

# MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

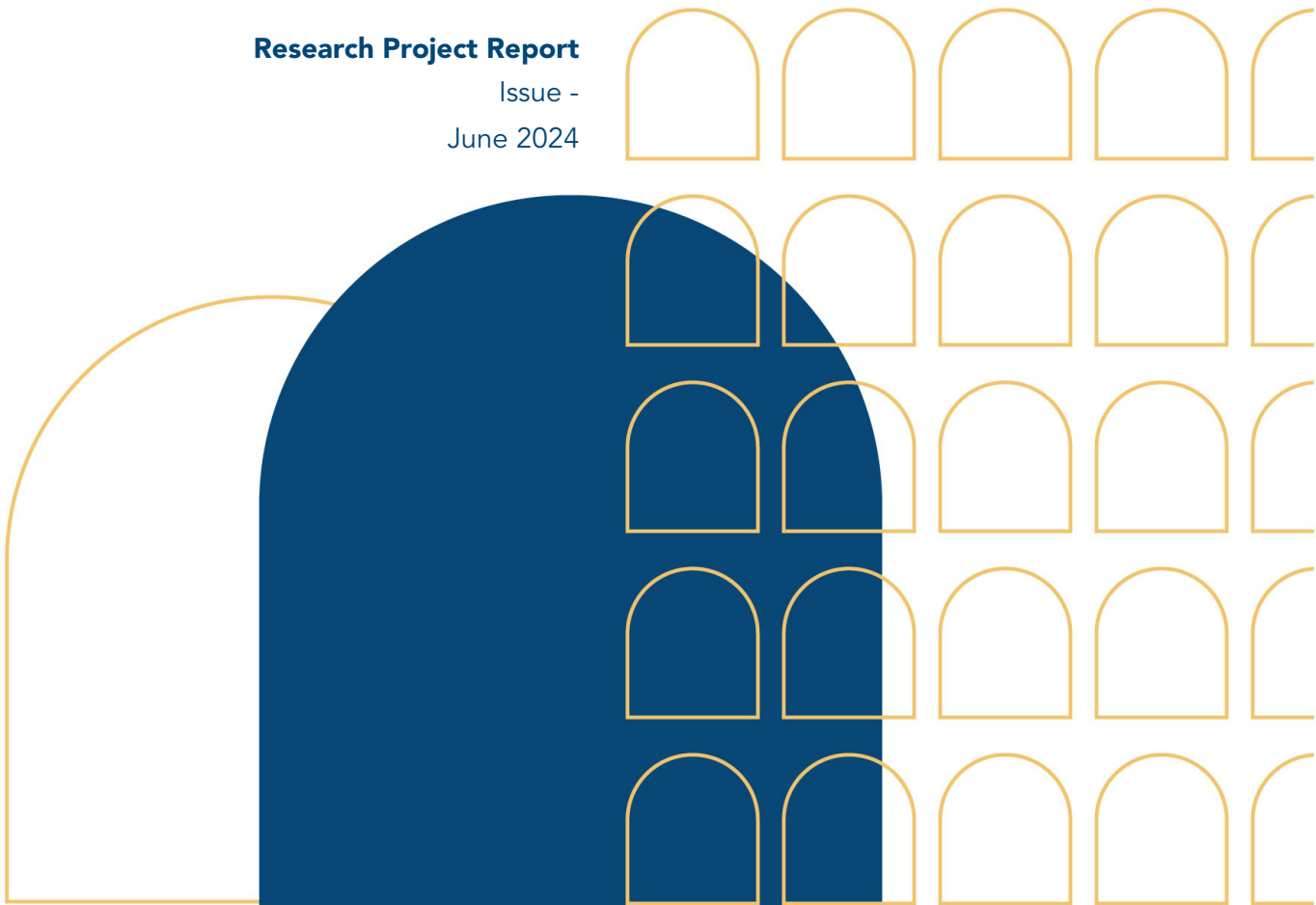
## APPLICATION OF THE MEDIA PLURALISM MONITOR IN THE EUROPEAN MEMBER STATES AND CANDIDATE COUNTRIES IN 2023

Country report: Austria

Josef Seethaler, Austrian Academy of Sciences, Institute for Comparative Media & Communication Studies  
Maren Beaufort, Institute for Comparative Media and Communication Studies (CMC) at the Austrian  
Academy of Sciences and the University of Klagenfurt

**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 that is 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 that was carried out in 2023. The implementation was conducted in 27 EU Member States, as well as in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey. This year a part of the MPM has also been piloted in Bosnia and Herzegovina and Moldova. 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. The research is based on a standardised questionnaire that was developed by the CMPF.*

*In Austria the CMPF partnered with Josef Seethaler (Austrian Academy of Sciences, Institute for Comparative Media & Communication Studies), Dr. Maren Beaufort (Institute for Comparative Media and Communication Studies (CMC) at the Austrian Academy of Sciences and the University of Klagenfurt), 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).*

- **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 digitally specific risk scores, and the report contains a specific analysis of the risks that 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 the Indicators, scores of 0 are rated as 3%, while scores of 100 are rated as 97%, by default, in order to avoid an assessment that offers a total absence, or certainty, of risk.

Fundamental Protection	Market Plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of the media	Representation of minorities
Protection of right to information	Plurality of media providers	Editorial autonomy	Local/regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to the media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

Table 1: Areas and Indicators of the Media Pluralism Monitor

### • Methodological Changes

For every edition of the MPM, the CMPF updates and fine-tunes the questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and the existence of newly available data. The results obtained for these indicators are therefore not strictly comparable with those results obtained in the previous edition of the MPM. The methodological changes are explained on the CMPF website at <http://cmpf.eui.eu/media-pluralism-monitor/>.

**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 who carried out the data collection and authored the report. Due to updates and refinements in the questionnaire, MPM2024 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 MPM2024, which is available on: <http://cmpf.eui.eu/media-pluralism-monitor/>.

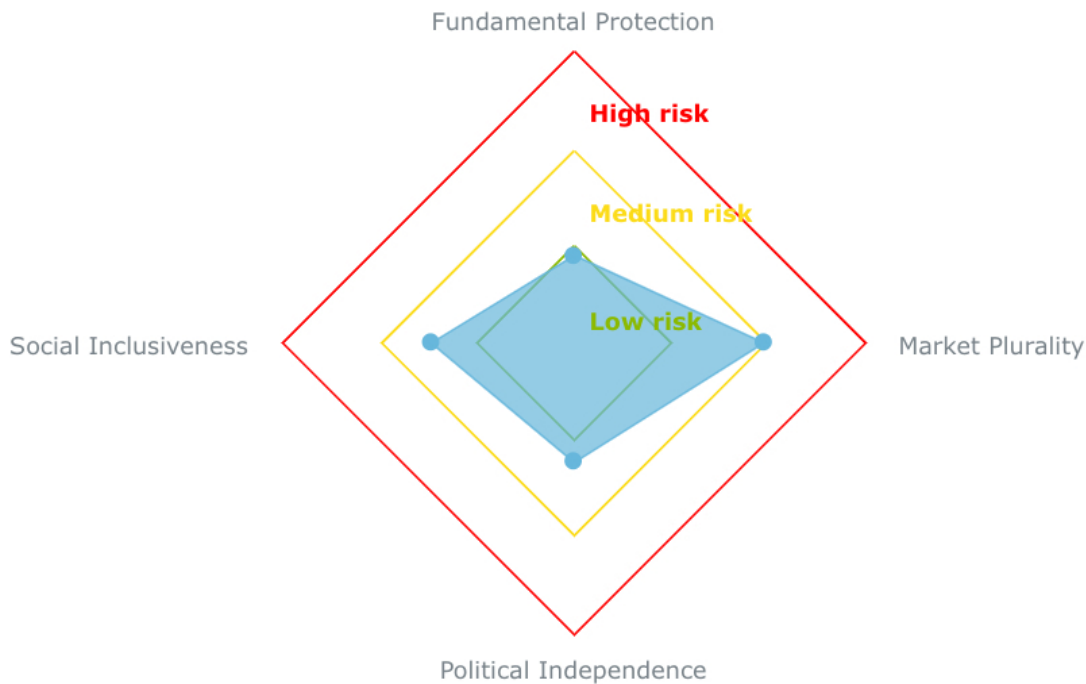
## 2. Introduction

- **Country overview.** Austria covers an area of 83,878 square kilometres. As of January 1, 2023, it had a population of 9,104,772 (data from Statistics Austria), 1.4% more than at the beginning of 2022. The population growth, which has continued for years, is exclusively due to people with non-Austrian citizenship.
- **Languages.** German is the official language. However, in some regions, Burgenland-Croatian, Slovenian and Hungarian are also recognised as official languages of autonomous population groups.
- **Minorities.** 21.7% of the population were born in countries other than Austria (data from 2023). These include Germany (2.8%), Bosnia and Herzegovina (1.9%), Turkey (1.8%), Serbia (1.6%), and Romania (1.6%). People with a migration background (= 1st and 2nd generation) count for 26.4% of the population (annual average 2022) (data from [Statistics Austria](#)).
- **Economic situation.** After the sharp economic downturn in 2020 and the temporary growth in 2021 (4.5%) and 2022 (5.0%), Austria's economy recorded a GDP decrease of 0.8% (in real terms) in 2023. The inflation rate in 2023 is 7.8% and, therefore, only slightly below 8.6% in 2022 (all data from Statistics Austria). According to the EUROSTAT definition, the unemployment rate in 2023 was 5.6%; according to the national definition, it was 6.4%. This represents a slight increase compared to the previous year (data from the Austrian Ministry of Labour and Economy).
- **Political situation.** Since 2020, Austria has been governed by a coalition of the conservative Austrian People's Party (ÖVP) and the Greens. In June 2023, the Social Democratic Party elected a new chairman who positioned the party more to the left of the centre. According to surveys, however, most parties are losing support, except the right-wing Freedom Party (FPÖ), which is gaining popularity.
- **Media market.** The dramatic decline in news interest observed after the peak during the COVID-19 crisis has slowed. In 2023, 54.3% of the Austrian population are very interested in news, and an additional 31.5% are somewhat interested (compared to 56.9% and 32% in 2022). Despite losses, television remains the most significant source of information, and the public service broadcaster has maintained a relatively high market share of about one-third of the television market. For people under 35, social media is the most important daily news source, but it has lost some of its importance in the overall population. This also applies to messaging apps. On the other hand, newspaper websites and apps and radio programmes have gained in importance and have even slightly surpassed social media as the main source of news. Printed newspapers, however, are steadily losing ground. General trust in news has fallen to 38.3%, slightly below the level before the pandemic. Nevertheless, the public service broadcaster is still the most trusted news source (61%), followed by the quality newspapers 'Der Standard' (58%) and 'Die Presse' (56%) (all data from Gadringer et al., 2023).
- **Regulatory environment.** The Austrian media regulatory authority is the 2001 established "Austrian Communications Authority" (KommAustria), which, since 2010, has been legally distinct and functionally and effectively independent from the government and any other public or private body. In 2023, several regulatory measures were adopted, including the transposition of the EU Whistleblower Protection Directive (Directive 2019/1937) into [national law](#) (see Chapter 3.1) and an amendment of the [Transparency in Media Cooperation and Funding Act](#), which requires all public legal entities to report all insertions and media cooperations to the regulatory authority regardless of a medium's frequency of publication and the amount involved (see Chapter 3.3). On December 20, 2023, the Minimum Taxation

Reform Act ([Mindestbesteuerungsreformgesetz](#)) passed the parliament, which - in accordance with Council Directive (EU) 2022/2523 of 14 December 2022 - provides for the incorporation of Pillar Two into domestic law and replaces the Digital Tax Act (see Chapter 3.2). The 2021 [Act on Measures to Protect Users on Communications Platforms](#) will be replaced by the Digital Services Act (DSA), the accompanying regulation of which came into force by February 17, 2024 (see Chapter 3.1). In October 2023, The Constitutional Court annulled some provisions of the [Federal Act on the Austrian Broadcasting Corporation](#) (ORF Act) on the appointment and composition of the Foundation Council and the Audience Council as unconstitutional. The provisions violate the requirement of independence and pluralistic composition of these bodies enshrined in Art I para 2 of the [Federal Constitutional Act on Guaranteeing the Independence of Broadcasting](#). They must, therefore, be amended by March 2025 (see Chapter 3.3). After years of struggle, a new and much-criticized [Freedom of Information Act](#) was adopted on January 31, 2024, but will not come into force until September 2025 (see Chapter 3.1).

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

#### Austria: Media Pluralism Risk Areas



JS chart by amCharts



The implementation of the MPM 2024 in Austria indicates (like all previous MPM editions) that only **Fundamental Protection** is at low risk. The other three areas – **Market Plurality**, **Political Independence** and **Social Inclusiveness** – are at medium risk, with **Market Plurality** at the highest border of medium risk. Horizontal and cross-media concentration, insufficient consideration of changes in media supply and use in competition law, decreases (or, at best, only modest) increases in revenues, the outflow of well over one-third of advertising revenue to a few global platforms, cost-cutting measures for newsrooms, and a system of media subsidies that favours large corporations instead of democratically relevant journalism – all threaten market viability and market plurality. Across all four areas, four out of twenty indicators represent a high risk, eleven a medium risk, and only five a low risk.

It has to be emphasised that the foundations of a democratic media system are intact and robust: Freedom of expression is well protected, even on the Internet. Media authorities work independently. Public TV and radio signals reach almost everyone, and access to journalism is unrestricted. There still is a varied supply of regional and local media services, including a lively community media sector. During election campaigns, the public service broadcaster ORF reasonably represents the parliamentary parties in its programmes. Regulatory safeguards that preclude government officials and political parties from media ownership in the audiovisual and radio sector, the Austrian Press Agency's (APA) professional work, and editorial statutes (wherever they are in place) are among the precautions that seek to make political interference in journalism more difficult.

However, these results are impeded by other indicators that point to a considerable risk. The new Freedom of Information Act represents a missed opportunity to secure a truly democratic right to information (e.g., Forum Informationsfreiheit, 2024; Gasser, 2024). A comprehensive framework for protecting journalists'



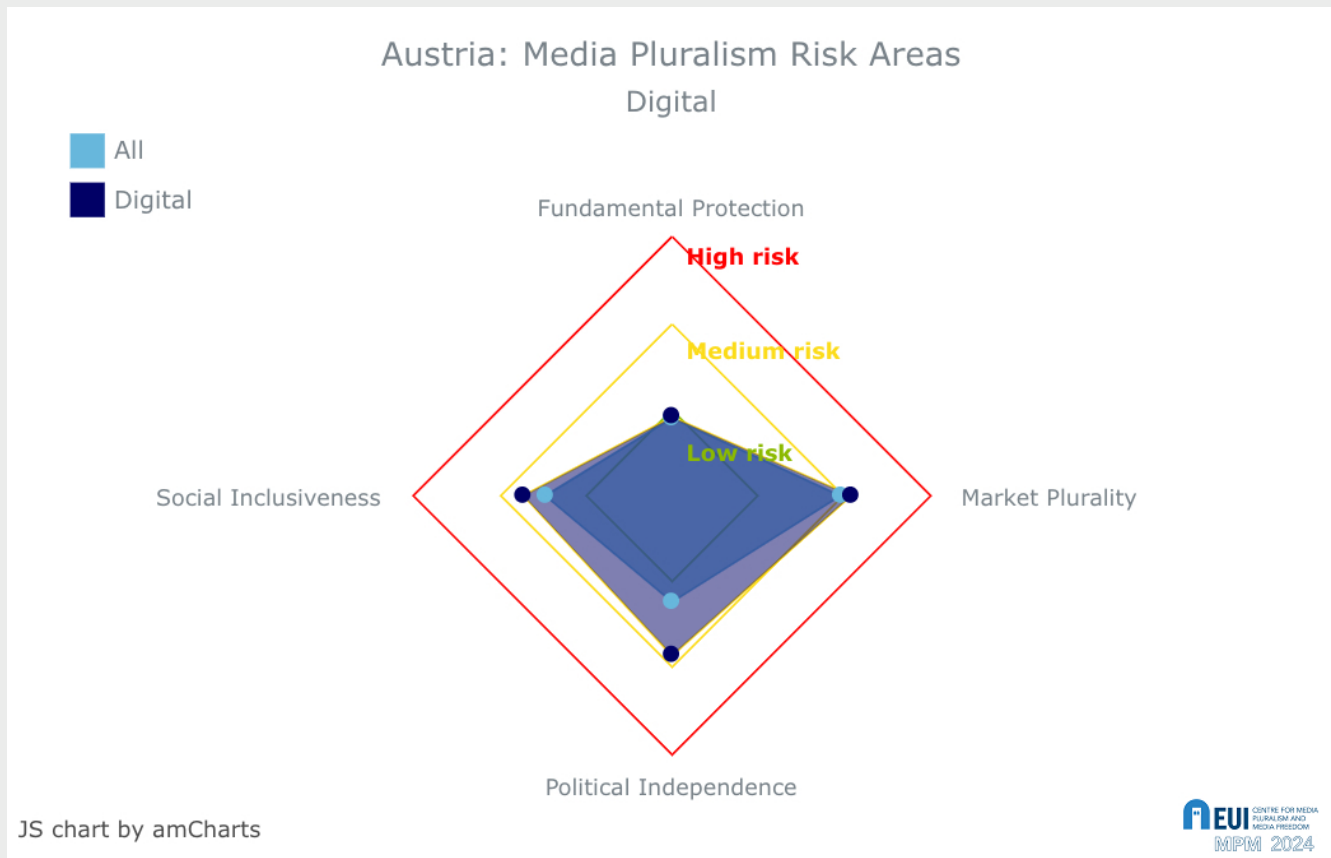
physical, digital and social safety, including protection from strategic lawsuits against public participation (SLAPPs), is still missing at a time of increasing social tensions, which are increasingly being exploited by forces that are ready to use violence – also against journalists. Most newsrooms lack structures and clearly communicated guidelines for dealing with threats, sexual harassment and hate speech against journalists, but also against other people in community forums, and the media industry, in general, suffers from rudimentarily developed self-regulatory systems.

Due to investigations by the Economic and Corruption Prosecutor's Office, more and more suspected cases of attempted political influence are becoming publicly known (for example, concerning the ORF and the daily newspapers 'Die Presse', 'Österreich', 'Heute' und 'Kronen Zeitung'). So, it seems that the existing legal provisions for the private media sector, rated as low risk by the MPM, cannot effectively safeguard political independence and independence from commercial and owner influence in practice – which indicates a lack of control mechanisms. In addition, political influence on ORF is facilitated by some procedures provided by law for appointing the members of the highest management body and electing the Director-General (which have now been ruled unconstitutional by the Constitutional Court). In too many newsrooms, strong and comprehensive editorial statutes and other self-regulatory measures that ensure editorial autonomy and guarantee transparency of editors-in-chief appointment and dismissal procedures are missing. The extraordinarily high state advertising expenditures, amounting to 225 million euros in 2021 and 201.4 million in 2022, is another factor that can raise doubts about the political independence of the media and reduce trust in them.

There is a certain lack of transparency in the disclosure of political parties' online campaign costs, in the criteria for awarding state advertising contracts, in the labelling of paid content, in the procedures for appointing and dismissing editors-in-chief, and in the disclosure of media ownership (information on the ultimate ownership structures of media companies is not generally available). Only regarding awarding state advertising contracts to media companies are amended legal provisions intended to ensure greater transparency. Women and minorities are largely underrepresented in media content and media management, and a comprehensive policy (and adequate resources) for fighting disinformation and hate speech and promoting media literacy is missing.

Mentioning some of these risk factors in its most recent assessment, Reporters Without Borders (2023) ranked Austria only 29th in its [World Press Freedom Index](#) in 2023 and only 32nd in the recently published index for 2024. That is two places better than last year, but since 2019, Austria is no longer among the countries where media freedom is best protected. This should set alarm bells ringing among politicians and regulators.

## Focus on the digital environment



In three of the four MPM areas, the risk measured in the digital environment is above the general level.

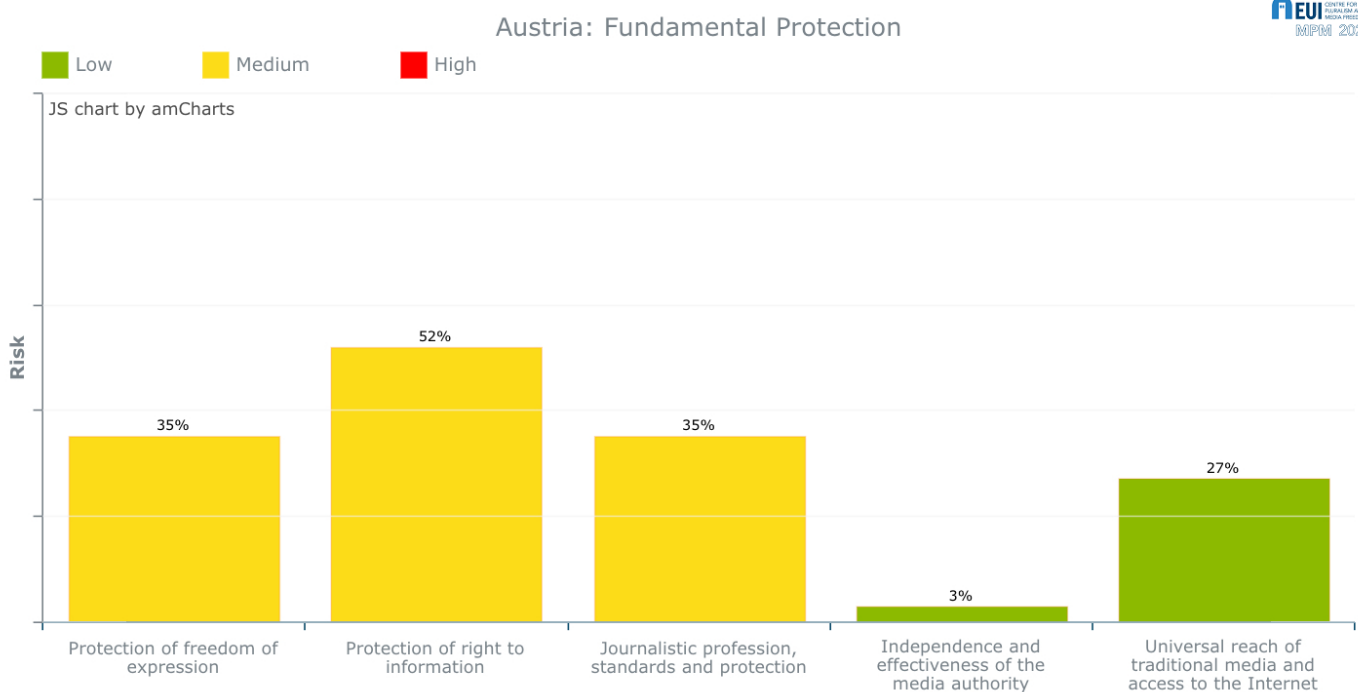
**Plurality in digital markets** has reached a level that signals a high risk (69% compared to the already high figure of 65% in general). The digital market is dominated by a few global platforms, and the associated migration of exorbitantly high and rapidly increasing advertising expenditure to these global platforms jeopardises the viability of national providers and, ultimately, the national media market in general.

At 62%, the risk in the area of **Political independence** is also above the general value of 41% and close to the high-risk threshold. This is mainly due to inadequate regulations to disclose online political advertising spending and the increasing control of political parties over a steadily growing part of the online news sector.

Concerning **Social Inclusion** (for which there is a 58% risk), disinformation, hate speech (including persistent threats to journalists), and the population's low media literacy level threaten media freedom.

### 3.1. Fundamental Protection (30% - low 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.



**Fundamental Protection** of the media is, to a large extent, guaranteed in Austria (30% – low risk). This also applies to the digital environment. However, there are violations of the spirit of the law and deficiencies in the legal and social protection of journalists. Online threats and harassment against journalists are becoming a major problem, and a new law on the right to information, which was subject to struggle for decades and will not come into force until 2025, only partially meets the expectations from a democratic perspective.

For the first time, **Protection of freedom of expression** is at medium risk (35%). At the legal level, it has been enshrined in Austria’s constitution since 1867 (Art. 149 Federal Constitutional Law, 1930/2020, referring to Art. 13 Staatsgrundgesetz, 1867). In 1958, Austria ratified the European Convention on Human Rights (which was given constitutional status six years later) and, in 1978, the International Covenant on Civil and Political Rights (ICCPR). All these constitutional guarantees also apply to freedom of expression online, which is handled carefully in copyright law and platform regulation.

In practice, however, highly recognized NGOs complain that there has recently been “violence at public events [that has] prevented journalists from reporting freely”, that “press freedom has been undermined by various political pressures or restrictions on access to information”, (Reporters Without Borders, 2023) and that “attempts by politicians to discredit serious journalism” have become more frequent (Forum Informationsfreiheit, 2023). This development is one of the main reasons why Austria only ranks 29th (2023) and 32nd (2024) in the [‘World Press Freedom Index’](#), and the index value for the ‘Media’ pillar of the Austrian [‘Democracy Index’](#) fell by 7.1 points to 60.2% in 2023 compared to the previous year.

The provisions of the Criminal Code on defamation of the Republic of Austria or one of its federal provinces, the parliamentary bodies at the federal and provincial levels, the federal army and the authorities also pose a serious threat to freedom of expression in the legal sphere, as they provide for an increased prison sentence (up to one year) for defamation if this is made accessible to a wider public via the mass media (§§ 111, 115, 116, 248 (1) [Bundesgesetz vom 23. Jänner 1974 über die mit gerichtlicher Strafe bedrohten Handlungen](#) [Federal Act of January 23, 1974, on Acts Punishable by Law]). Insulting the Austrian federal flag, an Austrian provincial flag, a national emblem, the federal or provincial anthem (§ 248 (2)), a state-recognised church or religious community and a religious doctrine or custom (§ 188) is punishable by up to six months in prison or a fine of 360 daily rates.

**Protection of the right to information** is at medium risk (52%). The slightly lower risk level (compared to previous years) is because, after decades of struggle, the government submitted a new law on the right to information to parliament on October 6, 2023. It was adopted on January 31, 2024, but will not come into force until September 2025 ([Bundesgesetz, mit dem das Bundes-Verfassungsgesetz geändert und ein Informationsfreiheitsgesetz erlassen wird](#) [Federal Act amending the Federal Constitutional Act and enacting a Freedom of Information Act], 2024). While this will finally abolish official secrecy in Austria, there has been much criticism because municipalities with fewer than 5,000 inhabitants – i.e. 1,834 out of 2,093 municipalities – are exempt from any proactive publication obligation and § 6 (1) provides for far-reaching exemptions from the publication obligation. Moreover, failure to disclose information that must be published proactively is not subject to sanctions and does not lead to any legal consequences.

The EU Whistleblowing Directive (European Parliament and Council, 2019b) was transposed into national law in February 2023 ([HinweisgeberInnenschutzgesetz – HSchG](#) [(Whistleblower Protection Act], 2023) after the European Commission had opened infringement proceedings against Austria because of missing the 2021 deadline. NGOs like Amnesty International (2023) and Transparency International (2023) criticized the fact that public consultation had not occurred and that the law has numerous weaknesses that limit its effectiveness from the outset. For example, the handling of anonymous reports is insufficiently regulated, there are restrictions depending on the size of the company or the report's content, and administrative penalties for false reports could deter potential whistleblowers. The positive connotation whistleblowing holds in Austrian society (Frohner, 2022) would have allowed a more comprehensive law.

The **Journalistic profession, standards and protection** indicator once again exceeded the medium risk threshold (35%), as it did in 2021. '[Mapping Media Freedom](#)' by the European Centre for Press and Media Freedom reported several attacks on journalists' physical safety by politicians of the right-wing Freedom Party and fans of the German rock band Rammstein. Reporters Without Borders (2023) accused the police of preventing journalists from reporting or harassing them with identity checks in some cases. In June 2023, the public prosecutor's office ordered the confiscation of cell phones, computers and tablets belonging to a Carinthian journalist who runs a local investigative news site and reports on alleged abuses in local government. The case was dropped a few days later because the order was illegal ([#doublecheck](#), 2023). Moreover, the number of SLAPPs is increasing (not to mention the unreported cases), and the pressure built by threatening SLAPPs alone is causing incalculable damage (Strobl, 2024). While legal safeguards against SLAPPs are still missing in Austria, the European Parliament adopted the Anti-SLAPP Directive in February 2024, which the Austrian government must transpose into national law.

While access to the profession is free and open, and § 31 Media Act provides strong protection for the confidentiality of journalists' sources ([Federal Act on the Press and other Publication Media](#), 1981/2023), the working conditions of journalists are worsening (Resei & Kraus, 2023). One-third of Austrian journalists (with

45% of women journalists) are only part-time employed, 20% have additional jobs outside journalism and an estimated 10% work as freelance journalists facing uneasy social conditions because they are neither protected by social security systems nor insured against unemployment, and they must take out costly voluntary insurance themselves (Kaltenbrunner et al., 2020).

Regarding journalistic standards, the 2010 re-established [Austrian Press Council](#), which has published a Code of Ethics, only encompasses print media and their online platforms, news agencies, and – since 2021 – community radio and television stations. Even with these media, granting subsidies is not tied to membership to the Council or compliance with ethical standards. The Press Council's financial situation is not sufficiently secured, and all sponsoring organizations would have to jointly decide on publishing its judgments in all member media outlets. This often fails due to the veto of the publishers' associations. In 2023, the Austrian government established the 'Media Hub Austria' ([Bundesgesetz über die Wiener Zeitung GmbH und Einrichtung einer elektronischen Verlautbarungs- und Informationsplattform des Bundes](#)), a state-run journalism training centre endowed with an annual budget of 6 million euros – more than the budgets of all existing private training initiatives combined. Critics see this as threatening journalistic independence (Presseclub Concordia, 2023).

The indicator for **Independence and effectiveness of the media authority** remains at a very low risk level (3%). The 2001 established Austrian Communications Authority (KommAustria) is legally distinct and functionally and effectively independent from the government and any other public or private body. No governmental individual or body can issue instructions to the media authority (§ 6 [Federal Act on the Establishment of an Austrian Communications Authority](#)). Decisions and holding public consultations, which are mandatory before all decisions, must be published. In media matters (such as monitoring net neutrality, among others), KommAustria is operationally supported by the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR), a non-profit state-owned company. KommAustria is accountable to the court of auditors; RTR is subject to periodic review by external private auditors.

Finally, the indicator on **Universal reach of traditional media and access to the internet** shows a low but increasing risk (27 compared to 8% in 2023) because the percentage of the population covered by broadband connections is rising too slowly and remains in the midfield at 94.7%. In traditional media, public TV and radio signals reach almost everyone.

## Focus on the digital environment

The slow increase in the supply of broadband connections to the population is one of the main reasons for the growing risk in the area of **Fundamental Protection** in the digital environment (30% compared to 19% in 2023). Even more worrying is the fact that online threats and harassment against journalists – and especially female journalists – have become “commonplace” (Reporters Without Borders, 2023). However, this is still a taboo subject, and there is not only a lack of accurate data but, in many cases, a lack of appropriate protection and support measures.

A somewhat unclear situation has arisen regarding journalism and data protection. On the one hand, the Austrian legislator has complied with Directive (EU) 2016/680 of the European Parliament and Council (2016), which prevents illegal surveillance of journalists by law enforcement authorities by formulating Article 9 in the [Data Protection Act](#). In December 2022, however, the Constitutional Court ruled that exemptions for media companies in § 9 (1) are unconstitutional. Data processing for journalistic purposes may not be generally exempted from the Act’s provisions, as this media privilege violates the fundamental right to data protection. The legislator must now ensure a more differentiated balance between the interests of individual persons in data protection, also with regard to the media, and the requirements of journalistic work protected by Article 10 of the European Convention on Human Rights by mid-2024.

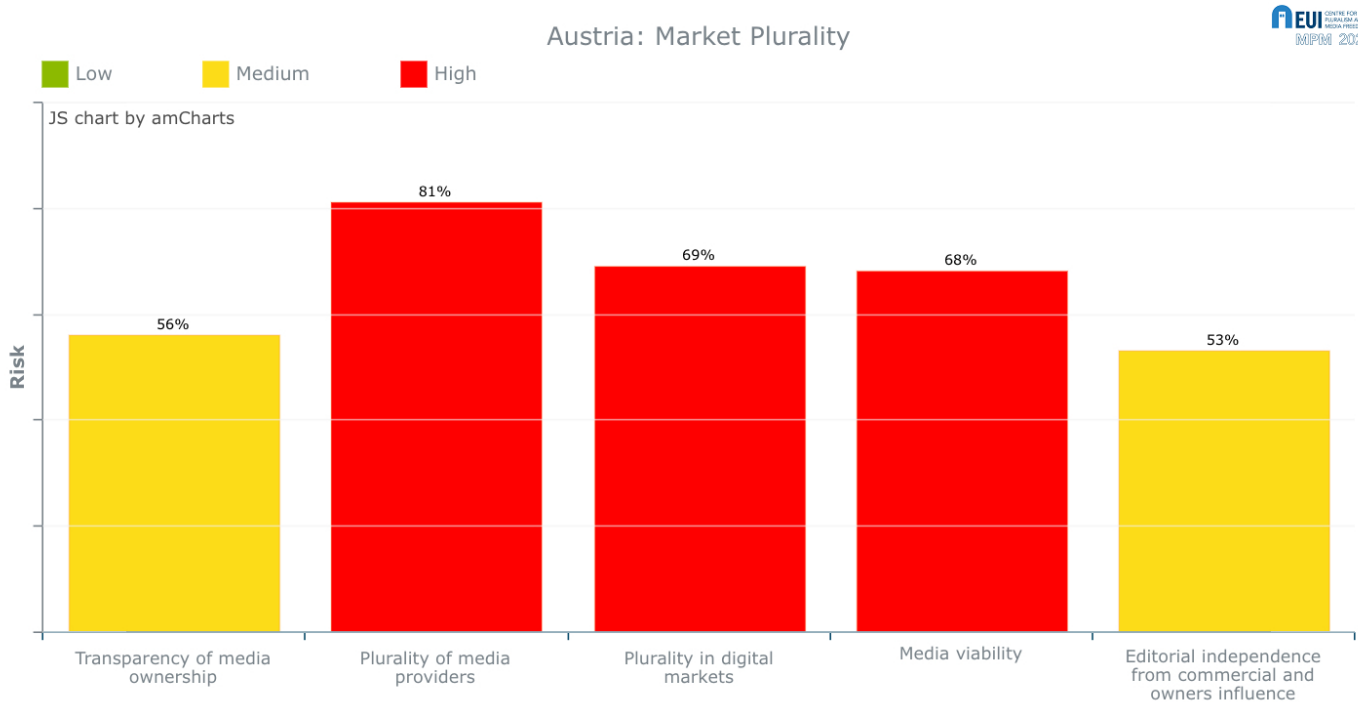
In accordance with a ruling by the European Union Court of Justice in November 2023, which states that a national law regulating communications platforms cannot be binding on companies based in a different country, the 2021 Act on Measures to Protect Users on Communications Platforms will be replaced by Digital Services Act (DSA), the accompanying regulation of which came into force by February 17, 2024, and applies to all intermediary services ([DSA-Begleitgesetz](#), 2023). Since then, the media authority KommAustria is the national “Digital Services Coordinator” (RTR, 2024). In the last year of validity of the previous law, X (formerly Twitter) did not report about filtering and removals.

In general, websites are not blocked or filtered arbitrarily due to official decrees. In monitoring net neutrality, the Regulatory Authority balances legal protection and the fundamental rights of all stakeholders concerned. Legal provisions requiring Internet Service Providers (ISPs) to set up blocks can be found in the Copyright Act, which transposed the EU Copyright Directive (European Parliament and Council, 2019a) into national law in December 2021 ([Urheberrechts-Novelle](#)). The EU Court of Justice concedes that, despite some room for improvement, the transposition of the Directive in principle meets the Court’s standards because ex-ante safeguards against over-blocking (such as quantitative minimum thresholds for the use of upload filters and “pre-flagging”), as well as additional procedural safeguards that can be invoked ex-post, are foreseen (European Digital Rights, 2022; Reda & Keller, 2022). Based on data from 2023, the [Varieties of Democracies project \(V-Dem\)](#) of the University of Gothenburg ranks Austria among the countries with unrestricted Internet access.

An important exception to this general policy was the extraordinary measure taken by the Austrian parliament to block those Russian media channels affected by EU sanctions against Russia over its war on Ukraine (European Council Decisions between March 1, 2022, and September 28, 2023) (KommAustria, 2023).

### 3.2. Market Plurality (65% - medium risk)

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).



**Market Plurality** area is at medium risk (65%). Even if it records a decrease in the risk level (compared with last year assessment), it is very close to the high risk threshold. This is mainly related to the declining market viability accompanied by a high degree of concentration in traditional and digital media markets. All three indicators point to high risk.

The indicator **Plurality of media providers** shows the highest risk in this area (81%). Horizontal concentration, measured by the Top 4 indexes for market revenues and audience, is between 70 and 92% in the audiovisual, radio and newspaper sectors (data from 2023), and the market share of the Top 4 news media owners across different media markets is 64% (based on 2022 data of the twenty largest media companies tax-registered in Austria, not including platforms). Only the audience share of the Top 4 online news media outlets (not including platforms!) is still in the middle ground, at 42% (unique users, data from 2023). The Austrian media authority does not officially provide most of the numbers; they are based on the authors' calculations using data provided by [Österreichische Auflagenkontrolle](#), [RMS Austria](#), [AGTT](#), [Österreichische Webanalyse](#) and Fidler (2023).

If one considers the legal provisions, two weak points become apparent. The first problem is that only legislation for the audiovisual sector contains specific restrictions regarding areas of distribution and market shares to prevent horizontal and cross-media concentration; for all other media sectors, only [cartel law](#) provides media-specific merger control provisions. For example, specific multipliers must be applied to the revenues to assess jurisdiction. The second problem is that all these restraints are not very tight (Holoubek et al., 2014; Seethaler & Beaufort, 2019). Ultimately, media and cartel laws, while establishing diversity of

independent media companies as a top priority, have been largely ineffective in preventing mergers of media companies for decades – this is one of the causes of the high level of media concentration, which is increasingly extending to the online sector: The leading traditional *news* media owners are also occupying leading positions in the online news sector (in terms of market share): Mediaprint, ORF, Styria Media Group and Digitale Medien GmbH ('Heute', a free daily).

Concerning **Media viability**, the risk level decreased from 74% in the previous year to 68%. After a short-term economic recovery following the end of the COVID-19 crisis, the situation on the media markets deteriorated again in 2022. While Austria's economy recorded a decline of 0.8% in 2023 (GDP in real terms), the advertising year closed with a total volume of 4.67 billion euros, representing only a slight increase of 0.3% compared to 2023. This is less than the 0.8% increase from 2021 to 2022, which, however, was well below the GDP growth of 5%. The biggest gains in the advertising market were recorded by 'classic' online media (8.5%) and private (mostly regional) radio stations (7.8%), while daily newspapers (-3.9%), private TV (-2.2%) and regional weeklies (-0.9%) experienced losses (Focus Marketing Research, 2024). It can, therefore, be assumed that regional and local broadcasting works quite well and that regional and local newspapers seem to be at least in a less precarious but nevertheless deteriorating position. These mixed year-end results make forecasts difficult; however, the long-lasting decline of newspapers will certainly continue, and television will have to struggle for its market position. Several major newspaper and television newsrooms have cut salaries and jobs in these troubled times. The number of employed journalists has been declining for years, and this decline is primarily attributable to the print sector, where most journalists traditionally work.

Even a long-established system of state subsidies covering all traditional media sectors cannot stop this development, as the criteria for supporting market diversity and journalistic quality are insufficient (e.g., APA News & Horizont Redaktion, 2023). Moreover, no substantial subsidies are available for digital native media. Even for the "Fund to Promote Digital Transformation", fed from 2020 Digital Tax Act revenues, online-only media are not eligible to apply. The extent to which this fund will be effective cannot yet be said, but awarding practices continue to reveal a preference for large media companies – and those that had started late to develop digital offerings (Binder, 2022; iab Austria, 2023). On the one hand, the existence of local newspapers, which are still comparatively well positioned on the market, could be jeopardized by this funding strategy (Beaufort & Schulz-Tomančok, 2024). On the other hand, this strategy is detrimental to innovative business and editorial approaches (Meier et al., 2022), especially as the willingness to pay for online news, which at 14.3% is mediocre anyway, is growing slowly and for the first time only includes the under-35s (Gadringer et al., 2023).

**Transparency of media ownership** is at medium risk (56%). Although § 25 [Media Act](#) contains provisions to ensure transparency of media ownership (which also apply to any online media except small personal/private websites), information on the ultimate ownership structures of media companies is not generally available, partly due to a vague formulation in the 2011 amendment to the law: the German word *Inhaber* can be interpreted as '100% owner' (Berka et al., 2019). In some cases, the relevant information is provided in a way that, as Access Info Europe criticizes, "can be considered difficult for an ordinary member of the public to find or decipher the information available" (Craufurd Smith & Stolte, 2014, p. 19). Moreover, foreign media are only covered by the transparency provisions when they are "completely or almost exclusively" distributed in Austria (§ 50 Media Act). Similar exclusions apply to foreign state publications and publications of Austrian public authorities. Only PSM is required by media law to make its annual and consolidated financial statements publicly available (§ 7 (4) [ORF Act](#)).



A similar risk level (53%) is revealed by the indicator for **Editorial independence from commercial and owners' influence**. On the one hand, in all media sectors (and even applying to native advertising and influencer marketing), rules exist that prevent the use of advertorials (Berka et al., 2019). Advertising and journalistic contributions must be clearly separated and marked (which is in line with Commission Recommendation (EU) 2022/1634, Art. 7/d). On the other hand, cases of commercial influence are repeatedly reported. For years, and also in 2023, the media authority KommAustria ruled in several cases that paid content in television broadcasts is not sufficiently labelled as advertising and is separated from the editorial content. In previous years, the Austrian Press Council also criticized similar cases in the print media. However, there are differences in the case law of the Supreme Court and the Supreme Administrative Court regarding the regulation of audiovisual advertising (§ 2 (2) and (40) [Audiovisual Media Services Act](#)) and the regulation of the labelling requirements for advertising in print media (§ 26 [Media Act](#)) insofar as the latter requirements only refer to advertisements for which a fee is actually paid directly. This may increase commercial influence on the editorial staff (see [VfGH, E 992/2022-12, E 1265/2022-13, 5.12.2022](#)). Furthermore, little is known of relatively new phenomena such as content marketing, brand journalism, corporate publishing, and native advertising.

A similarly ambivalent situation can be observed concerning journalism and advertising. PSM law (§§ 13 (3), 14 (10) and 16 (5) [ORF Act](#)) and private broadcasting law (§§ 32 (2) and 37 (1) [Audiovisual Media Act](#), and §§ 19 (4c) and (5b) [Private Radio Broadcasting Act](#)) contain rules which aim to prevent journalists to base editorial decisions on commercial interests. However, regarding print media and their online editions, only a short statement in the [Journalistic Code of Ethics](#) (which applies only to members of the Press Council) recommends that the economic interests of the media company owner should not influence editorial work. Another statement in the Code of Ethics refers to disclosing conflicts of interest in financial and economic reporting. Still, no legal provisions exist concerning the incompatibility of the exercise of the journalistic profession with advertising activities, and there is no obligation to disclose conflicts of interest arising from news organisations' editorial and commercial activities. This is, for example, the case for the energy drink company *Red Bull*, which owns and operates a TV station, online platforms, and magazines. Some researchers argue that economic interests intentionally influence editorial content in such arrangements (Kaltenbrunner et al., 2020).

## Focus on the digital environment

The threshold for high risk in the area of **Market Plurality** has been crossed in the digital environment (69%). This is due to the indicator **Plurality in digital markets**, which shows an equally high risk.

In 2022, the Austrian online advertising market had grown by about 22% to 2.365 billion euros (Momentum, 2022). Based on digital tax revenues of 96 million euros and a tax rate of 5% (Bundesministerium für Finanzen, 2023), it can be assumed that, in 2022, the global platforms generated around 1.92 billion in advertising revenues – this is an increase of at least 11.6% compared to the previous year. The four biggest players – Alphabet (which owns Google and YouTube), Meta, TikTok and Microsoft Bing – account for 72.3% of the Austrian online advertising market, i.e. more than 1.7 billion euros. In comparison, ORF's revenue from online advertising amounted to 19.5 million in 2022. Despite a huge number of online offerings, the audience share of the Top 4 online players is 60% (unique users, data from 2023, provided by [Datareportal](#) and [oewa.at](#)). The migration of advertising revenue to global platforms and the limited opportunities for digital native media to apply for state funding compared to traditional media jeopardize the viability of the national digital market. The fact that there are only a few successful digital native media in Austria tend to confirm this idea.

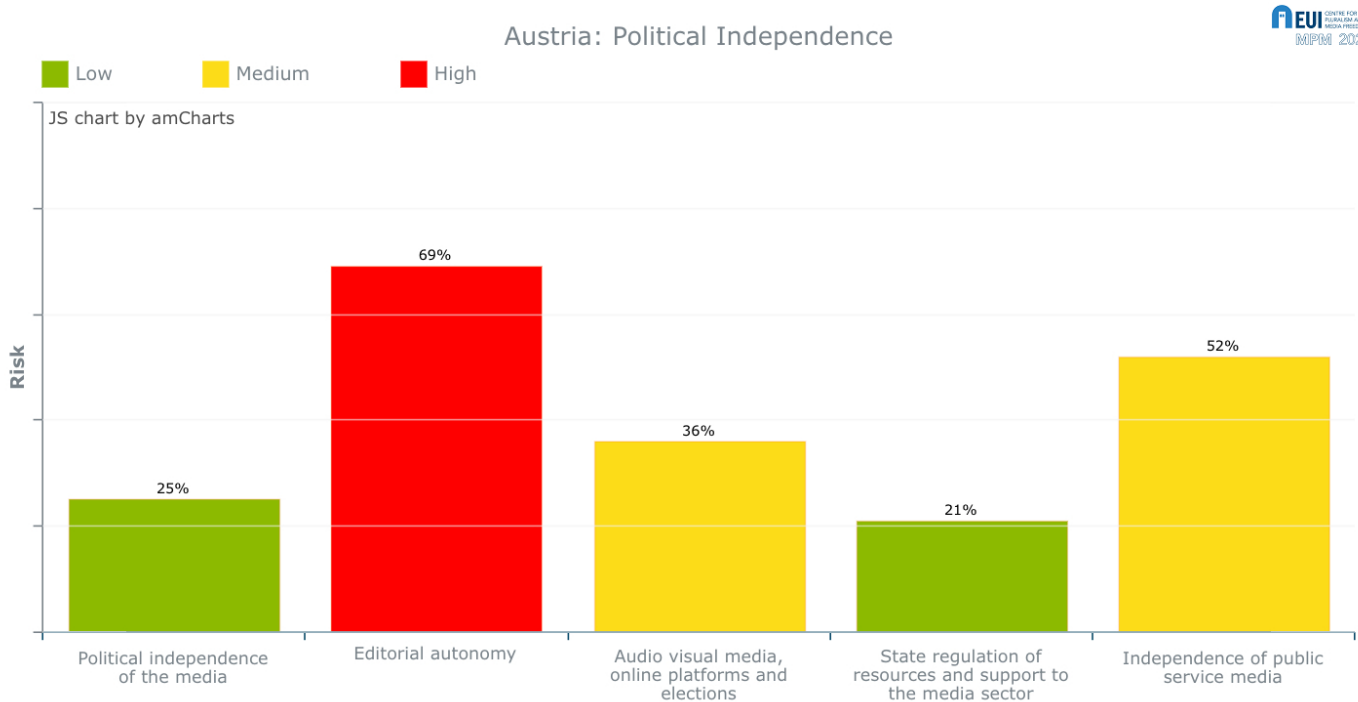
Concerning the role of antitrust authorities regarding the digital economy, Fussenegger & Robertson (2020, p.19) argue that “so far, the BWB (Bundeswettbewerbsbehörde [Federal Competition Authority]) has not initiated sector inquiries concerning online advertising. In general, traditional media undertakings (publishing houses, free tv channels) but also traditional advertising undertakings claim that online advertising suppresses more and more traditional advertising in print titles or in free tv. Following such comments, the previous approach which defines separate product markets, e.g., for advertisement in newspapers, magazines, classified ads or in free tv, would be arguably too narrow.”

On December 20, 2023, the Minimum Taxation Reform Act passed the Austrian parliament ([Mindestbesteuerungsreformgesetz](#)). In accordance with Council Directive (EU) 2022/2523 of 14 December 2022, the Act provides for the introduction of the Pillar Two income inclusion rule (IIR) and the undertaxed payment/profit rule (UTPR) to ensure a minimum tax level of 15% for multinational enterprise groups with annual consolidated revenue of at least EUR 750 million in at least two of the preceding four fiscal years. The Act also provides for introducing a qualified domestic minimum top-up tax (QDMTT) for members of in-scope groups, which Austria refers to as a national supplementary tax. The law applies to financial years beginning on or after December 31, 2023 (wts global, 2024).

Austria had already introduced a unilateral digital tax in 2020 ([Digital Tax Act](#)) but has joined the Unilateral Measures Compromise in 2021, which aims to stop the proliferation of Digital Services Taxes by replacing them with a consensus-based reallocation of taxing rights. This compromise – agreed upon by the U.S., Austria and several other countries – covered the interim period (“Pillar One”) between January 2022 and December 31, 2023 (Bloomberg Tax, 2023). The digital tax levied until the end of 2023 generated tax revenue of 56.6 million euros in 2020, 80.2 million euros in 2021, 96 million in 2022, and 103 million in 2023 (Bundesministerium für Finanzen, 2024). 134 million euros from this pot will be used from 2022 to 2027 (and retroactively for 2021) to support the digital transformation of Austrian legacy media. Therefore, the Digital Tax Act was effective during its existence, but ultimately, it has not proven to be an effective long-term solution.

### 3.3. Political Independence (41% - medium 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 ambivalence of the relationship between media and politics, typical of a democratic-corporatist country like Austria (Hallin & Mancini, 2004; Seethaler & Melischek, 2006), is reflected in the widely differing MPM scores for the assessment of risks in the area of **Political Independence**, which is – similar to the previous year – assigned an *overall* medium risk of 41%.

Although their scope is far from comprehensive, the existing regulatory safeguards in the audiovisual and radio sector aim to preclude state entities and political parties, as defined in the [Political Parties Act](#), from media ownership (§ 8 (1) and (2) [Private Radio Broadcasting Act](#); § 10 (2) [Audiovisual Media Act](#)) and government officials, MPs and party leaders and employees from PSM executive management positions, at least if they held those positions within the last four years (§ 26 (2) [ORF Act](#)). Even if there is no comparable legal regulation in the newspaper sector, ownership structures generally do not overlap with the political sector. All things considered, and taking into account the independence of Austria's only big news agency, the [Austrian Press Agency \(APA\)](#), from political groupings – it is owned by twelve Austrian newspapers and the ORF –, the risk to the **Political independence of media** appears to be low (25%).

However, concerning the largest private television provider, the German group ProSiebenSat.1, it must be noted that, some time after Germany, the Austrian competition authority approved MediaforEurope's plan to increase its direct stake in ProSiebenSat.1 to almost 30% on February 8, 2024. This move will enable the Berlusconi Family, the owner of MediaForEurope, to control the majority of voting rights at shareholder meetings and thus have de facto sole control over the company (Reuters, 2024).

In contrast to the regulatory provisions that aim to prevent *political control over media ownership*, **Editorial autonomy** is – for the first time – at high risk (69%). Information on the appointment and dismissal procedures of editors-in-chief is hardly publicly available, and the framework of self-regulatory measures that should guarantee freedom from *interference in editorial decisions and content* is underdeveloped. Concerning the latter aspect, there are several factors to consider. Firstly, only a few editorial statutes are in place to restrict influence on editors-in-chief's appointment and dismissal procedures. Secondly, only TV and radio stations are obliged to have editorial statutes; all other media are allowed to establish such statutes but are not required. Thus, it is no surprise that the largest newspaper and one of the biggest online news providers, the *Kronen Zeitung* (which is among the primary beneficiaries of state advertising spending), refrains from any self-regulatory measures. Thirdly, the Press Council, which is only responsible for parts of the media industry (see Chapter 3.1), lacks the power to impose penalties and compensation measures and has to rely on 'soft' sanctions such as naming, shaming, and blaming.

Numerous revelations from the Economic and Corruption Prosecutor's Office investigations have shown intense pressure from political actors on editorial offices. Besides the former Federal Chancellor Sebastian Kurz, two editors-in-chief ('*Die Presse*', ORF) also had to resign as a result of these investigations; in other cases, the media house "Österreich", the free daily newspaper *Heute*, the *Kronen-Zeitung* and an opinion research company are suspected of being involved. In the Lower Austrian election campaign of 2022/23, favouritism for the ruling party in ORF coverage led to the suspension and, finally, the resignation of the head of the regional studio; another ORF journalist made an appearance at an election rally for that party (e.g., Dave, 2022; Dossier, 2022; Wurnitsch, 2023).

Threats to editorial autonomy due to political influences are the main reason Austria has fallen from 26th to 33rd in the "Political context" sub-index of the Press Freedom Index. Even if, in those editorial offices where editorial statutes exist, journalists are better equipped to defend themselves collectively against interference, more binding and more comprehensive instruments of self-regulation aimed at resisting political pressure are urgently needed – given the decline in trust in the Austrian media, which has fallen from 40.6 in 2022 to 38.3% (Gadringer et al., 2023).

The indicator **Audiovisual media, online platforms and elections** is slightly above the limit of middle risk (36%). This is mainly because in the current 'super election year', the lack of studies on the role of commercial broadcasters is particularly regrettable – especially since 'Servus TV', the private television channel with the largest reach (4.3%), which the Red Bull company finances, had been accused of distorting formulations and disinformation during the COVID-19 pandemic (KommAustria, 2023). On the other hand, public service media is obliged by law to cover political matters unbiased and impartial (§ 1 (3) [ORF Act](#)), and KommAustria is responsible for legal supervision. Moreover, this legal provision is detailed in the [ORF editorial statute](#) (ORF, 2022). In practice, all parties with parliamentary representation can participate in unbiased election debates. This can "be seen as an obstacle to new parties", as the Bertelsmann Stiftung (Helms et al., 2022, p. 29) states in its evaluation of the electoral process in Austria. Nevertheless, for at least the last two decades, the ORF has, to a considerable extent, offered a fair representation of the various parliamentary parties during election campaigns (Seethaler & Melischek, 2014, 2019; OSCE, 2019).

Since 2002, political advertising in public service television programmes has not been allowed during election campaigns. It may only be bought from private TV stations and must be identified as paid advertising – according to § 31 (1) [Audiovisual Media Act](#) (2001/2022), which, after a 2020 amendment, applies to all audiovisual media services, among them video-sharing platforms such as YouTube and

Dailymotion and social media such as Facebook and Instagram (Berka et al., 2020). Moreover, media companies are urged to provide all parties with equal conditions for advertising because the principle of equal opportunities for all political parties is enshrined in the Federal Constitution (1930/2020). However, only concerning the online platform of the public service broadcaster, self-regulation is in place that aims to ensure fairness of online political advertising during electoral campaigns (ORF Enterprise, 2019).

The indicator **State regulation of resources and support to the media sector** shows a low risk (21%) and thus scores better than in the last years. This is mainly due to the recently amended [Transparency in Media Cooperation and Funding Act](#). According to this urgently needed amendment, all insertions and media cooperations must be reported to the Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR) regardless of the medium's publication frequency and the amount involved; the previous de minimis limit of 5,000 euros has been dropped. The reporting obligations have also been extended to social media, poster advertising, and cinema advertising. A transparency report must be prepared and published for every campaign with a budget volume of more than 150,000 euros, and an impact analysis must be carried out in addition to the transparency report for every campaign with a budget of one million euros or more. The penalty for failure to report has been doubled and will be 60,000 euros and 100,000 euros in case of a repeat offence. All information on public legal entities' insertions and media cooperations will be published on the RTR website. The previous obligation to delete transparency data after two years has been lifted. While, in 2021, state advertising expenditures had reached a record high (225 million euros), they declined in 2022 by 11% (201 million euros), and this trend is likely to have continued in 2023 (see the calculations of the [University of Applied Sciences Joanneum](#), Graz, based on data provided by RTR). However, state advertising spending that flowed to Google and Meta (the parent company of Facebook and Instagram) increased in the first quarter of 2023 by 10% and 22%, respectively (Kienzl, 2023). Because the amended law does not set a cap on the placement of state advertising, it remains to be seen whether greater transparency will go hand in hand with greater fairness.

Concerning the distribution of media subsidies, the rules can be considered transparent but not fair. Austria has a wide range of subsidies, but, in general, the primary beneficiaries are and have always been big media companies. This also applies to the recently established 'Fund to Promote Digital Transformation', from which digital native media are excluded (Horizont Redaktion, 2022). This financing logic, which has been practised for decades, has not prevented the permanently increasing horizontal and cross-media concentration (Trappel & Tomaz, 2021; Seethaler, 2024) and now threatens the existence of rather small local and regional media offerings (Beaufort & Schulz-Tomančok, 2024). The Concordia Press Club has long been calling for a reform of both the funding system and the allocation of state advertising in favour of journalistic quality – regardless of the platform (Resei & Kraus, 2023). Whether a new fund endowed with 20 million euros per year will change the funding policy remains to be seen. It is based on the Quality Journalism Promotion Act ([Qualitäts-Journalismus-Förderungs-Gesetz](#), 2023), approved by the European Commission in November 2023.

§ 54 of the Telecommunications Act ([Bundesgesetz, mit dem ein Telekommunikationsgesetz erlassen wird \[Federal Act enacting the Telecommunications Act\]](#)) guarantees impartial, transparent and non-discriminatory spectrum allocation in accordance with EU requirements.

**Independence of public service media** is at medium risk (52%). The reason why the risk level fell from high to medium in the previous year is due to changes in the questionnaire: The two questions on the legal provisions for ensuring that the appointment procedures of the Director General and the management are independent of political influences have been combined into one question; likewise, the two questions on

the practice of the appointment procedures of the Director General and the management have been combined into one. Two new questions were also added last year: the question about political influences on the editorial line and the question about regulatory safeguards ensuring that State funds granted to PSM do not exceed what is necessary to provide the public service (which was previously part of the indicator “Competition enforcement”).

For many years, MPM has been criticized that the provisions of § 20 (1) [ORF Act](#) give the federal and state governments a great deal of power in appointing the members of the Foundation Council: 15 of its 35 members are appointed by the federal government, six of them considering the proportionate strength of the political parties represented in parliament. In addition, each of the nine Austrian federal provinces nominates one representative. Another six members are delegated by the ORF’s Audience Council, the majority of whose members are, in turn, appointed by the Federal Chancellor (§ 28 (3) ORF Act). Overall, these rules enable the government to appoint at least a simple majority of the 35 members of the Foundation Council. A simple majority is sufficient for most of its decisions, including appointing the Director-General and the directors. In October 2023, the Constitutional Court annulled several of the provisions on the composition and appointment of the two bodies, which provide a major gateway for political influence on PSB management, as unconstitutional, as they violate the requirement of independence and pluralistic composition of these bodies enshrined in Art I para 2 of the [Federal Constitutional Act on Guaranteeing the Independence of Broadcasting](#). The unconstitutional provisions will expire at the end of March 31, 2025. The legislator has until then to adopt new regulations.

While the appointment procedures for the Foundation and Audience Council, the Director-General and the directors are strongly influenced by the governing parties (Vogt, 2021), the ORF’s editorial statute (ORF, 2022) can be considered as an important safeguard for strengthening politically independent journalism. It stipulates that the editorial assembly must be informed and heard during appointment procedures of editors-in-chief and managing editors. The editorial assembly has the right to submit proposals for such decisions.

Due to the increasing number of users who watch ORF programmes exclusively online and free of charge, the ORF was threatened with a budget gap of an estimated 70 million euros from 2024. Following a ruling by the Constitutional Court in 2022, which called on the government to close this loophole, a ‘household levy’ was introduced in January 2024 to replace the previous PSB fee. The amendment to the ORF Act also lifted some restrictions on the public service broadcaster’s Internet presence but imposed some new ones. For example, the total number of text contributions on the start and overview website may not exceed 350 per calendar week (!), and only 30% of all online articles may be text-based. Experts doubt that these restrictions can alleviate the enormous economic pressure on the commercial media, considering that online advertising revenues of more than 2 billion euros go to the global platforms, while ORF’s online advertising revenue amounts to 19.5 million euros.

## Focus on the digital environment

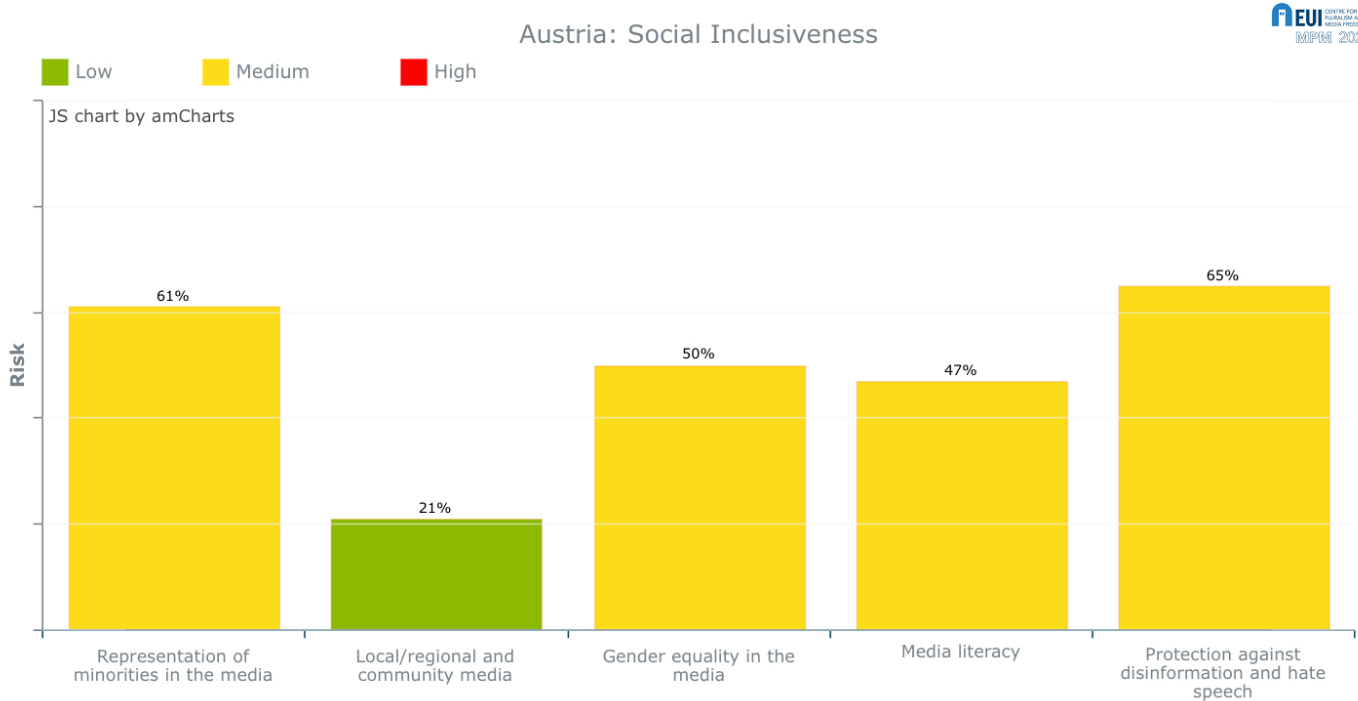
In the digital environment, the risk to **Political Independence** is even higher (62%) than the overall risk. There are two outstanding reasons for this.

First, the number of digital native media with a more or less transparent closeness to political actors is rapidly growing. Those media outlets are owned by parliamentary clubs of political parties, ex-MPs, and/or party-affiliated donors (e.g., [kontrast.at](#), [unzensuriert.at](#), [zur-sache.at](#), [exxpress.at](#), [zackzack.at](#), [neuezeit.at](#), [wochenblick.at](#), [materie.at](#), YouTube channel ‘FPÖ TV’). It seems that the traditional ‘media-party parallelism’ is experiencing a revival. However, this time, they do not necessarily have to aim for a high frequency of use to make an impact but frequent sharing of their content through social media. Political control over the digital native media market thus seems to be increasing. The right-wing [exxpress.at](#) reached more than 15% of Austrian internet users in the first half of 2023 ([oewa.at](#)), but there is a lack of awareness of the problem in political and regulatory debate (Bonavida & Winter, 2022; Knittelfelder, 2021). The problem is exacerbated by the fact that digital native media are hardly entitled to any subsidies, including the ‘Fund to Promote Digital Transformation’. Party media and party-affiliated media, on the other hand, are eligible for funding because they also have a (small) foothold offline. This must be considered counterproductive for the promotion of the political independence of the media.

Second, although the 2022 amendment to the [Federal Act on the Financing of Political Parties](#) has brought more transparency and stricter rules for campaign financing and heavier sanctions for violations, costs for online advertising only have to be reported as a lump sum (§ 4 (3): “expenses for ... advertisement and advertising ... on the Internet”). Concerning the last parliamentary election in 2019, the Court of Audit published the [accountability reports](#) of all parliamentary parties. The lists of election campaign costs are not very detailed; the costs of social media campaigns are not reported, and no distinction is made between advertising spending for online editions of traditional media, digital native news media and platforms such as Facebook and Google. Google’s *Transparency Report* and Meta’s *Ads Library*, implemented in March and April 2019, provide online ad repositories that allow for the monitoring of political advertising activities.

### 3.4. Social Inclusiveness (49% - medium 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 disinformation and hate speech.



**Social Inclusiveness** is ranked as being at medium risk (49%). The 5% increase compared to the previous year is mainly due to shortcomings in political measures to support local media, the representation of minorities in the media and protection against disinformation and hate speech.

The only exception is the indicator for **Local/regional and community media**, which still represents a low but increasing risk (21% compared to 10% in the previous year). There are four reasons for this:

- A significant number of television and radio frequencies are related to regional or local service areas ('Versorgungsgebiete'), and access to these frequencies is regulated via public tendering (§§ 30 (1) and 54 (1b) [Bundesgesetz, mit dem ein Telekommunikationsgesetz erlassen wird](#) [Federal Act enacting the Telecommunications Act]).
- The public broadcaster operates regional broadcasting studios in all nine federal states, which provide nine regionally broadcast radio programmes and TV newscasts (§§ 3 (2) and 5 (5) [ORF Act](#)).
- Subsidies for private radio and television companies are contingent upon providing local or regional programmes and promoting local and regional identities (Seethaler & Beaufort, 2017). However, the situation in the newspaper sector is becoming increasingly challenging. This is mainly because the highly concentrated structure of the local and regional media markets, uncertainties about postal delivery, and the limited funding opportunities for local print media nourish fears of major closures of local media in the short or medium term, which would lead to 'news deserts' in some areas if there is no adequate political response to these problems (Beaufort & Schulz-Tomančok, 2024).



- Austria has a well-established system of community media. Broadcasting laws, however, still lack consistent legal recognition of community media as a third broadcasting sector in terms of function, mode of operation and financing – even though they perform a wide range of valuable public functions, they are firmly anchored in their respective local environment and operate independently from any interference from the government, political parties and religious institutions (Biringer et al., 2022). Community broadcasters have voluntarily committed to the [Code of Ethics](#), which they have been allowed to join since 2021. There is a separate promotion fund for non-commercial local radio and TV broadcasters endowed with five million euros annually, the conditions of which are more demanding than for commercial broadcasting regarding democratic functions (Seethaler & Beaufort, 2017). Unfortunately, § 54 [Telecommunications Act](#) does not provide sufficient details about licensing processes and criteria concerning reserving TV or radio frequencies for community media. As a result, the number of three community TV and 14 radio stations has stagnated for years.

The indicator **Representation of minorities in the media** shows a medium risk (61%). The 5% increase compared to the previous year is attributable to the fact that the public service broadcaster, as a whole, does not have a comprehensive diversity policy covering both policy covering both personnel issues *and* programming content. Only one of its radio stations, the rather small FM4, explicitly pursues a diversity policy in personnel matters and programming (ORF, 2023b, pp. 44-46). This question is part of the questionnaire for the first time this year. Nevertheless, PSM law guarantees the representation of the six legally recognized minority groups and requires an ‘appropriate’ share of airtime (§§ 5 (1) and 4 (1) [ORF Act](#) ). Albeit the law does not provide any framework for the assessment of ‘appropriateness’, the public service broadcaster complies with the spirit of the law to a considerable extent. This does not apply to minorities, which are not recognised by law.

In the private broadcasting sector, commercial television and radio stations do not provide any airtime for minorities, whereas the much smaller and financially weaker non-commercial community TV and radio stations broadcast programmes in more than 40 different languages, making no differences in access to airtime for legally recognized and not recognized minorities. About a third of all community programme producers are from a migrant background (Verband Freier Radios Österreich, 2019). This potential and know-how can be considered worthy of support, as access to broadcasting time for minorities not legally recognised is more a question of editorial orientation than legal instruments such as “reserved airtime”. Considering that 26.4% of the people living in Austria have a migration background, more should be done to safeguard proportionate access to media for minorities.

The 2020 Amendments to the [ORF Act](#) (§ 5 (2)) and the [Audiovisual Media Services Act](#) (§ 30 (3)) aim to improve the accessibility of TV and video content in accordance with the state of technical development and economic reasonableness. They affect all AV media content (broadcasting, on-demand services, video sharing platforms) and provide a gradual but continuous increase in accessibility (sign language, written or spoken subtitles, audio description). The new regulations require operators to create phased plans to implement accessibility measures. Only providers of local television programmes and those with an annual turnover of less than 500,000 euros are exempt. In addition, the Digital Transformation Fund approved in December 2021 offers a financial incentive to increase the proportion of accessible media content. How well the new measures will work remains to be seen. In recent years, only the public service broadcaster has continuously improved the accessibility of media content for hearing and visually impaired people – though there is still an imbalance between the extent of media access for hearing impaired people (relatively well developed: in 2022, 46.8% of all programme hours of the four PSM TV channels provided subtitles) and

visually impaired people (rather poorly developed: 7.4% of programme hours provided audio description) (ORF, 2023a). In the private-commercial sector, 'Puls 4', part of the ProSiebenSat.1 group, offered subtitles and sign language for 0.07% of its programmes in 2022 (Puls 4, 2023). Community media work towards including people with special needs by making studios and equipment accessible.

The indicator **Gender equality in the media** is ranked as being at medium risk (50%). The 8% lower figure compared to the previous year is mainly because – according to the continuous monitoring by APA-DeFacto – the proportion of female politicians on ORF's two main TV news programmes reached an all-time high of 37% in 2022 (based on the speaking time of politicians) (APA, 2023). However, women's policy issues have become less and less important since 2018/19 – which also applies to newspaper reporting, in which women make up about a third of the actors in pictures (Pernegger, 2023). However, the increased representation of women must not conceal the fact that they are still underrepresented. No data exist for private broadcasting. In recent years, several databases of women with expertise in several fields have been established by the ORF and civil society initiatives such as FEMtech, Frauendomäne, Die Expertinnen, and Frauennetzwerk Medien.

In general, Austrian PSM law (§ 4 (1) [ORF Act](#)) provides a (rather vague) policy regarding equal representation of several groups like women, disabled persons, acknowledged religious groups, etc. Consequently, gender equality in programming content has not been monitored internally at ORF for long. In 2020, the then-General Director introduced the so-called '50:50 challenge', which aimed to encourage programme-makers to voluntarily measure the share of women and men in their programmes, with equal representation as a goal. Unfortunately, this initiative was dropped soon. Concerning personnel issues, since 2010, PSM law (§§ 30a, et seqq. ORF Act) provides a framework for actively ensuring gender equality by stipulating a gender mainstreaming plan and requesting the ORF to continuously assess the status quo of gender equality in the organization. The set target of a 45% share of women was achieved in 2019, but the proportion has stagnated since then – with a strong downward trend in the two highest employment groups. At the end of 2022, the gender pay gap was 12.0% (ORF, 2023a).

The share of women among PSM executives is 60%, and among the members of the Foundation Council, 34%. At the leading commercial broadcasters, the percentage of women on management boards or teams is 45%, but no women are in the executive ranks. Only 12% of the editors-in-chief of the eight most relevant media across all four sectors (audiovisual, radio, newspapers, digital native) are women.

**Media literacy** indicates a medium but slightly reduced risk (47%). Since 2023, 'Basic digital education' has been compulsory at Austrian regular secondary schools and the lower stage of secondary academic school. The focus here is on teaching children media literacy, reflective internet use, and playful access to digital technology. Unfortunately, the media education project [mediamanual.at](#), which has organized the popular 'Media Literacy Award' every year since 2001, will end its work in 2024 after the Federal Ministry of Education, Science and Research no longer renewed its financial support. On the other hand, there are a lot of corporate and civil society initiatives, and there is a strong commitment of community media to media literacy through the development of critical and creative thinking and active participation in media content production. However, a comprehensive governmental strategy fostering the development of media literacy in all sections of society (as first recommended by the Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010) is still missing. In line with the Audiovisual Media Services Directive EU 2018/1808, RTR has published the most important legal principles and a few selected initiatives and online services on its [homepage](#) since the fall of 2020. 88% of the Austrian population has basic or above basic overall digital skills.

Only a few uncoordinated initiatives have been launched in recent years regarding media literacy activities targeting vulnerable groups. As the most important forerunners, APA launched the project 'TopEasy' in 2017, and ORF started to publish news in simple language during the COVID-19 crisis—on TV (ORF III), radio, online, and on the teletext pages. This was followed by daily newspapers '[Kurier](#)' and '[Kleine Zeitung](#)'. Civil society initiatives are rare (e.g., '[barrierefrei aufgerollt](#)').

### Focus on the digital environment

In the digital environment, **Social Inclusion** has a medium risk (58%), which is higher than for the media in general, as **Protection against disinformation and hate speech** is associated with an almost high risk (65%).

"Protection from disinformation" is a separate 2022-2024 government programme chapter. Still, the government is, at best, just beginning to develop some cornerstones of a national strategy, for example, by presenting an action plan to combat deep fakes in May 2022. However, none of the announced measures have yet been implemented. A comprehensive political strategy is missing, and so are comprehensive studies on the impact of disinformation. As reported by the Digital News Report 2023, more than every third respondent (37.1%) expresses general concerns about being able to distinguish between facts and false reports on the Internet: this means an increase of 6% compared to 2022 (Gadringer et al., 2023).

After all, there is a limited number of fact-checking initiatives, most founded only in the last two years. In this respect, no assessment can be made of their impact. For example, in November 2022, the Austrian Press Agency APA (in cooperation with AIT Austrian Institute of Technology) started its activities as part of the German-Austrian Digital Media Observatory (GADMO); APA is part of the IFCN. In the media sector, the PSM channel ORF 2 has launched the edutainment programme '[Fakt oder Fake](#)' [Fact or Fake], in which fake news and disinformation are publicly debunked, the news magazine '[profil](#)' and the '[Kleine Zeitung](#)' have established fact-checking platforms, but there are only a few investigative platforms, such as '[DOSSIER](#)'. NGOs that work on media literacy have been shifting their efforts towards disinformation. They include BAIT, a fact-check channel for young people on TikTok; Mimikama, a 2012-founded education-focused association; and Kobuk, a voluntary media monitoring blog. While Kobuk focuses on traditional media, the Mimikama platform sets the record straight about fake news on social media sites and encourages users to report fake news. The software company Polycular runs the game '[Escape Fake](#)', which uses augmented reality techniques to motivate young people to become aware of fake news and deal with this problem.

The 2021 Act on Measures to Protect Users on Communications Platforms, as the most important part of a bundle of new and amended legal provisions aiming to combat hate speech on the Internet, has been replaced by the Digital Services Act (DSA); the accompanying regulation of which came into force by February 17, 2024 ([DSA-Begleitgesetz](#)). Although some provisions had been criticized as potentially restricting freedom of expression, the Communications Platforms Act represented the first comprehensive attempt to combat hate speech on online platforms. The effects of this change in the legal situation will only become apparent in the future.

Already in 2017 and on behalf of the Austrian Federal Government, the NGO 'ZARA – Civil Courage & Anti-Racism-Work' has set up an [online option for reporting hateful content](#) that has been published or sent online, a [special reporting tool for journalists](#) was established in May 2021 (in collaboration with the Press Club Concordia), and in February 2022, the 'Zentrale Abfragestelle für Social Media und Online-Provider' [Central Inquiry Point for Social Media and Online Providers] at the Federal Criminal Police Office started regular operations (after two years of trial operation). ZARA also offers psycho-social and legal counselling for persons affected by or witnessing online hate. A particular legal aid fund was established via crowdfunding, which allows for supporting victims of online hate speech who want to take a case to court, but it is being used to a lesser extent than expected. Since the opening of the counselling centre, 11,514 hate instances have been reported (as of August 2023) (Zara, 2023).

However, after a few years of experience, experts are increasingly sceptical of these measures. ZARA's experiences show that many victims of online hate do not want to file a complaint, although the hate they have encountered can be assessed as illegal. Some shy away from taking a case to court. Others fear that too many people in their environment could find out about the incriminating incidents by reporting them. For others, deleting the incriminating content is a priority, and they feel that the entire process of filing a report and the criminal proceedings is too long, too complex, or too stressful. For younger victims, in particular, legal guardians want to protect children from too much additional stress due to their duty of precautionary care, which is why they do not want to take legal action. According to a survey by Statistics Austria, three out of ten people in Austria have encountered content online in the last three months that they perceive as hostile or humiliating (Der Standard - Redaktion, 2023). Experts are therefore calling for more and more efficient measures in the fight against hate speech (Fiala, 2022). In media practice, most newsrooms lack structures and clear guidelines for dealing with these problems; only a few media outlets have taken measures recently to professionalize their community management departments.

## 4. Conclusions

Despite the democratically adequate quality of important foundations of the Austrian media system, the MPM 2024 reveals a number of deficits – some of which have been identified over many years – where there is an urgent need for political action. The MPM results make it clear that, in the absence of measures to combat the risks identified, the severity of these risks continues to grow. The MPM 2024 demonstrates this, particularly, with the extremely high risks to media pluralism due to ever-increasing concentration tendencies and the declining viability of the media market.

In the **Fundamental Protection** area,

- a comprehensive policy framework to ensure media professionals' physical and digital safety is urgently needed, including newsroom guidelines for dealing with (sexual) harassment offline and online – and also within media organisations.
- The same applies to the social protection of journalists, especially part-time employees and freelancers, and the protection of journalists from abusive lawsuits (SLAPPs), as demanded by the Austrian Press Club Concordia and numerous NGOs.
- The Press Council, as the most significant self-regulation instrument, should oversee all media sectors and be equipped with efficient sanctioning powers.

To support **Market Plurality**,

- a state funding system is needed that (1.) provides PBS with the necessary digital expansion opportunities and leaves enough room for an up-to-date redefinition of the public service mandate, (2.) supports private commercial media companies in expanding their digital infrastructure in the long term in such a way that they can maintain their added value even despite global competition, (3.) enables the search for new cooperation opportunities to jointly develop and use the possibilities of digital technologies to produce high-quality and investigative journalism, and last but not least (4.) offers local media services, non-commercial community media and digital native startups a real chance to serve local communication spaces as essential places for revitalizing democracy.
- This restructuring of the funding system should be accompanied by specific incentive systems but also legal provisions to promote media diversity, particularly in local areas where political scientists see the nuclei of democracy.
- For transparency, the shortcomings in the provisions on transparency of media ownership (concerning the disclosure of the ultimate ownership structures and some currently existing exceptions to the rules) should be rectified. This is all the more important as the number of online news media with more or less covert proximity to political parties is rapidly growing.

Concerning **Political Independence**,

- Political actors should avoid any intervention or attempt to influence media outlets' management

policies and editorial decisions. Notably, according to the ruling of the Constitutional Court, a new and comprehensive regulation of the appointment procedures of the ORF's Foundation and Audience Council members, which restricts governmental interference and partisan political influence and enhances transparency and public participation, is urgently needed.

- As far as state advertising is concerned, disclosure of advertising expenditures *and* allocation criteria is recommended.
- Editorial statutes (including a right to have a say in the appointment and dismissal of chief editors) should be mandatory for all media outlets to ward off external influences on journalistic work.

#### To promote **Social Inclusiveness**,

- the granting of state subsidies should be related to safeguards that ensure mandatory quotas for women among executives and management boards and establishing a comprehensive diversity policy covering both programming content and personnel issues in media undertakings.
- The ongoing changes in the media environment underline the need for a comprehensive policy strategy (including an adequate budget and funding structure) to promote media literacy in the sense of a reflective, creative and self-determined use of media throughout life, which is in accordance with the Directive (EU) 2018/1808 of the European Parliament and the Council.
- Considering the spread of fake news and conspiracy theories, the most important measures at the national level are to support fact-checking initiatives, promote content moderation systems in newsrooms, and finance research projects that aim at developing strategies to empower people in all age groups to be able to tell the difference between disinformation and legitimate criticism.

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## ANNEXE I. COUNTRY TEAM

First name	Last name	Position	Institution	MPM2024 CT Leader
<i>Josef</i>	<i>Seethaler</i>	<i>Deputy Director</i>	<i>Austrian Academy of Sciences, Institute for Comparative Media &amp; Communication Studies</i>	X
<i>Maren</i>	<i>Beaufort</i>	<i>Postdoc researcher</i>	<i>Institute for Comparative Media and Communication Studies (CMC) at the Austrian Academy of Sciences and the University of Klagenfurt</i>	

## ANNEXE II. GROUP OF EXPERTS

The Group of Experts is composed of specialists with a substantial knowledge and experience in the field of media. The role of the Group of Experts was to review especially sensitive/subjective evaluations drafted by the Country Team in order to maximize the objectivity of the replies given, ensuring the accuracy of the final results.

First name	Last name	Position	Institution
<i>Alfred</i>	<i>Grinschgl</i>	<i>Former Managing Director</i>	<i>Austrian Regulatory Authority for Broadcasting and Telecommunications (RTR)</i>
<i>Helga</i>	<i>Schwarzwald</i>	<i>Management</i>	<i>Association of Austrian Community Broadcasters</i>
<i>Daniela</i>	<i>Kraus</i>	<i>General Secretary</i>	<i>Press Club Concordia</i>
<i>Daniela</i>	<i>Zimmer</i>	<i>Legal expert in the Consumer Policy Department at the AK Vienna</i>	<i>Chamber for Workers and Employees, AK Vienna/Viewers' and Listeners' Council ORF</i>
<i>Josef</i>	<i>Gruber</i>	<i>President</i>	<i>Verband der Regionalmedien (VRM) [Association of Regional Media]</i>

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