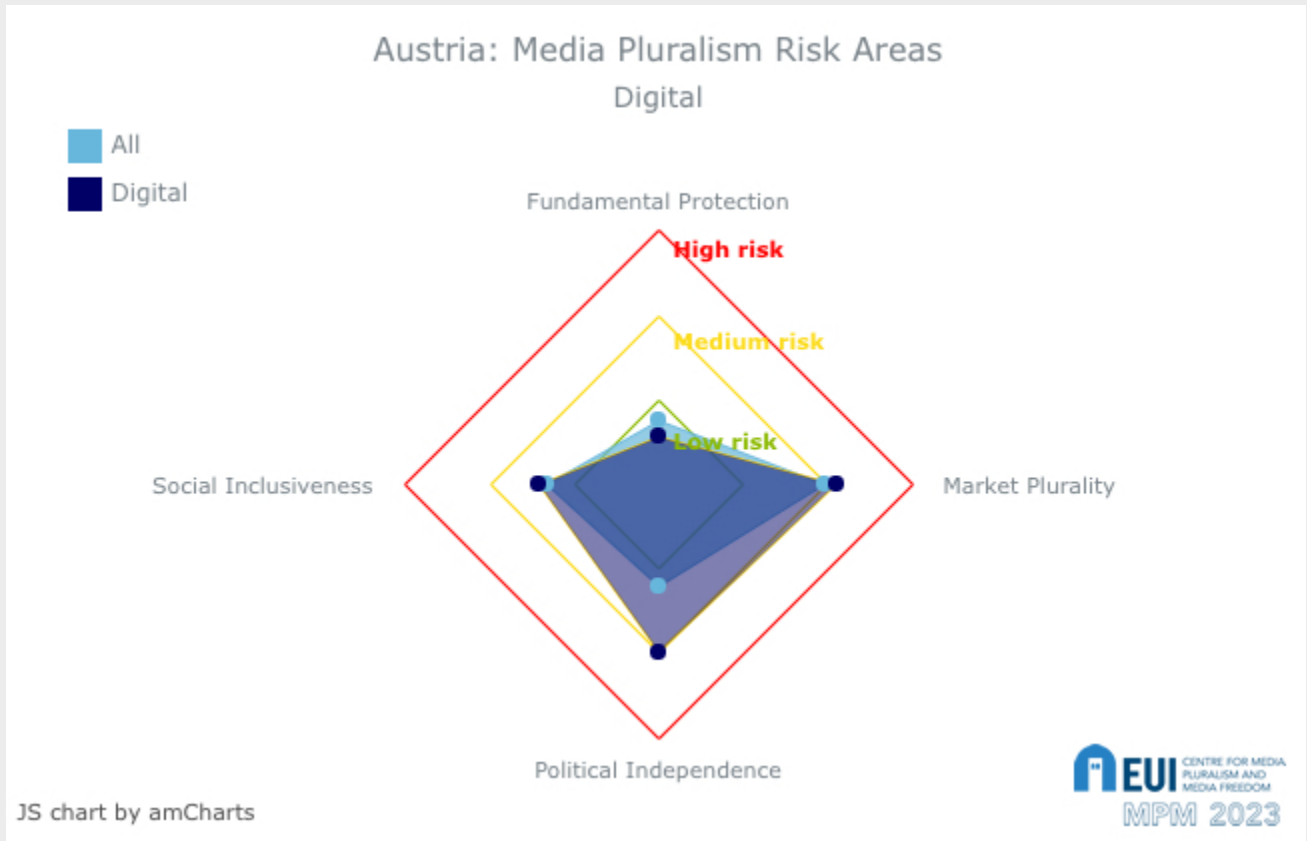
violence. Most newsrooms lack structures and clearly communicated guidelines for dealing with (sexual) online harassment as well as with hate speech in community forums, and the media industry, in general, suffers from rudimentarily developed self-regulatory systems.

Due to investigations by the Economic and Corruption Prosecutor's Office, more and more suspected cases of attempted political influence are becoming publicly known (for example, concerning the PSB and the daily newspapers *Die Presse*, *Heute* and *Österreich*). So, it seems that the existing legal provisions and self-regulatory measures rated as low risk by the MPM cannot effectively safeguard political independence in practice. The extraordinarily high amount of state advertising expenditures, amounting to 225 million euros in 2021 and 201.4 million in 2022, contributes significantly to this development. Moreover, political influence on ORF is facilitated by the procedures provided by law for appointing the members of the highest management body and electing the Director-General. Currently, ORF's adequate funding to fulfil its public service mission in a changing media environment is at risk.

There is some lack of transparency in the disclosure of online campaign costs of political parties, the awarding of state advertising contracts, the applied criteria of funding decisions, and in the disclosure of media ownership (information on the ultimate ownership structures of media companies is not generally available). Women and minorities are largely underrepresented in media content and media organisations, and a comprehensive policy (and resources) for fighting disinformation and promoting media literacy is missing.

Mentioning some of these risk factors in its most recent assessment, Reporters Without Borders has ranked Austria only 17th in its [World Press Freedom Index](#) in 2021 and – mainly due to a revision of the index – only 31st in 2022. In 2019, Austria had already lost its long-term status as one of the countries where press freedom is best protected.

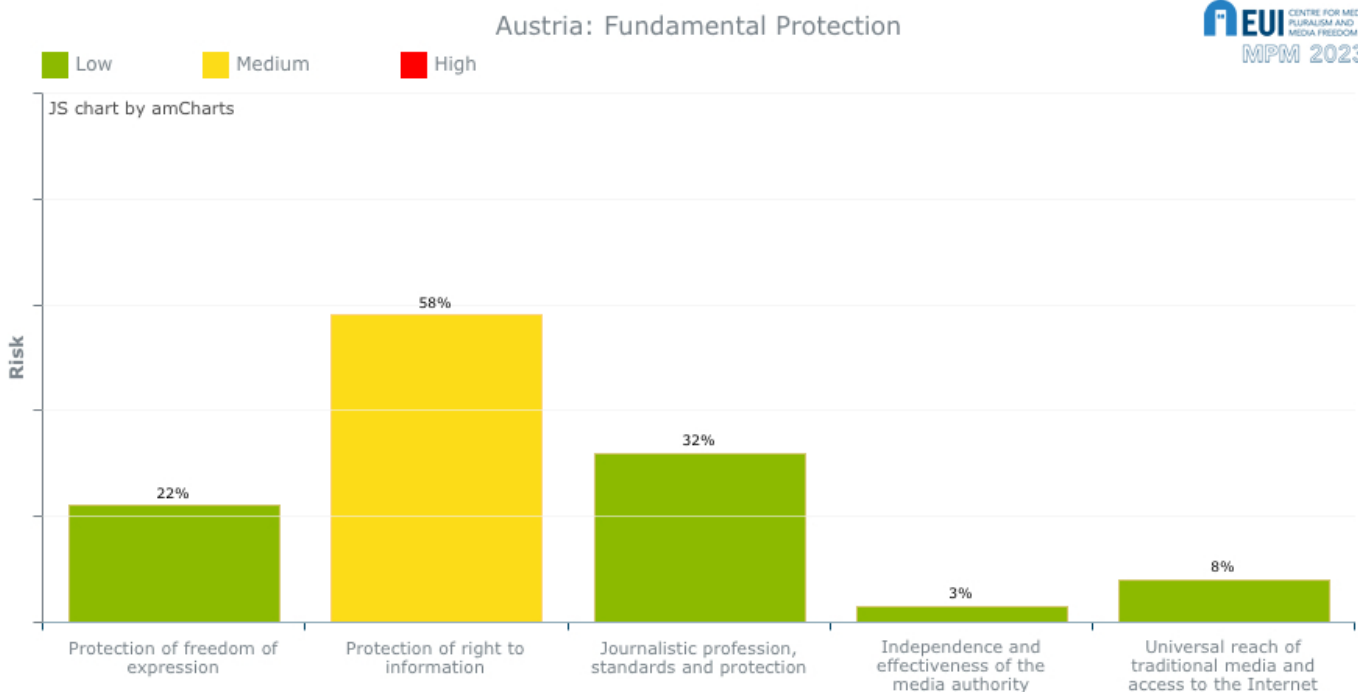
## Focus on the digital environment



In the digital environment, the level of risk in the various areas largely corresponds to the general assessments – with one exception: Concerning **Political Independence**, the risk of 62% is above the general value of 40 % and close to the threshold of high risk. This is mainly due to insufficient regulations for reporting online political advertising and the increasing control of political parties over a steadily growing part of the online news sector.

### 3.1. Fundamental Protection (25% - low risk)

The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



**Fundamental Protection** of the media is largely guaranteed in Austria – but not completely (25% – low risk). The right to information is not safeguarded by law, and there are deficiencies in the legal and social protection of journalists.

**Protection of freedom of expression** is at low risk (22%). It has been enshrined in Austria’s constitution since 1867 (Art. 149 [Federal Constitutional Law](#), 1930/2020, referring to Art. 13 Staatsgrundgesetz, 1867). In 1958, Austria ratified the European Convention on Human Rights (which was given constitutional status six years later) and, in 1978, the International Covenant on Civil and Political Rights (ICCPR). All these constitutional guarantees also apply to freedom of expression online, which is handled quite carefully in copyright law and platform regulation. This has helped to lower the risk level for this indicator, which was at medium risk in 2022.

The remaining greatest weakness in the legal framework protecting freedom of expression is the provisions of the Criminal Code on defamation of the Republic of Austria or one of its federal states, national and regional parliamentary bodies, the army, and government offices that allow for an increased prison sentence (up to one year) when it has been made accessible to a broader public through the mass media (§§ 111, 115, 116, 248 (1) [Bundesgesetz vom 23. Jänner 1974 über die mit gerichtlicher Strafe bedrohten Handlungen](#) [Federal Act of January 23, 1974, on Acts Punishable by Law]). Insults of the Austrian federal flag, an Austrian state flag, a national emblem, the national or state anthems (§ 248 (2)), a nationally recognized church or religious community and a religious doctrine or custom (§ 188) is punishable with up to six months in prison or a fine of 360 times the daily rate. Even a recent U.S. Department of State (2020) report states that Austrian “strict libel and slander laws created conditions that discouraged reporting of

governmental abuse”.

**Protection of the right to information**, recognized since the Age of Enlightenment as the necessary counterpart of freedom of expression, is at medium risk (58%). In one and the same Article of the [Federal Constitution](#) (1930/2020), the right to information is guaranteed (Art. 20 (4)), and the obligation of administrative authorities (at a national, regional and local level) to maintain secrecy is stipulated (Art. 20 (3)). Information is only disclosed upon request, and such a request is difficult to file. Not surprisingly, Austria ranks second to last in a worldwide survey of 136 countries on the right to information conducted by Access Info Europe and the Centre for Law and Democracy (2023). In February 2021 (Republik Österreich – Parlament, 2021), the government agreed on a draft law on Freedom of Information (which has been the subject of wrangling for decades!) – however, more than two years later, it is on hold again, encountering resistance from the states and communities.

The EU Whistleblowing Directive 2019/1937 was transposed into national law in February 2023 ([HinweisgeberInnenschutzgesetz](#)) after the European Commission had opened infringement proceedings against Austria because of missing the 2021 deadline. NGOs like Amnesty International (2022), Transparency International and the Whistleblowing International Network (2021) criticized that public consultation had not occurred, and the government had chosen a minimal approach to transposition, not extending protection beyond breaches of EU law.

The indicator **Journalistic profession, standards and protection** is back at its long-term low risk level but close to the threshold of medium risk (32%). Only in 2021 had it exceeded this threshold because of frequent physical attacks on journalists in the context of demonstrations organized by COVID-19 deniers and anti-vaccination activists. These assaults have declined sharply. Regarding the digital safety of journalists, the Austrian legislator has formulated Section 9 in the Data Protection Amendment Act 2018 ([Bundesgesetz, mit dem das Datenschutzgesetz 2000 geändert wird](#)) to comply with Directive (EU) 2016/680 of the European Parliament and of the Council (2016), which aims to prevent the illegal monitoring of journalists by law enforcement authorities. Over the years, individual cases of (online) threats against and harassment of journalists – particularly women journalists – have become known. However, this is still a taboo subject and a comprehensive study on the extent of online threats is still missing (Seethaler, 2021).

While access to the profession is free and open, and section 31 of the Media Act provides strong protection for the confidentiality of journalists’ sources ([Federal Act on the Press and other Publication Media \(Media Act\)](#), 1981/2022), the economic conditions are worsening. According to a survey of the Medienhaus Wien (Kaltenbrunner et al., 2020), 32% of Austrian journalists – but 45% of women journalists – indicated that they have only part-time employment, 70% complain about the increased workload, and an estimated 10% work as freelance journalists who face uneasy social conditions because they are neither protected by social security systems nor insured against unemployment, and they have to take out costly voluntary insurance themselves. Moreover, the number of strategic lawsuits against public participation (SLAPPs) is rising, and according to a recent study, “the pressure built simply by threatening SLAPPs or starting procedures does its damage” (Bayer et al., 2021, p. 109). Following the EU Commission’s recommendation of 27 April 2022 on SLAPPs, the General Assembly of the Concordia Press Club (2022), therefore, demands in its [resolution of 22 June 2022](#) to the Austrian Parliament that it should provide the necessary but still missing legal safeguards against SLAPPs.

For years, the indicator **Independence and effectiveness of the media authority** remains at a very low risk level (3%). The 2001 established Austrian Communications Authority (KommAustria) is legally distinct

and functionally and effectively independent from the government and any other public or private body. No governmental individual or body can issue instructions to the media authority (§ 6 [Federal Act on the Establishment of an Austrian Communications Authority \(KommAustria Act\)](#), 2001/2022). Decisions and conduction of public oral hearings by KommAustria must be published. In media matters, KommAustria is operationally supported by the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR), a non-profit state-owned company. RTR is subject to periodic review by external private auditors.

Finally, the indicator on **Universal reach of traditional media and access to the internet** shows a low – and decreasing – risk (8%) because public TV and radio signals reach almost everyone, and the percentage of the population covered by broadband connections has risen to 93%.

### Focus on the digital environment

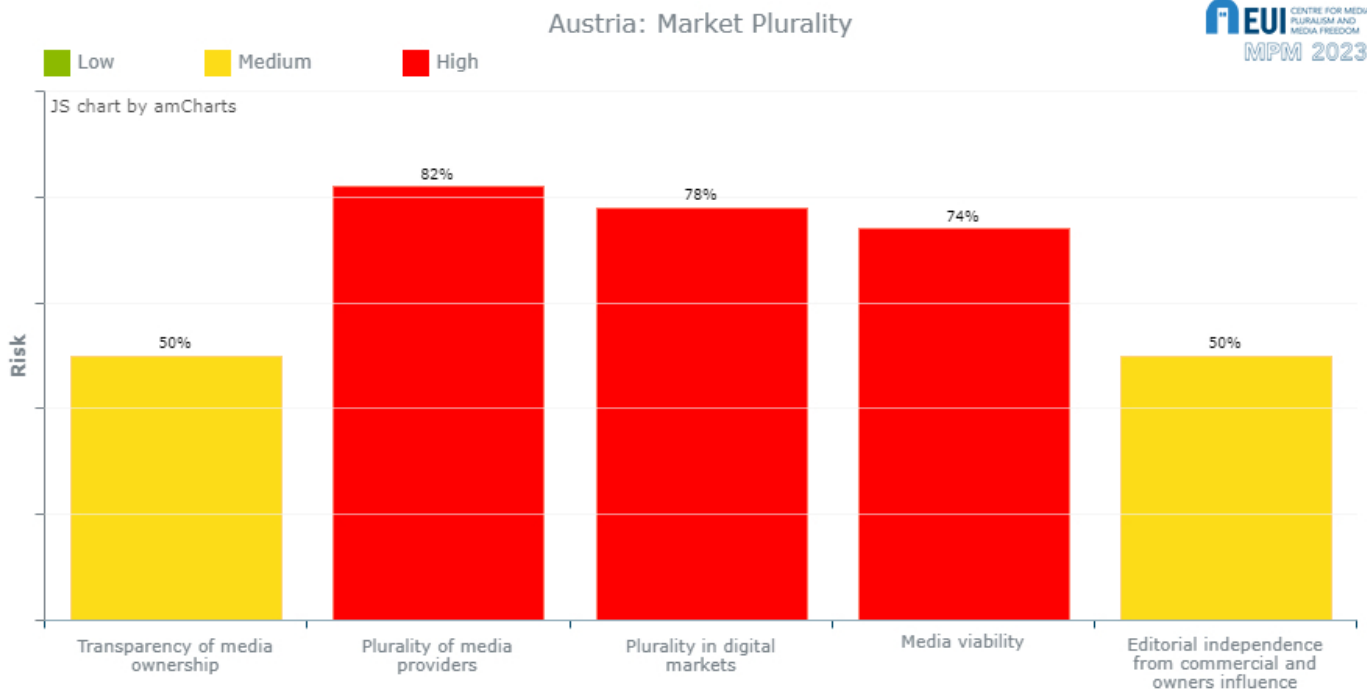
As mentioned above, freedom of expression online is handled quite carefully in copyright law and platform regulation. This is the main reason for the reduced risk in the area of **Fundamental Protection** in the digital environment (19% compared to 36% in 2022). Based on data from 2022, the [Varieties of Democracies project \(V-Dem\)](#) of the University of Gothenburg ranks Austria among the countries with unrestricted Internet access.

In monitoring net neutrality, the Regulatory Authority strikes a balance between legal protection and the fundamental rights of all stakeholders concerned. Legal provisions requiring Internet Service Providers (ISPs) to set up blocks can be found in the Copyright Act, which transposed the EU Copyright Directive (European Parliament and Council, (2019a) into national law in December 2021 ([Urheberrechts-Novelle 2021](#)). The EU Court of Justice concedes that, despite some room for improvement, the transposition of the Directive in principle meets the Court's standards because ex-ante safeguards against over-blocking (such as quantitative minimum thresholds for the use of upload filters and “pre-flagging”), as well as additional procedural safeguards that can be invoked ex-post, are foreseen (European Digital Rights, 2022; Reda & Keller, 2022).

The second important regulation of the online sector is represented by the 2021 [Act on Measures to Protect Users on Communications Platforms](#), which forces big platforms to delete any illegal and criminally relevant content (pornography involving minors, re-engagement in National Socialist activities, defamation, harassment, racist or discriminatory content, unauthorized photographs, stalking by means of telecommunication, etc.) within 24 hours if the illegality is “obvious to a legal layman” (§ 3(3)), or within seven days if a detailed examination is necessary. Those affected (whose content has been blocked or illegal content concerning them has not been blocked) have comparatively low-threshold options for taking a civil action against the platform's decision. In their reports, which must be submitted four times a year, platforms must disclose not only what criminal postings they have deleted – or not deleted – but also those that were deleted due to community guidelines. More than two years after the law came into force, it can be assumed that it has made Internet law enforcement faster and more efficient without restricting freedom of expression. An important exception to this general policy was the extraordinary measure taken by the Austrian parliament to block those Russian media channels which are affected by EU sanctions against Russia over its war on Ukraine (European Council Decisions 2022/346 of 1 March 2022, 2022/879 of 3 June 2022, and 2023/427 of 25 February 2023) (RTR, 2023).

### 3.2. Market Plurality (67% - high risk)

The *Market Plurality* area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including *Transparency of media ownership*, *Plurality of media providers*, *Media viability*, *Editorial independence from commercial and ownership influence*, and *digital intermediaries* (with the indicator on *Plurality in digital markets*).



For the first time since the launch of the Media Pluralism Monitor, **Market Plurality** has crossed the threshold of high risk. This is mainly related to the declining market viability accompanied by a high degree of concentration in traditional and digital media markets. All three indicators point to high risk.

With regard to **Media viability**, the risk level increased from 61% in the previous year to 74%. Despite the economic recovery following the end of the COVID-19 crisis, difficulties had already persisted in several media sectors in 2021. While the total revenues of the audiovisual and radio market (including pay-TV and on-demand video) had increased by 10% from 2020 to 2021 (European Audiovisual Observatory, 2022), the consolidated revenues of the 20 largest media companies across all sectors had only seen an increase of around 1% (based on data provided by Fidler, 2021, 2022a). After these mixed year-end results, the situation on the media markets deteriorated again in 2022. While Austria's economy recorded a real growth of 5.0% in 2022 (GDP in real terms), the advertising year closed with a total volume of 4.6 billion euros, representing only a slight increase of just 0.8 compared to 2021. The biggest, albeit relatively meagre, gains on the advertising market were recorded by regional weeklies (2.9%) and private television stations (2.2%), while daily newspapers (-5.6%) and public TV (-4.6%) experienced the most severe losses. There were also small gains in the 'classic' online (1.5%) and radio sectors (0.7%) (Focus Marketing Research, 2023).

Even a long-established system of state subsidies covering all traditional media sectors could not stop this development as the criteria for supporting market diversity and journalistic quality are insufficient (e.g., APA

News & Horizont Redaktion, 2023c; Grünangerl et al., 2021; Seethaler, 2020). Moreover, no substantial subsidies are available for digital native media. Even for a new fund, “Fund to Promote Digital Transformation”, fed from 2020 Digital Tax Act revenues, online-only media are not eligible to apply. The extent to which this fund will be effective cannot yet be said, but awarding practices continue to reveal a preference for large media companies – and those that had started late to develop digital offerings (Binder, 2022; iab Austria, 2023).

Cost-cutting measures can be observed in several media companies. They are probably one of the main reasons why the number of employed journalists has been declining for years, and why this decline is primarily attributable to the print sector, where most journalists traditionally work. For years, there has been a creeping reduction in jobs, but recently there have also been repeated major waves of redundancies. Journalists are also increasingly complaining about “precarious working conditions”, even at the PSM (APA, 2022a; APA News & Horizont Redaktion, 2023a; Mark, 2023).

Given the continuous decrease in the number of employed journalists, it is unsurprising that many experts consider collaborative investigative journalism the most impactful field of innovation in the Austrian media market, because complex journalism research becomes only possible in networks (Meier et al., 2022). Among the other relevant innovations are news in real-time via the mobile channels of traditional media, news in simple language, and several forms of interaction with the audience such as the improvement of community management and the development of tools to obtain data from thousands of daily postings and millions of users on their own platforms. However, the extent to which innovations will be implemented and the impact they might have remains still unclear. At least the willingness to pay for news is slowly increasing: 13.5% of the population spent money on online news (compared to 12.0% in the year before), and the trend includes all age groups except the oldest one: 18.3% of 18- to 24-year-olds, 18.2% of 25- to 35-year-olds, 18.9% of 35- to 44-years old and 12.7% of 45- to 54-years old are willing to pay. Nevertheless, Austria is below the EU average of 14.7% (Gadringer et al., 2022).

The indicator **Plurality of media providers** shows a high risk of 82%. Horizontal concentration, measured by the top 4 indexes for market revenues and audience, is between 69 and 90% in the audiovisual, radio, newspaper and online sectors (data from 2022), and the market share of the top 4 news media owners across different media markets is 62% (based on 2021 data on the twenty largest media companies tax-registered in Austria). Only the audience share of the top 4 online *news* media outlets (not including platforms!) is still in the middle ground, at 46% (unique users, data from 2022). The Austrian media authority does not officially provide the numbers; they are based on the authors’ own calculations using data provided by [Österreichische Auflagenkontrolle](#), [RMS Austria](#), [AGTT](#), [Österreichische Webanalyse](#) and Fidler (2022a). If one considers the legal provisions, two weak points become apparent. The first problem is that only legislation for the audiovisual sector contains specific restrictions regarding areas of distribution and market shares to prevent horizontal and cross-media concentration; such restrictions do not exist for other media sectors. The second problem is that these restraints are not very tight (Seethaler & Beaufort, 2019). As a result, Austrian media and [cartel laws](#), while establishing diversity of independent media companies as a top priority, have been largely ineffective in preventing mergers of media companies for decades – this is one of the causes of the high level of media concentration, which is increasingly extending to the online sector: The leading online *news* media owners are also occupying leading positions in other sectors (in terms of market share): ORF, Mediaprint and Styria Media Group. Concentration is also high among all online players, and global platforms in Austria are already generating around seven times as much advertising revenue as domestic providers (see below “Focus on the digital environment”).

Although media law (§ 25 [Media Act](#)) contains provisions to ensure transparency of media ownership (which also apply to any type of online media except small personal/private websites), information on the ultimate ownership structures of media companies is not generally available (Berka et al., 2019), partly due to a vague formulation in the 2011 amendment to the law (the German word *Inhaber* can be interpreted as ‘100% owner’). Moreover, foreign media are only covered by the transparency provisions when they are “completely or almost exclusively” distributed in Austria (§ 50). Similar exclusions apply to foreign state publications and publications of Austrian public authorities. Two new questions about legal provisions requiring financial reporting obligations in the traditional and the digital media sector caused an increase in risk for the indicator **Transparency of media ownership** from 38% (MPM 2022) to 50% because only PSM is required by media law to make its annual and consolidated financial statements publicly available (§ 7 (4) [Federal Act on the Austrian Broadcasting Corporation \(ORF Act\)](#), 1984/2022).

The same risk level (50%) is shown by the indicator **Editorial independence from commercial and owners’ influence**. On the one hand, in all media sectors (and even applying to native advertising and influencer marketing), rules exist that prevent the use of advertorials (Berka et al., 2019). Advertising and journalistic contributions must be clearly separated and marked (which is in line with Commission Recommendation (EU) 2022/1634, Art. 7/d). On the other hand, cases of commercial influence are repeatedly reported. For years and also in 2022, the Austrian Press Council (2022) and the media authority [KommAustria ruled several cases](#) in the print and TV sector that did not label paid content as advertising sufficiently. Moreover, our Group of Experts criticizes that legal enforcement of violations of the principle of separation is inadequately organised in Austria and that there is a certain difference in the case law of the Supreme Court and the Supreme Administrative Court regarding the criteria to qualify as ‘paid for’ content (§ 26 [Media Act](#) and the relevant provisions in the [Federal Act on Audiovisual Media Services \(Audiovisual Media Act\)](#); see [VfGH, E 992/2022-12, E 1265/2022-13, 5.12.2022](#)).

A similarly ambivalent situation can be observed in relation to journalism and advertising. PSM law (§§ 13 (3), 14 (10) and 16 (5) [ORF Act](#)) and private broadcasting law (§§ 32 (2) and 37 (1) [Audiovisual Media Act](#), and §§ 19 (4c) and (5b) [Federal Act Enacting Provisions for Private Radio Broadcasting \(Private Radio Broadcasting Act\)](#)) do contain rules which aim to prevent journalists to base editorial decisions on commercial interests. However, regarding print media and their online editions, only a short statement in the [Journalistic Code of Ethics](#) (which applies only to members of the Press Council) recommends that the economic interests of the media company owner should not influence editorial work. Another statement in the Code of Ethics refers to disclosing conflicts of interest in financial and economic reporting. Still, no legal provisions exist concerning the incompatibility of the exercise of the journalistic profession with advertising activities, and there is no obligation to disclose conflicts of interest arising from the editorial and commercial activities of news organisations. In contrast, for example, the Austrian energy drink company Red Bull owns and operates a TV station, online platforms, magazines, a film and video production company, and a record company. Some researchers argue that economic interests intentionally influence editorial content in such arrangements (Kaltenbrunner et al., 2020).

While the journalists’ union has recently called for the expansion of editorial statutes to strengthen editorial independence (Österreichischer Gewerkschaftsbund, 2022), only a few such statutes are in place (e.g., ORF, *Die Presse*, *Kurier*, *profil*), which stipulate that the respective editorial board must be informed and consulted before decisions are made on appointments to all journalistic management positions, including the editors-in-chief and their deputies. In very few cases (*Kurier*, *profil*), the Assembly of Editors may object to the appointment of the Editor-in-Chief with a two-thirds majority.



## Focus on the digital environment

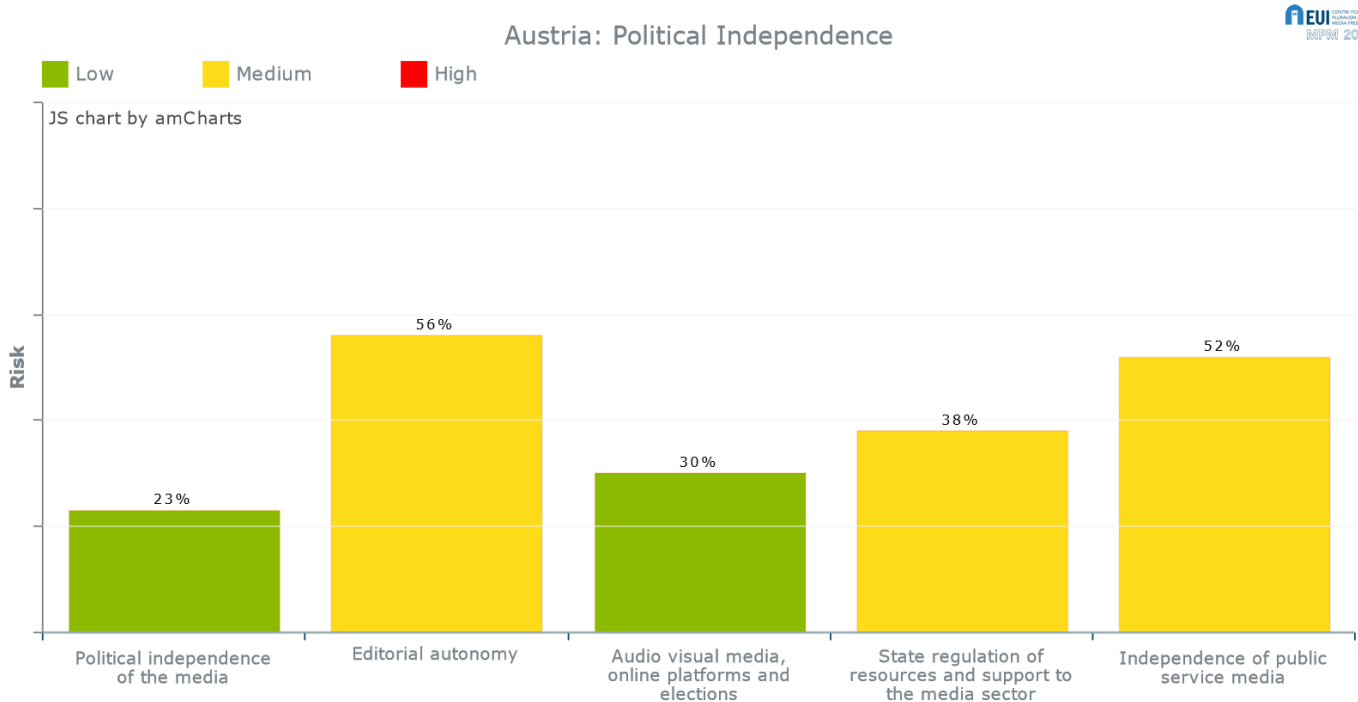
As in the entire media environment, the threshold for high risk in the area of **Market Plurality** has also been crossed in the digital environment (70%). This is mainly due to the indicator **Plurality in digital markets**, which shows a high risk of 78%.

In 2021, the Austrian online advertising market had grown by 33% to EUR 1.94 billion, but only about 12% went to domestic companies (iab Austria, 2022). Based on digital tax revenues in the amount of 96 million euros and a tax rate of 5% (Bundesministerium für Finanzen, 2023), it can be assumed that, in 2022, the global platforms generated advertising revenues of around 1.92 billion – this is an increase of at least 11.6% and roughly equivalent to the total Austrian online advertising market in the previous year. By comparison: The ‘classic’ online advertising volume (display, video and mobile advertising expenditure that goes to media outlets online) increased only 1.5%, from 306 million euros in 2021 to 311 in 2022 (Focus Marketing Research, 2023). Despite a seemingly huge number of online offerings, the audience share of the Top 4 online players is a considerable 62% (unique users, data from February 2022, provided by [Datareportal](#)). This reflects the dominant position of a few global players like Alphabet (which owns Google and YouTube, among others) and Meta (Facebook, Instagram, WhatsApp).

The Digital Tax Act ([Digitalsteuergesetz](#), 2020/2022) represents the only attempt to enforce competition in the digital advertising market because it applies only to (big) companies that provide digital services in the form of online advertising. In the meantime, Austria has joined the [Unilateral Measures Compromise](#), which aims to stop the proliferation of Digital Services Taxes and other relevant similar measures by replacing them with a consensus-based reallocation of taxing rights. Concerning the role of antitrust authorities regarding the digital economy, a recent academic report argues that “so far, the BWB (Bundeswettbewerbsbehörde [Federal Competition Authority]) has not initiated sector inquiries concerning online advertising. In general, traditional media undertakings (publishing houses, free tv channels) but also traditional advertising undertakings claim that online advertising more and more suppresses traditional advertising in print titles or in free tv. Following such comments, the previous approach, which defines separate product markets, e.g., for advertisement in newspapers, magazines, classified ads or in free tv, would be arguably too narrow.” (Fussenegger & Robertson, 2020, p.19)

### 3.3. Political Independence (40% - medium risk)

The *Political Independence* indicators assess the existence and effectiveness of regulatory and self-regulatory safeguards against political bias and political influences over news production, distribution and access. More specifically, the area seeks to evaluate the influence of the State and, more generally, of political power over the functioning of the media market and the independence of the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



The ambivalence of the relationship between media and politics, typical of a democratic-corporatist country like Austria (Hallin & Mancini, 2004; Seethaler & Melischek, 2006), is reflected in the MPM scores assessing the risks in the area of **Political Independence**, which an overall medium risk of 40% is given.

Though their scope is far from comprehensive, the existing regulatory safeguards aim to prevent the involvement of parties, politicians, and their intermediaries in the ownership structures of the broadcasting media. These safeguards – and the independence of Austria’s only big news agency, the [Austrian Press Agency \(APA\)](#), which is owned by twelve Austrian newspapers and the ORF, from political groupings – keep the risk to the **Political independence of media** in the low category (23%). There are regulatory safeguards in place in the audiovisual and radio sector that preclude state entities and political parties from media ownership (§ 8 (1) and (2) [Private Radio Broadcasting Act](#); § 10 (2) [Audiovisual Media Act](#)) and government officials, MPs and party leaders and employees from PSM executive management positions, at least if the held those positions within the last four years (§ 26 (2) [ORF Act](#)). Even though there is no comparable legal provision in the newspaper sector, ownership generally does not overlap with the political domain.

However, with regard to the largest private television provider, the German group ProSieben-Sat.1, it should be noted that the Italian media group MediaforEurope (MfE), controlled by the family of the former head of government Silvio Berlusconi, increased its stake in the company (again) in November 2022. MfE now holds 29% of the shares (both direct and through derivatives). ProSiebenSat.1’s portfolio in Austria comprises eleven TV stations with a market share of around 18%, including Puls 4 and ATV (each taking

around 3% of the market). Recently, MFE notified the Austrian Federal Competition Authority that it intends to expand its shareholding to 29.9% of the voting rights by the next scheduled Annual General Assembly of ProSiebenSat.1 on May 2, 2023. At the beginning of 2023, the Federal Competition Authority submitted an application for review to the Cartel Court (finanzen.net, 2023).

A medium risk can be observed for **Editorial autonomy** (56%), because – in contrast to the legal provisions on preventing political control over media ownership – the framework of regulatory and self-regulatory measures that guarantee freedom from interference in editorial decisions and content is underdeveloped. Firstly, only a few editorial statutes are in place that try to prevent political influence over the appointment and dismissal of editors-in-chief. Secondly, only TV and radio stations are obliged to have editorial statutes; all other media are allowed to establish such statutes but not required. Thus, it is no surprise that the two largest newspapers (*Kronen Zeitung* and *Heute*), among the primary beneficiaries of state advertising spending, initially refrained from any self-regulatory measures. The *Kronen Zeitung* is still refraining, while *Heute* joined the Austrian [Press Council](#) in May 2021. Unfortunately, only print media and their online platforms, news agencies, and – since 2021 – community radio and television stations may belong to the Austrian Press Council. The Press Council lacks the power to impose penalties and compensation measures and has to rely on ‘soft’ sanctions such as naming, shaming, and blaming.

There are no comparable bodies in the other media sectors. As numerous revelations from the Economic and Corruption Prosecutor’s Office investigations have shown, the pressure from political actors on editorial offices is intense. So far, two editors-in-chief (*Die Presse*, ORF) have had to resign due to the investigations; in another case involving the media house *Österreich* and an opinion research company, charges have been brought against a former minister. In the Lower Austrian election campaign of 2022/23, favouritism for the ruling party in ORF coverage led to the suspension and, finally, the resignation of the director of the regional studio; another ORF journalist made an appearance at an election rally for that party (e.g., Dave, 2022; Dossier, 2022; Wurnitsch, 2023).

The indicator **Audiovisual media, online platforms and elections** is near the uppermost limit of low risk (30%), suggesting that, in principle, election campaign communications follow democratic standards (OSCE, 2019). In Austria, public service media is obliged by law to cover political matters unbiased and impartial (§ 1 (3) [ORF Act](#)), and KommAustria is responsible for legal supervision. Moreover, this legal provision is detailed in the [ORF editorial statute](#) (ORF, 2022c). In practice, all parties with parliamentary representation can participate in unbiased election debates. This can “be seen as an obstacle to new parties”, as the Bertelsmann Stiftung (Helms et al., 2022, p. 29) states in its evaluation of the electoral process in Austria. Nevertheless, for at least the last two decades, the ORF has, to a considerable extent, offered a fair representation of the various parliamentary parties during election campaigns (Seethaler & Melischek, 2014, 2019; OSCE, 2019). Recent studies on the role of private broadcasters in election campaigns are lacking.

Since 2002, political advertising in PSM has not been allowed during election campaigns. It may only be bought from private TV stations and must be identified as paid advertising – according to section 31 (1) [Audiovisual Media Act](#) (2001/2022), which, after a 2020 amendment, applies to all audiovisual media services, among them video-sharing platforms such as YouTube and Dailymotion and social media such as Facebook and Instagram (Berka et al., 2020). Moreover, media companies are urged to provide all parties with equal conditions for advertising because of Article 7 of the [Federal Constitution](#) (1930/2020), which refers to the principle of equal opportunities for all political parties. However, only concerning the online platform of the Public Service Broadcaster, self-regulation is in place that aims to ensure fairness of online

political advertising during electoral campaigns (ORF Enterprise, 2019).

The indicator on **State regulation of resources and support to the media sector** shows a medium risk (38%). Again, an ambivalent situation can be observed. Section 54 of the Telecommunications Act ([Bundesgesetz, mit dem ein Telekommunikationsgesetz erlassen wird \[Federal Act enacting the Telecommunications Act\], 2003/2018](#)) guarantees impartial, transparent and non-discriminatory spectrum allocation in accordance with EU requirements. Also, the rules for distributing direct media subsidies can be considered transparent, and the fund for non-commercial media was increased to 5 million in 2022 (a recommendation repeatedly made by the MPM's Austria Report). Nevertheless, primary beneficiaries of media subsidies are and have always been big media companies. This is also true for the new 'Fund to Promote Digital Transformation', which again follows the traditional funding logic (Horizont Redaktion, 2022). Currently, the government is preparing another fund (endowed with 20 million euros), which is to be based on a 'Qualitäts-Journalismus-Förderungs-Gesetz' [Quality Journalism Promotion Act] (APA, 2022).

Since 2012, the Media Transparency Act ([Federal Act on Transparency in Media Cooperation](#), 2011/2018) forces the government, public bodies and state-owned corporations to disclose their media collaborations if payments exceed 5,000 euros per quarter. The Court of Audit estimates that at least one-third (!) of public advertising contracts are not published due to this threshold (Oswald, 2021). After a record high of 225 million euros in 2021, state advertising spending in 2022 amounted to 201.4 million ([according to research at the University of Applied Sciences Joanneum, Graz](#)), while regular subsidies for the media amounted to approx. 44 million euros plus a one-off 54 million from the Transformation Fund (which will be endowed with 20 million per year from 2023) (RTR, 2022b). There are no rules to ensure a fair distribution of state advertising to media outlets. The biggest beneficiaries are the ORF, popular and free daily newspapers, Google and Facebook (APA News & Horizont Redaktion, 2022). A recent academic analysis concludes that the state influences the market, its design and thus the possibilities of journalism more strongly than ever before (Kaltenbrunner, 2022). Currently, the government is preparing an amendment to the Media Transparency Act.

**Independence of public service media** is at medium risk (52%). However, losing the long-standing high-risk status does not mean that anything has changed in reality. Rather, the questionnaire has changed: The two questions on the legal provisions for ensuring that the appointment procedures of the Director General and the management are independent of political influences have been combined into one question; likewise, the two questions on the practice of the appointment procedures of the Director General and the management have been combined into one. Newly added is the question about political influences on the editorial line and the question on regulatory safeguards ensuring that State funds granted to PSM do not exceed what is necessary to provide the public service (which was previously part of the indicator "Competition enforcement").

The law (§ 20 (3) and (5) [ORF Act](#)) aims to provide objective and transparent appointment procedures for the management and board functions in the PSM, for example, by prescribing a variety of qualifications and incompatibility rules for election as a member of the 'Stiftungsrat' ('Foundation Council'), the main management body of the ORF, or by requiring a two-thirds majority for the dismissal of the Director-General. However, the incompatibility of numerous political functions, from ministerial office to activity in a political party, with membership to the Foundation Council refers only to the four years prior to the appointment. But that is not the decisive reason why the law fails to guarantee independence from the government or other political influence. Rather, the decisive factor is the provisions of section 20 (1) [ORF Act](#) that gives the federal and state governments a great deal of power in appointing the members of the

Foundation Council: 15 of its 35 members are appointed by the federal government, six of them considering the proportionate strength of the political parties represented in parliament. In addition, each of the nine Austrian federal provinces nominates one representative. Another six members are delegated by the ORF's Audience Council, the majority of whose members are, in turn, appointed by the Federal Chancellor (§ 28 (3) [ORF Act](#)). Overall, these rules enable the government to appoint at least a simple majority of the 35 members of the Foundation Council. A simple majority is sufficient for most of its decisions, including the appointment of the Director-General and the directors.

These provisions have created a 'politics-in-broadcasting system' that is the basis for the entanglements between PSM and political actors. In practice, the appointment procedures for the Foundation Council, the Director-General and the directors are strongly influenced by political parties, especially the respective governing parties. This is evidenced by 'side letters' to the intergovernmental agreements of the current and previous administrations. Political influence can be exercised all the more easily because section 20 (6) [ORF Act](#) provides that resolutions of the Foundation Council "shall be passed by open vote". In practice, this allows political actors to directly influence the appointments and dismissals not only of Director-General but of all directors, as it is to be expected that the so-called 'circles of friends' of the various political parties vote along the respective party line. The most recent election of the Director-General, which took place in August 2021, was perceived by large parts of the public as an example of governmental influence on ORF (Vogt, 2021).

The [editorial statute of the Public Service Broadcaster](#) (ORF, 2022c) stipulates that the editorial assembly has to be informed and heard during appointment procedures of editors-in-chief and managing editors. The concerned editorial assembly has the right to submit proposals for such decisions. A unanimous resolution of ORF journalists following the resignation of the TV news editor-in-chief in November 2022 (after chats with former vice-chancellor and FPÖ leader Heinz-Christian Strache had become known) underlines the importance of strong editorial statutes for strengthening politically independent journalism.

Fees are an important financing factor because ORF is subject to extensive time and content restrictions on advertising revenues (§ 13 and 14 [ORF Act](#)). Moreover, its Internet presence is subject to extensive restrictions (§§ 4e and 4f [ORF Act](#)); for example, no online content may be offered without a copy of the content in the traditional channels, and broadcast content may not be made available online for more than one week. Given these economically relevant restrictions, the 19 paragraphs of section 31 [ORF Act](#) provide a detailed mechanism for providing adequate financing to the PSM by the government. For a long time, this mechanism had worked well and secured PSM financing. However, with the increasing number of users consuming ORF programmes solely online – and still free of charge – ORF is facing a budget hole from 2024 on (initially estimated at 70 million euros). In July 2022, the Constitutional Court (VfGH) eliminated this loophole in the law and instructed the government to reorganize the financing of PSM. The government is now working to introduce a household levy (instead of fees), but the proposed legislation is highly controversial among the public (Fidler & Seidl, 2023; Seethaler, 2023).

## Focus on the digital environment

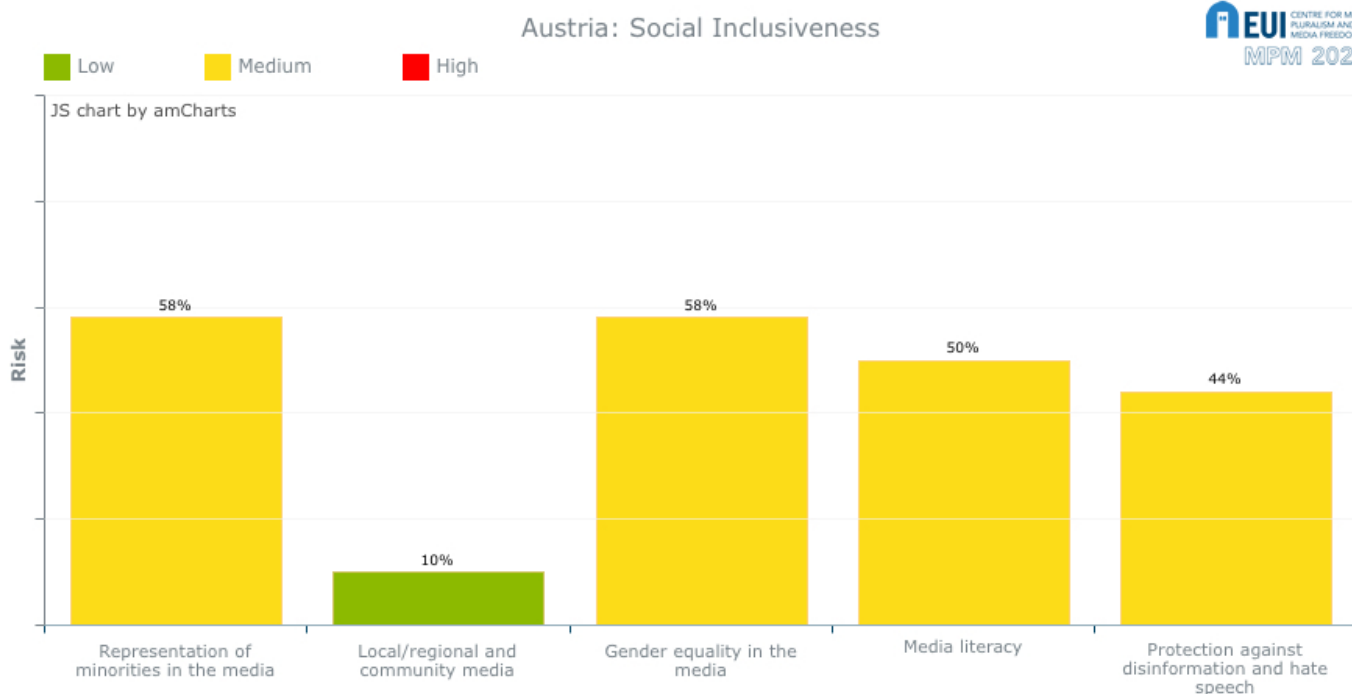
In the digital environment, the risk to **Political Independence** is even higher (62%) than the overall risk. There are two outstanding reasons for this.

First, the number of digital native media with a more or less transparent closeness to political actors is rapidly growing (#doublecheck, 2021). Those media outlets are owned by parliamentary clubs of political parties, ex-MPs, and/or party-affiliated donors (e.g., [kontrast.at](#), [unzensuriert.at](#), [zur-sache.at](#), [exxpress.at](#), [zackzack.at](#), [neuezeit.at](#), [wochenblick.at](#), [materie.at](#), YouTube channel 'FPÖ TV'). It seems that the traditional 'media-party parallelism' is experiencing a revival. However, this time, they do not necessarily have to aim for a high frequency of use to make an impact but frequent sharing of their content through social media. Political control over the digital native media market thus seems to be increasing, but there is a lack of awareness of the problem in political and regulatory debate (Bonavida & Winter, 2022; Knittelfelder, 2021). The problem is exacerbated by the fact that digital native media are hardly entitled to any subsidies, also not from the newly created 'Fund to Promote Digital Transformation'. (Some owners of journalistic online start-ups filed a [complaint with the EU Commission in August 2022 for alleged illegal state aid](#).) Party media and party-affiliated media, on the other hand, are eligible for funding if they also have an offline foothold. This must be considered counterproductive in promoting the media's political independence.

Second, although the 2022 amendment to the [Federal Act on the Financing of Political Parties](#) (2012) has brought more transparency and stricter rules for campaign financing and heavier sanctions for violations, costs for online advertising only have to be reported as a lump sum (§ 4 (3): "expenses for ... advertisement and advertising ... on the Internet"). Thus, no distinction can be made between advertising spending on online editions of traditional media, digital native news media and platforms such as Facebook and Google. It is to be expected that, as in the past, political parties will not transparently report campaign spending on online platforms. Google's *Transparency Report* and Meta's *Ads Library*, implemented in March and April 2019, provide online ad repositories which allow for regulatory monitoring of political advertising activities.

### 3.4. Social Inclusiveness (44% - medium risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against disinformation and hate speech.



**Social Inclusiveness** is ranked as being at medium risk (44%) – as are most of their indicators. The only exception is the indicator on **Local/regional and community media**, which represents a low risk (10%). There are four reasons for this:

- A significant number of television and radio frequencies are related to regional or local service areas ('Versorgungsgebiete'), and access to these frequencies is regulated via public tendering (§§ 30 (1) and 54 (1b) [Bundesgesetz, mit dem ein Telekommunikationsgesetz erlassen wird](#) [Federal Act enacting the Telecommunications Act], 2003/2018).
- Subsidies for private radio and television companies are contingent upon providing local or regional programmes and promoting local and regional identities (Seethaler & Beaufort, 2017) – albeit more could be done to support of local newspapers (according to a suggestion from our Group of Experts).
- The public broadcaster operates regional broadcasting studios in all nine federal states, which provide nine regionally broadcast radio programmes and TV newscasts (§§ 3 (2) and 5 (5) [ORF Act](#)).
- Austria has a well-developed system of community media, currently consisting of fourteen radio stations and three TV stations.

Broadcasting laws, however, still lack consistent legal recognition of community media as a third broadcasting sector in terms of function, mode of operation and financing – even though they perform a wide range of valuable public functions, they are firmly anchored in their respective local environment and

operate independently from any interference from the government, political parties and religious institutions (Biringer et al., 2022). Community broadcasters have voluntarily committed to the [Code of Ethics](#), which they have been allowed to join since 2021. There is a separate promotion fund for non-commercial local radio and TV broadcasters endowed with five million euros annually, the conditions of which are more demanding than for commercial broadcasting regarding democratic functions (Seethaler & Beaufort, 2017). Unfortunately, the Telecommunications Act (§ 54 [Bundesgesetz, mit dem ein Telekommunikationsgesetz erlassen wird](#), 2003/2018) does not provide sufficient details about licensing processes and criteria concerning the reservation of TV or radio frequencies for community media. As a result, the number of community TV and radio stations has stagnated for years. Only 14 non-profit radio stations and 3 TV stations operate throughout the country – this figure has not changed for many years.

The indicator **Representation of minorities in the media** shows a medium risk (58%). PSM law guarantees the representation of the six legally recognized minority groups and requires an ‘appropriate’ share of airtime (§§ 5 (1) and 4 (1) [ORF Act](#)). Albeit the law does not provide any framework for the assessment of ‘appropriateness’, the public service broadcaster complies with the spirit of the law to a considerable extent. However, only one weekly TV programme is devoted explicitly to all minorities (‘Heimat Fremde Heimat’ [Homeland Foreign Homeland]).

In the private broadcasting sector, commercial television and radio stations do not provide any airtime for minorities, whereas the much smaller and financially weaker non-commercial community TV and radio stations broadcast programmes in more than 40 different languages, making no differences in access to airtime for legally recognized and not recognized minorities. About a third of all community programme producers are from a migrant background (Verband Freier Radios Österreich, 2019). This potential and know-how would deserve more significant financial support because access to airtime for non-legally recognized minorities is more a matter of editorial focus than legal instruments such as ‘reserved airtime’ (according to a suggestion from our Group of Experts). Considering that non-Austrian citizens make up 17.7% of the total population and 20.5% of the people living in Austria are born in countries other than Austria, more should be done to safeguard proportionate access to media for minorities.

The policy framework on access to media for people with disabilities also has room for improvement. Both public service broadcasters (§ 5 (2) [ORF Act](#)) and private broadcasters (§ 30 (3) [Audiovisual Media Act](#)) are required by law to provide access to media content. Still, only the public service broadcaster has continuously improved the accessibility of media content for hearing and visually impaired people – though there is an imbalance between the extent of media access for hearing impaired people (relatively well developed: in 2022, 46.3% of all programme hours of the four PSM TV channels provided subtitles) and visually impaired people (rather poorly developed: 6.3% of programme hours provided audio description) (ORF, 2022a). Community media work towards including people with special needs by making studios and equipment accessible.

In accordance with the AVMSD, amendments to both laws mentioned above passed by parliament in December 2020 aim to improve the accessibility of TV and video content. They cover a wide range of audiovisual media content (broadcast, on-demand services, video sharing platforms) and provide a gradual but continuous increase in accessibility (sign language, written or spoken subtitles, audio description). The new provisions require all but small operators to draw up phased plans for the implementation of accessibility measures ([Bundesgesetz, mit dem das Audiovisuelle Mediendienste-Gesetz, das KommAustria-Gesetz, das ORF-Gesetz und das Privatradiogesetz geändert werden](#) [Federal Act amending the Audiovisual Media Services Act, the KommAustria Act, the ORF Act and the Private Radio Broadcasting



Act], 2020). The new digital transformation subsidy approved by the European Commission in December 2021, which is to be paid out until 2027, offers a financial incentive to increase the share of accessible media content (§ 33e (2) [Bundesgesetz, mit dem das KommAustria-Gesetz und das Digitalsteuergesetz 2020 geändert werden](#) [Federal Act amending the KommAustria Act and the Digital Tax Act 2020], 2022). It remains to be seen how well the new measures will work. The Regulatory Authority for Broadcasting and Telecommunications (RTR) serves as a service centre for complaints on the topic of accessibility of audiovisual media services (§§ 17 (6a) and 20b [KommAustria Act](#)).

The indicator **Gender equality in the media** is ranked as being at medium risk (58%). Austrian PSM law (§ 4 (1) [ORF Act](#)) provides a (rather vague) policy regarding equal rights of several groups like women, disabled persons, acknowledged religious groups, etc. Consequently, gender equality in programming content has not been monitored internally at ORF for a long time. In 2020, the former General Director introduced the so-called ‘50:50 challenge’, which aims to encourage programme-makers to voluntarily measure the share of women and men in their programmes, with equal representation as a goal (ORF, 2022b). According to a study based on a representative sample of news stories in news and current affairs programmes of three PSM channels in 2018 (ORF 1, ORF 2, Ö3), women accounted for only 13.5% of all people who appeared in news stories as main actors (Beaufort, 2020). Looking at the speaking time of politicians, the share of women in the two major ORF TV news programmes was 25% in 2021 (Fidler, 2022b) – in 2020, women’s share of speaking time had reached an all-time high of 27% (Mark et al., 2021). No data exist for private broadcasting, and little is known about the role of women experts in TV news programmes. In newspapers, women account for only 40% of all experts presented in photos (Pernegger, 2022). In recent years, several databases of women with expertise in several fields have been established, for example, [FEMtech](#), [Frauendomäne](#), [Die Expertinnen](#), [Frauennetzwerk Medien](#), and also by the ORF.

With regard to personnel issues, PSM law (§ 30a, et seq. [ORF Act](#)) provides a framework for actively ensuring gender equality. This framework requires implementing a gender mainstreaming plan and stipulates that the ORF must assess the status quo of gender equality in the organization every other year. This goal was almost reached in 2019 (44.7%), but since then, the proportion of women has stagnated, and the share is only 35.4 and 25.7% in the two highest employment groups, respectively. However, the share of women among PSM executives is 60%. At the end of 2021, the gender pay gap amounted to 11.9% (ORF, 2022b). At the leading commercial broadcasters, the percentage of women on management boards or teams is 45%, but no women are in the executive ranks. Only 25% of the editors-in-chief of the eight most relevant media across all four sectors (audiovisual, radio, newspapers, digital native) are women.

The indicator **Media literacy** shows a medium risk (50%). Both formal and non-formal education lacks a comprehensive and sufficiently budgeted government strategy to promote the development of media literacy – in the sense of reflective, self-responsible use of media – across all segments of society.

In the formal education sector, the Austrian Ministry of Education, Science and Research has established various programmes and structures that promote media literacy of young Austrians. One first important step was the ‘Grundsatzterlass Medienerziehung’, a decree for media education developed in 2012 to cope with contemporary media requirements in the educational context. In the school year 2017/18, several so-called [‘Education Innovation Studios’](#) have been established, and – as of February 2023 – more than 3.800 schools have become ‘eEducation Austria Member School’. As of the 2022/23 school year, the new compulsory subject ‘Digital Literacy’ has been introduced at secondary schools. The magazine *Medienimpulse*, published since 1992 four times a year, and the online platform [mediamanual.at](#) provide materials, suggestions, and content for theoretical and practical media education – not exclusively but as

well aimed at teachers. Although interest in media literacy has increased in recent years among teachers, but also among young people (as can be seen, for example, in the increasing number of participants in the 'Media Literacy Award'), experts criticize that the budget for media education has been cut annually since 2015. Consequently, numerous projects were discontinued, particularly in the formal education sector.

In the non-formal sector, several corporate projects (e.g., [MISCHA](#) launched by the Verband Österreichischer Zeitungen [Austrian Newspaper Association]) and civil society initiatives are running (such as [saferinternet.at](#), the EU-sponsored '[Digitaler Kompass](#)'; '[Game City](#)' and '[Medienzentrum](#)'), and there is a strong commitment of community media to media literacy through active participation in media content production. As one of the most important forerunners, ORF successively started to publish news in simple language during the COVID-19 crisis – on TV (ORF III) and [radio](#) as well as online (<https://news.orf.at/#/>) and on the teletext pages. This was followed by the news agency [APA](#) and the daily newspaper [Kurier](#). Civil society initiatives include [www.unsere-zeitung.at](http://www.unsere-zeitung.at) and [www.barrierefrei-aufgerollt.at](http://www.barrierefrei-aufgerollt.at). In line with the Audiovisual Media Services Directive (European Parliament and Council, 2010), Rundfunk und Telekom Regulierungs-GmbH (RTR) has published the most important legal principles and a few selected online services on its [homepage](#) and publishes the 'Medienkompetenzbericht' [Media Competence Report] (RTR, 2022a). However, also in the non-formal sector, a comprehensive policy strategy (including an adequate funding structure) is still missing. Only 63% of the Austrian population has basic or above basic overall digital skills.

### Focus on the digital environment

**Social Inclusiveness** is also rated as a medium risk (47%) in the digital environment– as is the indicator **Protection against disinformation and hate speech** (44%). This means that the situation is ambivalent. "Protection from disinformation" is a separate chapter in the 2022-2024 government program, but the government is just beginning to develop some cornerstones of a national strategy. For example, in May 2022, the government presented an [action plan to combat deep fakes](#). Since January 2021, a new law aiming at combating hate speech on the Internet has been in force ([Bundesgesetz, mit dem Maßnahmen zur Bekämpfung von Hass im Netz getroffen werden \(Hass-im-Netz-Bekämpfungsgesetz\)](#) [Federal law taking measures to combat hate on the Internet (Hate on the Net Prevention Act)], 2020). However, the systematic data collection on hate speech and hate-motivated violence has just begun. In media practice, most newsrooms lack structures and clearly communicated guidelines for dealing with these problems; only a few media outlets have taken measures recently to professionalize their community management departments.

Concerning disinformation, every third respondent (31.2%) expresses general concerns about being able to distinguish between facts and false reports on the Internet (Gadringer et al., 2022). However, during the COVID-19 crisis, both social media and traditional media were involved in the formation of "alternative COVID realities" (Eberl & Lebernegg, 2021). According to a recent decision by the media authority KommAustria, the private broadcaster Servus TV violated the objectivity mandate in section 41 (1) [Audiovisual Media Act](#) during November and December 2021 in five cases with its programme 'Der Wegscheider'. The media authority found "grob verzerrende Formulierungen und Darstellungen ohne ausreichendes Tatsachensubstrat" [grossly distorting formulations and representations without sufficient factual substrate]. The decision is not yet legally binding. Interestingly, the vast majority of people who have had a Corona vaccination at least once or more often hold Russia responsible for the war (88%); 66% of the unvaccinated blame the United States. The attribution of responsibility for

the war can also be plotted by party preference and media usage: Supporters of the right-wing parties FPÖ and MFG blame the US, the EU and NATO significantly more often than sympathizers of the other parties. The most pronounced Russian partisanship is evident among Telegram users. Experts estimate that at least 30% of people in Austria are susceptible to conspiracy theories (Winter, 2022).

There are a few initiatives to fight disinformation. In the media sector, the [Austrian Press Agency APA](#) (in cooperation with the Deutsche Presse-Agentur dpa), the news magazine [profil](#) and the newspaper [Kleine Zeitung](#) have established fact-checking platforms. APA is also partner in the newly EU-co-funded German-Austrian Digital Media Observatory ([GADMO](#)). One of the most impressive and informative platforms is operated by [Mimikama](#), a civil society association founded in 2012. The platform sets the record straight about fake news on social media sites and encourages users to report fake news. 'BAIT: The fact-checking channel for young people directly on social media' operates on Instagram and TikTok, and the software company Polycular runs the game '[Escape Fake](#)', which uses augmented reality techniques to motivate young people to become aware of fake news and deal with this topic in more detail. The PSM channel ORF 2 has launched the edutainment programme '[Fakt oder Fake](#)' [Fact or Fake], in which fake news and disinformation are publicly debunked.

Although some provisions of the 'Hate on the Net Prevention Act' ([Hass-im-Netz-Bekämpfungsgesetz](#), 2020) have been criticized as potentially restricting freedom of expression and possibly having a stronger impact on small European players than on global companies, the law – or better: a bundle of new and amended legal provisions aiming to combat hate speech on the Internet – represents a first comprehensive attempt to combat hate speech on online platforms. Among others, a new provision in the Media Act (§ 36b [Media Act](#)) permits courts in proceedings related to the act to directly order hosting service providers (not just media owners!) to remove content from a platform or to publish a verdict on such website, if the media owner is based in another country or cannot be prosecuted for any other reason.

Already in 2017 and on behalf of the Austrian Federal Government, the NGO 'ZARA – Civil Courage & Anti-Racism-Work' has set up an [online option for reporting hateful content](#) published or sent online. When clients aim at getting problematic and/or illegal content removed, ZARA can escalate cases by making use of its trusted flagger status with platforms like Twitter, Instagram, Facebook, TikTok and YouTube. (Trusted flagger reports to the respective social network are prioritized and investigated more thoroughly.) Since the opening of the counselling centre, 10,195 hate instances have been reported (as of December 2022). In May 2021, a [special reporting tool for journalists](#) was established (in collaboration with the [Press Club Concordia](#)). In February 2022, the [Zentrale Abfragestelle für Social Media und Online-Provider](#) (ZASP; Central Interrogation Service for Social Media and Online Providers) was established at the Federal Criminal Police Office. In cooperation with Meta (Facebook, Instagram, WhatsApp), information about various forms of online hate and other crimes should be obtained by the police and judiciary more efficiently and quickly than before. ZARA (2022) advocates a 'National Action Plan against Hate on the Net', which aims at comprehensive education and prevention measures, effective protection against harassment on the net, the ongoing adaptation of legal provisions according to developments on the internet, the provision of adequate resources for the police, public prosecutors, courts, community organizations and NGOs, and the transparency of the activities of state institutions.

## 4. Conclusions

As in previous years, the MPM 2023 found that most of the basics of the Austrian media system are in good condition. Nevertheless, there are a number of deficits where urgent political action is needed. In particular, the high risk to media pluralism posed by high concentration and declining market viability is a cause for concern.

In the **Fundamental Protection** area,

- it is high time to pass the Freedom of Information Act, which has been the subject of wrangling for decades and, after the government issued a first draft in February 2021, is on hold again.
- A comprehensive policy framework to ensure the physical *and* digital safety of media professionals is urgently needed, including newsroom guidelines for dealing with (sexual) harassment offline and online – also within the organisation.
- The same applies to the protection of journalists from abusive lawsuits (SLAPPs), as demanded by the Austrian Press Club Concordia and numerous NGOs.

To support **Market Plurality**,

- a state funding system is needed that (1.) provides PBS with the necessary digital expansion opportunities and leaves enough room for an up-to-date redefinition of the public service mandate, (2.) supports private media companies in expanding their digital infrastructure in the long term in such a way that they can maintain their added value even despite global competition, (3.) enables the search for new cooperation opportunities in order to jointly develop and use the possibilities of digital technologies to produce high-quality and investigative journalism, and last but not least (4.) offers local media services, non-commercial community media and digital native startups a real chance to serve local communication spaces as essential places for revitalizing democracy.
- For the sake of transparency, the shortcomings in the provisions on transparency of media ownership (concerning the disclosure of the ultimate ownership structures and some currently existing exceptions to the rules) should be rectified. This is all the more important as the number of online news media with more or less covert proximity to political parties is rapidly growing.
- Legal – and self-regulatory – measures are also needed to disclose and prevent conflicts of interest arising from the editorial and commercial activities of news organizations and journalists.

Concerning **Political Independence**,

- political actors should avoid any intervention or attempt to influence media outlets' management policies and editorial decisions. Notably, a new regulation of the appointment procedures of the ORF's Foundation Council members, which restricts governmental interference and partisan political influence, is urgently needed.

- As for government advertising, an evaluation of the exorbitant level of spending is needed, as is much greater transparency in award criteria.
- Editorial statutes should be mandatory for all media outlets, and industry or sector-specific self-regulation instruments (like the Press Council) should be established.

To promote **Social Inclusiveness**,

- the granting of state subsidies should be related to safeguards (e.g., corporate policies and editorial statutes) that ensure mandatory quotas for women among executives and management boards and an adequate representation of persons belonging to minority communities on the editorial staff and in media content.
- The ongoing changes in the media environment underline the need for comprehensive efforts to establish a comprehensive policy strategy (including an adequate budget and funding structure) to promote media literacy in the sense of a reflective, creative and self-determined use of media throughout life, which is in accordance with the Directive (EU) 2018/1808 of the European Parliament and the Council (2018).
- Considering the spread of fake news and conspiracy theories, the most important national measures are to support fact-checking initiatives, promote content moderation systems in newsrooms, and finance research projects that aim at developing strategies to empower people in all age groups to be able to tell the difference between disinformation and legitimate criticism.

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## ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2023 CT Leader
<i>Josef</i>	<i>Seethaler</i>	<i>Deputy Director</i>	<i>Austrian Academy of Sciences, Institute for Comparative Media &amp; Communication Studies</i>	X
<i>Maren</i>	<i>Beaufort</i>	<i>Postdoc researcher</i>	<i>Institute for Comparative Media and Communication Studies (CMC) at the Austrian Academy of Sciences and the University of Klagenfurt</i>	
<i>Andreas</i>	<i>Schulz-Tomancok</i>		<i>Institute for Comparative Media and Communication Studies (CMC) at the Austrian Academy of Sciences and the University of Klagenfurt</i>	

## ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
<i>Alfred</i>	<i>Grinschgl</i>	<i>Former Managing Director</i>	<i>Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR)</i>
<i>Vera</i>	<i>Wolf</i>	<i>Management</i>	<i>Association of Austrian Community Broadcasters</i>
<i>Daniela</i>	<i>Kraus</i>	<i>General Secretary</i>	<i>Press Club Concordia</i>
<i>Daniela</i>	<i>Zimmer</i>	<i>Legal expert in the Consumer Policy Department at the AK Vienna</i>	<i>Chamber for Workers and Employees, AK Vienna/Viewers' and Listeners' Council ORF</i>
<i>Josef</i>	<i>Gruber</i>	<i>President</i>	<i>Verband der Regionalmedien (VRM) [Association of Regional Media]</i>
<i>Michael</i>	<i>Holoubek</i>	<i>Professor</i>	<i>Institute for Austrian and European Public Law, Vienna University of Economics and Business</i>

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