

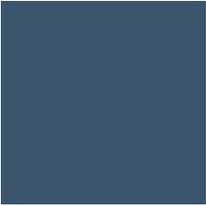


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Monitoring Media Pluralism in Europe: Application of the Media Pluralism Monitor 2017 in the European Union, FYROM, Serbia & Turkey

Country Report: Italy

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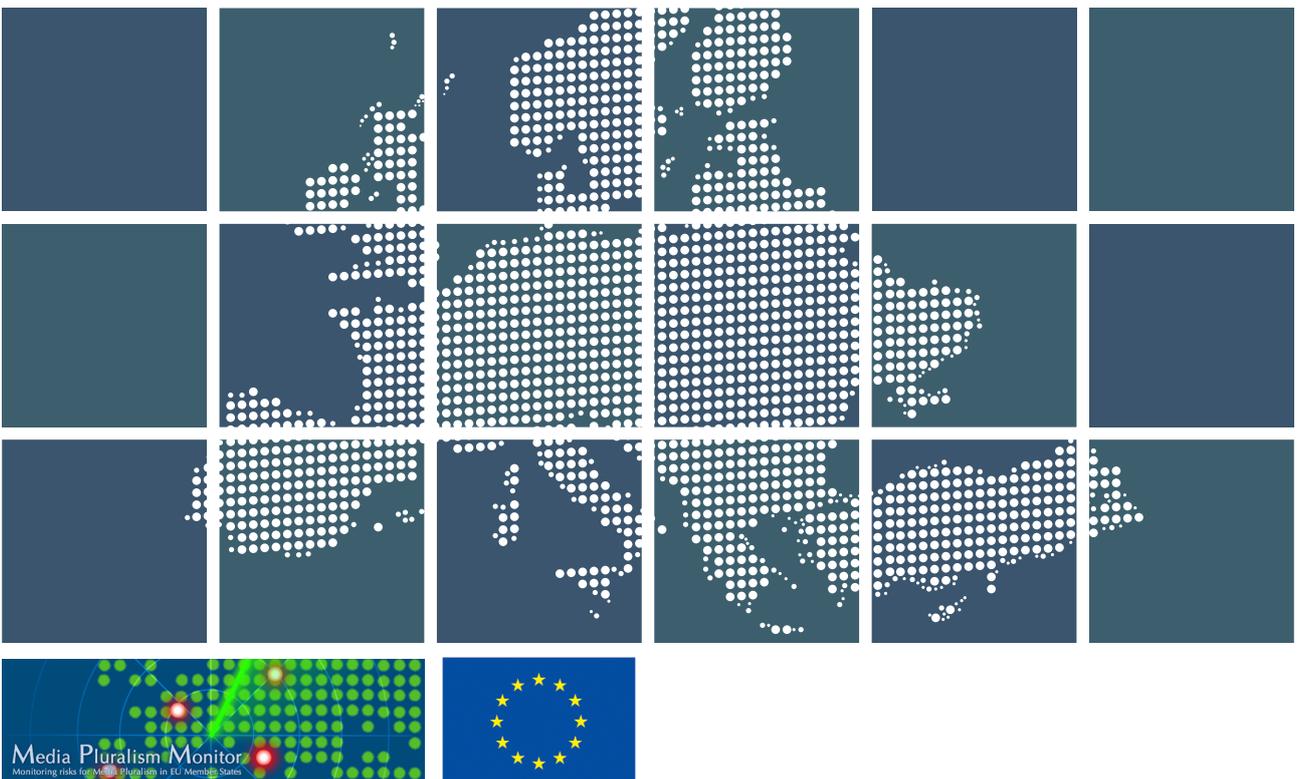




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1. ABOUT THE PROJECT

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 December 2017.

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).

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 a total absence or certainty of risk. For more information on the 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 those of MPM2016. For more details, see the CMPF report on MPM2017, which will soon be available on <http://cmpf.eui.eu/media-pluralism-monitor/>



2. INTRODUCTION

Italy covers an area of 301.338-km² from the Alps and along the Mediterranean Sea. It has a population of 62,137,802 (July 2017 est.).¹ Recently, and particularly since the 1990s, the country has been facing a rise in the influx of immigrants from EU Central Eastern countries (Romania), South Eastern Europe (Albania), Northern Africa (Morocco), China and the former USSR (specifically the Ukraine)². As of 2017, according to ISTAT data³, around 5 million residents are foreigners. Being close to Africa, and because of its extended coastline (7600 km), Italy has also become the entry point for many refugees and migrants from Africa and the Middle East. While “Italy saved Europe’s honour” was the proclamation of EC President Juncker⁴ on Italy’s actions to rescue migrants, it is a matter of fact that the country’s internal debate on migrants and refugees has heated the democratic discourse and has been determining the recent political agenda in the country. Some political parties, such as the Northern League, have focused their programs on adopting policies in reaction to increased African immigration, proposing very strict responses to it and, as a result, obtaining extensive support from voters in the 2018 spring elections.

Italian is the most spoken language and, according to the Italian Constitution, (Art. 6). The Republic guarantees, through specific laws, linguistic minorities. Twelve linguistic minorities, spoken by around 2,500,000 citizens coming from five distinct linguistic roots (Albanian, Germanic, Greek, Romance, Slavic) are recognised and protected. Languages that are spoken by migrants are, however, not protected. Languages like Neapolitan and Sicilian are not accepted as linguistic minorities.

Italy is the third largest economy in the Euro area and has recently been heavily hit by the economic crisis. In addition to this, the country has to deal with a high public debt and structural deficiencies that hinder growth, e.g., political instability, corruption, labour market inefficiencies, unemployment, and tax evasion.

As shown by the recent elections, the Italian political environment is dominated by three main parties: the right-wing party that refers, nowadays, to Matteo Salvini’s leadership (Northern League Party), the Five Star Movement, receiving the most votes in the 2018 spring elections, and the Democratic Party (which has faced a notable loss of support from its constituency). The role of Silvio Berlusconi (the well-known Italian media tycoon) in the Italian political arena has decreased in the last few years, since he was convicted of tax fraud and is thus forbidden to be a political candidate in elections⁵. Nonetheless, Berlusconi has been recently readmitted to public life and, therefore, may again play an important role in Italian politics.

The Five-Star Movement is the political actor that has most characterised the Italian political landscape in recent years. The Movement was created as the initiative of the comedian, Beppe Grillo, who used his personal blog as a tool through which to gather and organise the political participation of his followers. The Movement has been gaining credibility amongst the electorate and has established itself as the main political force in the country. Apart from being a new and strong actor in the Italian political landscape, the Five-Star Movement is also a peculiar and unique example of the strategic use of the web as a political platform and as a tool for political communication. The Movement relies on an online platform that allows some forms of active participation (the possibility to comment on initiatives, to propose law drafts or policies, to participate in polls) to those who have joined it. The online platform (named Rousseau <https://rousseau.movimento5stelle.it/index.php>) is linked to a commercial firm, Casaleggio Associati, a consulting agency for digital strategies.

Market concentration has been an enduring feature of the Italian media market since the establishment of the PSM monopoly and then, in the Seventies, when the national audiovisual market was de facto opened to commercial companies. In terms of consumption, audiovisual media are the main source of information in the country, while newspaper readership is declining, vis à vis a growing consumption of news online. According to the last AGCOM report on news consumption, in 2017, Internet is the second medium after television that Italians use in order to be informed on current affairs⁶. The Italian media market has recently been facing important changes. In 2016,

1 CIA Fact Sheet-Italy https://www.cia.gov/library/publications/the-world-factbook/geos/print_it.html

2 As of the beginning of 2017, Romania (1168552), Morocco (420651), Albania (448407), China (281972), the Ukraine (234354)

Data: ISTAT <http://www.istat.it/>

3 <http://dati.istat.it/Index.aspx?QueryId=19101#>

4 http://www.ansa.it/english/news/politics/2017/05/05/italy-saved-europes-honour-juncker-2_d0fe4066-45cb-4e75-a27b-a14736c2a9f7.html

5 Berlusconi has appealed to the Court of Human Rights in Strasbourg, as he claims this interdict is illegal, since this sanction was inflicted under a law that was passed after the crime that he was condemned for was committed.

6 Rapporto sul consumo di informazione, February 2018 <https://www.agcom.it/documents/10179/9629936/Studio-Ricerca+19-02-2018/72cf58fc-77fc-44ae-b0a6-1d174ac2054f?version=1.0>



Urbano Cairo (Cairo Communication), a publisher who is already active in the TV sector, gained control of the RCS MediaGroup S.p.A., the holding that owns the most read Italian newspaper, *Il Corriere della Sera*. At the same time *La Repubblica* and *La Stampa*, the second and third most read papers in the country, went to belong to the same group, GEDI, the former Gruppo *L'Espresso/La Repubblica*. In March 2016, the Italian Competition Authority approved, upon the fulfilment of some conditions, the acquisition of RCS books by Mondadori, the main publishing house in Italy, which is controlled by the Fininvest group (Berlusconi).

The audiovisual sector has been facing some major changes too: the French company, Vivendi, which is already the owner of Telecom Italia, was trying to gain control of Mediaset, one of the biggest players in the Italian audiovisual market, but was stopped by an Italian media law which forbids a telecoms operator that owns more than 40% of the telecoms market, to earn more than 10% of the revenues of the so called “Integrated Communications System” (SIC, see below 3.2).

More recently, Mediaset and Sky Italia have signed an agreement that creates synergies between two traditional competitors: Sky will take advantage of the DTT Mediaset pay-tv platforms, while Mediaset will retransmit some premium programmes on the Sky satellite platform. This agreement has an impact on the Italian media system, as Sky becomes the sole operator in the pay-tv sector and creates a strategic alliance.⁷

Media policy, in the last three years, has been characterised by the active role of the centre-left governments (the Democratic Party). These Governments have promoted reforms that have affected the media sector. To name just a few; the reform of the governance of Public Service Media (PSM), the reform of the law on the freedom of information, and the introduction of a Freedom of Information Act (FOIA), the reform of public press funding, and the introduction of a “fund for pluralism”. Some reforms, like the one that aims to cancel detention for the crime of defamation, or to reform the law on conflict of interest, were presented to the Parliament, but were not approved before the end of the Legislature, as well as a heavily criticised bill aiming to counter disinformation (*Norme generali in materia di social network e per il contrasto della diffusione su internet di contenuti illeciti e delle fake news*), which was presented in December, 2017.

7 Marco Mele, *Nasce la pay tv nazionale multiplatforma. Si chiama #Sky*. <http://www.marcomele.it/diritti-sportivi/nasce-la-pay-tv-nazionale-multiplatforma-si-chiama-sky/>



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

The application of the MPM2017 showed that media pluralism in Italy is at medium risk in all of the four areas under investigation. Overall, seven indicators are at low risk, ten are at medium risk, and three are at high risk. High risk scores, as in 2016, are reported in the Political Independence and Social Inclusiveness areas.

The overall analysis of the scores of the MPM2017's indicators shows a picture that is consistent with the MPM2016, but with some worsening and worrisome trends. As in MPM2016, the indicator that describes the status of journalists and the standards of the profession in the Basic Protection area is alarmingly high, considering it describes a basic standard: the assessment confirms the trend towards crises, in terms of working conditions, professionalisation, autonomy, the independence of Italian journalism and journalists. Additionally, in 2017, Italy has faced an alarming rise in threats to journalists. According to data from Ossigeno per l'informazione, in 2017 19 journalists needed protection through the use of armed escorts. This protection was granted by the State "to journalists who had received death threats from the Mafia and the extreme right wing and populist groups. Some of these journalists have been under protection since 2007".⁸

The Market Plurality area confirms the MPM2016's trend towards a medium risk, due to a notable concentration of the media market and of commercial and publisher's influence over editorial content. The audiovisual media market is somehow consolidated around a small number of operators that are creating synergies to mutually benefit different market segments and to keep control of market resources. In parallel, new audiovisual media operators, like VOD providers, are establishing and consolidating their position in the audiovisual market.

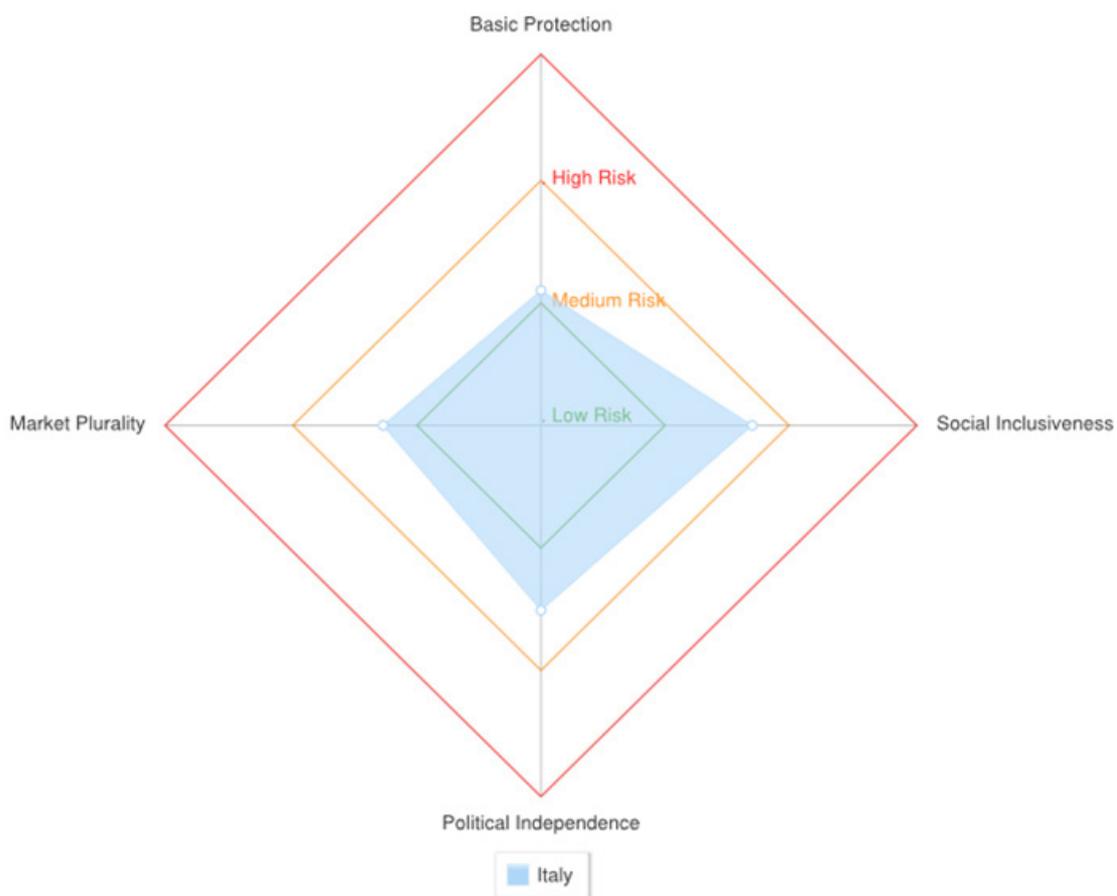
As regards Political Independence, the assessment confirms political parallelism in the media system: high risks for media pluralism are confirmed for the indicator on the Independence of PSM governance and funding, in particular, when it comes to effective independence of the PSM from political pressure in the appointment and dismissal of members of the management board and executives. One of the main national operators, Mediaset, is owned by a political actor like Silvio Berlusconi. Some media outlets show bias towards the the Five Star Movement and have favoured its growth as a national political force, amplifying its reach to a wider audience that goes beyond just the web and social media users.

In the Social Inclusiveness area, high risks to media pluralism come from insufficient media literacy and access to the media for women.

8 <https://notiziario.ossigeno.info/2018/01/italy-52-000-journalists-received-threats-says-ossigeno-who-believes-it-91991/>

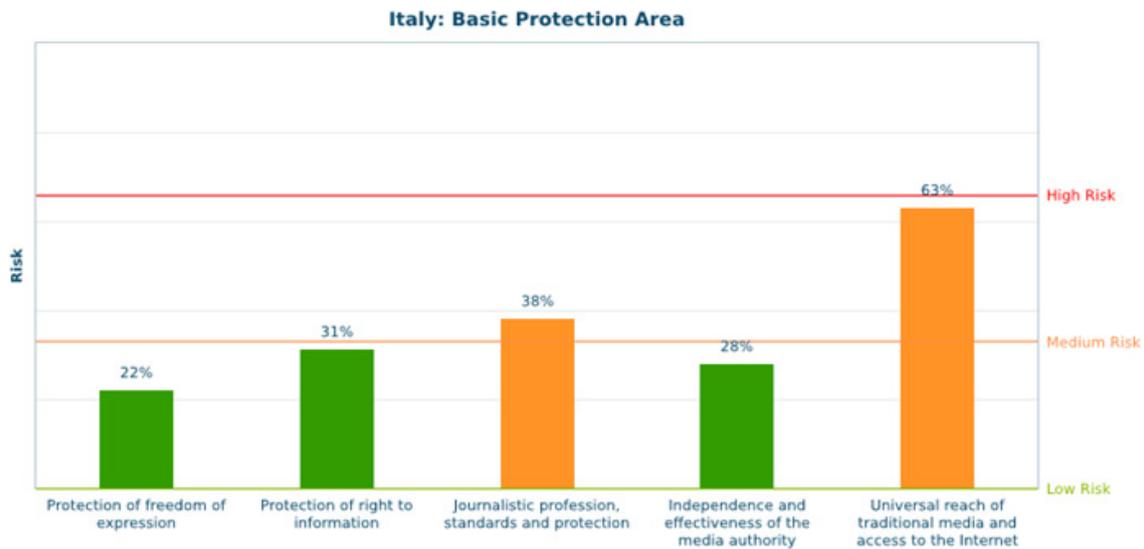


Italy: Media Pluralism Risk Areas



3.1 BASIC PROTECTION (36% - MEDIUM 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 the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



Italy scores an alarming medium risk in the Basic Protection area (36%). In detail, three indicators scored a low risk (Protection of the freedom of expression (22%), the protection of rights to information (31%), and the Independence and effectiveness of the media authority (28%)), while two scored as medium risk (Journalistic profession, standards and protection (38%), and the Universal reach of traditional media and access to the internet (63%)).

The Italian legal framework on the protection of freedom of expression (22%, low risk) is generally in line with international standards and the rule of Law. Art. 21 of the Italian Constitution, which protects freedom of expression, limiting it just for the sake of public (sexual) morality (Art. 21 Par. 6). Restrictive measures to protect dignity, privacy, public and private secrets, are prescribed by laws. The rule of law for the freedom of expression online is also generally respected. Nonetheless, some articles of the criminal code do not fully comply with international standards, and Art 10 European Convention on Human Rights: in particular, the defamation of another person (Art. 595) is a criminal offence that is punishable by imprisonment, which cannot be considered a proportionate sanction for defamation. The criminalization of defamation poses some risks for journalists' freedom of expression, and it creates a "chilling effect" that can be detrimental to the effective and free exercise of journalistic activity⁹. The Italian Parliament has been discussing a reform of the law on defamation, aiming to repeal imprisonment as a punishment for it, but the Bill has not yet been approved.

The submission to the Parliament, in December, 2017, of Draft Bill S3001 "General norms on Social Networks and to counter illegal content and fake-news on the Internet" has raised some concern, as it was inspired by the controversial German Act to Improve Enforcement of the Law in Social Networks. It was criticised for not fulfilling the rule of law. Nonetheless, the Bill has been discarded as the legislature has expired.

Protection of the right to information scores a risk of 31%: the low risk for this indicator is due firstly to a good score in terms of the existence of a law on the freedom of information. In 2016, the Government approved a Legislative Decree on transparency (D.lgs n. 97/2016) that details the "transparency" reform which had already been started in 2013 (see MPM2014). The 2016 Decree empowers citizens with access to the data and documents of the Public Administration that are relevant to public and private interests ("civic access"). Any refusals by the Administration to provide data must be duly motivated and may be subject to the scrutiny of an official who is responsible for the prevention of corruption and for transparency within the administration. Data on the effective implementation of the law are still

⁹ Ossigeno per l'informazione, (2016) Taci o ti querelo! Gli effetti delle leggi sulla diffamazione a mezzo stampa in Italia Ogni anno 6813 procedimenti, 155 condanne, 100 anni di carcere http://notiziario.ossigeno.info/wp-content/uploads/2016/10/DOSSIER_TACI_O_TI_QUERELO.pdf



partial, as the law is recent. According to some independent reports, not all of those in public administration are fulfilling their duties to reply to FOIA requests¹⁰. What contributes to a low score to the indicator on protection of the right to information is the recent reform on whistle-blowing.¹¹

The indicator on the Journalistic profession, standards and protection, scores as being a medium risk (38%). The indicator takes into consideration many different variables that depict the condition of journalists in a given country, in terms of access to the profession, professional standards, threats and legal safeguards. As already mentioned, above, the picture described by the MPM for Italy is not particularly reassuring and it demonstrates a trend that is worsening in as far as their safety and the threats to journalists are concerned.

Access to the profession is peculiar in Italy: unlike most of the EU countries it is not totally open (enrolment in the Ordine dei Giornalisti is required in order to qualify as a professional journalist); the working conditions of Italian journalists are confirmed as being increasingly precarious and poor, while the average salary is decreasing¹². Journalists occasionally face threats and intimidation (this ‘chilling effect’ coming from complaints in regard to defamation; physical threats, and threats to digital safety¹³). According to data from Ossigeno per l’informazione, in 2017, 423 journalists, bloggers and media operators suffered serious intimidation, threats and retaliations because of their reporting activities, 19 journalists were granted “escorts composed of 2-4 police officers and armoured cars”. As mentioned above, these journalists received death threats from the Mafia and the extreme right wing and populist groups. In 2017, “the police delivered surveillance measures to another 167 media operators” (data communicated by the Italian Minister of the Interior, on December 6th, 2017).¹⁴

The independence and effectiveness of the media authority scores 28% risk (low risk). The law defines the appointments’ procedures to safeguard the independence and efficiency of the media authority, namely, the Autorità per le garanzie nelle comunicazioni (AGCOM): in practice, the nominations and appointments are made by major political parties. The fact that the President and the Board of the authority are appointed by political bodies raises the problem of their actual independence from politics. This may lead to decisions that are not fully independent from political influence. However, over the past year (the timeframe of the MPM’s assessment) there have been no blatant cases, nor evidence to prove, a lack of independence in AGCOM’s decisions that have affected the mass media sector. Still, as reported in MPM2016, AGCOM had not fully completed an evaluation of the levels of concentration in the audiovisual media market, which was started in 2015: AGCOM has suspended this in order to allow the media market to stabilise after the recent acquisitions and mergers, but resumed it in 2017. However, it has not yet completed it¹⁵. Whether the decision taken to suspend the evaluation is reasonable and the analysis of the dominance in the relevant markets is occurring, the delay in the assessment under Art 43 Co 2 TUSMAR (Testo Unico servizi di media audiovisivi e radiofonici) may be also interpreted as the postponement of a decision that is politically sensitive.

AGCOM’s level of independence can also be seen from a competence and institutional perspective: a recent decision of the European Union Court of Justice (2017), in the case C-560/15 Europa Way srl-AGCOM, has stated that, according to the EU framework on electronic communications, the procedure for the allocation of frequencies in the so- called beauty contest for DTTV in Italy shouldn’t have been overruled by the government and the parliament. This constitutes an infringement of NRA independence (and, probably, the decision has set an EU standard for media authorities).

Low average Internet connection speed, low broadband subscription rates (30Mbps) and high ownership concentration among the Internet Service Providers (ISPs) in the market contribute to the increase in the score for the indicator on the Universal reach of traditional media and access to the internet (63%, medium risk).

3.2 MARKET PLURALITY (42% - MEDIUM RISK)

10 <https://blog.dirittodisapere.it/wp-content/uploads/2017/04/ignoranza-di-stato.pdf>

11 D.lgs. 30 marzo 2001, n. 165, Norme generali sull’ordinamento del lavoro alle dipendenze delle amministrazioni pubbliche, art. 54-bis (as modified by l. n. 179/17)

12 AGCOM, (2017) Osservatorio sul giornalismo, II edizione, agcom.it

13 For a detailed analysis of threats to journalists, see the reports of Ossigeno per l’ Informazione <http://www.ossigenoinformazione.it/>

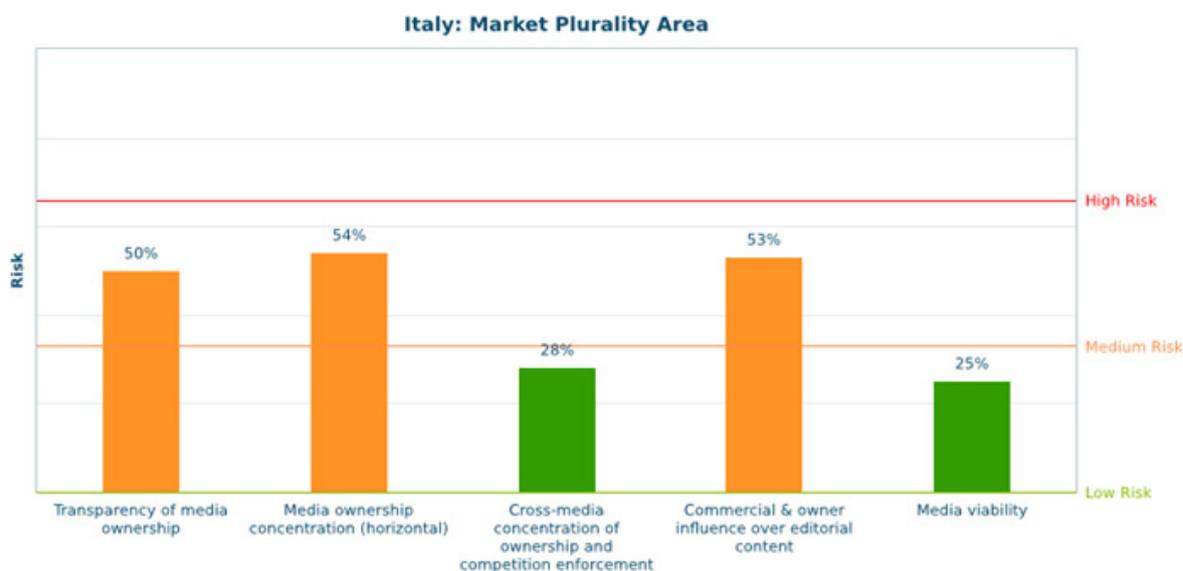
14 <https://notiziario.ossigeno.info/2018/01/italy-52-000-journalists-received-threats-says-ossigeno-who-believes-it-91991/>

15 <https://www.agcom.it/documents/10179/6758530/Comunicato+stampa+31-01-2017/8e82b33b-3010-488b-9e92-51ecf81f9f02?version=1.0>.



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 on the Transparency of media ownership scores a medium risk (50%). The Italian media market is partially transparent: complying with the law (1.249/97) and the AGCOM rules (666/08/CONS), AGCOM collects



information on the ownership structure of media companies. The Authority keeps a register of the companies that are part of the SIC (Sistema integrato delle comunicazioni / Integrated System of Communications), which includes a wide range of operators in the media and electronic communication sector, including advertising and Internet companies. The laws are effective, in the sense that they disclose the formal ownership of the media outlet. No similar obligation exists vis à vis the general public, as a guarantee of transparency.

As a consolidated trend, Media ownership concentration (horizontal) scores a medium risk in Italy (54%). A low level of plurality has affected the Italian media market for the last thirty years: concentration of the audiovisual market is in only a few hands; this, combined with the political ownership of one of the main media companies and the parallelism of the PSM with political powers, has been a negative peculiarity of the Italian media system. The digital terrestrial audiovisual market is still dominated by the two main operators in Italy (RAI [the PSM] and Mediaset, which is owned by Berlusconi), but the development of digital terrestrial channels and the increase in pay-tv and on-demand audiovisual services have challenged the rigid duopoly of the Italian audiovisual media market. In particular, at least in terms of revenues, SKY Italia (21st Century Fox/Sky Italia) has established itself as the first main component of the Italian audiovisual market (32% of the resources in 2016), overtaking RAI (29.7%) and Mediaset (27.9%) (See data from AGCOM, 2017).

Nonetheless, the market is still highly concentrated. The concentration was even more evident in 2017 as some operators started agreeing commercial strategies to mutually benefit different market segments and to keep control of market resources: this is the case in a recent agreement between Mediaset and Sky Italia: based on this agreement, Mediaset will broadcast some channels on Sky satellite pay-tv platforms; Sky will transmit some channels on Mediaset DTT, entering, therefore, the terrestrial market. The deal closes a long period of harsh competition between the two companies and may have repercussions for pluralism.

The regulatory framework calls for the Authority both to monitor that a media operator does not exceed 20% of the revenues of the SIC (Sistema integrato delle comunicazioni, see above) and to check whether an operator is exceeding a dominant position within a given media market. While the first threshold (20% of the SIC) has always been perceived by scholars as being too loose, as the SIC covers a very large market, the second has never been effectively implemented. In particular, the Authority has recently resumed an analysis of the relevant markets, functioning for the assessment of dominant positions, and has not completed it, despite the fact that it started in 2015.



The radio market is not as highly concentrated as the audiovisual one. The newspaper market, as mentioned, has faced some relevant changes: Itedi, the publisher of La Stampa (Italy's third largest newspaper) merged with The Gruppo L'Espresso, publisher of La Repubblica (the second largest newspaper), and created the new GEDI Group.

The indicator on cross media ownership scores an overall low risk (28%). While the score of the indicator is relatively low, it must be noted that what raises the risk for the indicator is the assessment of the existence and effectiveness of a regulatory framework that may prevent cross-ownership concentration sub-indicator. This sub-indicator scored as a medium risk (54%), as the regulatory framework has proven to be partially ineffective. The regulatory framework, in this regard, sets a threshold of 20% of the SIC market for SIC operators: the rule is ineffective in limiting cross-media ownership, due to the very wide scope of the SIC market. Specific cross-ownership thresholds, as, for instance, that limiting newspaper ownership to those audiovisual operators who represent more than 8% of SIC, have, in the past, either been circumvented, or they do not apply to practical cases (see also MPM2016 for the case of RCS/Cairo Communication).

An important application of the rules on cross media concentration, however, avoided the acquisition of control of Mediaset by the French company Vivendi in 2017¹⁶. The law forbids a telecoms operator from owning more than 40% of the telecoms market and from earning more than 10% of the revenues of SIC.

As in MPM2016, the score of the indicator is lowered by the good evaluation of the variables on competition enforcement, and by the existence and implementation of regulatory safeguards that ensure that the State funds granted to PSM do not exceed what is necessary in order to provide a public service.

The indicator on Commercial and owner influence over editorial content scores as a medium risk (53%): journalists can rely on some mechanisms, in the general agreement, granting social protection in cases where there are changes in ownership or editorial line; advertorials are not permitted. However, the structure of the Italian publishing industry does not guarantee an environment with full autonomy and independence for journalism: the major investors in the media industry are mostly entrepreneurs in production fields other than media, and they are very often linked (sometimes in a non-transparent way) with political parties.

Here, it is worth mentioning a particular case of "influence" over editorial content: according to the Committee "Mafia, giornalisti e mondo dell'informazione", which was established within the Parliamentary commission on the mafia and criminal groups (XVII legislature), there is collusion by some publishers and journalists with the mafia and with other criminal groups, and this is a phenomenon that exists in Italy (see also AGCOM (2017) Osservatorio sul giornalismo, II edition, 63).

Media viability scores as a low risk (25%). The media market suffers both from the general economic crisis and the disruption arising from online media. Nonetheless, in spite of this crisis, the revenues of the audiovisual media system have increased since 2015: from €7,830 million in 2015, to €8,360 million in 2016 (AGCOM (2017)). As a trend, radio revenues (slightly) and, of course, online advertising, have increased from the amounts analysed in MPM2016. The newspaper sector, instead, has faced a decrease (2015: €1,971 million; €1,841 million in 2016). In 2016, the Parliament reformed the system for the public contribution to media outlets¹⁷, establishing a fund to boost pluralism and innovation¹⁸.

3.3 POLITICAL INDEPENDENCE (50% - MEDIUM RISK)

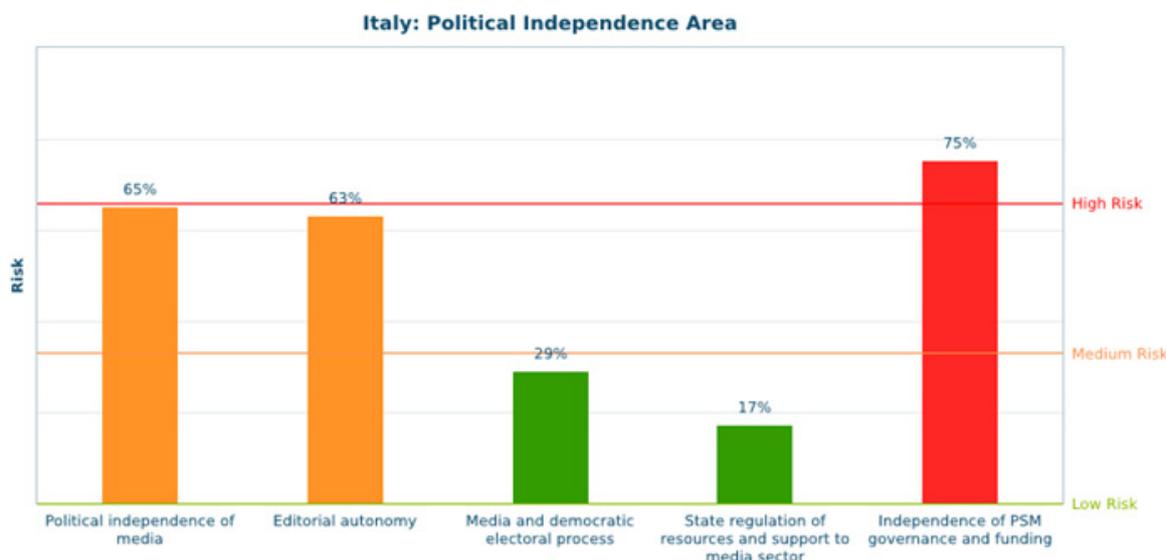
16 AGCOM has acknowledged that Vivendi is violating the law Del. 178/17/CONS <https://www.agcom.it/documents/10179/7421815/Delibera+178-17-CONS/bb20ae9f-21eb-4d39-baf9-ee3fc9d8737a?version=1.0>

17 Law October 26, 2016, n. 198, on the "Establishment of the Fund for Pluralism and Innovation information and delegations to the Government for the redefinition of the discipline of public support for the publishing and radio and television broadcasting sector at the local level, of the discipline of pension profiles of journalists and the composition and skills of the National Council of the Order of Journalists"

18 The resources allocated in the fund for 2017 are €182.300.977 <http://notiziario.uspi.it/ripartizione-delle-risorse-del-fondo-per-il-pluralismo-anno-2018-le-cifre/#OpLMWoZvJvSmvLZ.99>



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 Political Independence area scores, overall, a medium risk (50%). The level of political influence on the media in Italy is very high. The relationship between political (and economic) powers, information systems and the media can sometimes be very close and intertwined. Studies demonstrate that the amounts raised from advertising investments by state companies in the commercial audiovisual channels are connected with whichever party is ruling the country at that time¹⁹. Nonetheless, it is difficult to clearly define whether a given media outlet is influenced by politicians, or whether it is voluntarily part of the political game. According to Mello and Filistrucchi²⁰, the AVMS news system in Italy has been imbalanced towards the centre-right's positions in recent years²¹. The study shows how the 5StarMovement increasingly gained speaking time as a result of demand-driven factors.

As a consequence of these premises, the indicator on the political independence of media scores as a high risk (65%), and that on Editorial autonomy scores as a medium risk, with 63% pointing to higher risks. The regulatory framework lacks an effective law on the conflict of interest: the existing Frattini law was criticised by the Venice Commission²² and the proposed reform of this matter was not passed during the last legislature. Editors in chief have been replaced, in some cases, as a result of alleged political pressures.

The indicator on the media and the democratic electoral process scores a low risk (29%). The Italian legal framework contains a specific rule on the fair distribution of airtime to political parties and candidates during the electoral period (1.28/2000). Data provided by AGCOM show a relatively fair system for the allocation of airtime during

¹⁹ MARKET-BASED LOBBYING: EVIDENCE FROM ADVERTISING SPENDING IN ITALY (with S. Della Vigna, B. Knight and E. La Ferrara, American Economic Journal: Applied Economics, vol. 8, n.1, pp. 224-56 Awarded the AEA 2017 Prize for Best Paper Published in AEJ): Applied Economics

²⁰ Media bias and il Patto del Nazareno, forthcoming, 2018/paper presented at the 2018 CMPF FCP FSR Annual seminar

²¹ The paper uses AGCOM data that refers to the speaking time that is devoted to each political actor (from 2008 to 2016), and it shows that the PSM are fair, Mediaset is biased towards the centre-right, La7 and Sky are fair.

²² European Commission for Democracy through Law, Opinion on the compatibility of the laws "Gasparri" and "Frattini" of Italy with the Council of Europe standards in the field of freedom of expression and pluralism of the media, Adopted by the Venice Commission at its 63rd Plenary Session (Venice, 10-11 June 2005) [http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2005\)017-e](http://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2005)017-e)



electoral campaigns, in particular, in the PSM channels²³. Studies show a general bias from Mediaset channels towards the centre-right parties.

The indicator on the State regulation of resources and support for the media sector scores as a low risk (17%): the Italian scenario for radio and television changed after the switch-over to digital terrestrial broadcasting. Although the transition to digital has been complicated, and has consisted of a sort of projection of the existing duopoly in analogue broadcasting, the linear AVMS offer is now open to a higher number of operators. While, in the last decade, Italy has been struggling with the transition to DTT, the main debate today is concentrated on how to render the 700 band available for mobile telephony, in line with the EU strategy. Major broadcasters are hindering this policy and are trying to postpone this conversion, at least until 2025²⁴. In terms of support for the media sector, public subsidies, in general, relate to newspapers and local audiovisual media. The public funding mechanisms have been heavily criticized in the past, as they mostly benefitted the party press. The new law n. 198/2016, mentioned above, which established a Fund for Pluralism, abolishes public funding for the political party press and for unions, and it seeks to benefit “pure” publishers, who do not have other interests in other commercial fields.

The independence of PSM governance and funding scores as a high risk (75%): the Board of the PSM, RAI, currently (2017) includes 9 members who were chosen from among experts and who were appointed for their political affiliation: 7 members were appointed by a Parliamentary committee overseeing the PSM’s activities (Commissione parlamentare per l’indirizzo generale e la vigilanza dei servizi radiotelevisivi) and 2 members were appointed by the Ministry of the Economy, the main shareholder in the company. The President was appointed from the two latter members. It should be noted that the appointment procedures for RAI’s Board of Administration were reformed in 2015 under Renzi’s government: the Board will be composed of 7 members, 4 appointed by the parliamentary commission, 1 by the employees of RAI, two by the government. The reform is not considered an effective shift to a governance system that is independent of politics (Grandinetti, 2016). The current RAI board completes its term in summer 2018, and will have to be renewed, for the first time, in accordance with the law on governance that was approved in 2015, and no longer with the so-called Gasparri Law of 2004²⁵. The CEO will be proposed by the shareholder, and will then be appointed by the Government. This appointment procedure raises concerns about the independence of this figure²⁶. To form the new board requires a Government, first of all, and agreements in Parliament. One of the recent reforms that has affected Italian PSM is related to the collection of the license fee, which is now paid with the electricity bill. This procedure has proved to be effective as, according to recent data, the revenue from the license fee collection is higher than in the past and raised +17% in 2016 over the revenue raised in 2015 (source AGCOM2017 Report to the Parliament).

23 As regards the recent political elections in Italy (not part of the MPM2017 analysis) it must be noted that the 5StarMovement has probably had speaking time that is comparable (and sometimes higher) than that of the main pre-election parties, namely, Partito Democratico and Forza Italia. The centre-right coalition has had relevant space in the Mediaset channels.

<https://www.agcom.it/pluralismo-politico-sociale-in-televisione>

24 <http://www.marcomele.it/frequenze-digitale/frequenze-tv-lunita-nazionale-rinviare-laddio-della-banda-700/>

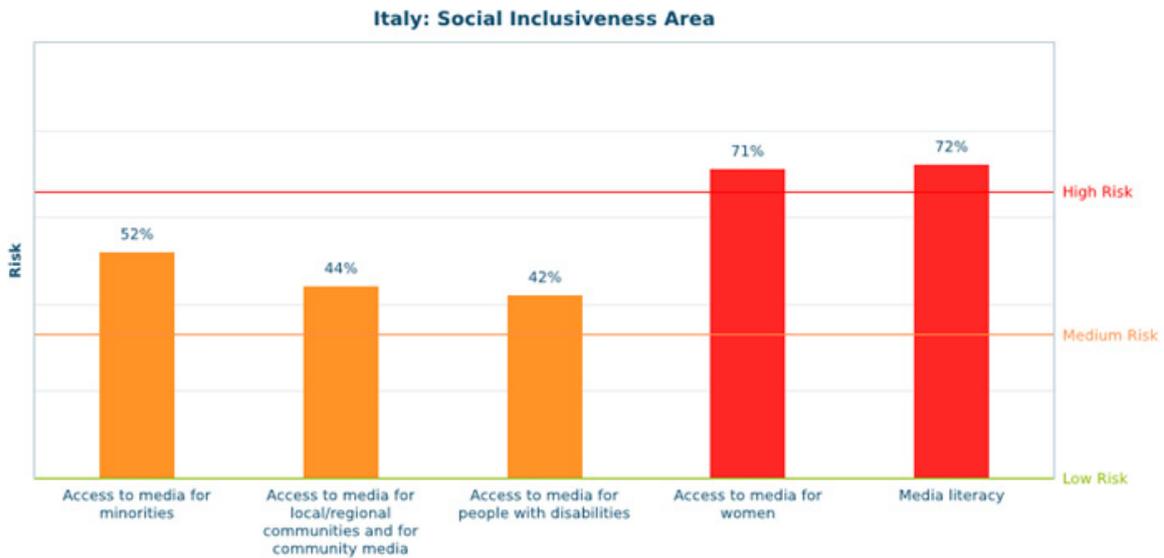
25 Pending the publication of this report, the new board was appointed. The appointment of the President of RAI was particularly controversial <https://www.ilsole24ore.com/art/notizie/2018-09-21/foa-presidente-rai-si-maggioranza-cda-114408.shtml?uuid=AEAkkM5F>.

26 It is to be noted that, in 2017, the former RAI Director general, Campo dall’Orto, was dismissed, probably for political reasons. <https://www.wired.it/play/televisione/2017/06/01/campo-dallorto-lascia-la-rai-lha-trovata/>



3.4 SOCIAL INCLUSIVENESS (56% - 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 Social Inclusiveness area receives, overall, the highest score (56%, medium risk) in the MPM2017 assessment for Italy. Two indicators score extremely high risk: Access to the media for women (71%) and Media literacy (72%).

The score of the indicator on Access to the media for minorities (medium risk 52%) benefits from the legal framework on language minorities in the country. PSM has legal obligations, and a long tradition of, programmes in minority languages, and in offering airtime to minority groups. PSM has a specific role in assuring that minorities are included in its offer: RAI dedicates a significant number of hours to TV and radio programs in German, Slovenian, Ladin and French. Fewer programs, nonetheless, are available for other minorities who do not qualify as historical language minorities.

The indicator on Access to the media for local/regional communities and for community media scores as being a medium risk (44%). Italy's external pluralism is enhanced by a very high number of local TV and radio stations, which provide viewers with a relatively wide variety of content. Local media are safeguarded by Legislative Decree 177/2005, which reserves one third of the network capacity for them. The law recognizes also the existence of community media, but does not contain any specific provision that grants them either independence or access to platforms. RAI has a specific role and mission to have local branches and to locally broadcast news and programs in minority languages.

Access to the media for people with disabilities scores as a medium risk (42%). Art.32, Par.6 of the D.lgs 177/2005, states that AVMS providers have to adopt adequate measures to protect such users. The RAI Service Contract (the Agreement with the Ministry of the Economy) sets stricter rules for the PSM: according to the latest version of the Contract (20018-2022), RAI is requested, amongst many other obligations for disabled people, to provide subtitles for at least 85% of the airtime on generalist channels, from 6 a.m. to 12 p.m, and to provide subtitles and translation in ISL (Italian Sign language) for at least one news bulletin per day on the 3 main channels, to increase the audio descriptions for thematic channels, with a specific focus on programmes for minors, and to provide the audio-description for three quarters of audiovisual programmes in primetime. RAI is the only operator that has a strong policy for people with disabilities.

*Thank you to Alina Ostling for contributing to the data collection for the indicators under social inclusiveness.



The high score for Access to the media for women (71%) arises from the low proportion of women as both the subjects and the sources in news, and this covers newspapers, radio and television news, women as subjects and sources in Internet news websites and news media tweets, and from the low ratio of women among news reporters¹. According to Law 120/2011, at least a third of the members of the executive board of public companies should be women. Although the Italian PSM, RAI, seems willing to introduce “female quotas”, women make up less than a third of the members of RAI’s Executive Board. The average proportion of women amongst boards and executive roles in commercial companies is even lower.

Media literacy scores 72% (high risk)². The existing policies are only nascent and the measures taken are fragmented. In comparison to the past, a step forward has indeed been taken through the introduction and partial implementation of Law 107/2015, also called “la Buona Scuola” (“the Good School”). This legal tool was dedicated to the reform of the Italian national education and training system. In this framework, digital education is given specific attention with the so-called National Plan for Digital Schools, which “reveals the efforts made by the legislator to take into account reflections and acquisitions coming from the research areas of mediology and media education”³.

As Sara Gabai explained in MPM2016, “in Italy, the term Media Education is used more often than the term media literacy” - “alfabetizzazione mediale”, which would be the direct translation of Media Literacy, is far less used. Media education is present throughout the new curricula, more specifically, with the push for the definition of a “common framework for the students’ digital competencies and media education” that is included in “Action 14” of the National Plan for Digital School⁴. There are, however, scant indications of its practical implementation. Furthermore, media education is neither compulsory nor is it included with specific requirements in the school curricula. There are general recommendations about multimedia, new languages, critical skills, but it is still up to the teachers and schools to find a way to adapt them to their specific disciplines and contexts. Teachers’ training is one of the positive aspects of the Good School plan, which introduced an “electronic card” (€500 per year, limited to tenured teachers, for a total investment of €1.4 billion in 2016/2019) to be invested for training and professional development, be it through live or online courses, books, hardware/software (smartphones are not included), participation at cultural events, movie/theatre tickets, and more. Moreover, the new law has made in-service training compulsory and permanent, with a funding of €325 million.

The indicator’s score also takes into account the percentage of the population that has at least basic digital usage skills (43%), a value that is largely below the EU median (53%).

1 Secondary data from the Global Media Monitoring Project (GMMP). The Global Media Monitoring Project (GMMP) is the world’s longest running and most extensive research project on gender in the news media (since 1995), 2015. http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2015/regional/Europe.pdf

2 Data, expert opinion and assessment for this indicator were provided by Gabriela Jacomella, Journalist and School of Transnational Governance fellow, EUI.

3 M. Pireddu, Digital School or Live School? The Cultural View of NPDS between Mediology and Media Education, in Media Education – Studi, Ricerche, buone pratiche. Vol. 8, n.2, 2017, pp. 160/174 http://riviste.erickson.it/med/wp-content/uploads/1_MED_NOVEMBRE_17.pdf

4 <http://schoolkit.istruzione.it/pnsd/azione-14-un-framework-comune-le-competenze-digitali-leducazione-ai-media-degli-studenti/>

4. CONCLUSION

The MPM2017 confirms most of the trends that have characterised the Italian media landscape in the previous rounds of monitoring. As regards Basic Protection, the most alarming situation can be found in the status of journalists and, in particular, in the escalation of threats to the physical safety of journalists. In this regard, it is of the utmost importance that the state protects journalists and guarantees an enabling environment for their work.

As already mentioned in the MPM2016 report, the draft law on the reform of the crime of defamation has been pending in Parliament for years, and it was discarded with the end of the legislature. The new Parliament should take a new initiative to propose a legal framework that is more consistent with international standards.

The debate on misinformation and disinformation has raised some concerns on the proposed solutions to tackle the phenomenon in the online environment. This is an issue that is very difficult to solve with an ad hoc regulation, but it should be tackled from a holistic perspective, taking into account the rule of law, on one hand, and the deployment of useful policies, especially on media literacy, on self-regulation, on the promotion of quality journalism, on the other.

The area of Market Plurality has always been very critical in Italy, since it has been connected to the political sphere. An effective implementation of the legal framework establishing limits to media ownership should assure a leap forward towards more pluralism.

PSM's parallelism with politics has not been solved by the recent reform of RAI's governance. In this regard, Parliament and the Government should show good will and propose reforms that aim to create PSM that are really independent from politics. This is particularly important in this age of "post-truth", where the political debate is heavily marked by online political communication and the PSM should play a role in providing quality content.

A very important step forward should be made as regards media literacy: the existing, very limited, policies are not tackling the problem of the lack of basic digital skills and a critical understanding among media users, while a strong investment in media literacy should be fundamental to really empowering citizens and making them able to effectively participate in the democratic debate.



ANNEXE 1. COUNTRY TEAM

| First name | Last name | Position | Institution | MPM2017 CT Leader (please indicate with X) |
|------------|-----------|------------------------|--|--|
| Elda | Brogi | Scientific Coordinator | Center for Media Pluralism and Media Freedom | x |

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 |
|------------|-------------|-----------|------------------------|
| Lapo | Flistrucchi | Professor | University of Florence |
| Benedetto | Ponti | Professor | University of Perugia |
| Enrico | Albanesi | Professor | University of Genova |
| Benedetta | Liberatore | | AGCOM |
| Giovanni | Gangemi | | AGCOM |
| Gabriela | Jacomella | | Journalist |



