

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 2021

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 2021. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This project, under a preparatory action of the European Parliament, was supported by a grant awarded by the European Commission to the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute.

1.2. Methodological notes

Authorship and review

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

In 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 being intertwined with the traditional media and the 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 and 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, in order 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, MPM2022 scores may not be fully comparable with those in the previous editions of the MPM. For more details regarding the project, see the CMPF report on MPM2022, available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

2. Introduction

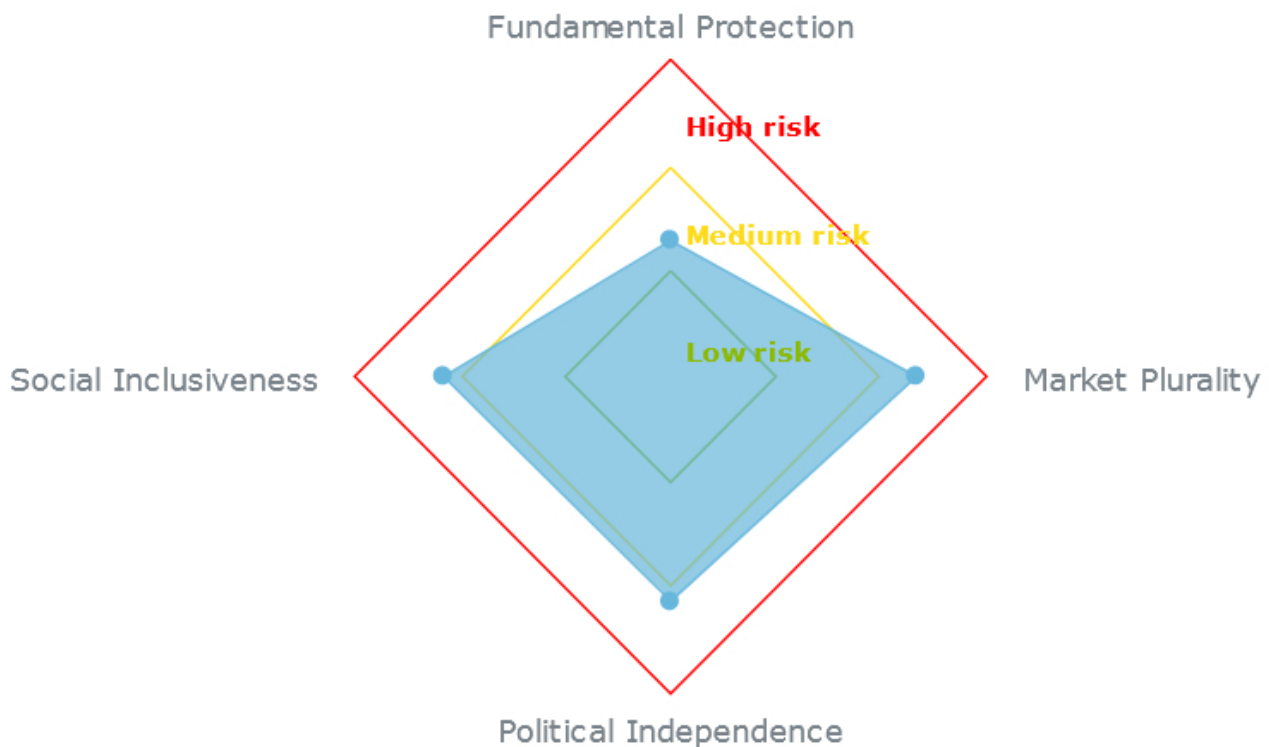
- **Country overview.** Bulgaria is located in Southeastern Europe, in the eastern part of the Balkan Peninsula. The area of the country is approximately 111 000 square kilometres. The total population of Bulgaria in 2021 is 6 520 314 (data for September 2021) (NSI, 2022a). The capital is Sofia. The country is divided into 28 districts. Bulgaria is a parliamentary republic. The National Assembly consists of 240 members. The Prime Minister is elected and recalled by the Parliament. The President is directly elected, has a five-year term and is eligible for one re-election.
- **Minorities.** According to the latest available official data (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 Romany group is the third and accounts for 4.9%. Bulgarian is the mother tongue for 85.2% of the population, Turkish being the second with 9.1% and Roma with 4.2% (NSI, 2011). The adult literacy rate reaches 98.39% (data for 2015) (Trading Economics, 2022).
- **Economic situation.** In 2020, as in previous years, Bulgaria was the EU member state with the lowest per-capita GDP, followed by Greece and Croatia (EUROSTAT, 2022a). Bulgaria has remained the poorest country in the EU, although unemployment rate is 4.5% (data for Q4 2021) (NSI, 2022b), below the average 6.2% for EU (data for January 2022) (EUROSTAT, 2022b). The economy faces many problems, including, amongst others, corruption. In 2021, the corruption perceptions score ranks 78 of 180 countries (Transparency International, 2022).
- **Political situation.** Politically, 2021 was unstable. In April 2021, the powerful centre-right GERB party ended a full four-year term during which it ruled in coalition with nationalist parties. Thereafter, three parliamentary elections were held in succession. For almost seven months the country was ruled by a caretaker government. Presidential elections were also held. In December 2021, a regular government was formed on the basis of a four-party coalition comprising parties with very different political orientations - a prerequisite for potential instability.
- **Media Market.** The media market is diverse but still highly dependent on political and economic influences. The number of media (data for 2020) includes: 209 newspapers, 33 of them dailies; 120 registered TV operators; 77 radio operators (NSI, 2022c). The total TV and radio revenues are respectively 249 613 000 EUR and 46 270 000 EUR (ibid). In 2021, 83.5% of the households had access to the internet at home (a growth of 4.6%, compared to the previous year). The share of households using fixed broadband internet connection is 62.7%. Households using mobile broadband internet connection are 75.0% (NSI, 2021). In early 2021, Nova Broadcasting Group, formerly owned by the Domuschiev brothers, was sold. The buyer is United Group (UG), which also owns the largest Bulgarian telecom Vivacom and some newspapers (which previously belonged to Delyan Peevski, a politician from the Movement for Rights and Freedoms party). This acquisition confirms the trend of strong concentration on the Bulgarian media market, especially in the fields of television and telecommunications. At the same time, despite the existing legal provisions, many media do not provide information on their ownership/financing to the public. Overall, in 2021 the media sphere was in a state of transition. Until April 2021 it was strongly dominated by the centre-right GERB party. The political changes in 2021 and the formation of a new regular government in December 2021 set the stage for a more independent media environment, but it remains to be seen whether these expectations will be realised in practice. Due to political instability in the country in 2021, important

expected changes in media regulation (such as revision of the mechanism of funding of public media) were not implemented.

- **Regulatory environment.** The work of the electronic media is regulated by the Radio and Television Act (promulgated in 1998; last amended 2022). The Council for Electronic Media (CEM) is the national regulator in the media field. CEM was established in 2001. It consists of five members, three elected by the Parliament and two appointed by the President. The term of office of the members is six years. Media self-regulation is supported by the National Council for Journalistic Ethics Foundation, established in 2005. The Code of Ethics of the Bulgarian Media was adopted in 2004. The Foundation maintains the Journalistic Ethics Commission which reviews and rules on complaints.
- **COVID-19.** In 2021, as in 2020, the COVID-19 pandemic significantly affected the media. Some media outlets have resorted to additional financial instruments, albeit not media-specific, developed by the EU and implemented by the Bulgarian government to limit the impact of the pandemic on the economy. However, the consequences are serious, especially for the smaller and regional media.
- **War in Ukraine.** Russia's war in Ukraine has created a new informational context in Bulgaria. In early March 2022, the Council for Electronic Media (CEM, 2022a) temporarily restricted the retransmission of two Russian state channels (Russia Today and Sputnik) in Bulgaria. In mid-March, about 16% of Bulgarians supported Russia for the attack on Ukraine. At the same time, more than two-thirds of all interviewed believe Bulgaria should accept Ukrainian refugees (OFFNews, 2022). Bulgaria is one of the two EU countries (together with Hungary) that refrain from providing military aid to Ukraine (as of 25 April 2022). Disinformation and populism are widespread, mainly on social media. In the context of war, media fact-checking initiatives are insufficient and do not have the capacity to seriously influence the nature of information flows.

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

Bulgaria: Media Pluralism Risk Areas



JS chart by amCharts



In Bulgaria, especially high risks for media pluralism were detected in the areas of **Market Plurality**, **Social Inclusiveness** and **Political Independence**. The only area with medium risk is **Fundamental Protection**. Compared to MPM2021, the results of MPM2022 for Bulgaria do not give an indication of a significant reduction in the risks to media pluralism. Although Bulgaria underwent important political changes in 2021, political instability was high. This has effectively delayed the launch of more proactive measures to improve the media environment. The COVID-19 pandemic continued to have a strong impact on the media well into 2021, especially for smaller media outlets. In the context of the pandemic, in 2022 there were still no supportive measures specifically addressed to the media. The overall situation of risks to media pluralism identified in MPM2022 remains challenging. Stagnating problems such as high levels of media concentration, lack of sufficient transparency in state regulation of resources, lack of support to the media sector, insufficient levels of editorial autonomy in all types of media and deficient protection of the journalistic profession are still unresolved while the state of independence of public-service media (PSM) is raising growing concerns.

The indicators within the area of **Fundamental Protection** (average risk score of 43%) score low to medium risk. The risk level in this area remains unchanged compared to MPM2021. The main problems here are identified in the indicators Journalistic profession, standards and protection (53%) and Protection of freedom of expression (49%). Overall, as in previous years, the risks for media pluralism in Bulgaria stem mainly from the fact that the otherwise reasonably adequate legal framework is frequently not implemented effectively.

The **Market Plurality** area (78%, high risk) is the area with the highest concentration of risk in this year's

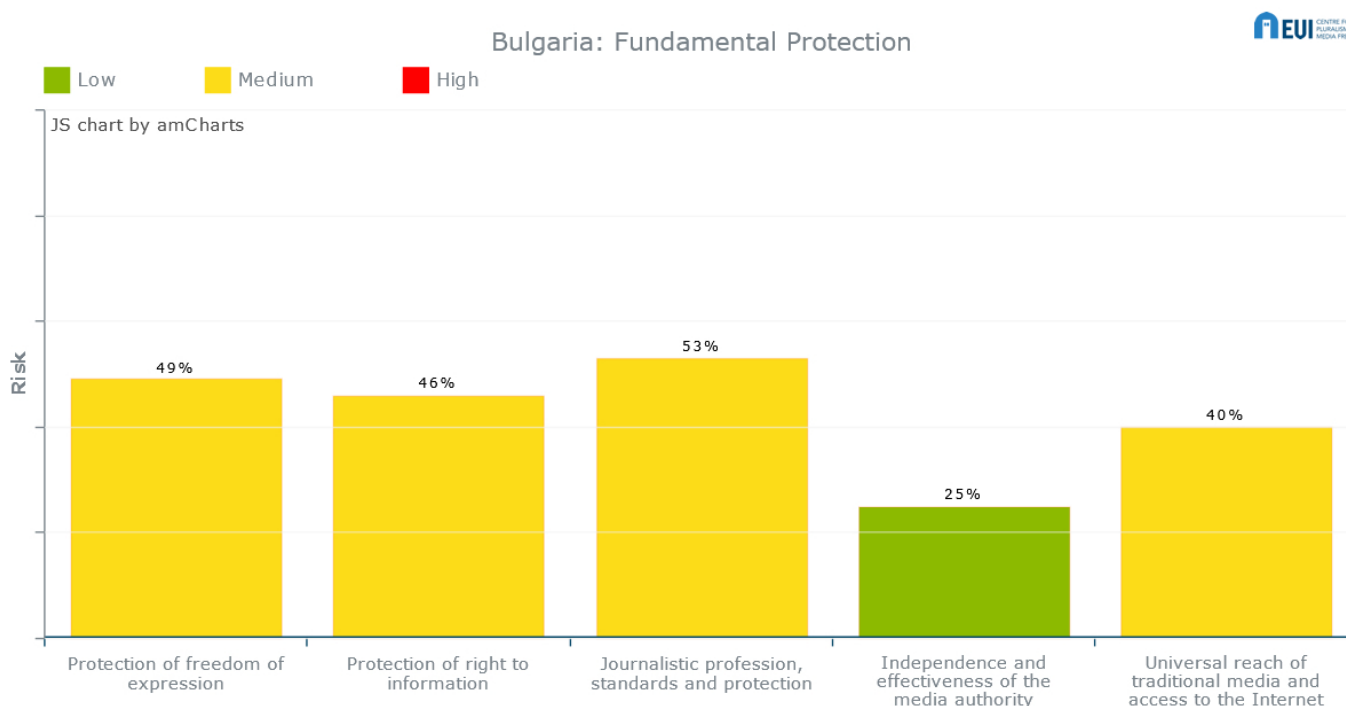
MPM. Three of the indicators point toward a particularly high risk: Online platforms concentration and competition enforcement (97%), News media concentration (96%) and Commercial and owner influence over editorial content (90%). The risk level in the area remains overall the same as in MPM2021. This means that the country is still failing to resolve the main problems in this important domain. The risks arise mainly from regulatory gaps, lack of sector-specific rules to prevent a high degree of concentration, lack of sustainable funding opportunities and lack of safeguards against commercial and owner influence over editorial independence.

There are also significant risks to media pluralism in Bulgaria identified within the **Political Independence** area (71%, high risk). 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 (92%) and Editorial autonomy (75%). Compared to the MPM2021, there is an increase in risk in some areas, for example Independence of PSM governance and funding (from 83% to 92%) and Editorial autonomy (from 71% to 75%). Particularly worrying is the lack of sufficient independence of the Bulgarian National Television. Local and smaller media outlets remain especially vulnerable to political influence.

All five indicators in the **Social Inclusiveness** domain (average score of 72%) point to high risk: Access to media for women (78%), Access to media for local/regional communities and for community media (75%), Access to media for minorities (71%), Protection against illegal and harmful speech (69%), and Media literacy (67%). Some reduction in risk compared to the MPM2021 is observed for the indicators Protection against illegal and harmful speech (from 96% to 69%) and Access to media for local/regional communities and for community media (from 81% to 75%). However, despite these reductions, the risk remains worryingly high. 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.

3.1. Fundamental Protection (43% - 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 the competence to regulate the media sector, and the reach of traditional media and access to the Internet.



The overall level of risk in the area remains the same as in the previous edition of the MPM. Problems with practical guarantees for freedom of speech and protection of journalists persist, while strategic lawsuits against public participation (SLAPPs) are causing increased concern.

The indicator **Protection of freedom of expression** scores medium risk (49%). Freedom of expression is explicitly recognized in Bulgarian legislation^[2], and restrictions on it are clearly defined in the Constitution, the Penal Code and the Radio and Television Act. However, freedom of speech and of the media, in particular, is not fully guaranteed in practice. As in previous years, intimidation of journalists continued in 2021. Cases include rude comments by political and authority figures as well as other forms of abuse. In 2021, there were also examples of restrictions on the free expression of other citizens' opinions.^[3] In addition, in 2021, Bulgaria was repeatedly convicted by the European Court of Human Rights of violating Art. 10. The decisions show that there are still restrictions that are not necessary in a democratic society or are not proportionate to the legitimate purpose of the law.^[4]

Libel and defamation in Bulgaria are treated under both criminal and civil law. Court decisions on damages are not always proportionate to the offense of defamation. Exemplary is the decision of the Sofia District Court in December 2021, which sentenced journalist Boris Mitov and Mediapool editor-in-chief Stoyana Georgieva to pay non-pecuniary damages in the amount of 60,000 BGN (approx. 30,000 EUR) and

7,000 BGN (approx. 3,500 EUR) expenses for defamation of Judge Svetlin Mihailov. The decision was heavily criticised by media experts and professionals as unjustified and having a chilling effect on freedom of expression since the lawsuit refers to articles describing facts and circumstances that were previously disclosed by third parties, including assessments by representatives of the judiciary, as well as information contained in declassified works of the State Agency for National Security (Georgieva, 2022; AEJ, 2022; RWB, 2022).

Protection of the right to information scores a risk of 46%. There are existing legal provisions for the right to information^[5] and for appeal mechanisms^[6] in cases of denials of access to information. Nevertheless, the fact that public information proceedings are a one-instance procedure in the hands of regional administrative courts, as envisaged in the Administrative Procedure Code since 2020, remains problematic. Although institutional websites provided better access to information functions in 2021 compared to previous years, explicit or tacit refusals of governmental bodies to provide public information, as well as provision of information that cannot be read in practice, still take place (AIP, 2021a; AIP, 2021b; Kostova, 2021). Whistleblowers protection is still a concern due to gaps in legislation^[7] and low public awareness, although civil society organisations are stepping up efforts in this area. Due to the political instability and the series of parliamentary elections in 2021, Bulgaria has been late in transposing Directive (EU) 2019/1937 on the protection of persons who report breaches of Union law. Among other issues, it is still debatable whether new legal provisions on the matter should cover only breaches of EU law or all violations under Bulgarian law.

The indicator **Journalistic profession, standards and protection** scores medium risk with 53%. In practice, there are not sufficient guarantees for editorial independence. Adequate trade union protection has been lacking for years. Poor working conditions of journalists have become even more problematic since the COVID-19 pandemic because of salary cuts and delayed payments. In 2021, journalists continued to work in an environment of health risks while facing an excessive workload due to a shortage of human resources and because of the tense political situation in the country (there were three general elections during the year).

In 2021, there were fewer and less severe cases of attacks and threats to the physical safety of journalists compared to 2020 (3 entries on the Mapping Media Freedom index, three entries on the Council of Europe's Platform to promote the protection of journalism and safety of journalists). Nevertheless, the safe environment for journalists in the country is not adequately guaranteed by the state, with perpetrators of crimes against journalists not being effectively prosecuted. In addition, there is no anti-SLAPP legal framework in Bulgaria, and SLAPP cases have been raising growing concerns. Relevant examples include Nickolay Stoyanov, financial editor of Capital Weekly, being sued for criminal defamation by the former director of the Bulgarian Development Bank Stoyan Mavrodiev and Cypriot citizen Michael Tymvios (CoE, 2021); a record claim of 1 million BGN filed by Eurohold company against investigative website Bivol for damages caused by a critical publication revealing data on the hidden property of Eurohold's main shareholder (Cheresheva, 2021); Sofia District Court sentencing journalists Boris Mitov and Stoyana Georgieva to pay a high amount of non-pecuniary damages for defamation of Judge Svetlin Mihailov.

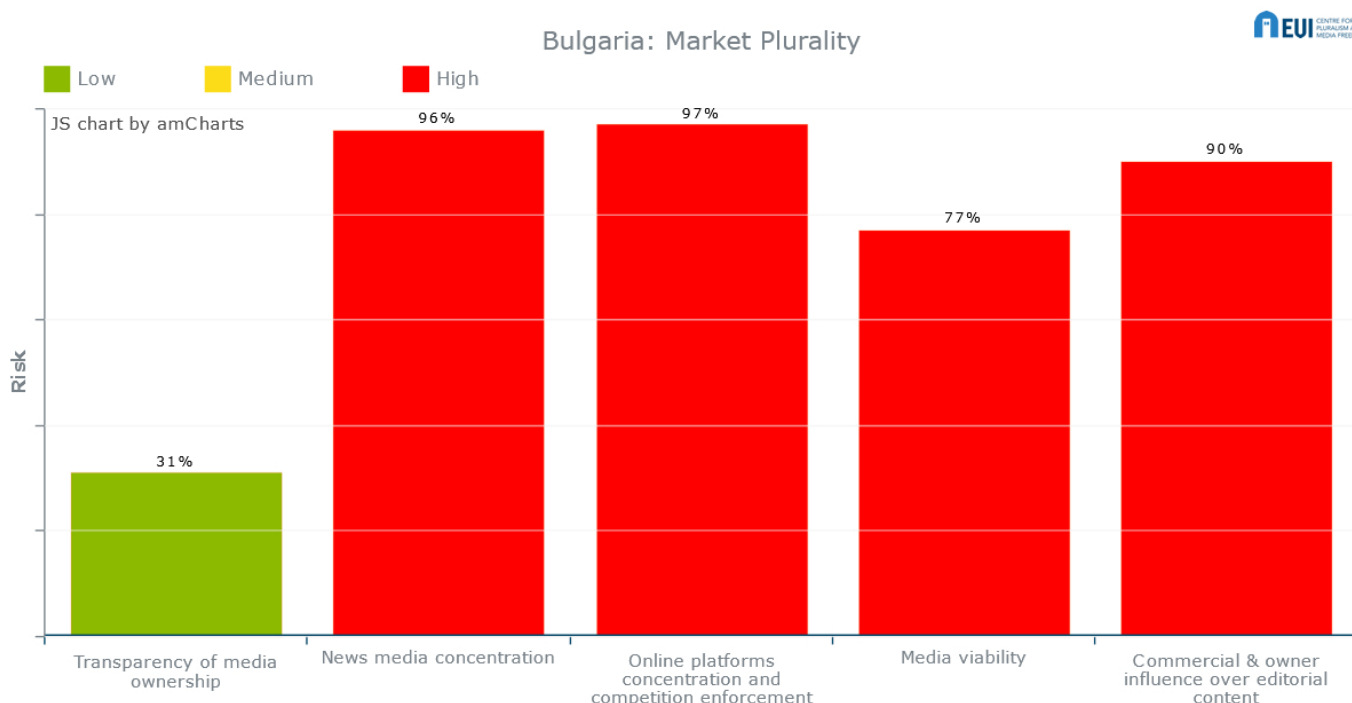
The independence and effectiveness of the media authority is the indicator scoring the lowest risk (25%), albeit half of the variables within the indicator point to medium risk. Two of the members of the CEM, the regulatory authority, are appointed by the President, and the other three are elected by 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 CEM are

clearly defined in the Radio and Television Act, the authority being transparent about its activities. Against this backdrop, in 2021, there were some tensions and disputes about CEM's performance. CEM member Ivelina Dimitrova resigned, expressing criticism towards the media authority amidst a conflict^[8] between the caretaker Minister of Culture Velislav Minekov and the Director-General of the Bulgarian National Television (BNT) Emil Koshlukov (Fileva, 2021a). In addition, a petition signed by nearly 2,500 journalists and public figures demanded the resignation of all CEM members for "turning a blind eye to all violations of the Radio and Television Act, which are systematically carried out in BNT" (Mediapool, 2021a).

The indicator on the **universal reach of traditional media and access to the internet** points to medium risk (40%). Universal coverage of the public-service media is guaranteed by law. The reach of public TV and radio channels is 97% of the population, while broadband subscription is 79%.

3.2. Market Plurality (78% - high risk)

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



Market Plurality is the highest risk area for Bulgaria with three indicators scoring extremely high levels of risk (90% or above). In terms of media market pluralism, competition and independence from commercial pressure, the country has been stagnating for years, facing both regulatory gaps and serious practical problems.

The indicator **Transparency of media ownership** is the only one within the area scoring low risk (31%). It is due to the existence of legal provisions (Compulsory Deposit of Printed and Other Works Act; Radio and Television Act; Measures Against Money Laundering Act) for disclosure of ownership details, including the ultimate owner, of the media service providers. Transparency of information collected by public bodies has improved since 2020. However, many outlets do not comply with the law and data on media ownership is still not fully provided to the public.

News media concentration scores very high risk (96%) with no improvements in 2021 compared to the previous MPM editions. 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. The lack of basic data necessary for the assessment of the actual level of concentration remains a serious issue and 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 media sectors. Partial advertising revenue information indicates high levels of concentration in the TV and newspaper sectors with total market share of the major 4 owners being 91% and 81% respectively (Media Club, 2022). The sums of the audience shares of top 4 TV media groups (77%) (Nielsen Admosphere, 2021) and the top 4 radio groups (77%) (Media Club, 2022) are also indicative of high concentration.

For another year, the indicator **Online platforms concentration and competition enforcement** reaches the highest possible level of risk (97%). There is still no competition regulation that takes into account the specificities and the digital evolution of the media sector and no sector-specific rules to prevent a high degree of concentration in the digital advertising market. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market has not been transposed in national legislation yet. Against the background of these deficits, the role of intermediaries in the distribution of news remains significant with people accessing news online rather side-door than going directly to the website of the news media publisher.

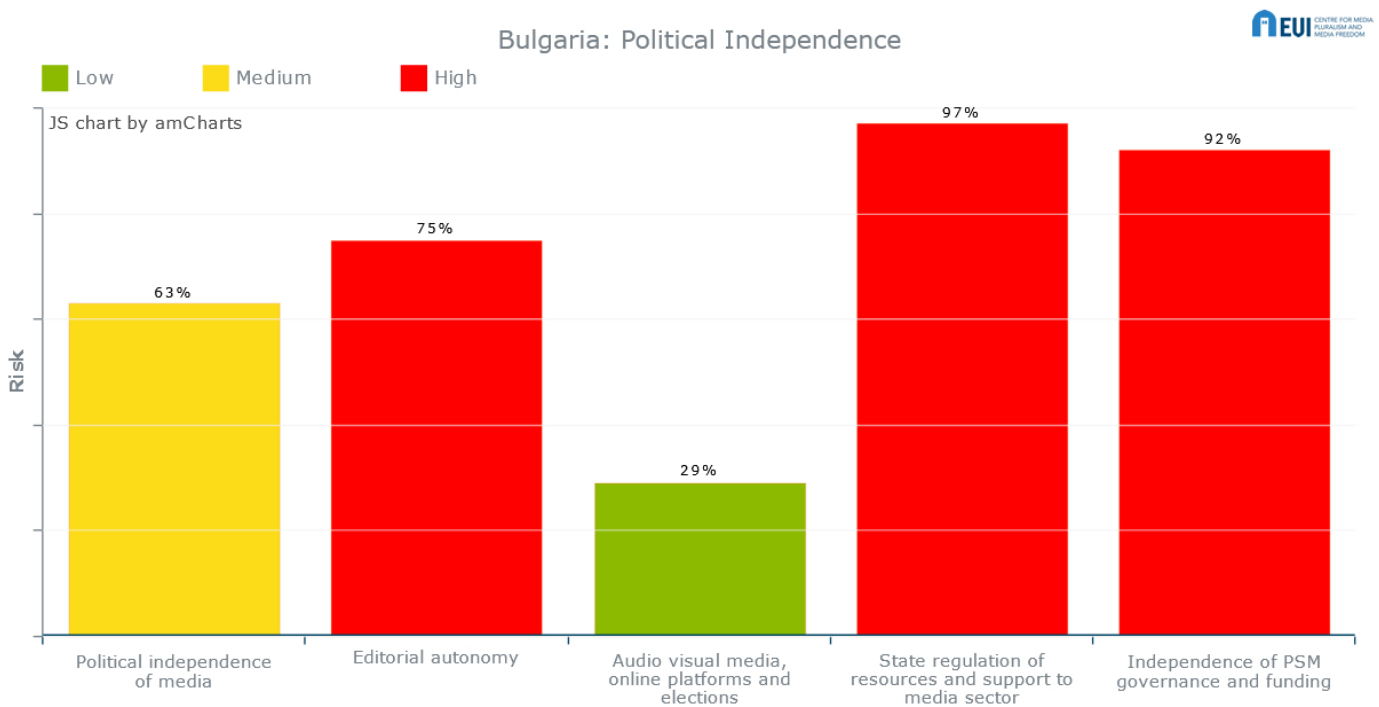
Media viability scores a high risk of 77%. Although forecast estimates indicate an increase in total advertising revenues in the news media in 2021, if compared to 2020, a cross-check against the country's GDP and inflation trends shows almost no positive developments: stationary in the audiovisual sector and the news media as a whole; a decrease in the newspaper sector and an increase in the radio sector. The economic situation of local media outlets continues to deteriorate due to the negative impact of the COVID-19 crisis and the lack of sustainable funding opportunities. Even in media outlets with no layoffs and pay cuts, journalists' remunerations are not enough to compensate for the work overload and inflation. In 2021, the economic conditions of freelance journalists did not improve either. In practice, there are very few journalists who manage to support themselves on a freelance basis in Bulgaria – they either support themselves from other activities or freelance for foreign media. There are no support schemes for the news media in particular, including in the context of COVID-19, and only a limited number of media companies develop alternative sources of revenue.

Commercial and owner influence over editorial content is as problematic as in previous years, the indicator scoring a high risk of 90%. The regulatory and self-regulatory deficits remain the same: no mechanisms granting social protection to journalists in case of changes of ownership or editorial line; no safeguards against commercial influence over decisions regarding appointments and dismissals of editors-in-chief. In practice commercial pressure over many news outlets persists, media owners and other

commercial entities systematically influencing editorial content, often for political purposes.

3.3. Political Independence (71% - 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 the public service media. Furthermore, the area is concerned with the existence and effectiveness of (self)regulation in ensuring editorial independence and the availability of plural political information and viewpoints, in particular during electoral periods.



The political independence domain combines all three levels of risk. On the one hand, there is elaborate regulation in terms of media coverage and elections. At the same time, however, there remain unresolved serious problems in PSM and state regulation of resources.

The indicator **Political independence of the media** scores a medium risk of 63%, very close to the high-risk band. Although the Radio and Television Act guarantees the independence of media service providers and their activities from political and economic interference (Art. 5 Radio and Television Act), media ownership by politicians and parties, including of audiovisual media, is not explicitly prohibited or limited by law. There are no elaborate mechanisms capable of preventing in practice conflicts of interests as well as direct and indirect control of political actors over the media. As of 2021 TV channels with direct affiliation to political subjects include Alfa TV, SKAT TV, BSTV and 7/8 TV.^[9] 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. Despite the dynamic political developments, in 2021 there was still a high risk in terms of political influence over the media, especially for local and smaller outlets. Over the past two years, the different levels of risk as regards political dependencies of the leading news media have remained as follows: 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. In 2021, Bulgarian National Television continued to be subject to public criticism for being under the influence of the GERB party.

The indicator **Editorial autonomy** scores high risk with 75%. There are still no regulatory guarantees of editorial autonomy in cases of appointments and dismissals of editors-in-chief and there are still concerns that political influence in such procedures takes place in practice. The self-regulatory Code of Ethics of the Bulgarian Media stipulates measures for editorial independence from political interference. In practice though, the efforts of the Journalistic Ethics Commission, the self-regulatory body, are effective only to a limited extent, mainly due to the fact that many media organisations have not signed the Code of Ethics.

The legal framework on **Audiovisual media, online platforms and elections** leads to a low risk on the relevant indicator (29%). The Electoral Code elaborates access to airtime on PSM and private channels for political actors during election campaigns. Regulation in this regard is generally effective. Buying advertising space is also regulated, so is transparency of paid political content during election campaigns. However, some media do not comply with the law and do not publicly announce their advertising contracts with political candidates (IPED, 2021). In 2021, there was a series of election campaigns in the country. BNT and BNR followed the legal requirements and largely respected the principles of equality and pluralism, as monitored by the media authority (CEM, 2021a; CEM, 2021b; CEM, 2022b). OSCE's report (2021) on the elections in July 2021, however, points out to a monitored sample of BNT1's morning and evening prime time news which had focussed predominantly, and mainly positive in tone, on GERB contestants. Against this background, the caretaker Minister of Culture Velislav Minekov and Reporters Without Borders (RWB, 2021a; Todorov, 2021) claimed BNT was biased in its election coverage favouring the former ruling GERB party. Minekov had repeatedly called for Koshlukov's resignation as Director General of BNT. Koshlukov, for his part, saw this as a "political and governmental pressure" (BNT, 2021). The leading private broadcasters provided overall balanced representation of the main parties and candidates, while some smaller TV channels and party channels in particular covered the campaigns in a biased and one-sided way, some TV presenters being candidates for parliament themselves.

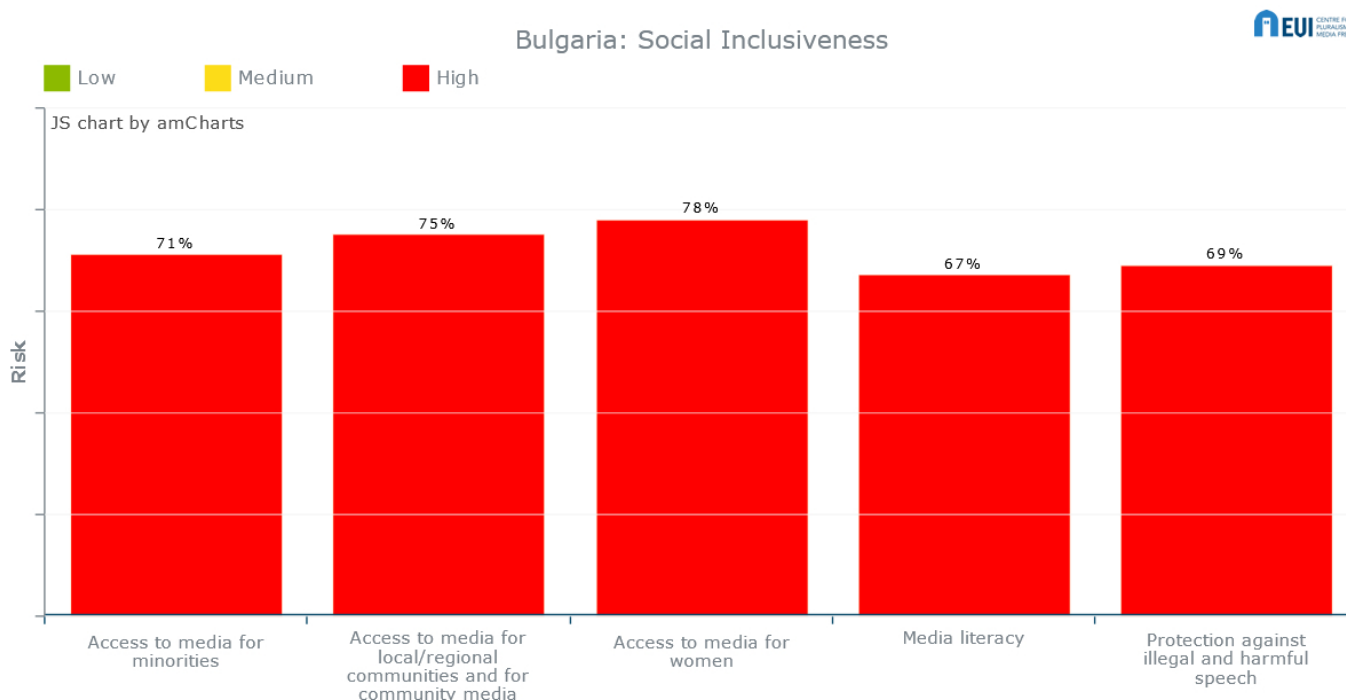
As in previous MPM editions, the indicator **State regulation of resources and support to media sector** reaches the highest possible risk score (97%). The lack of regulatory safeguards for fair and transparent distribution of state advertising in the media sector (U.S. Department of State, 2021; RWB, 2021b) remains problematic in practice. In Bulgaria, there are no direct or indirect state subsidies to media other than PSM. There is also no sector-specific support for media and journalists as a compensatory instrument in the context of the COVID-19 crisis.

Issues related to the **independence of PSM governance and funding** remain unsolved resulting in a high risk score of 92% in the present assessment. The appointment procedure for management and board functions in PSM does not guarantee independence from government or other political influence. The ongoing lack of actual guarantees amidst controversial PSM management practices leads to an increase (by 9%) in the risk score compared to MPM2021. BNT's current Director General, Emil Koshlukov, has been previously engaged in politics and politically controlled media. In 2021, the management of BNT was subjected to harsh criticism from political, public and non-governmental actors. Reporters Without Borders (2021a) pointed to BNT's "lack of independence" and called for "deep-seated, systemic reforms to strengthen public media independence". In 2021, Andon Baltakov resigned as BNR's Director General "for deeply personal reasons". Subsequently he added to the reasons for his decision attempts to sabotage his work, coming from groups both inside and outside the radio (Fileva, 2021b). BNT and BNR are funded via a

state budget subsidy, defined year-on-year in the respective annual State Budget Act, 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. OSCE (2021) emphasized that “[t]he government’s direct funding of public media, and its ability to allocate or cut their budgets, compromise their editorial independence, at odds with international standards”. There is a draft law (Bill to amend and supplement the Radio and Television Act 102-01-16, submitted by the Council of Ministers to the National Assembly on 23 February 2021) that revises the funding principle in line with the public-service mission of BNT and BNR. Yet, in 2021, the envisaged reform of public media funding was not implemented.

3.4. Social Inclusiveness (72% - 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. Finally, it also includes new challenges arising from the uses of digital technologies, which are linked to the Protection against illegal and harmful speech.



In the area of Social Inclusiveness, Bulgaria continues to register high levels of risk on all indicators. The exact percentages of risk for the individual indicators remain the same as in the previous MPM edition with slight changes (but still within the high level of risk) for two indicators: **Access to media for local/regional media and for community media**, and **Protection against illegal and harmful speech**.

Access to media for minorities scores high risk with 71%. Bulgarian legislation^[10] includes broad formulations of anti-discriminatory matters without defining or recognising any “national minorities”. Minorities’ access to airtime is relatively most adequate on PSM channels, albeit with some significant deficiencies. Reporting on minority-related topics is rather occasional and event-driven; regular programming dedicated to minorities is scarce; there is a lack of systematic access to airtime of minority representatives. BNT1 broadcasts daily afternoon news bulletin in Turkish language. National news in other minority languages is not available. In general, the whole cultural and minority diversity in the country is not

fully and sufficiently covered by BNT and BNR. The leading private TV channels and radio stations do not provide regular programmes dedicated to minorities. In 2021, as in previous years, mainstream coverage of minority issues focused mostly on Roma-related problems, largely reinforcing negative stereotypes, including in the contexts of the COVID-19 crisis and the electoral campaigns. On the other side, undertaken measures (legal amendments^[11] and increased use of sign language by media service providers) amidst COVID-19 and the electoral campaigns have led to improved access to news content for people with hearing impairments on public and some of the leading private programmes. Nevertheless, access to more diverse TV content is still very limited, subtitled content being insufficient.

Access to media for local/regional communities and for community media scores a high risk of 75% (indicating a slight improvement of the risk level compared to MPM2021 – 81% – due to change in methodology and insertion of a variable on local correspondents). Bulgarian legislation does not provide for reservation of frequencies or must-carry rules for regional and local media. The Bulgarian National Radio has eight regional channels and the Bulgarian National Television has four regional centers outside the capital of Sofia. While BNR's regional channels play an active role in the respective areas, BNT's regional production is rather peripheral. Against the backdrop of worsening chronic problems of the local media market, the state does not support local and regional media through subsidies or other policy measures. The COVID-19 situation has further exacerbated the financial crisis in the regional press, leading to media closures, declining circulations and deepened dependence on local municipalities for advertising revenues. In 2021, the problems were entrenched rather than resolved. Bulgarian legislation does not provide statutory regulations on the licensing or the functioning of community media.

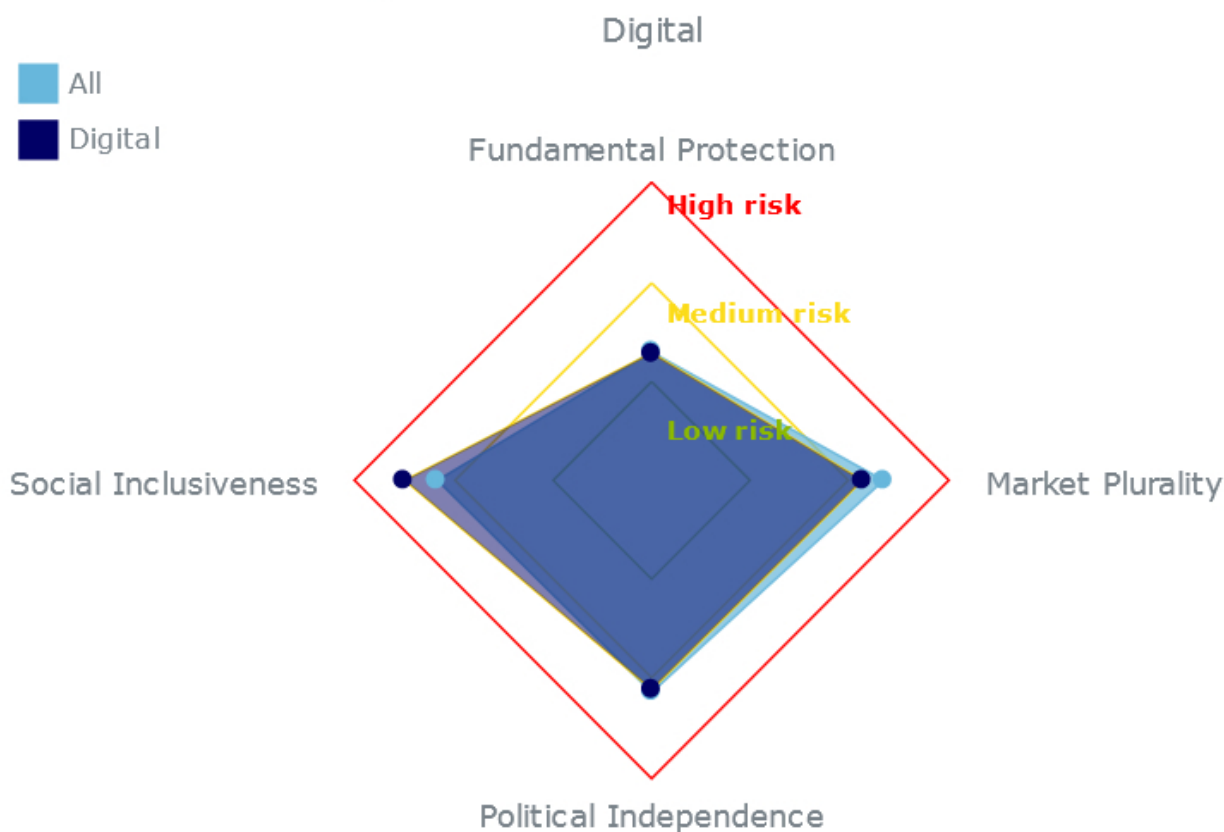
Access to media for women is indicative of high risk (78%). BNT and BNR have broad requirements for anti-discriminatory programming content, including with regard to gender, but do not have a specific gender equality policy. If any, gender balance criteria follow the individual decision of journalists, editors and producers. In practice, female staff prevails in the media in the country, although presently holding a smaller percentage of top management positions than men. The share of women among members of management boards in BNT and BNR is 40%. Among editors-in-chief in the leading news media in the country the share is 13%, while the top management of the private TV companies currently consists of men only. Representation of women in news and current affairs broadcasting content remains mixed. Women are portrayed in the media both as professionals and as stereotyped subjects 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.

Despite some positive steps, the level of **media literacy** is still problematic (high risk, 67%). 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.^[12] In 2021, a Permanent Council on Media Literacy to the Minister of Culture was founded with broad participation of key stakeholders represented by education specialists, researchers and lecturers from Sofia University, experts from CEM, journalists from public media, journalists' organizations, civil society organizations, international organizations and others (Ministry of Culture, 2021; Ivanova, 2021). The task of the Council is to participate in the development of a national media literacy policy in order to undertake effective measures and instruments aimed at developing media literacy in society (Ivanova, 2021), but its impact cannot be measured yet. School teaching on media literacy is underdeveloped, a very limited part of the civic education curriculum introduced for the first time in secondary education in the school year 2020/2021. Despite some non-governmental efforts, teachers' training in media literacy is largely insufficient. Bulgaria is ranked the lowest among the EU countries in the Media Literacy Index 2021 (Lessenski, 2021).

The indicator **Protection against illegal and harmful speech** scores a risk of 69%, which is an improvement compared to the previous MPM edition (96%), but clearly still within the high risk range. On the one hand, there are self-regulatory instruments in force such as the Code of Ethics of the Bulgarian Media with rules against false and inaccurate information. In 2021, there were also a number of useful initiatives of CSOs and media organizations for countering disinformation, fact checking and media literacy. On the other hand, disinformation in the country is widespread on social media and it also takes place on mainstream media through reported statements by political actors. Leading topics subject to disinformation in 2021 are COVID-19 and vaccines. Ongoing anti-democratic messaging (Filipova and Stefanov, 2021), reinforcement of polarized social attitudes by online communities, politicians and media (CSD, 2021) and labelling of measures against disinformation as “liberal propaganda” (Kovacheva, 2021) further impede protection against false information and harmful speech.

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

Bulgaria: Media Pluralism Risk Areas



JS chart by amCharts



Fundamental Protection - 43%

The online dimensions in the fundamental protection area indicate medium risk. Among the main problems is the lack of adequate protection for journalists in the online environment.

Freedom of expression is guaranteed with no special restrictions on freedom of expression online. The state does not systematically filter, block or remove online content in an arbitrary way. Legal blocking of media content is allowed on the grounds of laws such as the Excise Duties and Tax Warehouses Act (Art. 99) and the Gambling Act (Art. 17). Online platforms are partially transparent about the removal of content. Facebook transparency reports provide information on the number of content restrictions, legal processes and users/accounts requests but do not present a full repository of the cases.

As in previous years, online threats and smear campaigns against critical journalists took place in 2021. Online harassment, including death threats, was largely due to fact-checking investigations into COVID-19 disinformation and conspiracy theories. Amid frequent sexist comments in online channels, doxxing is among the examples of online harassment of women journalists.^[13]

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

The internet service providers (ISPs) market continues to be very concentrated, the top four ISPs having a total share of 74%. ISPs manage network traffic in a transparent, impartial and neutral way, without discriminating against particular types of content or content from particular sources.

Market Plurality - 71%

The high risk in the area of market plurality in the online environment remains persistent.

Digital news media are required to disclose ownership details (Compulsory Deposit of Printed and Other Works Act; Measures Against Money Laundering Act). Nevertheless, ultimate ownership for a significant number of online media outlets is not always disclosed in practice^[14], sanctions for not-complying with the obligations not being imposed.

Lack of data, considered a risk in itself, continues to make it impossible to analyse the state of the actual level of market concentration in the online media sector. There are no specific thresholds based on objective criteria in order to prevent a high degree of cross-media concentration of ownership in the news media sector. There are also no sector-specific rules for the prevention of high degree of concentration in the digital advertising market. Against this backdrop, the largest portions of online advertising are accumulated by Facebook and Google – 66% of the total online advertising expenditures in the country (Media Club, 2022). Taxation of digital services has not been introduced.

As regards editorial independence from commercial influence, there was not any significant improvement in 2021. The Code of Ethics of the Bulgarian Media is signed and respected by a limited number of online media. Although there are regulatory and self-regulatory provisions against disguised and misleading advertisement (Art. 68j Consumer Protection Act; Art. 75 Radio and Television Act; Art. 3.2–3.4 Code of Ethics of the Bulgarian Media; Art. 5 National Ethical Standards for Advertising and Commercial Communication in Bulgaria), disguised advertisement online is not specifically or explicitly prohibited. Media owners and other commercial entities systematically influence the editorial content of news sites. Clickbait is common in online media.

Political Independence - 68%

Although political control over the leading digital native media is difficult to prove, some local and national news portals are connected to politicians and their families. Regulation of online political advertising (paid political content) during electoral campaigns covers online news media but excludes social media and personal blogs.^[15] In practice, Facebook, the leading social network in the country, provides information on the advertising spending of political parties. During the electoral campaigns in 2021, Facebook labelled political advertising as such and indicated who paid for it. However, political parties and candidates in general do not provide on their websites information on the expenditure and targeting criteria for social media activities. Political parties' reports on campaign spending do not include specific (disaggregated) data on social media advertising.

In 2021, the Central Electoral Commission and the Commission for Personal Data Protection adopted joint guidelines on the processing and protection of personal data in the election process (CPDP, 2021). There were no serious violations in this respect during the 2021 campaigns.

Social Inclusiveness - 83%

For the second consecutive year, the highest overall level or risk in the online environment points to the Social Inclusiveness area.

The levels of digital competencies among the population in Bulgaria remain low. Only 29% of the population has basic or above basic overall digital skills, while 38% have low overall digital skills (EUROSTAT, 2022c). Both figures indicate higher risks than the EU average.

Against this background, spread of disinformation, conspiracy theories and hate speech is common among internet users. There are both legal (Art. 162 Penal Code; Art. 10 Radio and Television Act; Protection against Discrimination Act) and self-regulatory (Art. 2.5.1 Code of Ethics of the Bulgarian Media) provisions against hate speech. Nevertheless, efforts to remove hate speech towards ethnic or religious minorities on social media have not been very effective. Such verbal expressions still persist. The central target for years has been the Roma minority. Since the beginning of the COVID-19 health crisis there has been general public intolerance (especially on social media) to Roma neighbourhoods as an alleged threat for spreading the infection. Often hate speech is based on disinformation, the tendencies continuing in 2021 and covering the context of the elections as well. In 2021, among the targets of verbal intolerance were also citizens of the Republic of Northern Macedonia amid tensions between the two countries over the historical past of North Macedonia. Although not as intense as in 2018-2019, gender-based hate speech was still common on social media in 2021. 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.

5. Conclusions

The results of the MPM2022 indicate significant risks to media pluralism in Bulgaria. There is a noticeable risk in three of the four areas: Market Plurality, Social Inclusiveness, and Political Independence. The Fundamental Protection area is at a medium level of risk. Compared to MPM2021, the overall level of risk to media pluralism does not point to significant changes.

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 Independence of PSM governance and funding. The recorded reduction in risk compared to MPM2021 in terms of protection against illegal and harmful speech and regarding the access to media for local/regional communities is still within the high-risk range and is therefore not indicative of significant improvement.

Against this background, decreasing the risks to media pluralism in many spheres is a matter of urgency in the country. A broad political consensus needs to be sought to impose sustainable measures. Such measures should take into account both national specificities and the general framework of EU initiatives and policies in the media field.

Since so many important issues remain unaddressed, we suggest virtually the same measures as those given in MPM2021, and add only a couple of new recommendations.

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

- Promotion of campaigns for better professional protection (including physical and online security) 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.
- Introduction of anti-SLAPP legal framework.
- Transposition and effective implementation of the EU Whistleblower Protection Directive (Directive 2019/1937).

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 public media services to better reflect the cultural and societal diversity in the country in line with the proposals set out in the Bill to amend and supplement the Radio and Television Act 102-01-16 (submitted by the Council of Ministers to the National Assembly on 23 February 2021).
- Effective implementation of the access to media content for people with disabilities (subtitling, signing and audio descriptions) in accordance with the corresponding amendments of the Radio and Television Act.
- Introduction of policy measures to support regional and local media with regard to their financial sustainability, distribution, political and economic independence (by the government, local authorities, NGOs).
- Further steps for effective integration of media literacy education in the school curriculum on a national level.

Measures related to COVID-19 pandemic:

- If necessary, further 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 still 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 Bulgaria.

6. Notes

- [1] In 2021 the Association of European Journalists – Bulgaria launched Factcheck.bg, the only platform in the country dedicated solely to fact-checking.
- [2] Art. 39–41 Constitution, Art. 11 Radio and Television Act.
- [3] Strong civil reaction was sparked by the case of lecturer Martin Osikovski, who was disciplinarily dismissed from the University of National and World Economy in the aftermath of his professional and civil position against political agitation at the university during an electoral campaign (Nikolov, 2021; AEJ, 2021a). The lecturer was subsequently reinstated after a public campaign in his support.
- [4] See cases: *Genov and Sarbinska v. Bulgaria* (ECHR, 2021a), *Handzhiyski v. Bulgaria* (ECHR, 2021b), *Miroslava Todorova v. Bulgaria* (ECHR, 2021c).
- [5] Art. 41 Constitution, Art. 1 Access to Public Information Act, Art. 10 Radio and Television Act.
- [6] Art. 40–41 Access to Public Information Act.
- [7] Currently, the Administrative Procedure Code provides for a general protection from repression against whistleblowers. Relevant stipulations are available also under the Conflict of Interest Prevention and Ascertainment Act and the Measures Against Money Laundering Act. However, existing measures concern only specific sectors and have not been implemented in practice.
- [8] The conflict was over the interruption of the BNT's programme in order to broadcast live a press conference of the political party GERB.
- [9] BSTV is owned by the leader the Bulgarian Socialist Party (BSP) Kornelia Ninova and 7/8 TV is owned by the leader of 'There is Such a People' (ITN) political party Stanislav Trifonov, both parties being part or the ruling coalition at present.
- [10] See Art. 6 Constitution, Protection from Discrimination Act, Penal Code, Radio and Television Act.
- [11] Art. 8a Radio and Television Act (on the access of people with hearing and visual impairments to audiovisual media content) was adopted in 2020.
- [12] The Audiovisual Media Services Directive (2018/1808) was transposed into law by the Act amending and supplementing the Radio and Television Act, promulgated in State Gazette No109/2020, effective 22 December 2020.
- [13] In 2021, reporter Victoria Simeonova became the target of online harassment amid her investigation into financial abuse by local companies. Simeonova's pictures from her personal social media profile, as well as her phone number, were posted on paid sex sites and she was receiving obscene calls and messages for days (AEJ, 2021b).
- [14] According to Yassen Lazarov of the Institute for Public Environment Development, more than 1,000 organisations and websites are "invisible" to the media ownership register. Mehti Melikov from the Ministry of Culture confirms there are online media with unclear and untraceable ownership, especially if they use hosting services outside Bulgaria (Mediapool, 2021b).
- [15] See Electoral Code.

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ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2022 CT Leader
<i>Orlin</i>	<i>Spasov</i>	<i>Executive Director/ Associate Professor</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 that make up the MPM2022. Consulting the point of view of recognized experts was aimed at maximizing the objectivity of the replies given to variables whose evaluation could be considered as being 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>Maria</i>	<i>Cheresheva</i>	<i>Vice Chairman</i>	<i>Association of European Journalists – Bulgaria</i>
<i>Pavel</i>	<i>Antonov</i>	<i>Managing Editor, Co-Founder and Member of the Board</i>	<i>BlueLink</i>
<i>Emilia</i>	<i>Staneva</i>	<i>Director of Licensing and Registration Directorate</i>	<i>Council for Electronic Media</i>
<i>Vladislav</i>	<i>Petkov</i>	<i>Expert and Researcher</i>	<i>Pro European Network</i>

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