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Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey

Country Report: Austria

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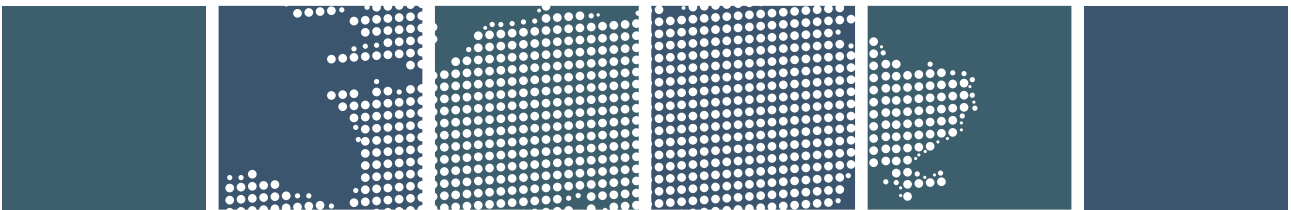




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1. ABOUT THE PROJECT

1.1 OVERVIEW OF THE PROJECT

The Media Pluralism Monitor (MPM) is a research tool that was designed to identify potential risks to media pluralism in the Member States of the European Union. This narrative report has been produced within the framework of the second EU-wide implementation of the MPM, carried out in 2017. The implementation was conducted in 28 EU Member States, Serbia, Former Yugoslav Republic of Macedonia (FYRoM) and Turkey with the support of a grant awarded by the European Union to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2 METHODOLOGICAL NOTE

The CMPF cooperated with experienced, independent national researchers to carry out the data collection and to author the narrative reports, except in the cases of Malta and Italy where data collection was carried out centrally by the CMPF team. The research is based on a standardised questionnaire and apposite guidelines that were developed by the CMPF. The data collection was carried out between June and October 2017.

In Austria, the CMPF partnered with Josef Seethaler, Maren Beaufort and Valentina Dopona (Austrian Academy of Sciences, Institute for Comparative Media and Communication Studies), who conducted the data collection and annotated the variables in the questionnaire and interviewed relevant experts. The scores assessing the risks for media pluralism were provided by the CMPF and calculated according to the algorithm developed by the Centre itself. The national report was reviewed by 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 Annex II for the list of experts).

Risks to media pluralism are examined in four main thematic areas, which are considered to capture the main areas of risk for media pluralism and media freedom: Basic 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 Figure 1 below).

Basic Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political control over media outlets	Access to media for minorities
Protection of right to information	Media ownership concentration (horizontal)	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Cross-media concentration of ownership and competition enforcement	Media and democratic electoral process	Access to media for people with disabilities
Independence and effectiveness of the media authority	Commercial & owner influence over editorial content	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Media viability	Independence of PSM governance and funding	Media literacy

The results for each domain and indicator are presented on a scale from 0 to 100%. Scores between 0 and 33% are considered low risk, 34 to 66% are medium risk, while those between 67 and 100% are high risk. On the level of indicators, scores of 0 were rated 3% and scores of 100 were rated 97% by default, to avoid an assessment of total absence or certainty of risk. For more information on MPM methodology, see the CMPF report “Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2016 in EU-28, Montenegro and Turkey”, <http://cadmus.eui.eu//handle/1814/46786>



Disclaimer: The content of the report does not necessarily reflect the views of the CMPF or the EC, but represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, the MPM2017 scores may not be fully comparable with MPM2016 ones. For more details, see the CMPF report on MPM2017, soon available on <http://cmpf.eui.eu/media-pluralism-monitor/>

2. INTRODUCTION

Austria covers an area of 83,878 square kilometres and has a population of 8.772.865 (as of 1 January 2017), including 1.341.930 foreign citizens (15.3% of total population). The largest share is from Germany (181.618), Serbia (118.454), Turkey (116,838), Bosnia and Herzegovina (94.611), Romania (92,095), Croatia (73,334), Hungary (70,584), and Poland (60,079). German is the official language of Austria, and Croatian, Slovenian and Hungarian are recognised as official languages of autonomous population groups in some regions. Overall, Austria can be considered as a socially and culturally relatively homogeneous country.

The Austrian economy grew by 2.9% in 2017 (2016: 1.4%) At current prices, the GDP amounted to approximately € 369.2 bn in 2017 and GDP per inhabitant equalled € 40,905. Austria ranks high in terms of GDP in the EU. Nevertheless, the unemployment rate was at 5.5% (according to the ILO definition; 8.5% according to the national definition). The youth unemployment rate (15 to 24 years old) was at 9.8% (according to the ILO definition), whereas the unemployment rate of elderly people 55 to 64 years old) was at 4.2%.¹

All political institutions established by the Constitution (including the Federal President) are voted into office through either direct or indirect elections. In 2017, five political parties were represented in the Austrian Parliament. In October 2017, the conservative Austrian People's Party (OeVP) received 31.5% of the vote and 62 seats in the parliament while the Social Democratic Party (SPÖ) received 26.9% of the vote and 52 seats and the right-wing populist Austrian Freedom Party (FPÖ) received 26.0% of the vote and 51 seats. The liberal NEOS and the Liste Pilz, a splinter of the Greens, received 5.3 and 4.4% respectively. The Austrian People's Party formed a government with the Austrian Freedom Party, thus strengthening a trend to a more polarized political culture.

After a long period of relatively stable market conditions, the Austrian media system is currently undergoing profound changes. In the last decade, the dual system of public and private television broadcasters, introduced as late as 2001, has led to a decline in the market share of the public service broadcaster ORF (although it remains at the relatively high level of 31.4%), and, in 2017, to a merger of the two biggest private TV companies (ATV and PULS4, which are now owned by the German ProSiebenSat.1 Media company). On the other hand, the growing market share of free daily newspapers has intensified the competition in the newspaper industry, causing a decline in horizontal concentration of ownership. Nevertheless, the print market remains relatively highly concentrated, and the print media continues to have high circulation figures and readership is declining more slowly than in most European countries. Finally, the use of online media, particularly of social network services, is rising dramatically. More than 60% of people under 35 years of age use social media as one of their primary daily news sources, while television and newspapers remain the main sources of news for the over-35 age groups. Smartphones are used for news by more than the half of the Austrian population.²

1 All data: Statistics Austria (<http://www.statistik.at>)

2 Reuters Digital News Report 2017



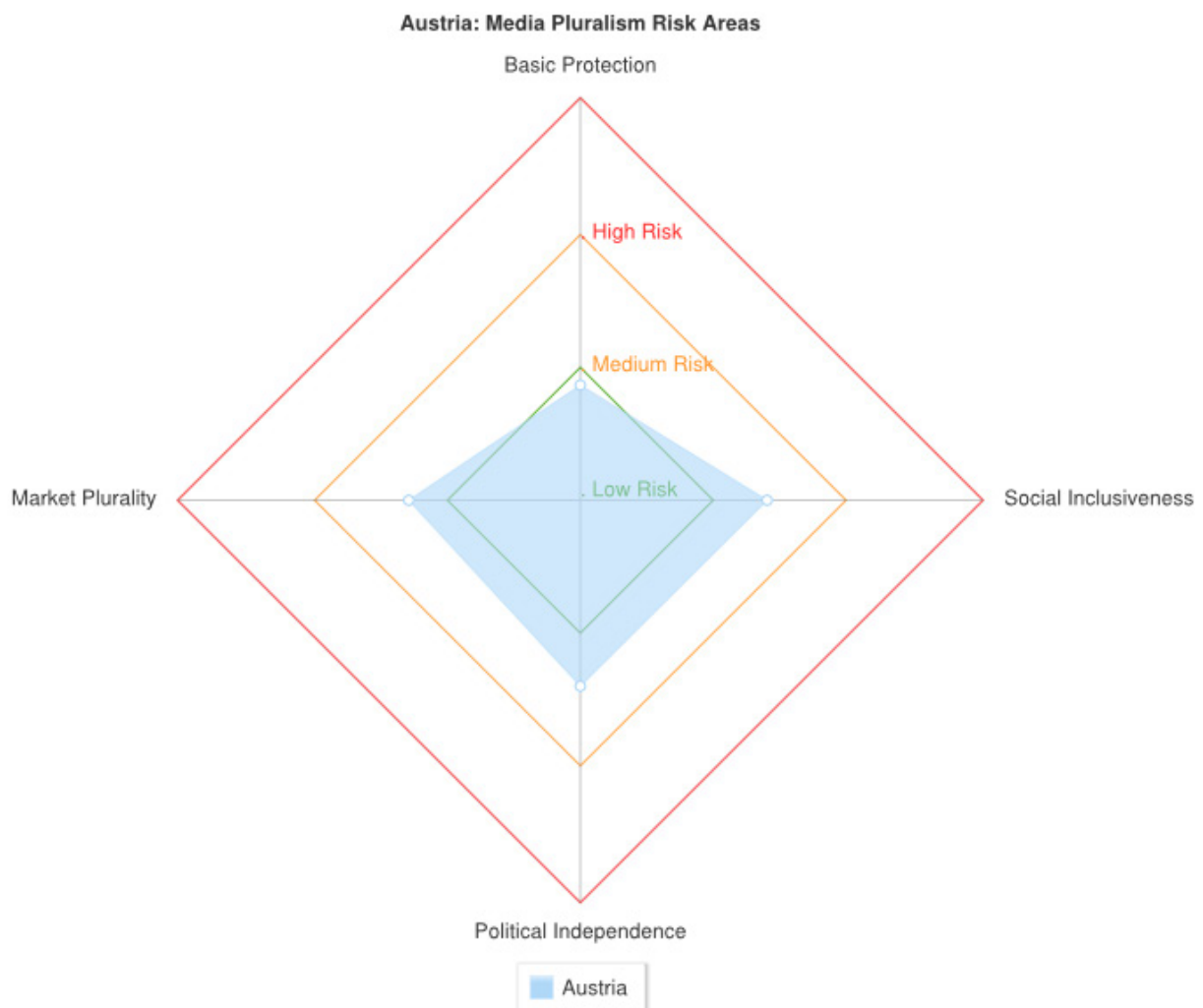
3. RESULTS FROM THE DATA COLLECTION: ASSESSMENT OF THE RISKS TO MEDIA PLURALISM

The implementation of the MPM2017 indicates that media pluralism in Austria is overall medium risk in all but one (basic area which scored low risk – 29%) areas of investigation.

Two of 20 indicators represent a high risk, nine a medium risk and nine a low risk.

Risks to media pluralism in Austria are primarily due to horizontal – but also cross-media – concentration, restricted access to media for minorities, the lack of protection of the right to information, insufficiencies in broadband coverage, political and – to a lesser extent – commercial influence over editorial content (not least because of the distribution of state advertising to media outlets), endangered editorial autonomy, threats to the independence of PSM governance and funding, limited access to media for women and a missing overall concept (and missing resources) for media literacy.

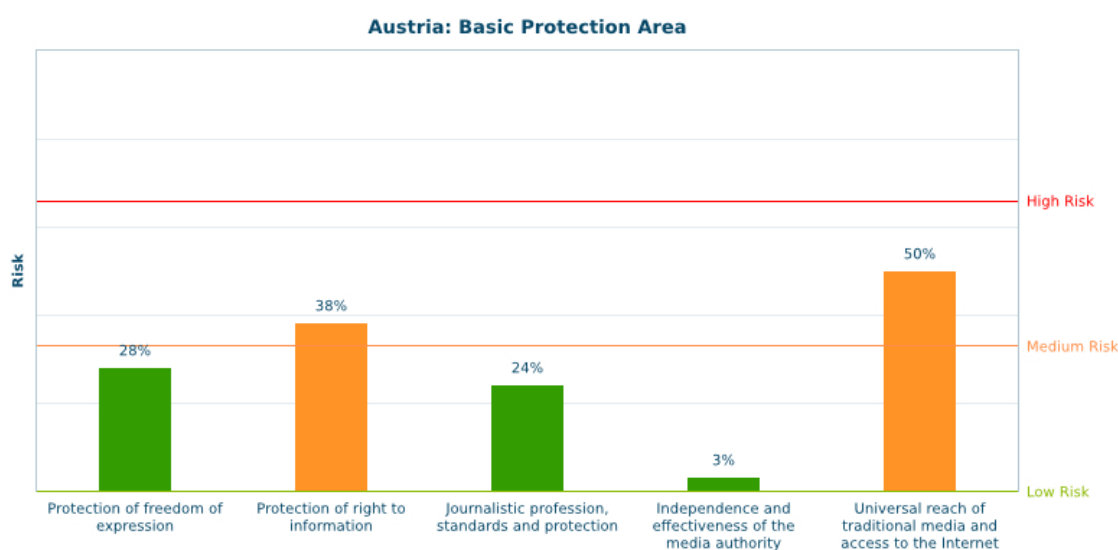
On the other hand, it has to be emphasized that the very foundations of the democratic media system are intact and strong: freedom of expression is well protected. Journalism is in many ways legally recognised not a product, but primarily a service. Media authorities work independently and effectively. The viability of the media market is not at risk. Transparency in media ownership is by and large sufficient. During the electoral process political ads are forbidden during campaigns in the PSM, and the ORF does a fairly good job in representing the parliamentary parties. The public service broadcaster feels also responsible for providing access to media for people with disabilities, and, equally important, there is a rich and varied supply of local media services, including a lively community media



sector. Based on these viable foundations, it is up to all stakeholders to remedy the shortcomings and prepare not only for tomorrow's media infrastructure development, but also, most importantly, for the challenges of a democratic and diverse society.

3.1 BASIC PROTECTION (29% - LOW RISK)

The Basic 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 competence to regulate the media sector; and the reach of traditional media and access to the Internet.



The indicator on Protection of freedom of expression scores a low risk (28%)

The MPM analysis shows that freedom of expression is well protected in Austria (low risk: 28%). Freedom of expression is recognized in Article 13 of the December Constitution of 1867, to which the Austrian Federal Constitution of 1930 refers to in Article 149. Austria ratified the European Convention on Human Rights (ECHR), protecting freedom of expression in Article 10, in 1958. Since 1964, the Convention is part of the Austrian Constitution, and all restrictions are in accordance with Article 10 of the ECHR. In addition, Austria ratified the International Covenant on Civil and Political Rights (ICCPR) in 1978, but regulations on the implementation are still missing. In the event of violations of freedom of expression, a citizen may appeal to the Austrian Constitutional Court and the European Court of Human Rights. Today, the legal remedies against violations of freedom of expression can be considered effective; however, in prior years, the European Court of Human Rights has overturned a considerable number of national courts' decisions. To date, there have been no serious violations of freedom of expression online. On the other hand, however, the European Commission against Racism and Intolerance (ECRI) criticizes that hate speech on online forums is not systematically monitored. Regarding the sensitive question of criminalisation of defamation, Article 111 of the Austrian Criminal Code allows for an increased prison sentence for defamation and insult (there is a separate 'insult' law in addition to libel laws) when defamation has been made accessible to a wider public by means of the mass media, particularly in cases of insult to state symbols. On the other hand, according to a 2015 report by the International Press Institute, there are specific clauses in law protecting journalists from liability as long as they have observed basic journalistic duties (Article 29 of the Media Act of 1981), and Austria is one of only two EU countries that currently provide statutory caps on non-pecuniary damages in defamation cases involving the media.³

The MPM results show that the Protection of the right to information is at medium risk (38%). Article 20(4) of the Federal Constitution guarantees the right to information. However, the obligation of administrative authorities to maintain secrecy has precedence; see Article 20(3). There is no positive obligation for the authorities to provide information to the public. Art 2 of the Federal Law on the Duty to Furnish Information regulates the negative

³ <http://legaldb.freemedia.at/wp-content/uploads/2015/05/IPI-OutofBalance-Final-Jan2015.pdf>



obligation to disclose information upon request. Requests (made in writing, orally or by telephone) have to make it sufficiently clear what information they intend to acquire. In January 2012, a “Protection from Discrimination” clause was added to Austria’s Public Service Law to shield public employees, and in 2015, Austrian government amended the Austrian Public Prosecutor’s Act with legal frameworks for the systematic combat of corruption and economic crime (Art. 2a).

The indicator Journalistic profession, standards and protection is ranked as being at low risk (24%). Access to the profession is free and open. However, due to increasing economic pressure, social and job insecurity are on the rise. Freelance journalists in particular, whose numbers are on the rise, are facing uneasy social conditions. There are no cases of attacks to the physical or the digital safety of journalists, but offensive and threatening speech – especially against female journalists – is increasing rapidly.⁴ Article 31 of the Media Act of 1981 provides strong protection for the confidentiality of journalists’ sources.

The indicator Independence and effectiveness of national authority is ranked as being at (very) low risk (3%). In 2001, the Austrian Communications Authority (KommAustria) and the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR) were set up under the KommAustria Act (KOG) for the purpose of handling the administration of regulatory activities in broadcasting. KommAustria and RTR are separate legal entities, and RTR consists of two divisions (Media and Telecommunications and Postal Service Division) and provides operational support for KommAustria, the Telekom Control Commission (TKK) and the Post Control Commission (PCK). These are all separate legal entities fully independent of the government. Appointment procedures are transparent; duties and responsibilities are defined in detail in the law. KommAustria has policy-implementing, decision-making and sanctuary powers. It monitors services operated by licensed operators to assess if they comply with the rules on quotas, advertising and the protection of minors, and holds a number of supervisory tasks, in particular regarding the economic aspects of public service broadcasting. Decisions must be published and can be appealed before the Federal Administrative Court. The RTR is funded by portions of consumer licence fees and contributions from market entities. The organization’s business operations and annual financial statements are reviewed by external auditors. Its transparent work (and independent status) has made KommAustria/RTR highly respected.

The indicator on the Universal reach of traditional media and access to the Internet shows a medium risk (50%). Public TV and radio signals reach most of Austria’s population. However, broadband coverage is only high in urban areas and the subscription rate is only 77%. The average Internet connection speed is only 13 Mbps. The market share of the Top4 Internet service providers is 88% (all data from 2016). Based on the TSM Regulation of the European Union, which came into force in November 2015, RTR monitors net neutrality and publishes an annual report on that subject matter. The first report RTR Net Neutrality Report was published in 2017.

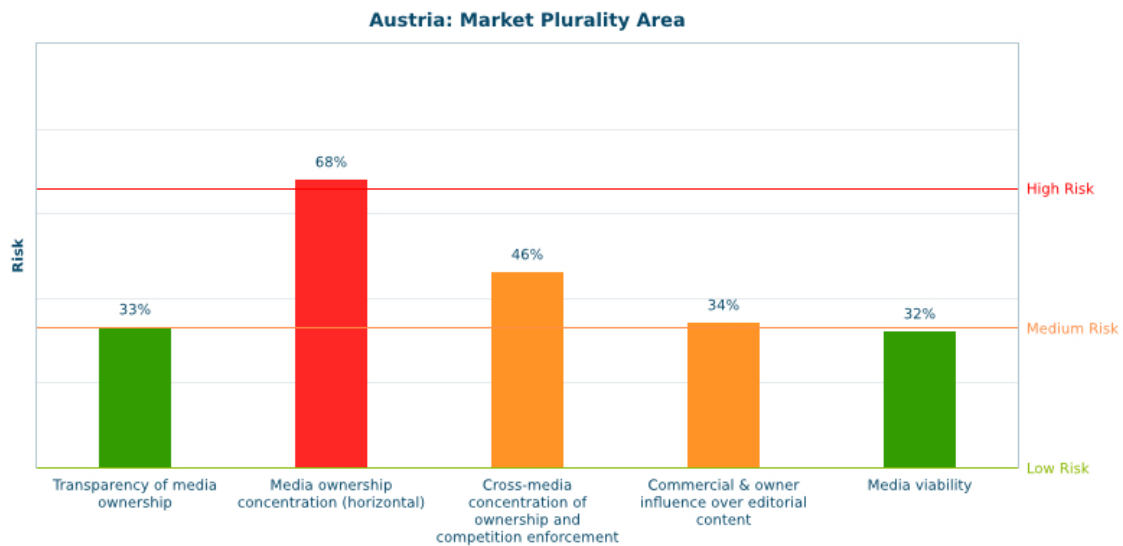
4 Jonas Vogt, *Online Harassment of Journalists in Austria*. Vienna: IPI, 2017.



3.2 MARKET PLURALITY (43% - MEDIUM RISK)

The Market Plurality indicators examine the existence and effectiveness of the implementation of transparency and disclosure provisions with regard to media ownership. In addition, they assess the existence and effectiveness of regulatory safeguards to prevent horizontal and cross-media concentration of ownership and the role of competition enforcement and State aid control in protecting media pluralism. Moreover, they seek to evaluate the viability of the media market under examination as well as whether and if so, to what extent commercial forces, including media owners and advertisers, influence editorial decision-making.

The indicator Transparency of media ownership is ranked as being just at low risk (33%). Media companies are obliged to publish their ownership structures on their website or in records or documents that are accessible to



the public, but this information has to be updated only once per year. Media law requires administrative penalties to be imposed on companies that do not disclose information on their ownership structure. Nevertheless, some shareholders and investors as well as the amount of their investment (sometimes when banks are involved) remain – at least somewhat – unknown.

The MPM results show that Media ownership concentration (horizontal) represents a high risk (68%). The legislation for the audiovisual and radio sectors contains specific restrictions regarding areas of distribution in order to prevent horizontal and cross-media concentration. However, these restrictions are not so tight because, according to the Private Radio Law and the Private Television Law of 2001, a media company is allowed to own several radio or TV stations if the areas of distribution do not overlap, even if the whole area of Austria is covered by these stations. The market share of the Top4 audiovisual media owners (in terms of revenues) is 93% (including foreign television stations since no data exclusively concerning the Austrian market is available). Audience concentration for the audiovisual media market is 65% (Top 4). The market share of the Top4 radio owners is 87% and of newspapers owners 85%; audience concentration for the radio market is 85% and for the newspaper market 73% (all data: 2016). Although cartel law includes certain rules concerning the plurality of the media, it has been ineffective in preventing mergers of media companies (1988: ‘Mediaprint’; 2001: ‘Formil’-Deal; 2017: merger of ATV and ProSiebenSat.1-Puls 4).

The Concentration of cross-media ownership represents the higher levels of medium risk (46%). Only legislation for the audiovisual sector contains specific thresholds (regarding areas of distribution and market share). According to private television law of 2001, media companies that control more than 30% of the national newspaper or magazine or radio or cable market are not allowed to own a national TV station. The same applies mutatis mutandis to media companies that control more than 30% of two or more media markets (newspaper, magazine, radio, cable) in a certain region. No similar legislation is in place for any other media sector. As a result, in almost all Austrian provinces newspaper publishers acquired regional and local radio channels. There is therefore an increasing degree of cross-ownership in the radio and newspaper sector. The market share of the Top4 owners across different media markets is 67% (this percentage is based on data on the 19 biggest Austrian media companies [data from 2016]). The market share of the Top4 Internet content providers is 68% (2012); the audience concentration for the Top4 Internet content providers is 57% (based on the 2016 data for unique audiences of the Top10 Internet content providers).

The indicator Commercial & owner influence over editorial content shows a medium risk (34%). Several media

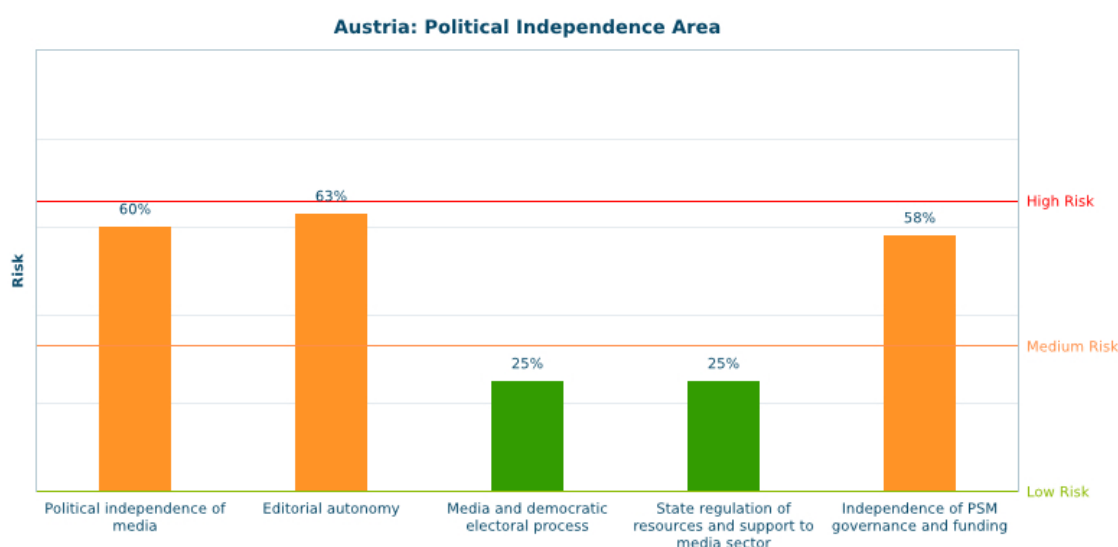


laws contain rules that prevent the use of advertorials and stipulate that the exercise of the journalistic profession is incompatible with activities in the field of advertising. KommAustria (the Austrian communication authority) monitors the advertising activities of TV and radio stations. Moreover, it is stated in the Journalistic Code of Ethics that the economic interests of the owner of the media company should not influence editorial work. However, there are no explicit regulatory safeguards stating that decisions regarding appointments and dismissals of editors-in-chief have to be made independently of the commercial interests of media organizations. According to the results of a recent survey, almost 10% of Austrian journalists (particularly those who work for private radio and TV stations and weekly magazines) reported influence from the owners of the news organizations, profit expectations and advertising considerations.⁵

According to the data available, Media viability is at low risk (32%). Revenues of the audiovisual sector (in relation to the GDP trend) increased over the past two years as did gross online advertising expenditures. However, revenues of the radio sector and the newspaper sector seem to have decreased over the past two years (there are no detailed data available). There are many initiatives aiming at developing alternative sources of revenue. The Austrian PSM is increasingly putting effort into establishing smartphone apps. Many other media outlets are also developing apps for tablets and smartphones. Newspapers further introduced combined subscriptions for print and digital edition. However, how successful these endeavours are is not assessable due to a lack of data on this issue. Austria has a well-established system of state subsidies. Regarding the printed press, the Press Subsidies Act of 2004 provides special subsidies for the preservation of diversity in regional daily newspapers, in addition to distribution subsidies for newspapers and grants for journalists' training. However, the amount of press subsidies as a share of the GDP is decreasing. There are also subsidies for private television and radio stations as well as for community media (with the latter fund being the smallest). Moreover, there are subsidies for promoting digital transmission technologies and digital applications in connection with broadcasting programs.

3.3 POLITICAL INDEPENDENCE (46% - MEDIUM RISK)

The Political Independence indicators assess the existence and effectiveness of regulatory safeguards against political bias and political control over the media outlets, news agencies and distribution networks. They are also concerned with the existence and effectiveness of self-regulation in ensuring editorial independence. Moreover, they seek to evaluate the influence of the State (and, more generally, of political power) over the functioning of the media market and the independence of public service media.



The indicator on Political independence of media outlets represents a medium risk (60%). On the one hand, according to PSB law (Art. 26 ORF-G), politicians are not allowed to act as leading figures of the ORF. On the other hand, 15 of the 35 members of its Foundation Council ('Stiftungsrat') that appoints all high officials, approves the budget and controls the financial conduct, are appointed by the federal government, 6 of which in consideration of the proportional strength of the political parties represented in parliament. Moreover, each of the 9 Austrian provinces nominates a

5 www.worldsofjournalism.org



representative. Regarding private audiovisual media, the Audiovisual media act (AMD-G, Art. 11) doesn't refer to any regulations concerning independence from ruling parties, partisan groups or politicians (Audiovisual media act [AMD-G] Art. 11). The same is true for newspapers and online media. Here, experts argue that mutual influence between politics and media is especially evident in some kind of barter which trades advertisement investments for privileging reporting. Accordingly, there is public discussion about questionable practices in state advertising because advertising orders are mainly given to a few important media outlets, but are not distributed amongst all media outlets (proportionally to their audience shares). In general, Austria has a long tradition of press-party-parallelism. This tradition is apparent in the "politics-in-broadcasting" system of the PSB, which allows for attempts by political parties to influence appointment procedures of ORF directors. Regarding the private sector, there is no TV and radio station owned or controlled by a specific political party, politician or political group. Some owners may have political affiliations; however, no research on this is available. Nevertheless, it has to be noted that there is a legal obligation to provide impartial and pluralistic information not only for the public broadcaster ORF but also for commercial broadcasters. Unfortunately, no effective monitoring of this obligation through independent agencies is in place. The Austrian Press Agency (APA), which is owned by 15 Austrian newspapers and the ORF, is independent of political groups in terms of ownership, the affiliation of key personnel, and editorial policy. It is therefore highly respected. Moreover, the leading media distribution networks work largely independently of political group.

Editorial autonomy is at medium risk (63%). As this indicator aims to assess whether the regulatory safeguards that guarantee editorial independence are effectively implemented in practice, it first has to be noted that no common regulatory safeguards are in place that guarantee autonomy when appointing and dismissing editors-in-chief. Secondly, only TV and radio stations are obliged to have editorial statutes that guarantee editorial independence. All other media are allowed, but not required, to establish editorial statutes. Thus it comes as no surprise that the two largest newspapers ('Kronen Zeitung', 'Heute') refrain from self-regulatory measures, and are not members of the Austrian Press Council.

According to the MPM calculation, the indicator Media and democratic electoral process is at low risk (25%). The PSM in Austria is obliged by law to cover political matters in an unbiased and impartial manner, and at least in the last decade, the ORF has offered, to a considerable extent, a fair representation of the various political actors (particularly of the parliamentary parties) during election campaigns.⁶ Since 2002, political advertising in PSM has not been allowed during election campaigns. Political advertising may only be bought from private stations. Media companies are urged to provide all parties with equal conditions for advertising because of Article 7 of the Federal Constitution, which refers to the principle of equal opportunities for all political parties, but no measures guaranteeing equal conditions and rates of payment are implemented in media law. No obligation of fair, balanced and impartial reporting is mentioned in the Code of Ethics for the Austrian Press. In fact, long-term content analysis provides evidence of some bias in election news in newspapers and commercial channels.⁷ There is no special regulation in place that aims to ensure fairness and transparency of online political advertising during electoral campaign.

The indicator State regulation of resources and support to media sector shows a low risk (25%). The practice of spectrum allocation in Austria is codified in Article 54 of the Telecommunication Act and guarantees impartial, transparent and non-discriminatory spectrum allocation in accordance with EU requirements. The distribution of media subsidies is conducted by the Austrian media authority KommAustria. Regarding press subsidies, KommAustria is complemented by the Press Subsidy Committee, which consists of six members, two of which are appointed by the federal chancellor, two more by the Association of Austrian Newspapers (VÖZ), and the remaining two by the journalist labour union. Appointments last for two years. The members are required to settle on a chairperson that is not associated with any businesses in the newspaper sector. The rules for the distribution of direct and indirect subsidies (e.g. tax reductions, reduced train service and telephone rates, favourable conditions for credits) can be considered to be fair and transparent. However, experts criticise the effectiveness of the rules in terms of ensuring media plurality. Unfortunately, the 2012 Media Transparency Law, which forces the government, public bodies and state-owned corporations to disclose their relations with the media (such as advertisements and other kinds of support), does not provide rules on a fair distribution of state advertising to media outlets.

The Independence of PSM governance and funding is ranked as being at medium risk (58%). The law aims at providing fair, objective and transparent appointment procedures for management and board functions in PSM by stipulating that (Art. 26 ORF-G) politicians are not allowed to act as leading figures of the ORF or its Foundation Council ('Stiftungsrat'), i.e. the main management body. However, because 15 of 35 members of the Foundation Council are appointed by the government and 9 are nominated by the Austrian provinces, we cannot claim that the law provides appointment procedures for management functions guarantee independence from government or other political

6 Seethaler, J & Melischek, G 2014, "Phases of mediatization: Empirical evidence from Austrian election campaigns since 1970", in *Journalism Practice*, 8(3): 258–278. DOI:10.1080/17512786.2014.889443

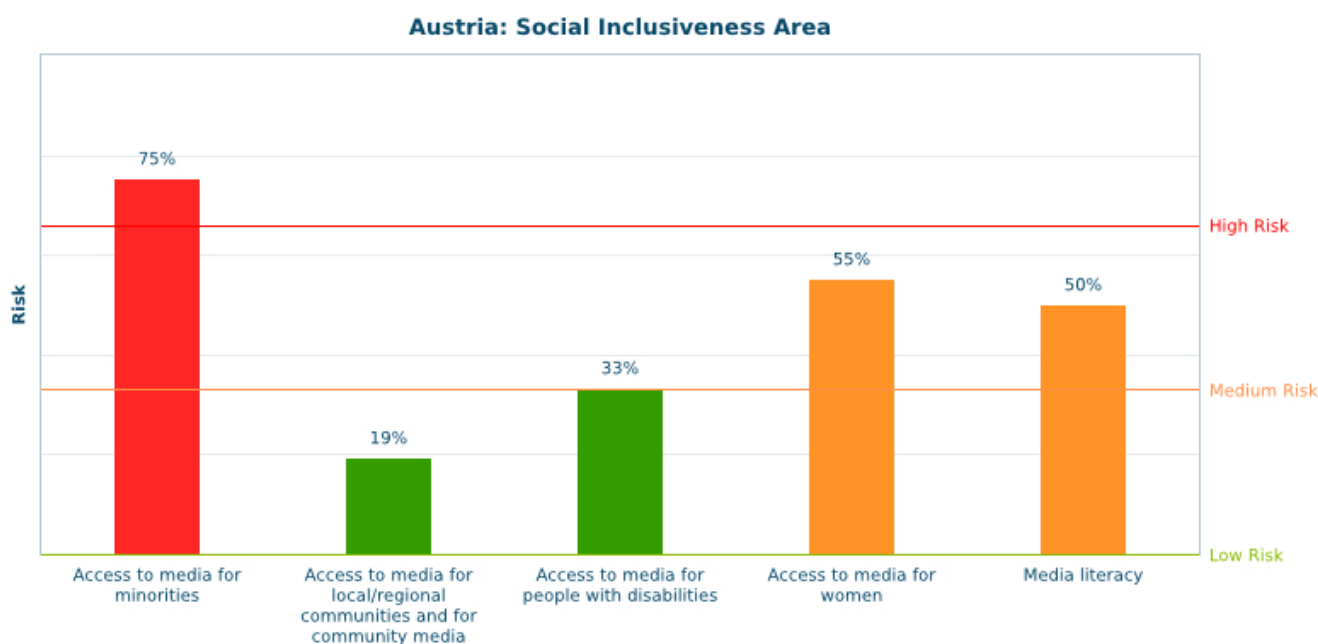
7 See note 5.



influence. Regarding the funding of PSM, media law prescribes transparent and fair procedures in order to ensure that the funding of PSM is adequate. It also prescribes that the PSM needs to be consulted over the level of funding required to meet its mission and purposes.

3.4 SOCIAL INCLUSIVENESS (46% - MEDIUM RISK)

The Social Inclusiveness indicators are concerned with access to media by various groups in society. The indicators assess regulatory and policy safeguards for community media, and for access to media by minorities, local and regional communities, women and people with disabilities. In addition to access to media by specific groups, the media literacy context is important for the state of media pluralism. The Social Inclusiveness area therefore also examines the country's media literacy environment, as well as the digital skills of the overall population.



The indicator Access to media for minorities is ranked as being at high risk (75%). PSM law guarantees the representation of the six legally recognised minority groups ('autochthonous groups', based on the 2001 census) by requiring an 'appropriate' share of airtime. However, it does not provide any framework for the assessment of 'appropriateness' and thus leaves it unassessed and unmonitored. The ORF Public Value Report from 2015/16 reports on the provision of 13 different radio programmes devoted to the six recognised minority groups, adding up to an average of 6.6 broadcasts per week in the respective native language, including programmes purchased from community radio broadcasters.⁸ (The report from 2016/17 doesn't give any precise information on that.) Additionally, the public broadcaster provides one nationwide programme on TV once a week, and the PSM channels of the provinces of Burgenland, Carinthia, Styria and Vienna provide three weekly information programmes and three programmes six times per year. Thus, the legally recognised minorities have reasonable access to airtime, but this does not apply to minorities not recognised by the law (e.g. Turks, Serbs, Bosnians and Romanians, which represent the strongest minority groups in Austria). Private commercial television and radio stations do not provide any airtime to minorities. The non-commercial TV channel OKTO provides airtime to minorities (and hosts the Latin American channel Latino TV, the African channel Radio Afrika TV and the Bosnian-Croatian-Serbian programme Dijaspورا Uzivo), as several of the community radio broadcasters do. Two further TV stations are devoted to minorities (the Bosnian satellite station TV Pink Plus and the Turkish community's, YOL Medien AG). Considering that non-Austrian citizens make up 15.3% of the total Austrian population, more should be done to safeguard proportional access to media for minorities.

The indicator Access to media for local and regional communities and for community media is ranked as being at low risk (19%). This is because (1) the law grants regional and local media access to media platforms, and access to radio and TV frequencies is regulated via public tendering, (2) subsidies for private radio and television companies are explicitly contingent upon the provision of local/regional programmes, (3) the public broadcaster operates regional broadcasting studios in all nine federal states that provide nine regionally broadcast radio programmes and TV newscasts. However, Austrian broadcasting laws are still lacking a consistent legal recognition of community media

⁸ http://zukunft.orf.at/show_content.php?sid=147&pvi_id=1688&pvi_medientyp=t&oti_tag=PVB 15/16



as third media sector in terms of function, mode of operation and financing, albeit community media performs a wide range of socially relevant functions.⁹ Subsequently, Austrian media law does not provide sufficient details regarding licensing processes and criteria concerning community media. Especially when it comes to the implementation of digital terrestrial broadcasting via DAB+ (which suits mass media broadcasters with a strong financial back bone), there is no sufficient concept of addressing potential discrimination of non- commercial media due to the lack of financial means that are needed to participate. The Austrian media authorities KommAustria and RTR manage a (not so well remunerated) promotion fund for non-commercial local radio and TV broadcasters, but particular quality standards that apply to the specific functions of community media (such as fostering active volunteer participation in media production as well as engagement in civic society¹⁰) are practically of minor relevance. Independence from governmental, commercial and religious institutions and political parties is one of the eligibility criteria for receiving subsidies; and both the Association of Community Radios and the Alliance Community Television Austria have developed appropriate codes of conduct.

According to the MPM calculation, the indicator Access to media for people with disabilities represents also a low risk (33%). The Austrian public service media is required by law to provide access to media content (including on-demand media content) for disabled people in accordance with current technology as far as economically reasonable. Despite the fact that the legal text is non- committal in its wording, the ORF has decided to continuously increase the share of programmes with additional features for people with disabilities. Nevertheless, there is a strong imbalance between the extent of media access for hearing-impaired people, which is rather well developed (in 2017, about 70% of ORF programmes were subtitled) and for visually impaired people, which is rather poorly developed (in 2015, on average only 4 programming hours per day were provided with added audio description). Unfortunately, the Audiovisual Media Law concerning private television stations simply states that providers are obliged to incrementally improve accessibility for people with disabilities without stipulating specific requirements and actions to achieve this goal. Accordingly, the two largest private broadcasters (ATV and PULS 4) do not provide any services for hearing- or visually impaired people. Altogether, the policy framework on access to media content by people with disabilities must be regarded as expandable.

The indicator Access to media for women is also ranked as being at medium risk (55%). Generally, the Austrian Equal Rights Act does provide a framework to ensure equal rights in employment matters. It also provides a number of sanctions as well as mechanisms to enforce the law; however, a complaint must be filed before action is taken. Moreover, there are no sufficient legal requirements in place for setting up monitoring bodies. In the area of media law, only the ORF Act provides a more explicit framework for the equal rights of employees and for monitoring practices such as a gender mainstreaming plan. In 2017, women make up 43.3% of all personnel. Although PSM law provides a legal threshold for the desired share of women working at the PSM (45%), this rule does not apply to the management board (share of women: 28.6%). The share of women among members of management boards of private TV companies is even lower (10%). According to the 2015 Annual Report of the Global Media Monitoring Project, women account for 21% of all people who appear in news stories as subjects or sources from traditional media (print, radio and television) and for 16% online.¹¹ An Austrian study using a similar methodology and based on a representative sample of more than 20,000 media reports in 2014 reveals even lower percentages for traditional media (14.4%) and slightly higher percentages for online media (17.9%).¹²

Media literacy is ranked as medium risk (50%). There are many initiatives that foster media literacy competence among young people and aim at improving media education, mainly sponsored and/or hosted by the Federal Ministry of Education, but a comprehensive governmental strategy fostering the development of media literacy in all sections of society is missing. Although media literacy is present in the curriculum of primary and secondary schools. In autumn 2016, a module on 'Communication and Media' has become an obligatory part of the school subject 'Political education', which itself has become obligatory for all classes from the 8th class onwards. In the school year 2017/18, 'Digital Basics' has become obligatory in secondary schools, and a project of how to introduce digital media skills as part of the elementary school curriculum has also started in 2017/18. Based on the Austrian School Education Act 2012, 'Empowerment evaluation' has been established as an evaluation approach designed to help schools to monitor and evaluate their own performance. It includes a media literacy self-assessment tool testing media literacy portfolio assessment in the classroom. The magazine 'Medienimpulse – Beiträge zur Medienpädagogik', which is published since 1992 four times a year, and the online platform mediamannual.at provide materials, suggestions and contents for media education, the 'Media Literacy Award' has been launched for the best and most innovative educational media

9 Seethaler, J., & Beaufort, M. (2017). Community media and broadcast journalism in Austria: Legal and funding provisions as indicators for the perception of the media's societal roles. *The Radio Journal: International Studies In Broadcast & Audio Media*, 15, 173-194.

10 Committee of Ministers (2018): Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on media pluralism and transparency of media ownership. https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090001680790e13

11 http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2015/national/Austria.pdf

12 Seethaler, J 2015, *Qualität des tagesaktuellen Informationsangebots in den österreichischen Medien: Eine crossmediale Untersuchung [News Quality in Austrian Media: A Cross-Media Comparison]*. Wien: RTR.



projects in schools, and the Verband Österreichischer Zeitungen (VÖZ) has launched an initiative called ‘Zeitung in der Schule’ (Newspapers in school). Unfortunately, teacher training is lagging behind this development, and media literacy is not among the primary concerns of the school administrators. There are also several media literacy initiatives in the non-formal education sector. A 2016 report of the European Audiovisual Observatory, however, criticizes “the ‘micro’ nature of a lot of media literacy projects”. While in most European countries, the majority of projects are operating at a national level, Austria is one of the four exceptions where half or more of the projects were categorised as ‘regional’. According to Eurostat data, only 66% of Austrians have at least basic digital skills.

4. CONCLUSIONS

In Austria, the very foundations of a democratic media system are intact and strong. Nevertheless, some results of MPM2017 could be interpreted as challenges to media policy.

After comparing the quality of laws on the right to information (RTI), Access Info Europe (AIE) and the Centre for Law and Democracy (CLD) ranked Austria last of 110 countries worldwide.¹³ Presently, the relevant law regulates the right to apply for information, but it does not guarantee a general right of access. Hence, state bodies can refuse to provide information without having to justify their decision. To address this legislative gap, the Council of Europe has recommended that Austria develop precise criteria for a limited number of situations in which access to information can be denied, and ensure that such denials can be challenged.¹⁴ Based on these findings as well as the MPM2017 analysis, the authors recommend that the government improve RTI law. Furthermore, a lot of the data considered as necessary to carry out the Monitor assessment is not easily available to the public in Austria. This includes data on the share of state’s contribution to the advertising spending of particular media companies, and (in some cases) on ownership and financing structures. The authors suggest that the government addresses this lack of transparency, first, by imposing stricter information duties on the entities in the various sectors, second, by supporting research on these matters.

In recent years, the Austrian media system has become more diverse and concentration among the various media markets is declining (although it remains at a relatively high level). However, some regulations in private radio law and private television law foster cross-media concentration. Moreover, little is known about the possible impact of political or commercial entities (particularly banks) on editorial autonomy and media content, for example through the allocation of advertising and attempts to influence the appointment procedures for management and editorial functions in media organisations. Self-regulatory measures (like editorial statutes) that stipulate editorial independence and foster internal plurality should therefore be obligatory for all media companies. With regard to PSM, the government should strictly refrain from interventions and attempts to influence management policies or journalistic autonomy.

Since years media experts have criticised the practice and are demanding a reform of the system of media subsidies towards supporting and subsidising journalistic quality instead of diversity, the decline of which could not be prevented by subsidies. A specific aspect of media quality deals with online discussion forums. Even though a few Austrian media outlets have taken measures in recent years to professionalise their community management departments, most newsrooms lack structures and clearly communicated guidelines for dealing with hate speech as well as online attacks against journalists, both of which should be systematically monitored.

Regarding social inclusiveness, measures should be developed to improve both the representation of women in management boards of media companies, newsrooms and the news, as well as the legal environment for the development and functioning of minority media. The authors feel regretful that the latter has to be written in a country located in the heart of Europe in the year 2017.

In regard to supporting community media, more could be done, particularly when considering the amount of subsidies given to commercial broadcasters, which is about five times higher than the amount of subsidies given to community media. More government support is imperative because openness to the idea of community members participating in the creation of media content will be a highly important topic in future media production. In addition

13 <http://www.rti-rating.org/country-data/>

14 Council of Europe 2012. Joint First and Second Evaluation Round Addendum to the Compliance Report on Austria Adopted by Council of Europe Group of States Against Corruption (GRECO) at its 56th Plenary Meeting (Strasbourg, 20-22 June 2012).



to increasing financial support, it seems very important that the authorities fully commit to community media as a media sector of its own, characterized by quality standards that are in accordance with its conceptual conditions. Community media expertise should also be available within the structure of the RTR and KommAustria (both of which are regarded as highly respected authorities because of their independent and quality work).

There are many initiatives that foster media literacy competence among young people (which are mainly sponsored and/or hosted by the Federal Ministry of Education), but a comprehensive governmental strategy is missing. Above all, more comprehensive political efforts are needed to really establish media (and advertising!) literacy as a key component of mandatory school curriculum for all children and schools. More measures are needed to raise awareness towards the role of journalists in news production, to develop and enhance above basic communication skills, particularly in using social media, and to protect children as well as adults from the effects of implicit media (and advertising) messages, which are becoming more important in today's media environment.

ANNEXE 1. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2017 CT Leader (please indicate with X)
Josef	Seethaler	Dr.; Deputy Director	Austrian Academy of Sciences, Institute for Comparative Media and Communication Studies	X
Maren	Beaufort	MA; Junior Scientist	Austrian Academy of Sciences, Institute for Comparative Media and Communication Studies	
Valentina	Dopona	BA; Master Student	Austrian Academy of Sciences, Institute for Comparative Media and Communication Studies	

ANNEXE 2. 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
Walter	Berka	Prof. Dr.	University of Salzburg
Ilse	Brandner-Radinger	Dr.	ORF – Viewers' and Listeners' Council
Alfred	Grinschgl	Dr.	Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR)
Dieter	Henrich	Mag.	Verband der Regionalmedien Österreichs
Daniela	Kraus	Dr.	forum journalismus und medien (fjum)
Helga	Schwarzwald	Dr.	Association of Community Radios
Christian	Steininger	Prof. Dr.	University of Vienna



