

MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN UNION, ALBANIA, MONTENEGRO, THE REPUBLIC OF NORTH MACEDONIA, SERBIA & TURKEY IN THE YEAR 2020

Country report: Bulgaria

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Research Project Report

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1. About the project

1.1. Overview of the Project

The Media Pluralism Monitor (MPM) is a research tool designed to identify potential risks to media pluralism in the Member States of the European Union and in candidate countries. This narrative report has been produced on the basis of the implementation of the MPM carried out in 2020. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological note

Authorship and review

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

In Bulgaria the CMPF partnered with Orlin Spassov (Foundation Media Democracy / Sofia University “St. Kliment Ohridski”), Nelly Ognyanova (Sofia University “St. Kliment Ohridski”), Nikoleta Daskalova (Foundation Media Democracy), who conducted the data collection, scored and commented on the variables in the questionnaire and interviewed experts. The report was reviewed by the CMPF staff. Moreover, to ensure accurate and reliable findings, a group of national experts in each country reviewed the answers to particularly evaluative questions (see Annex II for the list of experts). For a list of selected countries, the final country report was peer-reviewed by an independent country expert.

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

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for women
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Protection against illegal and harmful speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

The digital dimension

The Monitor does not consider the digital dimension to be an isolated area but rather as intertwined with traditional media and existing principles of media pluralism and freedom of expression. Nevertheless, the Monitor also extracts digital-specific risk scores and the report contains a specific analysis of risks related to the digital news environment.

The calculation of risk

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

Scores between 0 and 33%: low risk

Scores between 34 to 66%: medium risk

Scores between 67 and 100%: high risk

With regard to indicators, scores of 0 are rated 3% while scores of 100 are rated 97% by default, to avoid an assessment of total absence or certainty of risk.

Disclaimer: The content of the report does not necessarily reflect the views of the CMPF, nor the position of the members composing the Group of Experts. It represents the views of the national country team that carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2021 scores may not be fully comparable with previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2021, soon available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

- The total population of Bulgaria in 2019 is 6 951 482 (data from April 2020, NSI 2021a). According to the latest census (2011), the Bulgarian ethnic group is the largest with 84.8% of the Bulgarian population. The Turkish ethnic group is the second largest and making up 8.8%. The Romani group is the third and accounts for 4.9%. The adult literacy rate reaches 98.4% (UIS 2013). Bulgarian is the mother tongue for 85.2% of the population, Turkish being the second with 9.1% and Romani with 4.2% (NSI 2011).
- In 2019, as in previous years, Bulgaria was the member state with the lowest per-capita GDP, at 53.0% below the EU average (data from December, 2020, EUROSTAT 2020). Bulgaria has remained the poorest country in the EU, although unemployment rates are 5.5%, below the average for EU (7.3%) (data from January 2021, EUROSTAT 2021). The economy faces many serious problems, including, amongst others, corruption – corruption perceptions score ranks 69 of 180 countries (Transparency International 2020).
- In 2020, sustained protests called for the resignation of Prime Minister Boyko Borisov and the Chief Prosecutor Ivan Geshev, but did not succeed. In April 2021, the powerful centre-right GERB party ended a full four-year term during which it ruled in coalition with nationalist parties. In the past few years, there has been an ongoing confrontation between the government and the president. The political process is characterized by numerous scandals and verbal attacks. Against this background, many media (online media, tabloid newspapers, party TVs, social networks) have contributed to the escalation of polarization in society by frequent use of hate speech and smear campaigns.
- The media market is diverse but still highly dependent on political and economic influences. The total number of newspapers is 223 (32 of them are dailies, data for 2019). There are 128 registered TV operators. The number of radio operators is 82. The total TV and radio revenues are respectively 245 984 000 and 39 980 000 EUR (NSI 2021b). In 2020, 78.9% of the households had access to the internet at home (a growth of 3.8%, compared to the previous year). The relative share of households using broadband internet connection is 78.6% (NSI 2021c).
- In 2020, there were significant shifts in media ownership. The fund of the Czech businessman Petr Kellner PPF acquired bTV Media Group (and before that, one of the three largest telecoms, Telenor). In December 2020, less than two years after Bulgarian businessmen Kiril Domuschiev and Georgi Domuschiev bought Nova Broadcasting Group, they sold it to United Group (UG). The latter had previously acquired Vivacom, the largest Bulgarian telecommunications company, and also bought Telegraf publishing group from Delyan Peevski (a politician from the Movement for Rights and Freedoms party).^[1]
- At the end of 2020, a Bill for amendment and supplement to the Radio and Television Act^[1] was promulgated. With this, the latest revision of the Audiovisual Media Services Directive – Directive (EU) 2018/1808 – was introduced in the Radio and Television Act by implementing in it the EU requirements for digital media services and platform services.
- The 2020 World Press Freedom Index of Reporters Without Borders places Bulgaria at 111th position out of 180 monitored countries (last place in the EU) (RSF, 2021). In the Freedom in the World ranking of Freedom House, in 2020 Bulgaria gets 78 out of 100 points and is rated ‘free’. At the same time, the

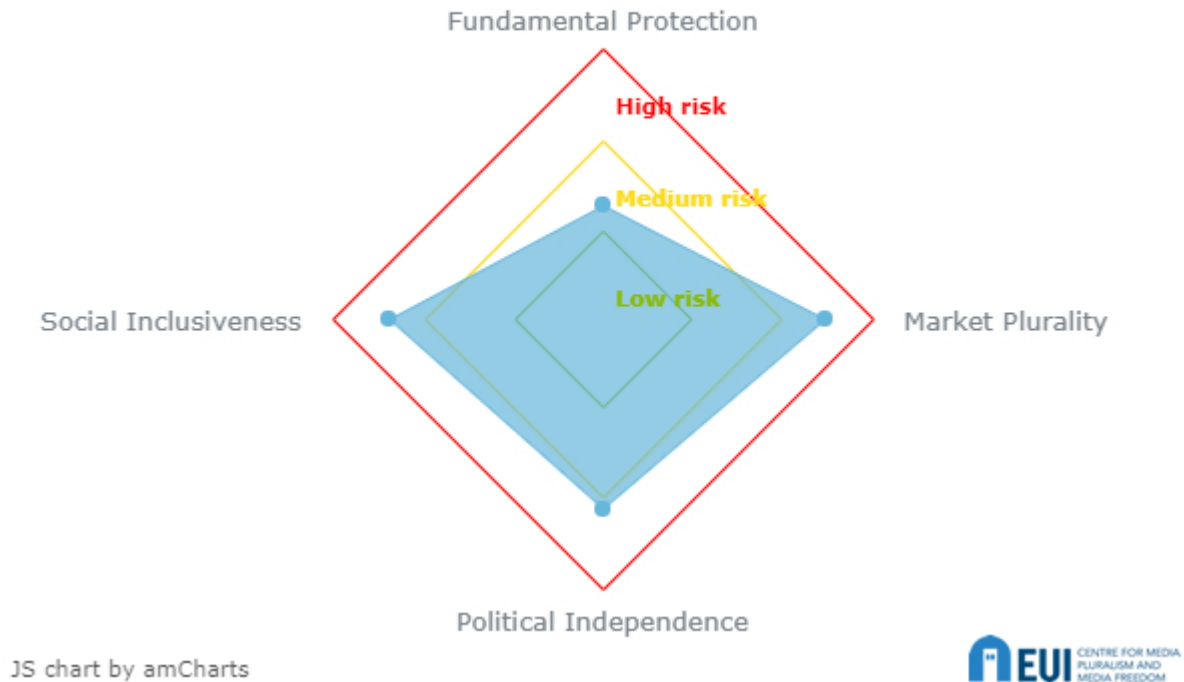
report states: 'The media sector is less pluralistic, as ownership concentration has considerably increased in the last 10 years. Journalists encounter threats and even violence in the course of their work and are sometimes fired for not following the editorial line' (Freedom House, 2020). A number of Bulgarian non-governmental organizations point out a wide range of ongoing negative trends: interventions by media owners, advertisers and politicians in the work of the media, spread of self-censorship, deteriorating working conditions for media professionals, etc.

- In 2020, the COVID-19 pandemic significantly affected the media. Even some of the biggest ones, such as bTV, admit they had to cut costs. Advertising revenues declined, especially in the first months of the pandemic (Antonova, 2020). In the second half of the year, increased consumption of TV and digital media led to growing advertising investments for some media, the TV sector in particular indicating a growth of 4% compared to 2019 (Media Club, 2021). As a whole, though, the media market suffered losses. Some media outlets took advantage of financial instruments developed by the EU to limit the impact of the pandemic on the economy. However, the consequences are serious, especially for the smaller and regional media, with some of them going bankrupt in 2020 (Vezenkov, 2020). On the other hand, public opinion has been polarized. It became hard for many consumers to find trustworthy information and many people lost faith in rational arguments. In the end, information and misinformation have mixed into a dangerous media cocktail. This has made crisis management more difficult. Divided public opinion has in itself become a risk generator and has triggered an infodemic – as dangerous as the pandemic itself.

[\[1\]](#) The latest developments at the very end of 2020 are not covered in the present MPM assessment for Bulgaria. The impact of these market transformations on media pluralism is yet to unfold.

3. Results from the data collection: assessment of the risks to media pluralism

Bulgaria: Media Pluralism Risk Areas



In Bulgaria, especially high risks for media pluralism were detected primarily in the areas of **Social Inclusiveness** (79%) and **Market Plurality** (82%). All five indicators in the Social Inclusiveness domain point to high risk: **Protection against illegal and harmful speech** (96%), **Access to media for local/regional communities and for community media** (81%), **Access to media for women** (78%), **Access to media for minorities** (71%) and **Media literacy** (67%). Four of the **Market Plurality** indicators point toward a particularly high risk: **Online platforms concentration and competition enforcement** (97%), **News media concentration** (96%), **Commercial and owner influence over editorial content** (90%) and **Media viability** (87%).

There are also significant risks to media pluralism in Bulgaria identified within the **Political Independence** area. Three out of five indicators within this domain face a particularly high risk: **State regulation of resources and support to media sector** (97%), **Independence of PSM governance and funding** (83%) and **Editorial autonomy** (71%).

The area of **Fundamental Protection** scores low to medium risk. The main problems here are identified within the indicators **Journalistic profession, standards and protection** (60%), and **Protection of right to information** (52%).

To sum up, the four observed indicators with the highest individual risk are the following: state regulation of resources and support to media sector; online platforms concentration and competition enforcement; news media concentration; and protection against illegal and harmful speech. It is obvious that the problems do not cover only one or two spheres but are much more diverse and deep. They affect both traditional news companies and online platforms, as well as both public and private sector media.

The high risk in the field of social inclusiveness deserves special attention. Local and regional media face

serious problems in terms of independence and sustainability. In parallel, access to media for minorities, women, and people with disabilities remains problematic. Against this background, the lack of sufficient protection against illegal and harmful speech is of particular concern.

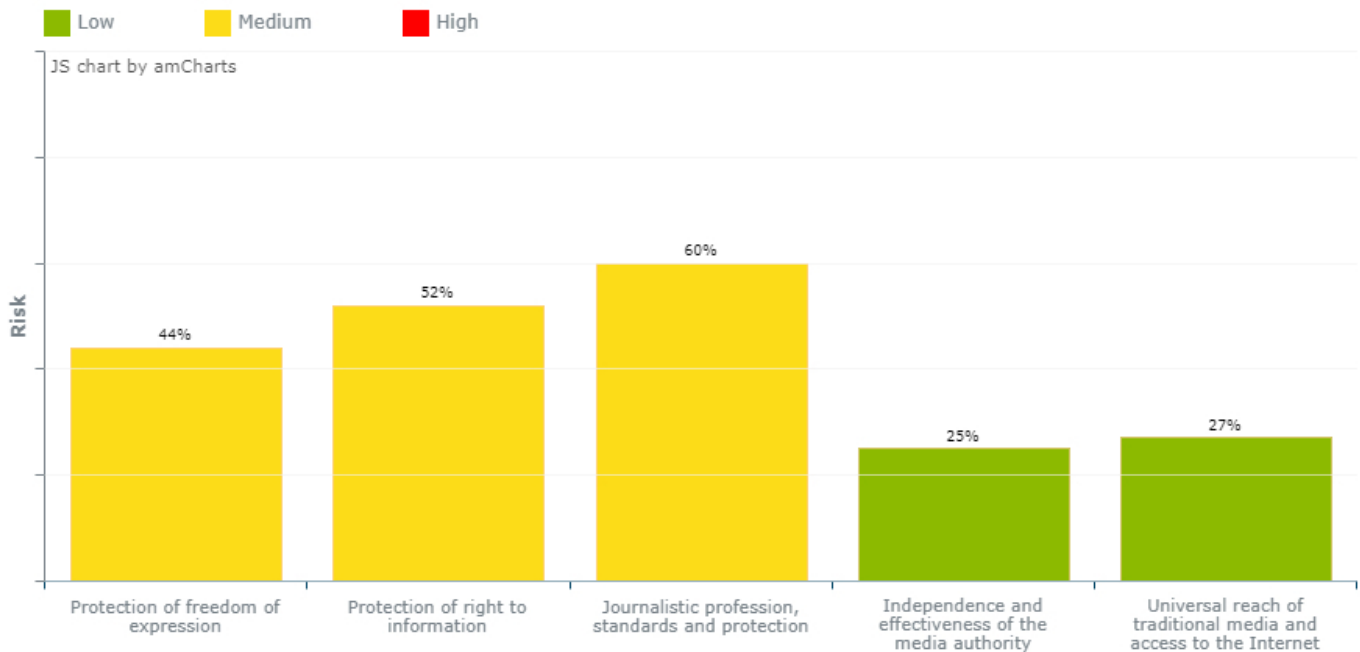
There are only two indicators scoring low risk: **Independence and effectiveness of the media authority** (25%) (positive results here are mostly due to available legal provisions); and **Universal reach of traditional media and access to the internet** (27%) (the result here is related to successful technological policies in recent years).

As a whole, as in previous years, the weak performance of Bulgaria can be traced back to the fact that, while in most cases the legal framework introduces necessary standards, these standards are frequently not effectively implemented in practice. Compared to the MPM2020, there is a significant increase in risk in some areas, for example state regulation of resources and support to media sector (from 63% to 97%); media viability (from 77% to 87%); news media concentration (from 90% to 96%).

This increase in risks is partly due to the COVID-19 pandemic, which has a strong impact on media outlets. On the one hand, they are under pressure to produce more content, while, on the other hand, they have limited resources and do not receive direct support from the state (there are no measures specifically addressed to the media). All this makes the protection of the journalistic profession more problematic. In a situation of a deteriorating working environment, journalists have to overcome ongoing harassment, pressure and self-censorship. These peculiarities must be taken into account when making an overall assessment of media pluralism in Bulgaria.

3.1. Fundamental Protection (42% - medium risk)

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



The indicator '**Protection of freedom of expression**' scores medium risk (44%). Although freedom of expression is explicitly recognized in the Constitution and media legislation, freedom of the media is systematically violated in practice. Against the backdrop of the general weakness of the rule of law, undue financial and political pressure over journalists persists. In addition, the COVID-19 crisis has caused controversial actions by the authorities as regards freedom of expression. In 2020, in at least four cases, Article 326 of the Criminal Code for inducing panic was applied in the context of the pandemic. In April 2020, the Bulgarian Prosecutor's Office brought charges against Prof. Asena Serbezova, chair of the Bulgarian Pharmaceutical Union, for inducing panic in the state of emergency, after her public warning of a possible shortage of some medicines. Serbezova was subsequently acquitted by the Sofia District Court. In three other cases, charges were brought against the leader of the party Vazrazhdane Kostadin Kostadinov (who made allegations about the lack of goods and medical supplies), two doctors from the city of Plovdiv (who criticized the authorities for the health crisis management) and, finally, against Georgi Georgiev from NGO Boetz (who commented that the St. Petka Hospital in Vidin did not test medical staff and other contacts of people infected with the COVID-19 virus). Later on, the courts terminated the cases.

Protection of the right to information scores a risk of 52%. Against the background of existing legal provisions for the right to information and for appeal mechanisms in cases of denials of access to information, there are legislative gaps that hinder access to public information in practice (such as unbalanced regulation in terms of protection of trade secrecy and statistical confidentiality). The fact that public information proceedings are a one-instance procedure in the hands of regional administrative courts is also problematic. In 2020, in the context of the COVID-19 state of emergency, there was an increase in the cases of institutions not responding to access to information requests, and, on some occasions, journalists faced hardships in accessing data from healthcare organisations. Protection of whistleblowers raises concerns due to legislative gaps, low social awareness and lack of effective monitoring on the issue. According to the assessment of the Global Right to Information Rating, Bulgaria's Access to Public Information Act 55/2000^[2] is 'of medium quality, with a number of gaps in the legislative scheme' (Access Info Europe and Centre for Law and Democracy, no date).

The indicator '**Journalistic profession, standards and protection**' scores medium risk (60%). In practice,

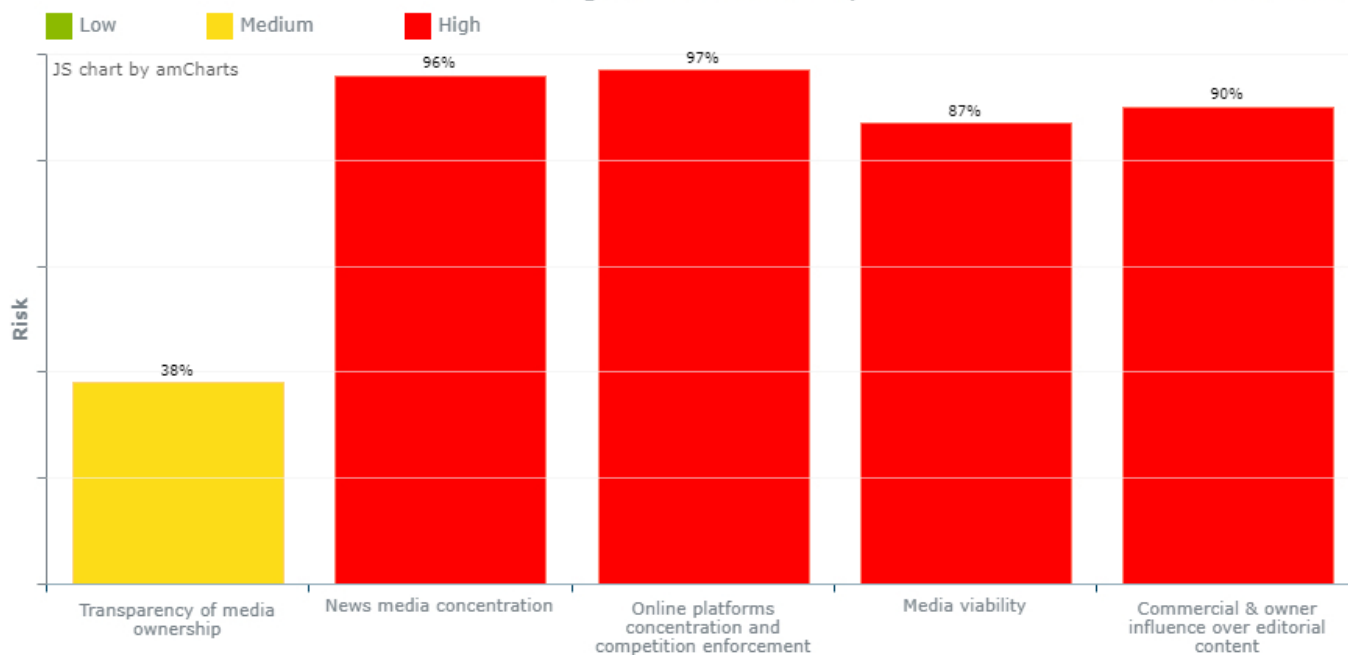
there is a lack of sufficient guarantees for editorial independence. Adequate trade union protection has been lacking for years. Poor working conditions of journalists have become even more problematic in the COVID-19 crisis, due to salary cuts, delayed payments and excessive workload. In 2020, there were a few cases of attacks and threats to the physical safety of journalists (5 entries on the Mapping Media Freedom index, 3 entries on the Council of Europe's Platform to promote the protection of journalism and safety of journalists). The most drastic case was of newspaper editor Slavi Angelov, who was beaten with metal pipes by masked men in the centre of Sofia. In 2020, there were also problematic cases of detainment and interrogation of journalists. Smear campaigns against critical media professionals are typical for a few pro-government outlets. Against the backdrop of the absent anti-SLAPP legal framework, in June 2020, local and international media organisations strongly criticized a criminal trial on a privatization business deal from 2011 against publisher Ivo Prokopiev as actually attempting to silence the media owned by Prokopiev.

'Independence and effectiveness of the media authority' is the indicator scoring the lowest risk (25%), albeit half of the variables within the indicator point to medium risk. Two of the members of the Council for Electronic Media (CEM), the regulatory authority, are appointed by the President, and the other three are elected by the Parliament. Genuine citizen participation in nominating CEM members is not guaranteed. Thus, the very constitution of the CEM is inevitably exposed to risks of political influences. The duties and responsibilities of the CEM are clearly defined by the law, the authority being transparent about its activities. Against this background, in 2020, CEM Chairwoman Betina Zhoteva made some controversial statements about media freedom in Bulgaria by questioning the critical assessments of watchdog organisations while expressing biased opinions on public and media developments in the country (e.g., Karadzhov, 2020; Paunovski, 2020; Darik News, 2020). A source of growing concerns is the way of financing of the CEM and the necessity for additional resources so that the regulator can perform all its duties in the context of the provisions of the revised Audiovisual Media Services Directive (CEM, 2020; Choreva, 2020).

The indicator on **the universal reach of traditional media and access to the internet** points to low risk (27%). Universal coverage of the public-service media is guaranteed by law. The reach of public TV and radio channels is 96% of the population, while broadband subscription is 79%.

3.2. Market Plurality (82% - high risk)

The Market Plurality area focuses on the economic risks to media pluralism, deriving from lack of transparency and concentration of ownership, sustainability of the media industry, exposure of journalism to commercial interests. The first indicator examines the existence and effectiveness of provisions on transparency of media ownership. Lack of competition and external pluralism is assessed separately for the news media (production of the news) and for the online platforms (gateways to the news), considering separately horizontal and cross-media concentration; the concentration of online advertising market; and the role of competition enforcement. The indicator on media viability measures the trend of revenues and employment, in relation with GDP trends. The last indicator aims to assess risks to market plurality posed by business interests on production of editorial content, both from commercial and owners influence



The market plurality domain is the highest risk area for Bulgaria with three indicators scoring extremely high levels of risk (90% or above).

The indicator '**Transparency of media ownership**' is the only indicator within the area scoring medium risk (38%). There are legal provisions requiring disclosure of ownership details, including the ultimate owner, of the media service providers. In practice though, many outlets do not comply with the law. Although transparency of information collected by public bodies was improved in 2020, data on media ownership is still not fully provided to the public. The legal framework stipulates sanctions for the media in case of non-compliance with the obligations for ownership disclosure but such sanctions have never been imposed.

'**News media concentration**' indicates a very high risk (96%) with no significant developments in 2020 compared to the previous editions of the MPM. There are still no specific thresholds based on objective criteria in order to prevent a high degree of horizontal or cross-media concentration of ownership in the news media sector. There are general rules in the competition law, which are not specified for the media sector. Another serious issue is the lack of basic data necessary for the assessment of the actual level of concentration. This is considered a risk in itself. There are no data on the market shares based on total revenues (including advertising, sales, public funding, subscriptions, etc.) generated in the audiovisual, radio and newspaper markets. The online media sector is also characterized by a lack of precise data. Based on partial advertising revenue information, the figures indicate high levels of concentration in the TV sector - 92% total market share of the major 4 owners (Media Club, 2021). The sums of the audience shares of top 4 TV media groups, 74% (Nilsen Admosphere, 2020), and the top 4 radio groups, 79% (Media Club, 2021), are also indicative of high concentration.

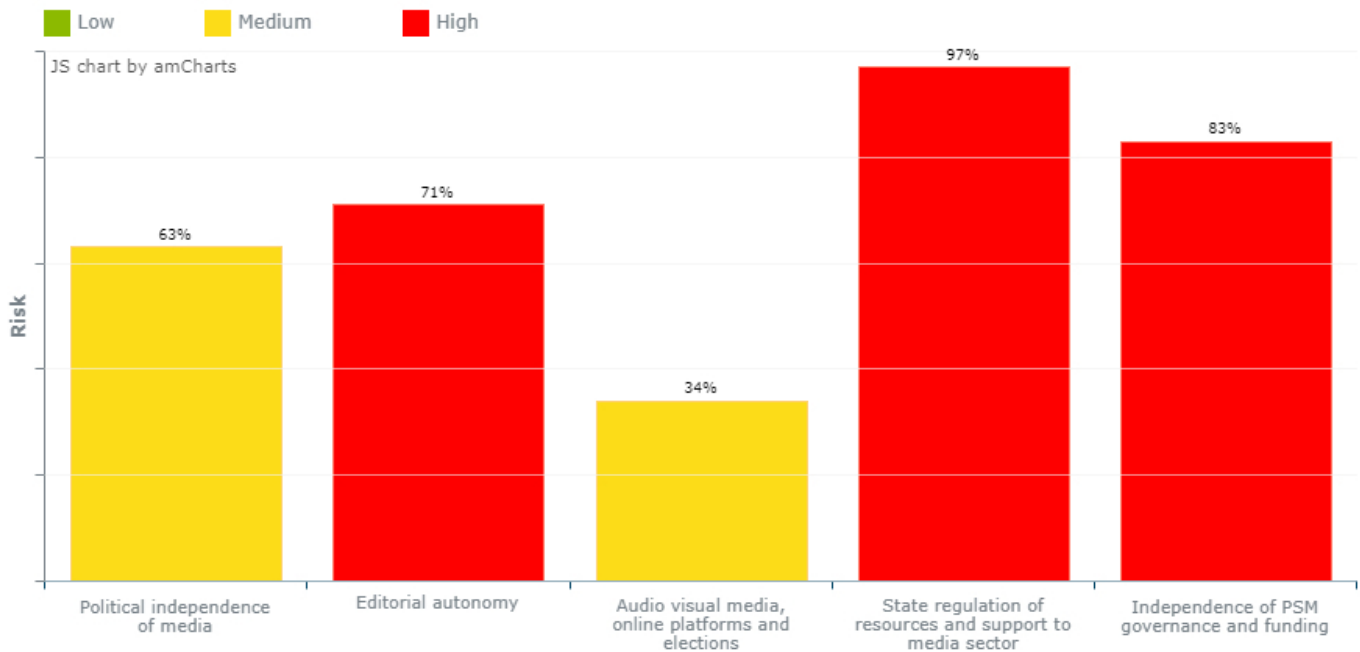
The indicator '**Online platforms concentration and competition enforcement**' reaches the highest possible level of risk (97%). People access news online rather through side-doors than going directly to the website of the news media publisher. Parallel to this fact, the evaluation lays down on deficits such as: no competition regulation that takes into account the specificities and the evolution of the media sector; no provisions ensuring that state funds are granted to the PSM in a proportionate manner regarding their role in the digital environment; no form of taxation of digital services.

'Media viability' scores a risk of 87%. Although the expenditures for advertising in the audiovisual sector have increased over the past year, there are indications for a decrease of advertising revenues in the radio, newspaper and local media sectors, as well as in the news media market as a whole. The COVID-19 crisis has resulted in layoffs and salary reductions. The worsening of economic conditions has affected professionals working for national and regional news media as well as freelancers. The pandemic-related restrictions in the country have also had negative effects on the media companies in their efforts to profit from alternative business endeavours (such as organisation of events).

The indicator **'Commercial and owner influence over editorial content'** scores a high risk of 90%. There are no mechanisms for granting social protection to journalists in case of changes of ownership or editorial line. There are also no regulatory or self-regulatory safeguards against commercial influence over decisions regarding appointments and dismissals of editors-in-chief. Against this background, journalists are not protected in practice. After the change in ownership of the two leading private TV channels, Nova TV in 2019 and bTV in 2020, there were dismissals of journalists and program directors. The developments in the Nova Broadcasting Group are especially noticeable. Over the past 2 years, under the management of the owners Kiril Domuschiev and Georgi Domuschiev, the company has dismissed more than 60 people from different departments, including prominent anchors, reporters and editors. Explanations and interpretations vary from budget cuts due to the COVID-19 crisis to 'what looks like a crude cleansing of Nova TV' (Kostadinova, 2020; Rafailovich, 2019). In addition, although there are some legal and self-regulatory provisions against disguised advertisement and commercial interference in the production of media content, in practice commercial pressure over many news outlets persists, while journalistic and advertising contents are often intertwined.

3.3. Political Independence (70% - high risk)

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



The indicator '**Political independence of the media**' scores a medium risk of 63%. A peculiar feature of the Bulgarian media sphere is the fact that media ownership by politicians and parties, including of audiovisual media, is not explicitly prohibited or limited by law. TV channels with direct affiliation to political subjects include Alfa TV, SKAT TV and BSTV. Political control over the media in the country has been a pressing issue for years. An ongoing practice of influence by the government and municipalities is through paid contracts for media coverage and promotion of public projects. Developments over the past two years are indicative of different levels of risk as regards political dependencies of the leading news media: high risk in the TV and newspaper sectors; medium risk for the top radio channels and digital native media; low risk for the main news agencies. The influential Nova TV and the public BNT have been subject to criticism for taking a pro-government stance due to political interference in their management.

The indicator '**Editorial autonomy**' scores high risk (71%). There are no regulatory safeguards for editorial autonomy in cases of appointments and dismissals of editors-in-chief. Although political influence in such cases is difficult to prove, there are concerns that some appointments and dismissals in the mainstream media are affected by political interference. The self-regulatory Code of Ethics of Bulgarian Media stipulates measures for editorial independence from political interference. In practice though, it has been repeatedly expressed by experts and journalists that there is systematic political influence over the editorial content, and self-regulatory efforts are effective only to a limited extent.

The risk score for '**Audiovisual media, online platforms and elections**' is medium (34%). The Radio and Television Act prohibits censorship and provides for the independence of media service providers, including the public-service channels, and their activities from political and economic interference. The Election Code elaborates access to airtime on PSM channels for political actors during election campaigns; and regulation in this regard is effective. When covering election campaigns, BNT and BNR generally adhere to the principles of objectivity and pluralism in accordance with the legal requirements. The existing regulation covers private TV and radio channels as well. Although the leading private broadcasters provide a balanced representation of the main parties and candidates, some of the small TV channels, especially those affiliated with political actors, are prone to biased coverage of campaigns. According to the Election Code, buying advertising space on commercial audiovisual media is available to all parties, on equal conditions. In

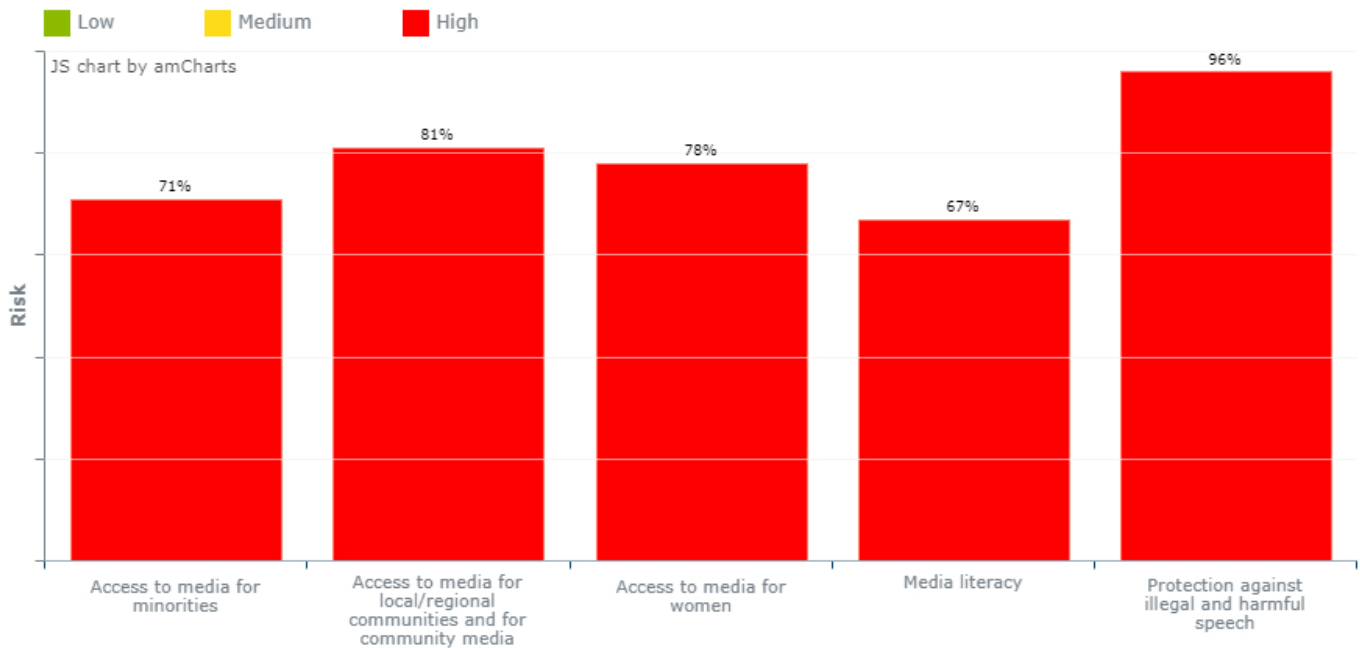
addition, during election campaigns, the state provides funds for advertising in the media to parties and coalitions, which are not entitled to a state subsidy under the Political Parties Act.^[3] The law provides for transparency of paid political messages, albeit not covering social media.

The indicator '**State regulation of resources and support to media sector**' reaches the highest possible risk score (97%). The score reflects the lack of legal provisions for direct and indirect subsidies as well as the lack of regulatory safeguards for the fair and transparent distribution of state advertising in the media sector. Although some data on state-funded advertising can be required under the Access to Public Information Act,^[4] transparency remains problematic. State advertising is still used as a tool for political influence over national and local media. In 2020, the Council of Ministers adopted measures to protect employment in the context of the COVID-19 pandemic. Media companies could apply for financing under these measures (assistance in the amount of 60 percent of the wage costs for the employer) and some media received financial support. These measures, however, are of a general character, while specifically designed support schemes for the media sector have not been provided.

'**Independence of PSM governance and funding**' scores a high risk of 83%. The formal legal procedures for the appointment of directors-general and management boards of the PSM do not provide adequate guarantees for independence from government or other political influence. BNT's current Director-General, Emil Koshlukov, for example, has been previously engaged in politics and had worked for politically controlled media. In addition, funding of the PSM still remains problematic. BNT and BNR are funded via a state budget subsidy, defined year-on-year in the respective annual State Budget Act,^[5] and a limited amount of advertising (around 10% or less of the overall budget of the broadcasters). The amount of the state subsidy is decided without public discussion, based on a 'per hour of programming' principle. In 2020, measures for the optimisation of PSM management have been included in a draft law for the amendment of the Radio and Television Act.^[6] The draft law is also aimed at introducing the EU Communication on State Aid Rules to Public Service Broadcasting (2009). The State Aid Communication requires the funding of public service providers to be in line with their public service remit. The draft law is expected to be adopted by the next Parliament.

3.4. Social Inclusiveness (79% - high risk)

The Social Inclusiveness area focuses on the access to media by specific groups in society: minorities, local and regional communities, women and people with disabilities. It also examines the country's media literacy environment, including the digital skills of the overall population. In addition, for the 2021 edition of the MPM, a new indicator has been added to the Social Inclusiveness area in order to assess new challenges raising from the uses of digital technologies: Protection against illegal and harmful speech. Due to this modification of the indicators, comparison with previous editions of the MPM should be handled with extreme care.



All the indicators within the area of Social Inclusiveness are indicative of high risks to media pluralism.

Access to media for minorities (high risk of 71%) is not adequately provided in practice. Bulgarian legislation includes broad formulations of anti-discriminatory matters without defining or recognising any ‘national minorities’^[7]. The public BNT and BNR are commonly inclined to cover minority-related events and to provide airtime to representatives of different social groups. There are concerns, however, that minorities are underrepresented and portrayed in a biased way. The Bulgarian National Television broadcasts a daily afternoon news bulletin in Turkish language on its leading channel BNT1. National news in other minority languages is not available. The leading private TV channels provide frequent coverage of Roma-related issues in prime-time news and talk-show programmes, but representation usually reinforces negative stereotypes. The COVID-19 health crisis has further triggered the xenophobic representation of Romani people in the mainstream media. Policymaking that aims at promoting access to media content and services to people with disabilities is still fragmented, albeit the COVID-19 crisis has accelerated the adoption of some new measures in this regard. The state of emergency has also led to increased news content for people with hearing impairments due to the use of sign language in prime-time news emissions (both in public and private channels), but access to diverse TV content is still very limited and subtitled content remains insufficient. The public and leading private broadcasters in Bulgaria do not provide audio descriptions for blind people.

The indicator ‘**Access to media for local/regional communities and for community media**’ scores a high risk of 81%. Bulgarian legislation does not provide for reservation of frequencies or must-carry rules for regional and local media. Against the backdrop of severely deteriorating local media market, there are no state support measures to local and regional media. The COVID-19 situation has further deepened the financial crisis of the regional press causing media closures and reduced circulation. In Bulgaria, there are no regulations on the licensing or the functioning of community media. The country does not have an established tradition of community media in practice.

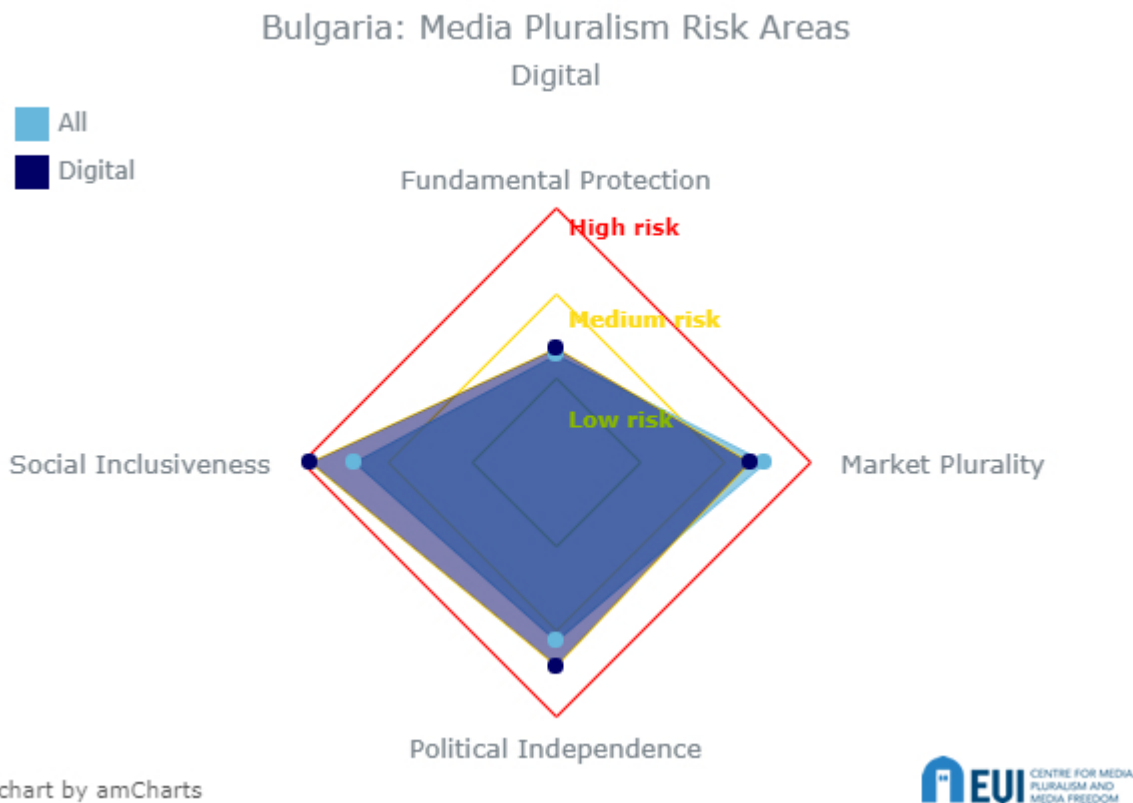
Access to media for women (78%, high risk) remains problematic despite the fact that female staff prevails in the media in the country. The PSM have broad requirements for anti-discriminatory

programming, including in regard to gender, but have not elaborated any specific gender equality policy. The share of women among members of the management boards in BNT and BNR is 40%. Among editors-in-chief in the leading news media in the country the share is 25%, while the top management of the private TV companies currently consists of men only. Representation of women in news and current affairs broadcasting content is mixed. Although there may not be intentional discrimination, women are sometimes underrepresented, portrayed in a stereotyped way or subject to sexism. Male experts and politicians continue to be more often invited by the media to comment on political matters than female experts, with no significant changes in this regard in 2020.

Media literacy is another area generating a high risk (67%) to media pluralism. State policy on media literacy is still underdeveloped despite the existence of efforts for positive developments. At the end of 2020, the Audiovisual Media Services Directive (2018/1808) principles for media literacy measures for citizens (of all ages and for all media) were introduced in Bulgarian legislation (Art. 32, par. 24 and art. 33a of the Radio and Television Act amended SG No. 109/2020, effective 22 December 2020^[8]). School teaching on media literacy is scarce and based on single initiatives, the subject not being a part of the compulsory curriculum. Although civil society organisations are active in promoting media literacy trainings (usually for young people), such initiatives cannot compensate the need for more systematic education in this regard, including capacity building for teachers and non-formal education for elderly people and different social groups.

The indicator '**Protection against illegal and harmful speech**' scores a very high risk of 96%. Legal framework on disinformation is nonexistent. In 2020, during the Covid-19 pandemic, there were political initiatives for introducing anti-disinformation legislation, namely amendments in the Criminal Code with the imposition of heavy fines and imprisonment. The Parliament's attempt to criminalize disinformation, however, was criticized by experts and journalists as a threat to freedom of expression, and eventually the provisions were not adopted. Parallel to this, the Prosecutor's Office used on several occasions Art. 326 of the Criminal Code (intended to sanction telephone fraud) on a wider basis against allegedly panic-inducing information, thus raising concerns regarding repression against critical voices during the pandemic. In practice, due to the low levels of media literacy, Bulgarian citizens are largely susceptible to disinformation and conspiracy theories, as monitored in the context of the COVID-19 crisis. Online hate speech is also widespread, the main target being the Roma minority. Existing legal provisions and self-regulatory measures in this regard are not effective enough.

4. Pluralism in the online environment: assessment of the risks



The extracted results on the digital-specific variables for Bulgaria show even higher risk scores than the overall results for the country.

Fundamental protection

Freedom of expression online is guaranteed on the same constitutional grounds as freedom of expression in general. The state does not systematically filter, block or remove online content in an arbitrary way. However, there is a deficit of guarantees against secret surveillance and illegal information gathering. Citizens are not fully protected against unlawful interference by the state in their privacy. Also, the state is not legally obliged to prepare and publish reports on restrictive measures such as filtering of online content but some transparency measures are stipulated in specific laws such as the Gambling Act^[10]. According to Facebook's transparency report on Bulgaria, from January to June 2020, there were 39 government requests for data (Facebook, 2020). As regards ISPs, there is no systematic practice of filtering or removing of online content in an arbitrary way by the ISPs under Bulgarian jurisdiction.

Journalists in the country often face virtual attacks and online harassment, including death threats via phone or messaging. In April 2020, during an investigation on the companies through which then MP Delyan Peevski had made donations to hospitals in the country in the context of the COVID-19 situation, journalist Venelina Popova was subject to a smear campaign by print and online media owned by Peevski. In June 2020, journalist Nikolay Staykov received death threats via phone, in the context of an ongoing investigative documentary about alleged state corruption. In July 2020, BNT journalist Ivo Nikodimov announced he had received threatening messages via a mobile communication platform.

Legislation on data protection does not impose any serious restrictions for journalists. Following Art. 85 of GDPR, Bulgaria has introduced exemptions for journalism in the Personal Data Protection Act^[11]. The current normative framework does not create legal obstacles for courts and journalists in making a fair

assessment and balancing data protection and freedom of expression rights.

Directive (EU) 2016/680 of the European Parliament has been transposed in national legislation but there is no specific provision on preventing illegal monitoring of journalists.

As regards the ISP market, it is characterised by a high level of concentration, the top 4 ISPs having a total share of 75%. Regulatory safeguards for net neutrality in Bulgaria are present (under the Electronic Communications Act) and implemented in practice. ISPs manage network traffic in a transparent, impartial and neutral way.

Market plurality

Digital news media, as media service providers in general (excluding personal blogs and social media platforms), are required to disclose ownership details. Nevertheless, transparency of ultimate ownership is not always guaranteed in practice. A significant number of online news media do not comply with the legal obligations to disclose their ownership to the public.

Due to lack of data, considered a risk in itself, precise evaluation of the level of concentration in the online media sector is not possible. Available information points to the general assessment that the share of Facebook and Google is over 60% of the digital advertising market. There are no public support schemes designed specifically for the online news media in the country.

The self-regulatory Code of Ethics of Bulgarian Media^[12] is signed and respected by a limited number of online media. There are no safeguards against disguised advertisements online. Media owners and other commercial entities systematically influence the editorial content of news sites. Clickbait is common in tabloid online media, relying on sensationalism and populism.

Political independence

Political control over the leading digital native media is difficult to prove. One of the popular news sites, Blitz.bg, has been associated with four-time MP Delyan Peevski. In the last few years, it has been repeatedly claimed by experts and media professionals that the site, albeit not officially owned by Mr. Peevski, is in practice under his control. Forthcoming associations are unpredictable due to recent transformations of the media market, including former media mogul Peevski selling his media.

Regulation of online political advertising during electoral campaigns covers online news media but excludes social media and search engines. In practice, Facebook, the leading social network in the country, provides information on the advertising spendings of political parties. Facebook's Ad Library is operational and political advertising on the platform is labelled as such. There are cases of local politicians not adhering strictly to the social media requirements for transparency of political advertising to which Facebook has reacted duly. Information available on Facebook's Ad Library has been used in media coverage of elections.

Social inclusiveness

The overall score of the digital-related indicators within the Social Inclusiveness area points to a very high risk (97%).

The low levels of digital competencies among the population in Bulgaria expand the risks to media literacy and to media pluralism as a whole. Only 29% of the population has basic or above basic overall digital skills, while 38% have low overall digital skills ^[13]. Both figures indicate higher risks than the EU average.

Against this background, efforts to remove hate speech towards ethnic or religious minorities on social media have not been very effective. The central target for years has been the Roma minority. The COVID-19 situation has caused public intolerance (including on social media) towards Romani settlements as an alleged threat for spreading the infection. Politicians from nationalistic parties often use their Facebook profiles to express (extreme) negative attitudes toward the Romani population. Their posts have high public visibility and are often re-published by news sites.

As for hate speech towards people with disabilities, it is sometimes observed on social media, although people with disabilities are not among the common targets of hate speech in Bulgaria.

Gender-based hate speech is widespread. Since 2018, there has been an escalation of misogynist, homophobic and transphobic online discourses in a heated campaign against the ratification of the Council of Europe Convention for Prevention and Combating of Violence against Women and Domestic Violence. Women's rights activists have been exposed to serious hate speech, including threats of rape and death, on their social network profiles – both in public and private messages.

5. Conclusions

The results of the MPM2021 indicate significant risks to media pluralism in Bulgaria. There are noticeable risks in three of the four areas: Social Inclusiveness, Market Plurality and Political Independence. The Fundamental Protection area is at a medium level of risk. The trends point towards an increase of the overall risk to media pluralism in the country.

The highest individual levels of risks are identified with regard to state regulation of resources and support to the media sector, concentration and competition enforcement (both for online platforms and news media) and protection against illegal and harmful speech. A more noticeable reduction in the level of risk is present at the universal reach of traditional media and access to the internet (from 58% to 27%) and regarding the role of the audio visual media and online platforms during elections (from 43% to 34%).

Against this background, decreasing the risks to media pluralism in many spheres is a matter of urgency in the country.

In the Fundamental Protection area, fostering positive developments could be achieved through policy measures such as:

- Promotion of campaigns for better professional protection and working conditions of journalists (by NGOs, professional organizations, media stakeholders).
- Improvement of legislation on the composition, functions and effectiveness of the Council for Electronic Media, the national media authority, by introducing effective measures for its independence and professional competence.

In the area of Market Plurality:

- Introduction of media pluralism criteria and sector-specific concentration thresholds in cases of media mergers (in the law and in the competencies of the regulatory authorities).
- Constant and sustainable monitoring of advertisers' and media owners' influence over editorial content (both offline and online) – to be conducted by NGOs in order to help prevent commercial interference.

In the area of Political Independence:

- Further reassessment of the Radio and Television Act regarding PSM independence, funding and management, following the requirements of EC Communication on State aid in electronic media.
- Effective support for measures to enhance editorial independence (by NGOs and professional journalistic organizations).

In the Social Inclusiveness area:

- Reassessment of the public service remit of all terrestrial and satellite public media services.
- Increasing the access to media content for people with disabilities by setting long-term and short-term targets for subtitling, signing and audio description in accordance with the last amendments of the

Radio and Television Act.

- Introduction of policy measures to support regional and local media with regard to their financial sustainability, distribution, as well as political and economic independence (by the government, local authorities, NGOs).
- Effective integration of media literacy education in the school curriculum on a national level.

Measures related to the COVID-19 pandemic:

- Development and implementation of mechanisms for direct support of the media and journalists as compensation for the decline or loss of incomes.

Finally, there is a paramount need for actual, reliable and accessible media market data (market shares of owners in all media sectors, circulation and distribution figures, data on online media consumption and concentration, etc.). Such data could be provided by transparent and unbiased state, private or non-governmental institutions in order to guarantee the most precise monitoring and evaluation of media pluralism in the country.

6. Notes

- [1] Radio and Television Act, <https://www.lex.bg/laws/ldoc/2134447616>
- [2] Access to Public Information Act 55/2000, <https://www.rti-rating.org/wp-content/uploads/Bulgaria.pdf>
- [3] Political Parties Act. SG No. 99/16.12.2011. https://www.unodc.org/documents/treaties/UNCAC/WorkingGroups/workinggroup4/2012-August-27-29/Responses_NVs_2012/20120419_Bulgaria_English_9.pdf
- [4] Access to Public Information Act (APIA). https://www.aip-bg.org/en/legislation/Text_of_the_APIA/200432/
- [5] State Budget Act. https://www.minfin.bg/upload/37911/Public_Finance_Act.pdf
- [6] Zakon za rarioto i televiziata (Radio and Television Act). <https://www.lex.bg/laws/ldoc/2134447616>
- [7] See Art. 49 of the Radio and television law Prom. DV. no. 138 of 24 November 1998. <https://www.lex.bg/laws/ldoc/2134447616>
- [8] <https://www.lex.bg/laws/ldoc/2134447616>
- [9] https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc_sk_dskl_i&lang=en
- [10] According to Article 17, paragraph 1, item 9 of the Gambling Act, the Executive Director of the National Revenue Agency orders the suspension of the organisation of gambling games on websites through which gambling games are organised by persons who do not have a valid license under this law.
- [11] Personal Data Protection Law 17/2019, <https://dv.parliament.bg/DVWeb/showMaterialDV.jsp?idMat=135056>
- [12] Code of Ethics for the Bulgarian Media (2004), <https://mediaethics-bg.org/етичен-кодекс-2/>
- [13] Source: Eurostat (2020) https://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc_sk_dskl_i&lang=en

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Annexe I. Country Team

First name	Last name	Position	Institution	MPM2021 CT Leader
<i>Orlin</i>	<i>Spassov</i>		<i>Foundation Media Democracy / Sofia University "St. Kliment Ohridski"</i>	X
<i>Nelly</i>	<i>Ognyanova</i>	<i>Professor</i>	<i>Sofia University "St. Kliment Ohridski"</i>	
<i>Nikoleta</i>	<i>Daskalova</i>	<i>Researcher</i>	<i>Foundation Media Democracy</i>	

Annexe II. Group of Experts

The Group of Experts is composed of specialists with a substantial knowledge and recognized experience in the field of media. The role of the Group of Experts was to review the answers of the country team to 16 variables out of the 200 composing the MPM2021. Consulting the point of view of recognized experts aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as subjective, and therefore to ensure the accuracy of the final results of the MPM. However, it is important to highlight that the final country report does not necessarily reflect the individual views of the experts who participated. It only represents the views of the national country team that carried out the data collection and authored the report.

First name	Last name	Position	Institution
<i>Vesela</i>	<i>Vatseva</i>	<i>Executive Director</i>	<i>Bulgarian Association of Regional Media</i>
<i>Petranka</i>	<i>Fileva</i>	<i>Professor</i>	<i>Sofia University "St. Kliment Ohridski"</i>
<i>Eva</i>	<i>Petrova</i>	<i>Legal Adviser</i>	<i>Association of Bulgarian Broadcasters - ABBRO</i>
<i>Kapka</i>	<i>Panayotova</i>	<i>Director</i>	<i>Center for Independent Living</i>

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