



# Media pluralism in selected Black Sea countries: the influence of European standards

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**Director of publication** – Susanne Nikoltchev, Executive Director

**Editorial supervision** – Maja Cappello, Head of Department for Legal Information

**Editorial team** – Olivier Hermanns and Sophie Valais, Senior Legal analysts, Amélie Lacourt, Junior legal analyst

European Audiovisual Observatory

**Author**

Andrei Richter, Comenius University, Bratislava

**Proofreading**

Linda Byrne, Aurélie Courtinat, Barbara Grokenberger

**Translation**

Erwin Rohwer, Nathalie Sturlèse

**Editorial assistant** – Sabine Bouajaja

**Press and Public Relations** – Alison Hindhaugh, [alison.hindhaugh@coe.int](mailto:alison.hindhaugh@coe.int)

European Audiovisual Observatory

**Publisher**

European Audiovisual Observatory

76, allée de la Robertsau, 67000 Strasbourg, France

Tel.: +33 (0)3 90 21 60 00

Fax: +33 (0)3 90 21 60 19

[iris.obs@coe.int](mailto:iris.obs@coe.int)

[www.obs.coe.int](http://www.obs.coe.int)

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# Media pluralism in selected Black Sea countries: the influence of European standards

**Andrei Richter**

# Foreword

Sharpening your mind and opinions is like sharpening any skill. You can learn a lot from a good mentor, but variety of teachings is key to ironing out the biases that can result from relying entirely on a single source. This is especially true of the media. A single source of information, no matter how objective, will never be as effective in representing the different, potentially subjective but valid, points of view on a given topic as having access to different sources of information. Plurality is indeed key to challenge one's own views and to understanding those of others.

In today's media whirlwind, the regulation and safeguarding of diverse voices is more crucial than ever, especially in regions undergoing political and societal transformations. This comprehensive report dives deep into the audiovisual media regulatory landscape of Armenia, Georgia, Moldova, Türkiye, and Ukraine.

As several of these Black Sea countries set their sights on EU membership, they are also striving to set a balance between media freedom and the challenges of media concentration. The findings within this report offer a perspective on how the European Media Freedom Act (EMFA) and other regulatory frameworks can serve as road maps for promoting media pluralism, transparency, and editorial independence.

The report is authored by Andrei Richter (Comenius University, Bratislava), and starts by providing an overview of the EMFA, highlighting its role in shaping media policy across Europe and beyond. It then addresses the critical issue of media ownership transparency and analyses the legal framework of each of the selected five countries, before diving into the challenges faced by newsrooms in maintaining editorial independence, free from political and commercial pressures. After exploring the efforts made by these nations to curb the influence of foreign-controlled media and combat disinformation, the report concludes with a synthesis of the findings, noting that while progress has been made in aligning Black Sea countries with European standards of media pluralism and transparency, significant challenges remain.

The report emphasises the importance of adopting robust measures that foster media pluralism—ensuring that citizens can access diverse information sources, free from undue influence. In a world where information flows rapidly and often unpredictably, the role of independent media remains a cornerstone of democracy and public trust.

Get ready for a deep dive into the turmoil of media pluralism!

Strasbourg, October 2024

Maja Cappello  
IRIS Coordinator  
Head of the Department for Legal Information  
European Audiovisual Observatory

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# 1. Introduction

Like last year,<sup>1</sup> the reader is once again invited on a journey across five countries around the Black Sea – Armenia, Georgia, Moldova, Türkiye, and Ukraine – taking in the latest audiovisual media regulations therein. These countries, however unique each one may be, are still united by several criteria. They all remain member states of both the Council of Europe and the Organization for Security and Cooperation in Europe (OSCE). Being in the Black Sea region, they are active in various regional associations.

Although none of them is a member state of the European Union (EU), they aspire to join it: four of them (Georgia, Moldova, Türkiye and Ukraine) are among the nine EU candidate countries,<sup>2</sup> and Armenia “has signalled its intention to further develop and deepen its partnership and cooperation with the EU”,<sup>3</sup> as well as to hold a referendum on joining the EU.<sup>4</sup> The current Comprehensive and Enhanced Partnership Agreement (CEPA) between the EU and Armenia foresees the approximation of audiovisual and media policies with the aim to reinforce the independence and professionalism of the media.<sup>5</sup>

In 2023 the European Audiovisual Observatory had already provided a detailed comparative review of the state of the audiovisual media regulation landscape in the region; since then the European Parliament and the Council have adopted a new regulation known as the European Media Freedom Act (EMFA).<sup>6</sup> The EMFA entered into force in the EU on 7 May 2024, but will only be practically applied in 2025. However, the European Commission, even at this early stage in both the EMFA’s implementation and the countries’ process towards the EU, mentions the need to ensure “compliance with the European Media Freedom Act” of their national media law.<sup>7</sup>

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<sup>1</sup> Richter A., *Media law and policy in selected Black Sea region countries*, Strasbourg, September 2023.

<sup>2</sup> See the [European Commission’s website](#).

<sup>3</sup> European Commission, “Joint staff working document, Partnership Implementation Report on Armenia”, SWD(2024) 41 final, 9 February 2024, p. 1.

<sup>4</sup> “Armenian speaker sees referendum on EU Membership”, *Radio Azatutyun*, 27 June 2024, <https://www.azatutyun.am/a/33012322.html>.

<sup>5</sup> [Comprehensive and enhanced Partnership Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Armenia, of the other part](#), done at Brussels on 24 November 2017, OJ L23, 26 January 2018, p. 4.

<sup>6</sup> Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU ([European Media Freedom Act](#)), OJ L, 2024/1083, 17 April 2024.

<sup>7</sup> [European Commission, “Commission staff working document, Republic of Moldova 2023 Report”](#), SWD(2023) 698 final, 8 November 2023, pp. 6 and 34.



Despite being a relatively short act, the EMFA has been noted for a number of its provisions. Experts engaged in the issues of the safety of media workers observe that it obliges national governments to respect the protection of confidential journalistic sources and to limit the use of spyware against journalists. Civil society welcomes its measures to enforce the independent and sustainable functioning of public service media and to safeguard the media against unjustified content removal by “very large online platforms” (VLOPs). Access to information activists note the general transparency requirements as to the ownership and funding of media outlets, as well as in state advertising for media service providers and online platforms. Economists positively assess its potential impact on media market concentrations and transparency in audience measurement.<sup>8</sup>

As stated in its opening article, the EMFA lays down common rules for the proper functioning of the internal market for media services, while safeguarding the editorial independence and pluralism of media services. It further adjusts the focus of the European regulatory efforts on media pluralism and provides certain additional standards of media regulation in a remarkable way that are likely to leave their mark outside the EU as well. This report looks at how pluralism-related dimensions are being developed and applied in the national legislation and policies of the five abovementioned countries of the Black Sea region.

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<sup>8</sup> See e.g. Barata J., [“Will the EMFA Improve Freedom of Expression, Media Pluralism and Media Independence in Europe?”](#), Media Laws, 14 June 2024; Paolucci F., [“The European Media Freedom Act: \(another\) new chapter in the digital regulation saga”](#), Diritti Comparati, 6 May 2024; European Broadcasting Union, [“With the EMFA, the EU has a new toolbox to prevent governments from taking over the media”](#), Press release, 25 March 2024.





## 2. General commitments to media pluralism

### 2.1. European perspective

The discussion on media pluralism has played an important role within the EU since the early 1990s.<sup>9</sup> According to a European Commission staff working document of 2007, providing media pluralism implies not just pluralism of media ownership, but “all measures that ensure citizens’ access to a variety of information sources, opinion, voices, etc. in order to form their opinion without the undue influence of one dominant opinion-forming power”.<sup>10</sup>

Media pluralism is one of the fundamental rights within the EU<sup>11</sup> and “should be understood as the possibility to have access to a variety of media services and media content which reflect diverse opinions, voices and analyses”.<sup>12</sup> In this context, *external media pluralism* means “having many competing and diverse channels or titles controlled by many different players”, while *internal pluralism* means “either an obligation with respect to programme requirements or structural obligations such as the composition of management bodies or bodies responsible for programme/content selection”.<sup>13</sup> Media concentration can play a positive role, especially in weak markets, as strong players ensure the sustainability of this sector. Such a role can be fulfilled as long as media service providers “respect internal codes that promote diversity of opinion”.<sup>14</sup>

Starting with the 1976 *Handyside v. the U.K.* judgment, a well-established and well-summarised position of the European Court of Human Rights (ECtHR) is that freedom of expression

*is applicable not only to ‘information’ or ‘ideas’ that are favourably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb. Such*

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<sup>9</sup> European Commission, “[Commission staff working document, Media pluralism in the Member States of the European Union](#)”, SEC(2007)32, 16 January 2007, p. 4.

<sup>10</sup> Ibid.

<sup>11</sup> [Charter of Fundamental Rights of the European Union](#), Article 11: “The freedom and pluralism of the media shall be respected.”.

<sup>12</sup> European Media Freedom Act, Recital 64.

<sup>13</sup> European Commission, “[Commission staff working document, Media pluralism in the Member States of the European Union](#)”, , cit., p. 12.

<sup>14</sup> Ibid., p.8.



*are the demands of pluralism, tolerance and broadmindedness without which there is no 'democratic society'.*<sup>15</sup>

The issue of audiovisual media pluralism is the subject of a key judgment of the ECtHR on freedom of expression, which incidentally concerns one of the countries under review: Moldova.<sup>16</sup> It provides an extensive review of the essence of media pluralism, at least of internal political pluralism in the media. The judgment found no violation of freedom of expression in the “delicensing” (revocation of the licence), in 2012, of a national private broadcaster, NIT, for lack of balance in its newscasts. The ECtHR considered that the duty of a private broadcaster, when giving airtime to one political party or movement, to act likewise in respect of other political parties or movements, is a form of *internal pluralism* common in many European countries. The ECtHR looked at this requirement as a precondition for affording protection of editorial independence (see below point 2.2), and even compared such a duty to the traditionally accepted right of reply.<sup>17</sup> This judgment carefully noted that the circumstances of the case related to a period of analogue broadcasting in the country with its “very limited” number of available national frequencies.<sup>18</sup> The dissenting opinion, in this regard, expressed a wish for the Court to pay more attention to how the digital switchover, “coupled with the transformational changes in the diversity of information and opinion” (due to the online environment), “may (or may not) have affected the traditional rationales for stricter regulation of broadcasting, such as spectrum scarcity or audience behaviour”.<sup>19</sup>

The Council of Europe recognises states as the ultimate guarantors of media pluralism, imposing on them a positive obligation to put in place an appropriate legislative and policy framework to that end. This implies adopting appropriate measures to ensure sufficient variety in the overall range of media types, bearing in mind differences in terms of their purposes, functions and geographical reach. States are called upon to ensure that there is *regular independent monitoring and evaluation* of media pluralism in their jurisdictions. Such monitoring and evaluation are supposed to be based on a set of objective and transparent criteria, allowing the identification of risks related to (a) the variety in ownership of media sources and outlets; (b) the diversity of media types; (c) the diversity of viewpoints represented by political, ideological, cultural and social groups; and (d) the diversity of interests and viewpoints relevant to local and regional communities.<sup>20</sup>

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<sup>15</sup> , *Handyside v. the United Kingdom*, no. [5493/72](#), 7 December 1976, paragraph 49.

<sup>16</sup> *NIT S.R.L. v. the Republic of Moldova* (dec.) [GC], no. [28470/12](#), 5 April 2022, see e.g. paragraphs 97-112 and 184-196.

<sup>17</sup> *Ibid.*, paragraph 200.

<sup>18</sup> *Ibid.*, paragraph 202.

<sup>19</sup> *Ibid.*, Joint Dissenting Opinion of Judges Lemmens, Jelić and Pavli, paragraph 7.

<sup>20</sup> [Recommendation CM/Rec\(2018\)1](#) of the Committee of Ministers to member states on media pluralism and transparency of media ownership, Adopted by the Committee of Ministers on 7 March 2018 at the 1309th meeting of the Ministers' Deputies, Appendix: “Guidelines on media pluralism and transparency of media ownership”, paragraphs 2.1 and 2.2.



The EU evaluates annually the candidate countries' "level of preparation" and the progress made. The 2023 European Commission's reports provide the following results regarding freedom of expression in four of the countries under review.<sup>21</sup>

**Table 1. Level of preparation and progress made in the area of freedom of expression (2023)<sup>22</sup>**

Country	Evaluation of the level of preparation	Progress made
Georgia	"some level of preparation"	"limited progress"
Moldova	"some level of preparation"	"some progress"
Türkiye	"continues to be at an early stage"	"serious backsliding"
Ukraine	"between some and moderate level of preparation"	"good progress"

## 2.2. National perspectives

In **Armenia**, the national constitution provides for the establishment of the national regulatory authority (NRA) "[t]o ensure the goals of freedom, independence and plurality of the broadcasting media".<sup>23</sup>

According to the Statute on Audiovisual Media, members of the NRA take an oath wherein they pledge to "facilitate the formation of the civil society through provision of the right to free expression, freedom of information and pluralism".<sup>24</sup> In particular, they must take "advancing of pluralism" into account when awarding licences.<sup>25</sup>

The Statute on the Mass Media guarantees "pluralism for the journalist".<sup>26</sup>

The **Georgian** Constitution stipulates that the NRA is

*established to protect media pluralism and the exercise of freedom of expression in mass media, prevent the monopolisation of mass media or means of dissemination of information, and*

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<sup>21</sup> Armenia is not a candidate country and has therefore not been the object of an EU evaluation report.

<sup>22</sup> The EU reports use the following assessment scale to describe the level of preparation: early stage, some level of preparation, moderately prepared, good level of preparation and well advanced. To describe progress made during the reporting period, it uses the following scale: backsliding, no progress, limited progress, some progress, good progress and very good progress.

<sup>23</sup> [Constitution of the Republic of Armenia](#), 27 November 2005, Article 83.2.

<sup>24</sup> *ՏԵՍՍՆԱՆՈՂԱԿԱՆ ՄԵԴԻԱՅԻ ՄԱՍԻՆ* (Statute of the Republic of Armenia of 16 July 2020 on Audiovisual Media), No. 395, Article 34, paragraph 6.

<sup>25</sup> *Ibid.*, Article 46, paragraph 8.

<sup>26</sup> *ԶԱՆԳԱՎԾԱՅԻՆ ԼՐԱՏՎՈՒԹՅԱՆ ՄԱՍԻՆ* (Statute of the Republic of Armenia of 13 December 2003 on the Mass Media), No. 14, , Article 4, paragraphs 1 and 3.



*protect the rights of consumers and entrepreneurs in the field of broadcasting and electronic communications.*<sup>27</sup>

Indeed, the Statute on Broadcasting states that one of the NRA's functions is "to ensure media pluralism".<sup>28</sup> Therefore, the body is mandated to "take all measures to encourage pluralism of opinions in mass media as provided for by the legislation of Georgia and by international legal norms having legal effect in Georgia, to avoid prohibited concentration" of the media property.<sup>29</sup> The statute additionally provides that *public* broadcasters must ensure pluralistic coverage of relevant views in their programmes.<sup>30</sup>

Editorial independence, media pluralism, and the right of everyone to make editorial decisions based on their conscience stand together in the list of the guarantees provided by the national Statute on Freedom of Speech and Expression.<sup>31</sup>

In **Moldova**, the constitution refers to "political pluralism" as one of the "supreme values" of the nation. It is explained through the negation of dictatorship, totalitarianism, and an official state ideology.<sup>32</sup> Although one of the norms of the Statute on Freedom of Expression repeats the first classic phrase from the above *Handyside v. the U.K.* judgment of the ECtHR ("offend, shock or disturb"), it fails to repeat its reason ("demands of pluralism, tolerance and broadmindedness"), or absorb the notion of pluralism whatsoever.<sup>33</sup>

Still, Moldova stands alone among the five countries in terms of its high degree of legal detail for monitoring and enabling media pluralism. The National Concept of Mass Media Development, adopted by the parliament in 2018, defined media pluralism (internal and external) as media which meet, cumulatively, the following conditions: a) diversity of media entities; b) diversity of media products provided by each media entity; c) availability of a wide range of opinions from the general public in media products; d) independent media organisations which are free and autonomous, both economically and in terms of what they publish; e) access by the wider public to the whole spectrum of opinions, available in media products.<sup>34</sup>

Adopted several months after the National Concept, the current Audiovisual Media Services Code (AVMSC) adapted the above definition to what it calls "audiovisual pluralism". It is defined as the state of the audiovisual sphere, which meets, also cumulatively, the following set of criteria:

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<sup>27</sup> [Constitution of Georgia](#), 24 August 1995 (as of 29 June 2020) Article 17, paragraph 7.

<sup>28</sup> [Statute of Georgia of 23 December 2004 on Broadcasting](#), No. 780, , Article 16, paragraph 1, pointf).

<sup>29</sup> *Ibid.*, Article 61.

<sup>30</sup> *Ibid.*, Article 5, paragraph 4.

<sup>31</sup> [Statute of Georgia of 24 June 2004 on Freedom of Speech and Expression](#), No. 220, , Article 3, paragraph 2, point d).

<sup>32</sup> [Constitution of the Republic of Moldova](#), 29 July 1994, Articles 1 and 5.

<sup>33</sup> [Parlamentul Lege Nr. 64 din 23-04-2010 cu privire la libertatea de exprimare](#) (Statute of the Republic of Moldova of 23 April 2010 on Freedom of Expression), No. 64, Article 3,.

<sup>34</sup> [Parlamentul Lege Nr. 67 din 26-07-2018 privind aprobarea Concepției naționale de dezvoltare a mass-mediei din Republica Moldova](#) (Statute No. 67 of 26 July 2018 on the adoption of the National Concept of Mass Media Development in the Republic of Moldova) .



- a) *diversity of providers of media and audiovisual media services;*
- b) *diversity of audiovisual programmes within the same audiovisual media service;*
- c) *expressions of opinion by the general public through audiovisual media services, especially linear ones;*
- d) *availability of free, autonomous, economically and editorially independent media service providers;*
- e) *access of the general public to the range of opinions expressed in audiovisual media services.*<sup>35</sup>

Enabling, supporting and developing audiovisual pluralism is a stated aim of the AVMSC (as well as the preceding audiovisual law in Moldova).<sup>36</sup> It provides a strict obligation on broadcasters to present – in news and current affairs programmes – different political views in a balanced manner, without favouring a particular party or political movement.<sup>37</sup>

When the current AVMSC was adopted in 2018, the NRA in Moldova was tasked to develop, approve and implement a methodology for monitoring the state of audiovisual pluralism in the country.<sup>38</sup> The methodology was developed only six years later in 2024 with the adoption of a set of instructions from the NRA, that are still to be implemented in practice. The first instruction deals with the criteria and elements for monitoring internal audiovisual pluralism. The second is for external audiovisual pluralism,<sup>39</sup> while the third one attempts to determine the quantitative criteria for assessing a media service provider's dominance in the formation of the national public opinion (as there is a general legal ceiling of 25% of admissible media influence on public opinion).<sup>40</sup>

In **Türkiye**, the 1982 Constitution, which might soon be replaced with a new one,<sup>41</sup> does not refer to pluralism. As to specific laws, the one on establishing broadcasters, points, among the duties of the NRA, to securing freedom of expression and information, diversity of opinion, media pluralism and a competitive environment, as well as avoiding media concentration.<sup>42</sup>

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<sup>35</sup> *Codul serviciilor media audiovizuale al Republicii Moldova în Republica Moldova* (Code of the Republic of Moldova on Audiovisual Media Services in the Republic of Moldova – [https://www.legis.md/cautare/getResults?doc\\_id=138546&lang=ro#](https://www.legis.md/cautare/getResults?doc_id=138546&lang=ro#) AVMSC), No. 174, 8 November 2018, Article 1.

<sup>36</sup> *Ibid.*, Article 2, paragraph 1, point e).

<sup>37</sup> *Ibid.*, Article 13.

<sup>38</sup> *Ibid.*, Article 75, paragraph 3, point i).

<sup>39</sup> [Decision of the Audiovisual Council of the Republic of Moldova](#), No. 76, 15 March 2024.

<sup>40</sup> “Regarding the approval of the methodology for monitoring and evaluating internal audiovisual pluralism in linear media services and the methodology for monitoring and evaluating external audiovisual pluralism” (*Cu privire la aprobarea Metodologiei de monitorizare și evaluare a pluralismului audiovizual intern în serviciile media liniare și a Metodologiei de monitorizare și evaluare a pluralismului audiovizual extern*), “Regarding the approval of the methodology for assessing the risks of occurrence of situations dominant in the formation of public opinion” (*Cu privire la aprobarea Metodologiei pentru evaluarea riscurilor de apariție a situațiilor dominante în formarea opiniei publice*), [Decision of the Audiovisual Council of the Republic of Moldova](#), No. 90, 29 March 2024, and [press release](#).

<sup>41</sup> See Aslan Özer D., “The case for a new constitution in Türkiye”, *Daily Sabah*, 14 September 2023.

<sup>42</sup> [Law No. 6112 of 3 March 2011 on the Establishment of Radio and Television Enterprises and Their Media Services](#), No. 6112, Article 37, paragraph 1.



The **Ukrainian** Constitution stipulates that social life in Ukraine is based on political, economic and ideological plurality.<sup>43</sup> Though it also refers to the appointment of the members of the NRA in the country, the constitution does not set its policy goals. This is done by the Statute on the Media which points to plurality as a strategic foundation both for the activity of the NRA and for national media policy.<sup>44</sup> Indeed, the current strategy plan of the NRA refers to pluralism, although the relevant specific activities are not described.<sup>45</sup>

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<sup>43</sup> [\*Конституція України\*](#) (Constitution of Ukraine), 1996, Article 15.

<sup>44</sup> [\*Про медіа\*](#) (Statute of Ukraine of 13 December 2022 on the Media), No. 2849-IX, Articles 5 and 8.

<sup>45</sup> National Council of Television and Radio Broadcasting of Ukraine, [\*"Action Strategy of the National Council of Television and Radio Broadcasting of Ukraine: 2024-2026"\*](#), 23 November 2023.



## 3. Transparency of media ownership

### 3.1. European perspective

“Media play a decisive role in shaping public opinion and providing citizens with information which is relevant for actively participating in democratic processes”, according to the EMFA.<sup>46</sup> National rules and procedures as to the assessment of media market concentrations need to go beyond traditional competition law criteria and include a review of the concentration’s potential impact on media pluralism and editorial independence.<sup>47</sup> They need to “be properly framed and be transparent, objective, proportionate and non-discriminatory” and aim to prevent the reduction of competing views as a result of the market concentration.<sup>48</sup>

“It is crucial that recipients of media services know with certainty who owns and is behind the media so that they can identify and understand potential conflicts of interest”, including where media owners are politically exposed, and hidden political agendas, as well as whether the information the recipients obtain is reliable. Transparency contributes to an open and fair market environment and enhances media accountability vis-à-vis the public, ultimately contributing to the quality of media services.<sup>49</sup>

The EMFA provides for the member states to set out disclosure or transparency obligations for media undertakings with regard to certain information (see Table 2).<sup>50</sup>

As to the Council of Europe, the key current document in this regard is the “Guidelines on media pluralism and transparency of media ownership” annexed to the Recommendation on media pluralism and transparency of media ownership.<sup>51</sup> It suggests that Council of Europe member states set out transparency obligations in a clear and precise way to include certain information (see Table 2). The guidelines recommend ensuring high levels of transparency with regard to *the sources of financing of media outlets* in order to provide a comprehensive picture of the different sources of potential interference with the editorial and operational independence of the media and to allow for effective monitoring and control of such risks. It also suggests the

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<sup>46</sup> European Media Freedom Act, Recital 64.

<sup>47</sup> Ibid., Recital 65.

<sup>48</sup> Ibid., Recital 64.

<sup>49</sup> Ibid., Recital 32.

<sup>50</sup> Ibid. Article 6.

<sup>51</sup> [Recommendation CM/Rec\(2018\)1 of the Committee of Ministers to member states on media pluralism and transparency of media ownership](#), cit. See also [“Legal framework to ensure independence of the media and safeguard media pluralism”](#).

disclosure by media outlets of any contractual relations with other media or advertising companies and political parties that may have an influence on their editorial independence.<sup>52</sup>

These data about media ownership and control arrangements in the state should be kept up to date and made available to the public free of charge and without delay, and their availability should be made public. Ideally, they should be accessible and searchable, for example in the form of online databases; their content should be made available in open formats and there should be no restrictions on their reuse.<sup>53</sup>

## 3.2. National perspectives

In **Armenia**, the Statute on Audiovisual Media lays down annual reporting rules on the transparency of financial sources of a media undertaking (see Table 2).<sup>54</sup> The same is true for other media (print and online), as the Statute on the Mass Media requires the publication of annual financial reports, specifically including information on the gross income and the portion of donations within it.<sup>55</sup>

A major change related to the transparency obligations of media undertakings, including private media, occurred as a result of the amendments to the Statute on State Registration introduced in 2021.<sup>56</sup> As a result, legal provisions on beneficial ownership were enacted, through a new chapter, thus providing broader transparency in the whole corporate sector. Once submitted, the data on the end beneficiary is to be confirmed annually and updated through the E-Register webpage. Individuals who derive more than 20% of the revenues must register as beneficial owners. Violation of the legal rules related to the declaration of beneficial ownership disclosure carries criminal and administrative liability.<sup>57</sup>

In this regard, experts note that, “[w]hile these amendments could ensure the necessary legal framework for media transparency and accountability, it is still about the implementation and the enforcement of the new rules to bring along meaningful transparency in the media sector”.<sup>58</sup> A recent research report points out that “while media ownership has become significantly more transparent since the Velvet Revolution, political elites still own shares in media outlets that are often obscured”.<sup>59</sup> Among them, the report names the current Prime

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<sup>52</sup> Recommendation CM/Rec(2018)10 of the Committee of Ministers to member states on media pluralism and transparency of media ownership, cit., paragraph 4.7.

<sup>53</sup> Ibid., paragraph 4.8.

<sup>54</sup> ՏԵՍՍԱՆՈՂԱԿԱՆ ՄԵԴԻԱՅԻ ՄԱՍԻՆ (Statute of the Republic of Armenia of 16 July 2020 on Audiovisual Media), No. 395, Article 19.

<sup>55</sup> ՉԱՆԳԱԾԱՅԻՆ ԼՐԱՏՎՈՒԹՅԱՆ ՄԱՍԻՆ (Statute of the Republic of Armenia of 13 December 2003 on the Mass Media), No. 14, Article 12 (Transparency of funding sources).

<sup>56</sup> Amendments to the Statute on state registration of legal entities, stand-alone enterprises, institutions and individual entrepreneurs, Statute of the Republic of Armenia, No. 246, 17 June 2021.

<sup>57</sup> Rozgonyi K. and Doydoyan S., “Armenia’s Media Sector Needs Assessment Report – 2022: [Overview of the National Legislative Framework Covering Media Freedom, Freedom of Expression, Public Service Media and its compliance with Council of Europe standards](#)”, Technical Paper, Council of Europe, Strasbourg, March 2022, p. 24.

<sup>58</sup> Ibid.

<sup>59</sup> See Lansky M. and Suthers E., “[Armenia’s Velvet Revolution](#)”, *Journal of Democracy*, 2019, vol. 30, No. 2, pp. 85-99.



Minister Nikol Pashinyan and the leader of the Prosperous Armenia Party (PAP), Gagik Tsarukyan, who “have influence over top media outlets in Armenia”.<sup>60</sup>

In **Georgia**, one purpose of the national Statute on Broadcasting is the “stimulation of a competitive environment”. One of the main provisions requires broadcasters to submit detailed information about their ownership structure and financial sources (see Table 2).<sup>61</sup>

Nonetheless, researchers point to owners with ties to more than the permitted number of media of the same type or to cross-medium ownership concentration. They say that some media undertakings have owners with murky ties to the political elite that create opportunities for hidden influence.<sup>62</sup>

In **Moldova**, the Audiovisual Media Services Code (AVMSC) requires audiovisual media services to be transparent, listing the owners of outlets in a register updated by the NRA.<sup>63</sup> The AVMSC requires companies to provide information to the NRA in their annual reports and to make it transparent for everyone (see Table 2).

Nonetheless, the audiovisual media services sector continues to demonstrate “consolidation among political entities, fostering opacity in ownership structures and undermining editorial independence”,<sup>64</sup> as “several outlets have owners with either foreign ties to Russia or murky ties to Moldova’s own political elite that create opportunities for hidden influence”.<sup>65</sup>

As the media landscape is still affected by a lack of transparency of ownership,<sup>66</sup> to guarantee media pluralism in Moldova, the European Commission suggested that the non-transparent media financing be properly tackled.<sup>67</sup>

In **Türkiye**, reportedly, the law does not require media service providers to make transparent their ownership structure on their website or on other platforms, even though they are required to notify the NRA of any changes to the names of shareholders and their shareholding structure (see Table 2). To check who owns what, one is supposed to check the *Trade Registry Gazette*. To find out the name of the beneficial owner, however, one needs “to go

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<sup>60</sup> Dumont E., Solis J. and Zaleski L., [“Armenia: Profile of Media Ownership and Potential Foreign Influence Channels”](#), *AidData at William & Mary*, Williamsburg, 2023, p. 14.

<sup>61</sup> Statute of Georgia of 23 December 2004 on Broadcasting, No. 780, Article 61.

<sup>62</sup> Dumont E., Solis J. and Zaleski L., [“Georgia: Profile of Media Ownership and Potential Foreign Influence Channels”](#), *AidData at William & Mary*, Williamsburg, 2023; see also IREX, [“Vibrant Information Barometer”](#), Washington, 2024, pp. 182-183, 185-186.

<sup>63</sup> *Codul serviciilor media audiovizuale al Republicii Moldova în Republica Moldova* (Code of the Republic of Moldova of 8 November 2018 on Audiovisual Media Services in the Republic of Moldova – AVMSC), No. 174, Articles 21 and 28.

<sup>64</sup> Gotisan V. and Durnea C., [“Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Member States and Candidate Countries in 2023”](#), Country Report: The Republic of Moldova, Centre for Media Pluralism and Media Freedom, June 2024, p. 17, ; see also IREX, [“Vibrant Information Barometer”](#), cit., p. 221.

<sup>65</sup> Dumont E., Solis J. and Zaleski L., [“Moldova: Profile of Media Ownership and Potential Foreign Influence Channels”](#), *AidData at William & Mary*, Williamsburg, 2023, p. 5.

<sup>66</sup> European Commission, “Commission staff working document, Republic of Moldova 2023 Report”, , cit., p. 35.

<sup>67</sup> European Commission, [“Commission Opinion on the Republic of Moldova’s application for membership of the European Union, Communication from the Commission to the European Parliament, the European Council and the Council”](#), COM(2022) 406 final, 17 June 2022, pp. 9-10.



through several connected firms in the trade registry”. Many media undertakings have legal entities as their sole shareholders.<sup>68</sup>

In the words of the 2023 European Commission’s report, media ownership here is heavily concentrated in a few large companies close to the government, which undermines the editorial independence and lacks transparency,<sup>69</sup> thus creating “an obscure media environment”.<sup>70</sup>

In **Ukraine**, audiovisual media service providers are obliged to submit information on their ownership structure to the NRA and publish it on their website. This is required by the new Statute on the Media (see Table 2).

According to the latest EU report,

*[p]reviously dominant media entities with non-transparent media ownership have been gradually losing ground but still retain a strong position, in particular in television. The onset of the Russian war of aggression has profoundly impacted the media landscape and it should be a government priority to ensure the re-emergence of full media pluralism and clear media ownership transparency, taking into account security considerations.*<sup>71</sup>

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<sup>68</sup> Filibeli T. E. et al., “[Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Member States and Candidate Countries in 2023. Country Report: Turkey](#)”, Centre for Media Pluralism and Media Freedom, June 2024, p. 15.

<sup>69</sup> European Commission, “[Commission staff working document, Türkiye 2023 Report](#)”, SWD(2023) 696 final, 8 November 2023, p. 37.

<sup>70</sup> Filibeli T. E. et al., “Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Member States and Candidate Countries in 2023, Country Report: Turkey”, cit., p. 15.

<sup>71</sup> European Commission, “[Commission staff working document, Ukraine 2023 Report](#)”, SWD(2023) 699 final, 8 November 2023, p. 45.



**Table 2. Transparency of ownership requirements for audiovisual media service providers**

Information on:						
	Identification	Shareholders	Beneficial owners	Finances and management	Editorial responsibility	Notification of changes
<b>Council of Europe</b>  <i>Source: paragraph 4.5 of Recommendation CM/Rec(2018)1</i>	Legal name and contact details of media outlets	a) Name(s) and contact details of the direct owner(s) with shareholdings enabling them to exercise influence on the operation and strategic decision making of the media outlet;  information on the nature and extent of the shareholdings or voting rights held by the above legal and/or natural persons in other media, media-related or advertising companies which could lead to decision-making influence over those companies, or positions they may hold in political parties	b) Name(s) and contact details of natural persons with beneficial shareholdings:  <i>“Beneficial shareholding” applies to natural persons who ultimately own or control shares in a media outlet or on whose behalf those shares are held, enabling them to indirectly exercise control or influence on the operation and strategic decision making of the media outlet</i>	N/A	Name(s) of the persons with actual editorial responsibility	Changes in ownership and control arrangements of a media outlet
<b>European Union</b>	Legal name or names and contact	Name(s) of the direct or indirect owner(s) with shareholdings enabling	Name(s) of their beneficial owner(s) as	Total annual amount of public funds for state	N/A	N/A



<p><i>Source:</i></p> <p>Article 6 of the EMFA</p>	<p>details</p>	<p>them to exercise influence on the operation and strategic decision making, including direct or indirect ownership by a state or by a public authority or entity</p>	<p>defined in Article 3, point (6), of Directive (EU) 2015/849</p>	<p>advertising allocated to AVMS and total annual amount of advertising revenues received from third-country public authorities or entities</p>		
<p><b>Armenia</b></p> <p><i>Source:</i></p> <p>Article 19 of the Audiovisual Statute; Article 61 of the Statute on Registrations</p>	<p>Name and legal form of the entity;</p> <p>location or address of business activities; date of state registration;</p> <p>state registration number;</p> <p>taxpayer identification number;</p> <p>enterprise code classifier</p>	<p>Information on the founders and participants</p>	<p>Name, surname, citizenship of the end beneficiary of the legal entity, date of obtaining this status, grounds for obtaining the status of end beneficiary of the legal entity</p>	<p>Annual financial report, information on year-to-year revenues (by categories of their sources)</p>	<p>N/A</p>	<p>Information on the process of liquidation or deregistration (if applicable)</p>
<p><b>Georgia</b></p> <p><i>Source:</i></p> <p>Articles 37-1, 61 and 70 of the Broadcasting</p>	<p>Identification data; authorisation (permit) for media services and video-sharing platform services</p>	<p>Information on owners holding a share or stocks in entities providing media services and video-sharing platform services; in a periodical print publication; in a news agency; in another company</p>	<p>Identification data of beneficial owners and information about shares owned by them</p>	<p>Data on head officers and bodies;</p> <p>information on the sources of financing of a media service provider, including by categories of sources;</p>	<p>N/A</p>	<p>N/A</p>



Statute.				<p>information on services rendered to a media service provider, including information on paid or free services provided by its owner or any other person;</p> <p>a video-sharing platform service provider must include the data about the services rendered by the video-sharing platform, and the revenues received</p>		
<b>Moldova</b>  <i>Source:</i> Article 21 of the AVMSC	Name, legal status and headquarters; name of the legal representatives; contact details of the media service provider, including the legal address, the addresses for correspondence (as applicable), the address of the electronic mail and the official web	List of shareholders and associates up to the level of a natural person, with the exception of shareholders and associates who are joint-stock companies with bearer shares or listed on international stock exchanges	Beneficial owners who have, directly or indirectly, control over the media service provider	Persons in the management body and, as the case may be, the supervisory body, as well as the positions held by them	Editorial policy and the person(s)/ body(-ies) who determine the editorial policy and are responsible for it	N/A



	page, where they can be contacted quickly, directly and effectively					
<b>Türkiye</b>  <i>Source:</i> Article 6 of the Statute on the Establishment of Radio and Television Enterprises; Articles 15 and 19 of the by-law on administrative and financial conditions with which media service providers and platforms and infrastructure operators are required to comply.	Name of company, identification details, contact address, telephone and email; logo/call sign; information about its broadcasting licence and broadcasting networks	Names of shareholders; shareholding structure and voting rights (to be provided to the NRA only)	N/A	Name and contact information of the accountable manager	Name and contact information of the viewers' representative (ombudsperson)	N/A
<b>Ukraine</b>	Identification data	Information on all persons who have	Information on the	N/A	N/A	N/A



<i>Source:</i> Article 25 of the Statute on the Media		direct and/or indirect significant participation in the media entity or the possibility of significant or decisive influence on the management and/or activities of the entity in the media sphere;  all key participants of the media entity and all key participants of all legal entities in the chain of ownership of the media entity's corporate rights;  the nature of relationships between the persons specified above	ultimate beneficiary of the media entity.  The “ultimate beneficial owner” is defined as “any natural person who exercises decisive influence (control) on the activity of the subject in the media sphere”			
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## 4. De-oligarchisation of the media sphere

While the EMFA does not explicitly tackle the de-oligarchisation of media ownership, both the EU framework and national de-oligarchisation draft legislation work towards the common goal of safeguarding media freedom and pluralism, albeit through different approaches and at different levels of governance.

The 2023 European Audiovisual Observatory's report on developments in the Black Sea region<sup>72</sup> reviewed the controversies around the attempts to introduce specific de-oligarchisation draft laws as part of the pro-European commitment of Georgia, Moldova and Ukraine to eliminate, as was recommended by the European Commission, "the excessive influence of vested interests in economic, political and public life".<sup>73</sup> Their draft statutes had undergone a review by the Venice Commission. It observed, that since oligarchs "are often defined by their influence on media, a central issue is a need to strengthen media pluralism".<sup>74</sup> The final opinion recommended that the national de-oligarchisation statutes should not be implemented as they were difficult to reconcile with the principles of freedom of expression, political pluralism and the rule of law, and had the potential of being abused for political purposes.<sup>75</sup> What follows describes the effect of the Venice Commission's opinions.

In **Georgia**, in September 2023, the Statute on de-oligarchisation, by then already adopted in two readings, was suddenly rejected during the third reading.<sup>76</sup> Just on the eve of the final vote, the government introduced a de-oligarchisation action plan. The government claimed that the new plan was drafted based on recommendations from the Venice Commission and the EU.<sup>77</sup> The Action Plan for Avoiding the Excessive Influence of

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<sup>72</sup> Richter A., *Media law and policy in selected Black Sea region countries*, Strasbourg, September 2023,, pp. 21-23.

<sup>73</sup> See e.g. European Commission, "[Commission Opinion on the Republic of Moldova's application for membership of the European Union. Communication from the Commission to the European Parliament, the European Council and the Council](#)", COM(2022) 406 final, 17 June 2022, p. 16.

<sup>74</sup> European Commission for Democracy through Law (Venice Commission), "[Republic of Moldova, Final Opinion on limiting excessive economic and political influence in public life \(de-oligarchisation\)](#)", CDL-AD(2023)019, 13 June 2023, paragraph 31.

<sup>75</sup> European Commission for Democracy through Law (Venice Commission), "[Ukraine – Opinion on the Law on the prevention of threats to national security, associated with excessive influence of persons having significant economic or political weight in public life \(oligarchs\)](#)", CDL-AD(2023)018, 12 June 2023.

<sup>76</sup> "[Parliament Drops Law on De-Oligarchization](#)", *Civil Georgia*, 20 September 2023.

<sup>77</sup> "[EU Integration Commission Approves De-Oligarchization Action Plan](#)", *Civil Georgia*, 14 September 2023.





Vested Interests in Economic, Political and Public Life in Georgia, as it is called, was approved by the government in November 2023.<sup>78</sup> Issues of media concentration in the hands of oligarchs were omitted from the plan, reportedly due to the lack of analysis of the European “legislation on media ownership and media ownership transparency”.<sup>79</sup>

**Moldova** was the first of the three Black Sea countries to abandon its draft bill on de-oligarchisation. The National Action Plan on de-oligarchisation was introduced in May 2023. It was designed to be completed in a year’s time, but in fact was extended, in July 2024, through the end of 2024. In the media field, it foresees ensuring the continued efforts on accessibility and transparency of information on audiovisual media service providers, as well as on related market studies.

In **Ukraine**, in September 2023, almost simultaneously with Georgia, the government decided that the activity to implement the 2021 Statute on de-oligarchisation would only start three months after the end of the current martial law in the country and even then – only on condition that the conclusions of the Venice Commission would be taken on board in the relevant law.<sup>80</sup>

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In addition to the critical opinions of the Venice Commission in 2023, the urgency of regulating oligarchs has steadily diminished, for the following reasons.

In **Georgia**, where the national media landscape is reportedly dominated by pro-governmental state- and oligarch-run media,<sup>81</sup> the authorities’ interest has switched – in the media field – from de-oligarchisation to the “foreign influence law”, adopted in 2024 (see below).

In **Moldova**, following the establishment of the government of Maia Sandu in 2019, the two key oligarchs have fled the country.<sup>82</sup> Their power was diminished once they became objects of criminal investigations soon after that, while the media that the fugitives controlled came under the sanctions of the government, especially during the emergency situation in 2022-23. The oligarchs have moved into the realm of social media, where their messages – or those of their proxies – continue to play a significant role.<sup>83</sup> As the political dominance of oligarchs diminishes, concerns arise as to the growth

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<sup>78</sup> “Government Approves De-oligarchization Action Plan”, *Civil Georgia*, 27 November 2023.

<sup>79</sup> “Government Action Plan on De-oligarchization”, *Civil Georgia*, 21 November 2023.

<sup>80</sup> *Про внесення змін до плану заходів щодо запобігання зловживанню надмірним впливом особами, які мають значну економічну та політичну вагу в суспільному житті (олігархами)* (On amendments to the plan of measures to prevent the abuse of excessive influence by persons who have significant economic and political weight in public life (oligarchs)), Cabinet of Ministers of Ukraine, 19 September 2023, No. 827-r.

<sup>81</sup> Gagua N. and Hunter M. L., “How Georgia is Following a Russian Legal Blueprint to Suppress Independent Journalism”, *Global Investigative Journalism Network*, 13 May 2024. See also Oragvelidze I., *Грузію назвали захопченим государством* (Georgia was named a captured state), “Echo Kavkaza”, a project of RFE/RL, 2022.

<sup>82</sup> Semyonova Y., “Что делать с ‘наследством’ беглых олигархов в Молдавии?” (What is to be done with the “heritage” of the runaway oligarchs in Moldova?), *DW*, 8 July 2019.

<sup>83</sup> IREX, “Vibrant Information Barometer”, cit., pp. 215-216; see also Rusu A., “Evaluation of disinformation campaigns financed by Şor and Platon: impact and limited reaction of social platforms”, WatchDog.Md, 9 July



of the media undertakings' dependence on public authorities in Chisinau, "particularly evident in the favourable news coverage by the public service media".<sup>84</sup>

In **Ukraine** the broadcasting market was dominated, for decades, by a handful of major oligarch-owned groups. With the start of the full-scale Russian aggression in 2022, some of the oligarchs have also fled the country, others gave away control of their media property or folded their media undertakings. In addition, during the war, significant sources of their wealth were destroyed and/or fell into the hands of the occupying Russian forces.<sup>85</sup> The oligarchs' media influence has significantly decreased with the start of the national media policy of the Joint News Marathon (or, telethon), and the general wave of patriotism in the country with its stronger political support for the government and the military. Today, in the words of a recent study, "Ukrainian media is dominated by a centralised political elite".<sup>86</sup>

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2024; Rusu A., "[Evaluation of the promotional campaigns of Șor and Platon. Analysis of investments and tactics used in July 2024](#)", WatchDog.Md, 30 August 2024.

<sup>84</sup> IREX, "Vibrant Information Barometer", cit., p. 221.

<sup>85</sup> Dorosh S., "[«Проявления системных проблем». Остались ли в Украине олигархи и мешают ли они ее вступлению в ЕС?»](#) ("Manifestations of Systematic Problems": Are there any oligarchs left in Ukraine and are they preventing it from entering the EU?), *BBC Ukrainian Service*, 13 December 2023. See also Opryshko D., "[Monitoring Media Pluralism in the Digital Era. Preliminary study on the implementation of the Media Pluralism Monitor 2024 in Ukraine](#)", Centre for Media Pluralism and Media Freedom, April 2024, pp. 26-29; IREX, "Vibrant Information Barometer", cit., pp. 257-258.

<sup>86</sup> Dumont E., Solis J. and Zaleski L., "[Ukraine: Profile of Media Ownership and Potential Foreign Influence Channels](#)", *AidData at William & Mary*, Williamsburg, 2023; see also Freedom House, "[Freedom in the World 2024 Country Report, Ukraine](#)", 2024.

## 5. Editorial independence from commercial pressure and owners' demands

### 5.1. European perspective

Alongside ownership issues, the conditions under which media content is produced also have an impact on the plurality level of the media. There is a reason for concern beyond the Black Sea region. Editorial independence in the media throughout Europe “has reached a historic high-risk level”, concludes the latest 2024 Media Pluralism Report.<sup>87</sup> This dramatic statement reflects extreme pressure imposed on journalists and editors by media owners, advertisers, and politicians, compromising the integrity of newsrooms, the public opinion-forming process and the content produced.

The EMFA states that media ownership transparency is “an effective tool to disincentivise and thus to limit the risk of interference with editorial independence”.<sup>88</sup> Such a position is explained by the possibility that shareholders and other private parties with a stake in media service providers might act in ways which – in pursuit of an economic or other advantage – go beyond the societally necessary balance between their own business freedom and freedom of expression, on the one hand, and editorial freedom of expression and the information rights of users, on the other.<sup>89</sup>

While it is legitimate for private media owners to choose and decide the long-term editorial direction, it is important to ensure that editors can cover news and current affairs independently in their daily work. Indeed, editors should base individual editorial decisions on journalistic research and assessment and on the relevance of the information for their readers; they should also be able to freely express critical views without fear of retribution.<sup>90</sup>

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<sup>87</sup> Centre for Media Pluralism and Media Freedom, [“The Media Pluralism 2024 Monitor highlights alarming trends for journalists and editorial independence in Europe”](#), Press release, , 27 June 2024.

<sup>88</sup> European Media Freedom Act, Recital 32.

<sup>89</sup> Ibid., Recital 18.

<sup>90</sup> Commission Recommendation (EU) 2022/1634 of 16 September 2022 on internal safeguards for editorial independence and ownership transparency in the media sector, paragraph 13, [OJ L 245, 22 September 2022, p. 56](#).



The EMFA makes it clear that monitoring of the internal market for media services by the public authorities should include “an overview of measures taken by media service providers with a view to guaranteeing the independence of editorial decisions”.<sup>91</sup> The media service providers *that provide news and current affairs content* are the first to take specific measures “that they deem appropriate with a view to guaranteeing the independence of editorial decisions”.<sup>92</sup>

The EMFA provides that such measures shall aim to:

- (a) *guarantee that editorial decisions can be taken freely within the established editorial line of the media service provider concerned; and*
- (b) *ensure that any actual or potential conflicts of interest that might affect the provision of news and current affairs content are disclosed.*<sup>93</sup>

On the safeguards for editorial independence, the European Commission, assisted by the still to be established European Board for Media Services, shall issue guidelines on the specific elements.<sup>94</sup> Most likely they will further develop the relevant Commission Recommendation.<sup>95</sup>

In its turn, the Committee of Ministers of the Council of Europe provides a strong recommendation that

*[n]ational legislative and policy frameworks should safeguard the editorial independence and operational autonomy of all media to ensure that they can carry out their key tasks in a democratic society. These frameworks should be designed and implemented in a manner which prevents States, or any powerful political, economic, religious or other groups from acquiring dominance over and exerting pressure on the media.*<sup>96</sup>

While private media are entitled to follow an editorial line with a specific political preference, “impartiality as a quality for political reporting cannot be required of this type of media”. Still, they should at least be “fair and accurate” in their political coverage.<sup>97</sup>

Media self-regulation and standards of journalistic ethics are also considered effective tools to empower the independence of journalists and help them resist undue

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<sup>91</sup> European Media Freedom Act, Article 26, paragraph 3, point d).

<sup>92</sup> Ibid., Article 6, paragraph 3.

<sup>93</sup> Ibid., Article 6, paragraph 3.

<sup>94</sup> Ibid., Article 22, paragraph 3.

<sup>95</sup> Commission Recommendation (EU) 2022/1634 cit., paragraph 12.

<sup>96</sup> Recommendation CM/Rec(2018)1 of the Committee of Ministers to member states on media pluralism and transparency of media ownership, Appendix: Guidelines on media pluralism and transparency of media ownership, cit., paragraph 1.3.

<sup>97</sup> *NIT S.R.L. v. the Republic of Moldova* (dec.) [GC], no. 28470/12, 5 April 2022, [cit.](#).



pressure, including of a political and commercial nature, thus enhancing public trust in the media.<sup>98</sup>

## 5.2. National perspective

In **Armenia**, the Statute on Audiovisual Media refers to “editorial independence” as one of its aims, though it does not go into details.<sup>99</sup> It also imposes a prohibition on parties sponsoring audiovisual programmes to interfere with their content.<sup>100</sup> The Statute on Advertising (1996) does not contain a similar norm for advertisers.

The Statute on the Mass Media prohibits interference with the “lawful professional activity” of the journalist.<sup>101</sup> The same or similar prohibition can be found in the legislation of almost all post-Soviet countries, including Georgia, Moldova and Ukraine.

According to the views of local experts, there is no clear separation between the newsroom and business sides of the media undertakings. As a result, the newsrooms are influenced by their owners, while “funding sources still dictate editorial stance, as has been the case for decades”.<sup>102</sup>

In **Georgia**, the Statute on Broadcasting provides for “editorial independence, fairness and impartiality of programmes and freedom from governmental, political, religious or commercial influence”, but, again, just for the *public* broadcaster.<sup>103</sup> In a direct way, it prohibits interference in editorial independence only by advertisers/sponsors and providers of product placement in audiovisual programmes.<sup>104</sup>

In practice, the editorial independence of Georgian media undertakings is reportedly often constrained by their “precarious financial state”, therefore while some outlets strive to maintain the boundary between business and the newsroom, others do not.<sup>105</sup>

In **Moldova**, editorial independence occupies a major part of national media regulation. Its violation equals or borders on censorship, as censorship (prohibited by law) includes an “unjustified distortion of journalistic material or unjustified ban to

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<sup>98</sup> Recommendation CM/Rec(2018)1 of the Committee of Ministers to member states on media pluralism and transparency of media ownership, Appendix: Guidelines on media pluralism and transparency of media ownership, cit., paragraph 3.

<sup>99</sup> ՏԵՍՂԼՈՂԱԿԱՆ ՄԵԴԻԱՅԻ ՄԱՍԻՆ (Statute of the Republic of Armenia of 16 July 2020 on Audiovisual Media), No. 395, Article 1, paragraph 1.

<sup>100</sup> Ibid., Article 13, paragraph 3.

<sup>101</sup> ՉԱՆԳԱԾԱՅԻՆ ԼՐԱՏՎՈՒԹՅԱՆ ՄԱՍԻՆ (Statute of the Republic of Armenia of 13 December 2003 on the Mass Media), Statute, No. 14, , Article 4, paragraphs 1 and 3.

<sup>102</sup> IREX, “Vibrant Information Barometer”, cit., p. 147.

<sup>103</sup> Statute of Georgia of 23 December 2004 on Broadcasting, No. 780, Articles 16 and 18.

<sup>104</sup> Ibid., Articles 69 and 69-1.

<sup>105</sup> IREX, “Vibrant Information Barometer”, cit., p. 183.

disseminate certain information to the media management”.<sup>106</sup> The Statute on Freedom of Expression upholds that “the editorial independence of the mass media is recognised and guaranteed by law”.<sup>107</sup>

Provisions on editorial independence and freedom of expression are also among the major aims of the AVMSC.<sup>108</sup> Its Article 8, while mostly protecting editorial independence from interference by the public authorities, also provides that a form of such independence is the protection from interference “of any kind in the content, form or in the methods of creation and presentation of audiovisual programmes and other elements of audiovisual media services” *by any other person*. Article 65 (paragraph 1a) additionally prohibits the sponsor of audiovisual programmes from influencing their editorial independence, in particular the content and schedule of the programmes of the media service provider. A similar prohibition arises in the case of product placement in programmes (Article 69, paragraph 2a), but is not to be found in relation to advertisers.<sup>109</sup>

Article 21 of the AVMSC deals with the transparency of audiovisual media services and prescribes as part of the obligations of *all* media service providers that they “ensure simple, direct and permanent access of audiovisual media service users” to information on “the editorial policy and the person/persons (body/bodies) who determine the editorial policy and are responsible for it”.

Further on, Article 34 of the AVMSC defines the editorial independence and creative freedom of *public providers* as their right to make decisions regarding:

- c) determining the editorial policy, approving and modifying the content of audiovisual media services and the broadcast schedule;
- d) organising editorial and creative activity;
- e) designing, producing and broadcasting audiovisual programmes;
- f) other activities established by this Code and/or by the supervisory body of the activity of the public media service provider.

Still, in practice, in many if not most media organisations, “editorial and commercial departments are not clearly separated, posing a continued risk of interference” in editorial independence. In many cases, owners “serve either as editors-in-chief or as managers, and they are involved in editorial policy”.<sup>110</sup> A lack of editorial independence resulting in an

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<sup>106</sup> *Parlamentul Lege Nr. 64 din 23-04-2010 cu privire la libertatea de exprimare* (Statute of the Republic of Moldova No. 64 of 23 April 2010 on Freedom of Expression, , cit., Article 2.

<sup>107</sup> *Ibid.*, Article 5.

<sup>108</sup> *Codul serviciilor media audiovizuale al Republicii Moldova în Republica Moldova* (Code of the Republic of Moldova on Audiovisual Media Services in the Republic of Moldova – AVMSC), No. 174, 8 November 2018, Article 2, paragraph 1, point b.

<sup>109</sup> *Parlamentul Lege Nr. 62 din 17-03-2022 cu privire la publicitate* (Statute of the Republic of Moldova No. 62 of 17 March 2022 on Advertising).

<sup>110</sup> IREX, “Vibrant Information Barometer, cit., p. 221.

<sup>110</sup> Since June 2022.



erosion of professionalism and decrease in public trust in the news media, is highlighted in a number of national and international reports.<sup>111</sup>

In the words of a recent study published by the European University Institute, “[e]ditorial independence remains vulnerable to commercial and owner influence, with insufficient legal or self-regulatory safeguards against arbitrary interventions, exacerbated by political pressures”.<sup>112</sup> It further explains:

*Editors-in-chief and newsrooms are exceptionally vulnerable to shifts in ownership or editorial directives, as there are insufficient legal or self-regulatory safeguards against arbitrary appointments, dismissals, or undue pressure. Moreover, given the significant politicisation of the media sector and the control exerted by oligarchs, ownership influence over editorial content remains a highly sensitive issue.*<sup>113</sup>

In **Türkiye**, in considering regulations governing editorial practice, one would address the statute that specifically regulates the relationship between journalists and employers in the press and digital media companies, commonly known as the Press Labour Law.<sup>114</sup> However, it fails to provide for the editorial independence of journalists. The media self-regulatory instruments also lack any rule on the need to separate the business side of an outlet from its newsroom.<sup>115</sup>

The Broadcasting Statute prohibits those who are providing commercials, sponsorship of audiovisual programmes or product placement from influencing the editorial independence of the media service provider.<sup>116</sup>

International reports testify to the editorial content of the private media being heavily influenced by the economic and political interests of their owners, inevitably leading to a loss of independence and impartiality. One of the studies points out that it is “the concentration of media capital in the business groups that operate in different business areas and cross-media ownership” that present a major problem for editorial independence. For example, the owner of the majority of media outlets in Türkiye has economic/political ties with the ruling party.<sup>117</sup> The latest EU report also observed that,

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<sup>111</sup> See examples in Gotisan V. and Durnea C., “Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Member States and Candidate Countries in 2023, Country Report: The Republic of Moldova”, cit., pp. 19 and 21.

<sup>112</sup> Ibid., p. 11.

<sup>113</sup> Ibid., p.18.

<sup>114</sup> Statute of Türkiye No. 5953 of 13 June 1952 on Arrangement of Relations Between Employers and Employees in the Field of Press, Statute.

<sup>115</sup> Filibeli T. E. et al., “Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Member States and Candidate Countries in 2023, Country Report: Turkey”, cit., p. 17.

<sup>116</sup> Law No. 6112 of 3 March 2011 on the Establishment of Radio and Television Enterprises and Their Media Services, No. 6112cit., Article 9, paragraph 4, Article 12, paragraph 5 and Article 13, paragraph 3.

<sup>117</sup> “Filibeli T. E. et al., “Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Member States and Candidate Countries in 2023, Country Report: Turkey”, cit., pp. 17-18.





during the May 2023 election campaign, neither private nor public media ensured editorial independence.<sup>118</sup>

In **Ukraine**, as in Türkiye, the national statute that provides guarantees for the professional activity of journalists<sup>119</sup> fails to provide for their editorial independence. It is mentioned though in the Statute on Advertising as a prohibition against the advertiser and/or the sponsor influencing

*the content and time of airing of a programme in linear audiovisual media, the content and placement of a programme in the catalogue of non-linear audiovisual media, or the content of user-generated content, videos, as well as the duties, editorial responsibility and independence of audiovisual media.*<sup>120</sup>

Since Russia massively invaded Ukraine on 24 February 2022, the cornerstone of the government's wartime media policy has been the Joint News Marathon, wherein the major TV channels take shifts throughout the day.<sup>121</sup> Indeed, as approved by presidential decree, for the period of the ongoing martial law in the country, a priority for national security is the implementation of the unified information policy through the merging of all nationwide TV channels with dominant information and/or information-analytical programming. This round-the-clock "merged information platform of strategic communication" was called the "Joint News #UAtogether Marathon".<sup>122</sup> According to local experts, at the outset it was popular, but audiences have fallen recently and, amidst increasing worries over official news management, questions are being asked about the future of the initiative.<sup>123</sup> Today, according to the local experts of the IREX 2024 report, the public prefers "fast news media" – brief items delivered quickly, and short video formats".<sup>124</sup>

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<sup>118</sup> European Commission, "Commission staff working document, Türkiye 2023 Report", cit., p. 6.

<sup>119</sup> Про державну підтримку медіа, гарантії професійної діяльності та соціальний захист журналіста (Statute of Ukraine of 23 September 1997 on state support for the media, guarantees of professional activity and social protection of journalists), No. 540/97-BP.

<sup>120</sup> Про рекламу (Statute of Ukraine of 3 July 1996 on Advertising), No. 270/96-BP, Article 5-2, paragraph 2, Article 5, paragraph 5.

<sup>121</sup> White A. (ed.), "Ukraine media: defiance and truth-telling", Ethical Journalism Network, London, 2023, pp. 11, 17.

<sup>122</sup> Про рішення Ради національної безпеки і оборони України від 18 березня 2022 року "Щодо реалізації єдиної інформаційної політики в умовах воєнного стану" (Decree of the President of Ukraine No. 52/2022 of 19 March 2022 on the decision of the National Security and Defence Council of 18 March 2022 on the implementation of the unified information policy under martial law) „

<sup>123</sup> See Opryshko D. (2024), "Monitoring Media Pluralism in the Digital Era, Preliminary study on the implementation of the Media Pluralism Monitor 2024 in Ukraine", cit., p. 17.

<sup>124</sup> IREX, "Vibrant Information Barometer", cit., p. 247.





## 6. Restrictions on “rogue”/foreign media and “false news”

### 6.1. European perspective

The EMFA also represents a significant step in European efforts to counter disinformation and propaganda. The unequivocal public condemnation of the Russian full-scale invasion in Ukraine triggered a multiplicity of political reactions, including the rapid adoption and implementation of extensive media restrictions<sup>125</sup> of the Russian and Belarusian media undertakings and actors by the EU.<sup>126</sup>

The EMFA is finetuning the current policy instruments and procedures by establishing a firmer legal basis for the current regime of sanctions on alien propaganda media and introducing a division of the media into “rogue” media service providers, “quality” media services (“quality journalism”), and the rest. The “quality” media should be supported, while the EU media market should be protected from the “rogue” content.

The “quality” media are described in the EMFA as those that enjoy editorial freedom, fulfil their vital “public watchdog” role, provide reliable (trustworthy) information, act in an independent manner and in line with ethical and journalistic standards, accept self-regulation and (in the case of public service media) are impartial.<sup>127</sup> The notion of “quality media services” derives from the concept of “quality journalism” as put forward as a policy priority by the Council of Europe’s Recommendation on promoting a favourable environment for quality journalism in the digital age.<sup>128</sup>

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<sup>125</sup> See Cabrera Blázquez F. J., *The implementation of EU sanctions against RT and Sputnik*, European Audiovisual Observatory, Strasbourg, 2022.

<sup>126</sup> See [Council Regulation \(EU\) 2022/350](#) of 1 March 2022 amending Regulation (EU) No. 833/2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine, OJ L65 2022, p. 1, paragraph 6; [Annex XV of Council Regulation \(EU\) 2022/879](#) of 3 June 2022, amending Regulation 833/2014 concerning restrictive measures in view of Russia’s actions destabilising the situation in Ukraine, OJ L153, 3 June 2022; [Council Decision \(CFSP\) 2022/582](#) of 8 April 2022 amending Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, OJ L110 8 April 2022, p. 55.

<sup>127</sup> European Media Freedom Act, Recitals 14, 19 and 27.

<sup>128</sup> [Recommendation CM/Rec\(2022\)4](#) of the Committee of Ministers to member states on promoting a favourable environment for quality journalism in the digital age, 17 March 2022.



The “rogue” media are the opposite. They present or are interrelated with foreign information manipulation and interference (FIMI), pose a serious and grave risk to public security and/or European values, they have problematic ownership, management and/or financing, do not enjoy editorial independence from certain countries, nor adhere to co-regulatory or self-regulatory national mechanisms governing editorial standards within the EU.

Numerous resolutions of international professional organisations, such as the International Federation of Journalists, the European Federation of Journalists and the Alliance of Independent Press Councils in Europe, point out that media service providers based in Russia and Belarus are controlled by the aggressor state and demonstrate features that are contrary to the standards of media pluralism and transparency. Even when the Russian Federation was still a Council of Europe member, it reserved the right to limit the scope of application of the relevant European standards to the media of the country.<sup>129</sup>

The EMFA envisions that the “rogue” media will be dealt with by the future European Board for Media Services and the NRAs, assisted by a list of criteria concerning media service providers established or originating from outside the EU.<sup>130</sup>

## 6.2. National perspective

In **Armenia**, according to a recent research report, although Russian state-owned channels remain widely available, most Armenians prefer to consume domestic outlets.<sup>131</sup> Still, international news coverage traditionally relies on translations from the Russian sources, which often reflect the interests of the Kremlin.<sup>132</sup>

On 27 December 2023, the prime minister approved the National Concept and the Action Plan dedicated to combating disinformation in the country.<sup>133</sup> The prime pillar of this strategy involves strengthening the capabilities of the public institutions of Armenia to detect, analyse, and expose disinformation.

The most recent bilateral agreement with the Russian authorities provides for the conditions of retransmission of the TV channel “RTR-Planeta” in the Armenian national free multiplex, as well as the “Pervyi Kanal” (First Channel) and Rossiya-K in the Yerevan

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<sup>129</sup> See Recommendation CM/Rec(2018)1 of the Committee of Ministers to member states on media pluralism and transparency of media ownership, Appendix “Guidelines on media pluralism and transparency of media ownership”, cit., Footnote 1.

<sup>130</sup> European Media Freedom Act, Recital 49.

<sup>131</sup> Dumont E., Solis J. and Zaleski L., “Armenia: Profile of Media Ownership and Potential Foreign Influence Channels”, *AidData at William & Mary*, cit., pp. 14-15.

<sup>132</sup> IREX, “Vibrant Information Barometer”, cit., pp. 141-142.

<sup>133</sup> Richter A., “[Armenia: Adoption of the Action plan on disinformation](#)”, IRIS 2024-2:1/21, European Audiovisual Observatory, 2024.

free multiplex.<sup>134</sup> In 2024, the retransmission of RTR programmes moderated by Vladimir Solovyov (under EU sanctions) was temporarily suspended by the Armenia telecom authority. The reasons were a number of violations, in 2023-24, of the provision of the agreement on audiovisual content to respect the nation. Reportedly, the Russian authorities acknowledged certain violations.<sup>135</sup> Later in 2024, the telecom authority suspended, for several days, retransmission of the “First Channel” for its outstanding debt with regard to payment for retransmission in Armenia.<sup>136</sup>

In **Georgia**, when the European Commission recommended, at the end of 2023, that the Council should grant the country the status of a candidate country, it was done on the mutual understanding that certain steps were to be taken by the national authorities. The first among these was: to “[f]ight disinformation and foreign information manipulation and interference against the EU and its values”.<sup>137</sup> The interference reportedly comes from Kremlin-owned media outlets operating in Georgia, specifically broadcasters and news agencies.<sup>138</sup>

So far, the government has been busy in a related but different layer of media regulation. In 2024, it put forward the bill “on transparency of foreign influence” passed by the parliament. The statute was rapidly adopted, and even the presidential veto was overturned.<sup>139</sup> The statute specifically prescribes that if more than 20% of the total annual income of a broadcaster or online media outlet originates abroad, then such media is labelled “an organisation pursuing the interests of a foreign power”. It must register as such with the Ministry of Justice, provide an annual financial declaration and bear other related obligations. The authorities argued that the aim of the statute was to protect from disinformation disseminated under foreign influence and that the restrictions pursue legitimate aims. The Venice Commission disagreed, saying:

*The targeting, silencing and causing the de facto shutting down of foreign funded ... media as voices critical of the government is not readily characterised as countering disinformation: such measures are, instead, likely to undermine pluralism and free speech, in a manner which is contrary to international standards and harmful to democracy ...*<sup>140</sup>

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<sup>134</sup> See [Соглашение между Правительством Российской Федерации и Правительством Республики Армения о сотрудничестве в сфере массовых коммуникаций](#) (Agreement between the Government of the Russian Federation and the Government of the Republic of Armenia on cooperation in the sphere of mass communications), 30 December 2020 (entered into force on 17 March 2023).

<sup>135</sup> [В Армении запретили вещание программ Владимира Соловьёва](#) (Programmes by Vladimir Solovyov are banned in Armenia), *Armenia Today*, 29 March 2024.

<sup>136</sup> [Ռուսական «Առաջին ալիքի» հեռարձակումը Հայաստանում վերականգնվել է. պարտքը վճարել են. Լախարյան](#) (Minister: Broadcasting of the Russian “First Channel” in Armenia has been restored; the debt was paid), 31 May 2024, *Aysor*.

<sup>137</sup> [2023 Communication on EU Enlargement Policy](#) (extract about Georgia), press statement, 8 November 2023.

<sup>138</sup> Dumont E., Solis J. and Zaleski L., “Georgia: Profile of Media Ownership and Potential Foreign Influence Channels”, *AidData at William & Mary*, cit.

<sup>139</sup> Richter A., [“Georgia: Law on Transparency of Foreign Influence Enforced”](#), IRIS 2024-6:1/13, European Audiovisual Observatory, 2024.

<sup>140</sup> European Commission for Democracy through Law (Venice Commission), [“Georgia – Urgent Opinion on the Law on Transparency of Foreign Influence”](#), CDL-PI(2024)013, 21 May 2024.



In **Moldova**, as the authorities attempt to improve the country's pro-EU trajectory, the country remains an object of information warfare, "marked by aggressive pro-Kremlin propaganda and manipulative information".<sup>141</sup> In 2022 the parliament adopted a set of amendments to the AVMS Code that introduced substantial barriers to false news in audiovisual media.<sup>142</sup> In 2023, the NRA approved a detailed methodology to detect disinformation in audiovisual media.<sup>143</sup>

The year 2024 began in Moldova with the end of the state of emergency, which had lasted for almost two years. Within that period, the national Commission for Exceptional Situations (CES) "suspended" the broadcast licences of 12 television stations that allegedly spread false information. In addition, the state security agency blocked over 100 web pages for publishing content deemed manipulative,<sup>144</sup> including from organisations banned in the EU.<sup>145</sup> According to local observers, these developments "have led to increased control over manipulative information and hate speech, impacting media outlets disseminating Kremlin propaganda."<sup>146</sup>

Right at the end of the state of emergency, the Council for the Promotion of Investment Projects of National Importance, a government agency, informed the NRA, the telecom authority and audiovisual service providers, that the suspension of licences for the six Moldovan television stations, that had previously been targeted by the CES, should continue. The reason was the discovery by the agency of "investments in areas important for the security of the state" (audiovisual media services) made by the owners of the six media providers.<sup>147</sup>

A number of civil society media organisations in Moldova then issued a statement noting that the powers held by the Council "have significant potential to be used to the detriment of press freedom". They called for "any restriction on freedom of expression [to be] allowed only to protect a legitimate interest as provided by the law and only when the restriction is proportional to the situation that prompted it".<sup>148</sup>

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<sup>141</sup> IREX, "Vibrant Information Barometer", cit., p. 215.

<sup>142</sup> See in detail: Richter A., *Media law and policy in selected Black Sea region countries*, Strasbourg, September 2023, p. 25; Richter A., ["Legal needs and a roadmap for the Republic of Moldova to effectively protect its people against propaganda, manipulation, disinformation: a study"](#), Institute for Public Policy, Chisinau, 2024, pp. 79-83.

<sup>143</sup> See Richter A., ["Moldova: Methodology for detecting disinformation approved by media regulator"](#), IRIS 2023-10:1/28, European Audiovisual Observatory, 2023.

<sup>144</sup> IREX, "Vibrant Information Barometer", cit., p. 213.

<sup>145</sup> European Commission, "Commission staff working document, Republic of Moldova 2023 Report", cit., p. 37.

<sup>146</sup> IREX, "Vibrant Information Barometer", cit., p. 214.

<sup>147</sup> See Richter A., ["Moldova: New mechanism to suspend adopted television licences"](#), IRIS 2024-2:1/20, European Audiovisual Observatory, 2024.

<sup>148</sup> Centrul pentru jurnalism independent, ["Statement: We condemn the new mechanism for the suspension of TV licences and the lack of transparency in its legislative process"](#), Press release, 16 January 2024. See also Gotisan V. and Durnea C. "Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism

In **Türkiye**, as was the case the year before, the latest EU report again noted passivity in the face of “foreign information manipulation and interference (FIMI) activities, including the circulation of false information and propaganda on social and mainstream media”.<sup>149</sup>

Like several other countries in Europe, Türkiye adopted, in October 2022, a set of amendments to the legislation that penalises disinformation. The “disinformation law”, as it is generally known, introduced crimes of “publicly spreading information that is misleading people and causing concern, fear, or panic” or “disrupting the country’s internal and external security, public order, public health, or domestic peace”. The penalty is imprisonment for between one and three years.<sup>150</sup>

At the time of its adoption, the Venice Commission of the Council of Europe had reviewed the bill and recommended that it should not be enacted, citing “serious doubts regarding the necessity in a democratic society of the criminal response to ‘false or misleading information’”, as well as the provisions’ potential consequences, namely, “the chilling effect and increased self-censorship”.<sup>151</sup> Similar concerns were expressed in the EU report on Türkiye.<sup>152</sup> Indeed, 33 journalists were investigated in 2023 under this amendment, six more were detained and four arrested.<sup>153</sup>

The first 28 articles of the “disinformation law” explain the way internet news portals become transparent to users and the authorities by falling under the scope of the Press Statute as “periodical publications”<sup>154</sup> while online journalists become eligible to obtain their press cards. Press cards, issued by a board of officials, are an important instrument of approval or disapproval of the media undertakings’ “quality”, as the law prescribes the minimum number of journalists with press cards to be employed by them.<sup>155</sup> It is now obligatory for internet news portals to provide their contact information in an easily accessible way, indicate the date stories were first published and dates when changes were made to the content.<sup>156</sup>

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Monitor in the European Member States and Candidate Countries in 2023, Country Report: The Republic of Moldova”, cit., p. 14.

<sup>149</sup> European Commission, “Commission staff working document, Türkiye 2023 Report”, cit., p. 35.

<sup>150</sup> Filibeli T. E. et al., “Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Member States and Candidate Countries in 2023, Country Report: Turkey”, cit., p. 7. See also Adal H., “*Türkiye’s new ‘disinformation law’ explained*”, *Bianet*, 14 October 2022.

<sup>151</sup> European Commission for Democracy through Law (Venice Commission), “*Türkiye: Urgent Joint Opinion of the Venice Commission and the Directorate General of Human Rights and Rule of Law (DGI) of the Council of Europe on the Draft Amendments to the Penal Code Regarding the Provision on ‘False Or Misleading Information’*”, CDL-AD(2022)034, 21 October 2021, paragraphs 91-93.

<sup>152</sup> European Commission, “Commission staff working document, Türkiye 2023 Report”, cit., p. 35.

<sup>153</sup> Filibeli T. E. et al., “Monitoring Media Pluralism in the Digital Era: Application of the Media Pluralism Monitor in the European Member States and Candidate Countries in 2023, Country Report: Turkey”, cit., p. 14.

<sup>154</sup> See Press Law No. 5187, Turkish Penal Code, Article 217/A.

<sup>155</sup> See Press Labour Law and [By-law on Administrative and Financial Conditions with which Media Service Providers and Platform and Infrastructure Operators are required to comply](#), Official Gazette, 15 June 2011, Article 12.

<sup>156</sup> Adal H., “*Türkiye’s new ‘disinformation law’ explained*”, *Bianet*, 14 October 2022, cit.



Meanwhile, the ruling party tabled, in May 2024, an amendment to the next judicial reform package for parliamentary review. It was immediately dubbed the Turkish version of the foreign agent law, as adopted in Russia and Georgia. The bill allowed a person to “be accused of being under foreign influence” for online speech “about freedoms, democracy, or human rights” in Türkiye, if it “was followed by a criticism or international condemnation”. Publishing a report that is critical of the government or the country might lead to an accusation of being a foreign influence agent, if the media or the author is funded from abroad. Being such an agent could be considered under the wider act of attempting to exercise “foreign influence”, a sensitive political issue in Türkiye today, and thus fall under the crime punishable by lengthy prison terms.<sup>157</sup> In June 2024, the “foreign influence” bill was withdrawn from the reform package, as it was found to have unclear and unpredictable limits.<sup>158</sup>

In **Ukraine**, despite a well-developed and long-lasting successful policy of restricting Russian media service providers and social media,<sup>159</sup> “Kremlin information manipulation through social media remains an issue” and pro-Kremlin narratives, with their factual distortions, manipulations, and lies are still profusely disseminated via social networks and messengers.<sup>160</sup>

The recently adopted Statute on the Media foresaw a set of provisions aimed at combating disinformation of the aggressor state (and occupying state) during the current invasion and initial post-war period by prohibiting its distribution on the territory of Ukraine (Article 123).<sup>161</sup>

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Countering “rogue” media is to be supplemented by the support of information “quality”. It is worth noting that four of the five countries (Armenia, Georgia, Moldova and Ukraine) are annually reviewed by an international study organised by IREX, which is based on the opinions of local experts and substantiated by evidence. One of the key areas is “information quality”, where questions relate to the means of information production by both professional and non-professional media content producers. This encompasses content quality, content diversity, and economic resources for information production – as well as resistance to “false” news. The final “grades” compiled on the results of the poll (based on a scale from 0 to 40), demonstrate the following (see Table 3).

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<sup>157</sup> Geybullayeva A., “[Turkey joins the ranks of countries considering a foreign agent law](#)”, *Global Voices*, 16 May 2024.

<sup>158</sup> BIA News Desk, “[‘Agents of influence’ law withdrawn](#)”, 14 June 2024, *Bianet*.

<sup>159</sup> See Richter A., [Sanction law against Russian and Belarusian audiovisual media](#), Strasbourg, November 2022.

<sup>160</sup> IREX, “Vibrant Information Barometer”, cit., pp. 247 and 250.

<sup>161</sup> [Закон України Про медіа](#) (Statute of Ukraine of 13 December 2022 on the Media), No. 2849-IX.



**Table 3. “Information quality” rating (0 to 40 points)**

Country/Year	2022	2023	2024
Armenia	19	20	22
Georgia	15	13	12
Moldova	21	22	22
Ukraine	20	21	21

*Compiled by the author using data from the country reports in the “Vibrant Information Barometer-2024” by IREX.*

Three countries in the table (Armenia, Moldova and Ukraine) barely fell within the range, classified as “somewhat vibrant” (21-30 points), meaning that quality information is available there and most of it is

*editorially independent, based on facts, and not intended to harm. Most people have the rights, means, and capacity to access a wide range of information, although some do not. Most people recognise and reject misinformation, although some do not.*

In one other country (Georgia), quality information is assessed as only “slightly vibrant” (11-20 points), characterised by its availability on a few topics only.

*While some information is editorially independent, there is still a significant amount of misinformation, malinformation, and hate speech in circulation, and it does influence public discourse. Most people do not recognise or reject misinformation.<sup>162</sup>*

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<sup>162</sup> IREX, “Vibrant Information Barometer”, cit., p. 22.



## 7. Conclusions

It appears that the European perspective on media pluralism today is particularly focused on the transparency of media ownership, guarantees for the editorial freedom of both public and private media, support for the practices of “quality journalism” and the exclusion of “rogue” media content from its range.

National law in the five countries included in this study mentions media pluralism, although the concept is not necessarily described and/or detailed in the way it is in the EMFA.

The transparency of media ownership is generally acknowledged in national law, with the key information on the end beneficiaries of media services to be made transparent in four countries (Armenia, Georgia, Moldova and Ukraine). As to what happens in practice, experts point to hidden influence and control which are not linked to financial beneficiaries of media undertakings. Ownership of the media in the region is associated more with political influence than with financial benefits. There are still elements left out of the national legislations that might improve their standing vis-à-vis European standards.

Once popular, de-oligarchisation is no longer at the top of the political agenda in the Black Sea region for various reasons, but primarily because the European institutions saw the way in which legal instruments were shaped to combat it as a threat to democracy.

As expressed in the EMFA, the European perspective leaves no doubt that media market concentrations, media pluralism and editorial independence are closely interrelated phenomena that must be constantly monitored and assessed by the public authorities. On the one hand, concentrations “could have a significant impact on media pluralism and editorial independence”,<sup>163</sup> while vice versa, “risks to media pluralism and the editorial independence of media service providers ... could impact the functioning of the internal market”, that likely includes establishing concentrations.<sup>164</sup> Editorial independence evidently does not occupy in national law and policy the place designed in the EMFA.

There is a difference between the countries seeing the threat of foreign information manipulation and interference in the Kremlin-backed content that undermines common European values (Moldova, Ukraine), and those seeing threats in any

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<sup>163</sup> European Media Freedom Act, Recital 64.

<sup>164</sup> Ibid., Article 26, paragraph 3, point c).





foreign “influence” over the media or disinformation as such (Georgia, Türkiye). Meanwhile, the EMFA offers a new framework to address the current challenges of alien propaganda in the media through a division of media content into “quality” and “rogue”. If and when such a division and the possibility to support “quality” and sanction “rogue” media is put in place in the Black Sea countries, it will be important to ensure that the mechanisms are not abused to cancel media voices that oppose the government.

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