

Iosifidis, P. & Boucas, D. Media Policy and Independent Journalism in Greece. Open Society Foundations.



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Original citation: Iosifidis, P. & Boucas, D. Media Policy and Independent Journalism in Greece. Open Society Foundations.

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Media Policy and Independent Journalism in Greece

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*Prepared for the Program on Independent Journalism,
Open Society Foundations (OSF)*

This study identifies the most urgent problems of media policy in Greece as they affect independent journalism. These problems are prioritized by their relationship to European-level policy activity and to OSF concerns. The study is based on desktop research, literature review of sources in English and Greek, as well as a set of in-depth interviews with relevant actors, conducted in Athens in November 2014. The report was drafted before the government scheduled a general election for 25 January.

Executive Summary

Greece is, today, the EU member state where journalism and the media face their most acute crisis. Since the 1980s and 1990s, deregulation has allowed the market entry of commercial channels that increased the viewing choice for audiences in Greece. The legal and regulatory framework actively promoted the concentration of press, television and radio outlets that are owned by large organisations, which co-existed alongside the public broadcaster ERT.

Regulation has been ineffective, with private channels operating with temporary licenses and independent regulatory authorities functioning superficially and ambivalently. As a result, the market has been dominated by a handful of powerful newspaper interests which have expanded into audiovisual and online media. Recent laws have further liberalized media ownership and cross-ownership.

Historically, the Greek state has intervened in all aspects of economic and social life, the media very much included. It has acted as censor (during the dictatorship), owner (of public television and radio), and subsidiser of newspapers and electronic media. The intertwining of the political elite and the media has generated a journalistic culture that is cautious of reporting news that state officials could find challenging. With media market deregulation, clientelism gradually became deeper and more intricate, with intertwining interests (*diaploki*) between large media

organizations, their owners (who are also active in key sectors of the economy including public procurement and projects), and the political elite.

These arrangements have damaged journalism, as state and private interests have steered editorial choices. The financial crisis and the austerity measures imposed since 2010 have served to strengthen these relationships. The major mainstream media organizations have presented current government policies favourably, at the expense of pluralism and independent journalism, and despite the increasing hardship suffered by the middle and lower classes. At the extreme, major commercial media companies have kept silent about a number of sensitive developments, including the imposition of legislation against employee rights and pension cuts.

The abrupt closure of the public broadcaster ERT in 2013 further damaged pluralism in Greek journalism, for ERT was the only broadcaster – in a market dominated by unlicensed commercial channels – with a legal obligation to provide objective, unbiased news. In addition, ERT had a diverse program and a wide audience, both in Greece and abroad. The shutdown contributed to a deteriorating landscape regarding the overall quality of journalistic independence. The dismissal of some 2,700 permanent and 300 temporary employees with no prior consultation has forced them into unemployment or to seek work in private media under uncertain conditions. ERT's replacement, NERIT, has been criticized for not functioning as an independent public broadcaster.

The ERT shutdown also left the development of digital terrestrial television (DTT) to the large private media operators, with further consequences for pluralism and democracy. In the last five years, the Digea consortium, controlled by the private national television channels, has established itself as the sole provider of DTT in Greece. In consultation with the telecoms regulator and the relevant ministry, Digea was the only candidate in the auction for the allocation of digital frequencies and can now take decisions on the digital compression format, the digital frequencies to be used, and the areas where they would start simulcasting. Digea controls the digital terrain and its monopoly raises serious concerns about pluralism and independent journalism under austerity conditions, for the presence of anti-austerity opinion on its frequencies is expected to be limited.

The financial crisis together with the tough fiscal measures, including heavy reductions in salaries and pensions and numerous layoffs in the public sector, have accelerated the downward trend in newspaper circulation and led to the closure of several outlets. Reduced income from advertising and other sources of funding has had an impact on the employment of media staff in general and print journalists in particular: redundancies and the abandonment of collective agreements have forced many journalists to accept vulnerable low-status work conditions with very low salaries. Under strict editorial control of critical views of government policies and the

intricate system of political/economic/media dependencies, the practice of journalists' self-censorship is on the rise so as to safeguard one's job.

Under these pressures, self-organized groups and networks of journalists and other media personnel have started exploring new models of journalism. Prominent examples are the Editors' Newspaper ([EfSyn](#)), the magazine [Unfollow](#), and the online [Press Project](#). But these initiatives cannot help the independent journalists who find themselves on the receiving end of accusations of defamation, of lawsuits that carry a heavy financial penalty, of blackmail and threats against their lives and their families, of intimidation and violence at police hands during demonstrations.

The internet has become increasingly prominent in the media landscape, offering the potential for greater pluralism and independence, yet it has also been implicated in low-quality output, gossip, copy-and-paste news, and dependence on big firm advertisements.

The media situation is bleak, though it may improve after the 25 January elections. The opposition SYRIZA party has pledged to re-open ERT if it forms a government. It has also declared that permanent licenses will be granted to private channels on the basis of competition. Moreover, a post-austerity agenda – if any such emerges from the election – could help to improve employment conditions for journalists.

Self-organization in media production and the quest for new sustainable business models will become more and more important. Greater mobilization by civil society, involving trade unions and universities among others, is needed to promote pluralism, transparency, and objective journalism. Links with inter-governmental organizations such as the UN and the EU, as well as with international organizations, will be pivotal.

Overview of the Greek media market

Print media emerged in Greece alongside the struggle for independence from the Ottoman rule (Koumarianou, 2005) and developed hand-in-hand with the growth of political life in the new nation-state (Papadimitriou, 2005). Television broadcasting was introduced in 1966, with the first network, *ERT (Hellenic Broadcasting Corporation)* broadcasting out of the capital Athens as a state-owned monopoly. Throughout the 1980s and 1990s the trends towards commercialization and deregulation allowed the entry of various commercial channels that increased the viewing options for audiences. Many media outlets appeared in a small market of just 11 million people, to the extent that the media landscape today displays an excess of supply over demand. From being a broadcasting field of two public television channels and four radio stations in the late 1980s, it has become an overcrowded environment comprising 160 private television channels and 1,200 private radio stations, none of them equipped with an official license to broadcast (only temporary licenses renewed by successive governments) (Papathanassopoulos, 2014a).

Thus private television expanded rapidly, but it strives to adjust to a pluralistic profile in a highly politicized and commercialized environment, driven by increasing populism. Meanwhile, levels of media market concentration have risen as newspaper publishers diversified into television to increase profits in a largely unregulated and non-transparent media market (Iosifidis, 2007).

The 'golden age' of Greek media and journalism in the 1980s and 1990s, prior to the crisis, did not result in modern, robust organizations but led instead to unchecked diversification, high production costs, and – most worryingly – the consolidation of close relations between the media and the political elite. The resulting concentration of media ownership and the close ties with politicians have negatively affected the media's performance, as the media were more interested in cultivating connections with the political elite and neglected their 'watchdog' role. The so-called *diaploki* (translated in this report as 'intertwining interests') and the domination of the media environment by wealthy businessmen with interests in shipping, telecommunications, refining and other sectors) reflect this reality.

These developments have had broad implications for democracy, media pluralism, and journalistic independence. The effects on Greek journalism of media commercialization, market expansion, and intertwining interests have been devastating. Although journalism appears to play an active social and political role, setting the agenda and representing the ordinary citizen, it is in fact heavily influenced by the self-regulatory constraints imposed by media organizations (Papathanassopoulos, 2001).

The ongoing financial crisis and recession have affected the media sector as a whole and many media outlets have become financially unsustainable. Newspaper circulation has fallen dramatically; it is striking that the average daily circulation of political newspapers in 2011 was only 216,500 copies, compared to 400,000 copies in 2005 (see Appendix 1). Financial pressures have resulted in tighter relations between the media, politics and the economic system (including banking), as well as increasing reliance on advertising, with significant impact on the profession of journalism. In parallel, the closure of public broadcaster ERT in 2013 further undermined pluralism and media output. Furthermore, the lack of digitization policy has left the process of the digital switch-over entirely to the market.

Regulatory framework

In order for a person or a company to enter the broadcasting market they must obtain a license from the national regulatory body. The law does not stipulate specific requirements for other types of media, so general competition and anti-trust rules apply to print and online media.

The *National Council for Radio and Television (NCRTV)*, which was set up by Law 1866 (1989) and amended by Law 2683 (2000), is a seven-member body with a president, a vice president and five members, all appointed by the Parliament. It has sole responsibility for granting broadcasting licenses, while it also exercises enforcement (monitoring, supervision and sanctioning) in the radio and television sectors. Its mandate is to guarantee that public and private broadcasters comply with domestic and European legislation. The council is responsible for supervising broadcast content regulation and is assigned the task of licensing the radio and television channels transmitted by terrestrial, cable and satellite networks in line with pre-defined criteria. As such, NCRTV's role remains limited to ensuring compliance with domestic and European Union provisions. In conjunction with the telecommunications regulator *HTPC (Hellenic Telecommunications and Post Commission)* and the *Hellenic Competition Commission (HCC)*, the NCRTV has the competence to assess market abuses in the media and communications sector. In addition, NCRTV can draft codes of conduct for advertising and news and entertainment programs, but its involvement in the formulation of normative rules has been marginal or non-existent mainly due to its political (but also financial) dependence on the government.

In reality, NCRTV has not established itself as an authoritative body that effectively regulates the media or protects media independence. For example, the law gives the Council powers to grant broadcasting licenses (see above), but in practice it is the government of the day that takes the final decision (Papathanassopoulos, 1993; Panagiotopoulou, 2004; Zacharopoulos and Paraschos, 1993). Likewise, its sanctions can be selective, and it is seen as being more accommodating towards programs that

support the government.¹ The politicized procedure for appointing members to the NCRTV board has compromised its independence and capability: all seven members are elected by the Conference of Presidents, a cross-party parliamentary body, with a 4/5 majority upon nomination by the governing party, something which makes renewing the Council quite cumbersome. The difficulty in meeting the 4/5 requirement has led to the automatic extension of the terms of the current council members, who have exceeded the legal duration of their term (four plus four years) by means of successive decisions of the responsible minister, though their mandate has expired. This has raised serious concerns about the legality of the Council's decisions and independence. At the same time, the members themselves are not inclined to resign on points of principle under austerity conditions.

A concrete example of NCRTV's inability to regulate the market relates to media ownership. The Council publishes information on media ownership and shareholding, but does not really engage in a vigorous assessment of their compatibility with the law. An example demonstrating this was the lack of monitoring of the finances of former national television channel ALTER, which closed in 2012.² Meanwhile, the limited expertise of the members of the board, their part-time term of employment (only the president and the vice-president are full-time), the lack of financial independence (as its budget has to be approved by the minister), together with insufficient staff and information technology equipment has further harmed the performance of NCRTV (Psychogiopoulou et al., 2011). Generally speaking, it appears that there is a big difference between NCRTV's nominal powers and its actual functioning.

¹ The opposition party SYRIZA has resorted to NCRTV several times in the recent past. One case involved a program shown a few hours before the 2014 European elections, which presented bleak scenarios in the event of a SYRIZA win. SYRIZA claimed that pluralism and balanced presentation had been violated, but NCRTV shelved the case. In other cases, NCRTV has imposed fines for satirical programs that are highly sarcastic about the government (AN, interview).

² ALTER, a national TV channel launched in 1995, closed in February 2012 declaring its inability to continue operations due to debts. The closure was widely attributed to bad management, lack of budget transparency and excessive borrowing, all of which led to huge debts. The staff – who were not being paid anyway – were made redundant. The closure of ALTER demonstrates the lack of proper monitoring by successive governments and NCRTV, which did not undertake regular checks concerning the financial viability of ALTER. It is striking that 1999 was the final year in which ALTER underwent a rigorous audit. Although the balance sheets in the four-year interval 2005-2009 appeared to be positive thanks to bank loans, in reality the organization accumulated a huge financial imbalance and this became apparent in the midst of the economic crisis when banks stopped giving out loans so easily.

Ownership transparency

Main players in the Greek media landscape (see also Appendix)

Similarly to other Southern European countries, newspaper readership in Greece is very low (53 in 1,000 people, which is among the lowest in the developed world), despite the high levels of literacy and education. However, the Greek print media industry is characterised by oversupply and in 2008, just before the financial crisis, it consisted of around 280 local, regional, and national daily newspapers (Papathanassopoulos and Mpakounakis 2010). In 2012, after a number of newspaper had closed down, the country had 15 national daily newspapers (including *TA NEA*, *Kathimerini*, *Ethnos*, *Eleftheros Typos*, *Epohi* and *Avgi*), 12 national daily sports newspapers (including *Sportday*, *Goal News*, and *Fos ton Sport*), four national business newspapers (including *Imerisia* and *Naftemporiki*), 17 national Sunday papers (including *To Vima*, *Proto Thema*, *Kathimerini tis Kyriakis*, *Real News*, *Ethnos tis Kyriakis*, and *Eleftheros Typos tis Kyriakis*), and 11 national weekly papers (including *Parapolitika* and *Sto Karfi*), most of which are located in Athens (Papathanassopoulos 2014b).

The market is nevertheless dominated by a handful of powerful newspaper interests which have expanded into electronic media following the liberalization and deregulation of the media market in the late 1980s (see below). As Table 1 shows, the most important publishing groups are Lambrakis Press SA (owner of *TA NEA*), Tegopoulos Publishing (owner of *Eleftherotypia*), Pegasus (Bobolas family) (owner of *Ethnos*), Press Institution SA (now D. Mpenekos and A. Skanavis) (owner of *Eleftheros Typos*), Alafouzou Family (owner of *Kathimerini*), Vradyni Ltd (K. Mitsis) (owner of *Vradyni*), SYRIZA–Left Coalition Party (owner of *Avgi*), and the Greek Communist Party (owner of *Rizospastis*).

Lambrakis Press SA is a striking example of a diversified media company. In 1998, just before entering the Athens stock exchange, it employed 1,200 staff and consisted of 15 companies, with the main activity being publishing (57.5 percent of total turnover), the printed press (29.2 percent) and tourism (13.3 percent). Following the stock exchange entry the company enjoyed profits and expanded into the electronic media domain (MEGA Channel). Its market capitalization in the period from 1998–2008 was in the range of €260 million to €308 million, well above its competitors (Leandros, 2008).

The audiovisual landscape has undergone many upheavals since the late 1980s, when the market was liberalized and allowed the entry of private radio and television stations.³ From a state monopoly of radio and television a landscape of

³ The key laws that liberalised the market, allowing the entry of private TV and radio are as follows:

- *Law 1730/1987* allowed *private radio stations* and paved the way for the end of state monopoly in television.

hundreds of private radio stations and tens of private television channels soon emerged through a savage deregulation process.

The year 2013 proved to be dramatic for the Greek television landscape as it saw the sudden closure of the public service broadcaster ERT. Its three television channels (ET1, NET, and ET3), several radio stations and the online service were closed by ministerial decree. ERT was replaced by a new company dubbed *NERIT*, launched in May 2014 but not yet fully operational. This development has increased the domination of the television market by private channels. In 2013-2014, the saturated audiovisual market comprised NERIT, about 130 private television channels (among which the five most important national channels in terms of market share and advertising revenue were MEGA Channel, ANT1, ALPHA, STAR Channel, and SKAI TV), and more than 1,000 private radio stations with negligible market shares. MEGA is the most popular channel with a daily audience market share of 22.0 percent in 2013, followed by ANT1 with a 17.3 percent audience share, ALPHA TV (12.4 percent), STAR (11.1 percent) and SKAI (4.9 percent). ALTER television went bankrupt in 2012. It is worth noting that none of the private stations has a legal license because the temporary license status approved by NCRTV was ruled illegal by Council of State decision 3578/2010 (Michalitsis 2013).⁴

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- *Law 1866/1989* was the first step towards abolishing state monopoly by permitting *local private TV channels* and made provision for the establishment of an independent regulatory agency, the *National Council of Radio and Television (NCRTV)*, to oversee the operation of broadcast media, grant licences to private stations, and supervise programs.
 - *Law 2173/1993* allowed for the establishment of *national private TV channels*, therefore legitimising the stations that had already entered the market without a licence.
 - Today's basic operational framework of *private television* media is defined by the *Law 2328/1995*, in essence the first serious attempt to regulate the commercial broadcasting market effectively. The commercial stations are obliged to provide programs of high quality, objective information and news reports, and promote cultural diversity.
 - *Law 2644/1998* made provision for the supply of broadcasting subscription services and regulated all new pay-TV services regardless of their process (digital or analogue) and means of broadcast (terrestrial, cable or satellite). Licenses are granted only to limited companies (S.A.) the shares of which should be restricted. In an attempt to prohibit the creation of dominant positions, the law made provisions for limitations of the holding of licenses, but these provisions were subsequently updated by *Law 3592/2007* (see below).
 - *Law 2863/2000* provided that NCRTV is an independent authority with sole responsibility for granting, renewing or revoking licenses for radio and TV services; practicing control on radio and TV services, both state and private, on whether they adhere to the relevant legislation; ensuring political and cultural diversity in mass media in cases where *Laws 2328/1995* and *2644/1998* are breached; supervising free competition and market abuses in the media and communications industry (together with the HCC and the HTPC; imposing fines and administrative measures; examining requests for remedies for personal insults caused by mass media.
 - *Law 3592/2007* titled '*New Act on Concentration and Licensing of Media Undertakings*' , amended by 1688/135 (1 August 2014) provided for a number of issues, among them licensing for analog TV, DTT, and media concentration.

⁴ In 1989, when they first appeared, the private TV stations seized available frequencies and were subsequently granted temporary licenses without any competitive process. In 1999 and around

The levels of concentration of media ownership and cross-media concentration are high. This is because newspaper groups have diversified into electronic media, enabled by a weak and inconsistent regulatory framework. More specifically, the three largest press groups – Lambrakis Press SA, Tegopoulos Publishing, and Pegasus SA (Bobolas family) – are also shareholders of MEGA Channel, while Press Institution SA has shares in STAR Channel, and the Alafouzou family owns SKAI TV and several radio stations, such as SKAI FM and Melodia FM. ANT1 and Macedonia TV are owned by M. Kyriakou (see Appendix 1).

The rise of the internet has added an extra dimension; the highest visited websites are concentrated in large media groups, such as 24media⁵ and DPG, while the mainstream groups like DOL, Pegasus, and Mega Channel also have a strong presence (see Appendix 1).

Regulation of Media Concentration

Law 2328/1995 stipulated that a physical or legal person could hold only one broadcast license and up to 25 percent of the capital of the company, while ownership of more than one electronic media of the same type was prohibited. The same rules applied to relatives of physical persons to the fourth degree. Concerning cross-media ownership, a ‘two out of three’ rule existed, meaning that a single company or individual could not participate in more than two traditional media categories (television, radio or newspapers). The participation of non-Europeans in the shareholding of media companies was also limited to 25 percent of the capital (Terzis and Kotochristou, 2004).

However, this strict regulatory framework did not prevent high levels of concentration of media ownership, as the control of electronic media by powerful publishing interests shows. Moreover, *Law 3592/2007* titled *New Act on Concentration and Licensing of Media Undertakings*, passed by the Parliament in late 2007, simplified rules and provided more opportunities for liberalization. It abolished older regulations such as that a company or a person could not hold more than 25 percent of a television station, which had been contravened in practice anyway (by using surrogates or family members as nominal owners). In particular, *Law 3592/2007* provides that a legal entity can own one television station and have

2002/2003 attempts were made to hold a competition for granting licenses based on criteria such as technical sufficiency, economic sufficiency and viability through advertising. As no channels fulfilled these prerequisites, they exerted pressure and eventually had the competitions cancelled. Successive ministerial decisions by the PASOK and New Democracy governments have renewed the licences on a yearly basis (NM, interview).

⁵ 24media is the largest digital publishing group, which manages over 20 premium content sites across internet and mobile platforms.

shares in (but not control) an additional one. Concerning cross-media ownership, the criteria for measuring consolidation are the companies' advertising expenditure and sales revenues. The new law introduced dominance thresholds ranging from 25 to 35 per cent, depending on the number of media sector markets (i.e. the markets for television, radio, newspapers, magazines, online), in which the natural person or undertaking concerned is active.

A recent amendment to the above Law (1688/135, passed on 1 August 2014 and envisaged for implementation on 1 July 2015) further liberalizes ownership and cross-media ownership. In particular, Article 2 (paragraph 1) allows partnerships between electronic media businesses (information or otherwise) of the same type (television, online, or radio) if they result in reduction of operating costs (for example, through economies of scale or joint utilization of financial resources). Article 2 (paragraph 5) discusses the term 'common management', according to which the television or radio stations under common control will be able to share or exchange resources such as managers, equipment, technical and other facilities, to promote programs and services. August 2014 saw the adoption of *Law 4279/2014*, allowing partnerships between electronic media enterprises of the same kind, and the organisation, operation, and control of more than one media enterprise within a group through associated enterprises.

The evolution of the legal framework indicates the government's clear intention to create large media conglomerates for economic viability, dating back to the Karamanlis era (2004-2009) (AN, interview). It is clear that these joint agreements for the production or use of content open Pandora's Box for mergers of large publishing groups such as Lambrakis SA and Pegasus SA. Another provision of Article 2 makes possible the conversion of information channels (television and radio) into non-informative in order to cut costs. Article 3 (paragraph 8) clarifies the nature of non-information resources, which may be of general targeting (e.g. drama and general entertainment), or specific targeting (e.g. music, sports broadcasts, documentaries). Article 3 (paragraph 10) states that announcements by the broadcaster to promote their own programs and ancillary products may not exceed four minutes per hour. But advertising executives believe this may result in unfair competition, since it strengthens the position of major publishing groups that have shareholder relationship with television channels, at the expense of those that do not. Ultimately, this has an impact on freedom of the press and pluralism of the media, as the smaller publishing groups are further disadvantaged in the current economic climate.

Concerning compliance with the above rules, the responsible authority is the NCRTV. The Hellenic Competition Commission (HCC)⁶ also has a supervisory role; it can request the assistance of the HTPC, where deemed necessary.⁷

Ownership transparency and access to information

Article 14 (9) of the Constitution affirms the importance of ensuring transparency and pluralism of information across the media and in the workings of the media industry. A number of measures have been adopted in recent years to increase transparency in the media. The *Secretariat General of Mass Media*, a government body (see <http://www.minpress.gr/minpress/en/>), tracks the allocation of state subsidies and other support tools aimed at the media, including public sector advertising that is channelled to specific outlets and the amount of total press distribution and telecommunications subsidies; more specifically, it publishes on its site:

- Approved programs and management accounts of the advertising expenditure of public bodies.
- Procurement of all services related to the supply of goods and services, according to Pat. 4851 / 22.02.2008 Circular of the Ministry of the Interior.
- All information concerning government grants to the press.

⁶ The *Hellenic Competition Commission (HCC)* was set up in 1977, but was only given independent status in 1995. The *HCC* guarantees the open operation of the market and applies the competition law, the principal source of which is *Law 703/1977*, as amended by *Law 3373/2005*. The *HCC* consists of a president and eight full-time board members. In contrast to NCRTV, whose independence is compromised by its appointment structure, it functions independently of political and economic interests.

⁷ The *Hellenic Telecommunications and Post Commission (HTPC)* is an independent administrative authority that regulates, supervises, and monitors the electronic communications and postal services market in Greece. According to article 12 of *Law 3431/2006*, the *HTPC* regulates issues relating to: the definition of relevant markets, products, or electronic communications services; and the assignment and obligations of operators with significant market power in the above-mentioned markets in accordance with national and EU legislation. Moreover, the *HTPC* is responsible for applying *Law 703/1977* on the control of monopolies and oligopolies and the protection of free competition. This law was amended by *Law 3373/2005* to incorporate the EC provision on pre-notification of mergers. It also incorporates Articles 81 and 82 of the EC Treaty in accordance with *Council Regulation 1/2003*, in relation to the activities of electronic communication undertakings. The *HTPC* consists of nine members, including the President and two Vice Presidents responsible for the sectors of Electronic Communications and Postal Services respectively. According to *Law 3371/2005*, the president and vice presidents are appointed by the *Council of Ministers*, upon proposal by the Minister of Transport and Communications following the opinion of the *Special Permanent Committee on Institutions and Transparency* of the Parliament. The *HTPC's* other six members are appointed by the *Minister of Transport and Communications*. Similarly to the HCC, it is a strong regulatory body that functions independently.

- All information relating to the movement of the postal press.
- Names of staff at the Secretariat General of Communication and Information together with the Directorates and Departments that employ them.

Such information is, however, not always comprehensive or regularly updated (Psychogiopoulou et al., 2011). Concerning the electronic media, the regulatory agency NCRTV publishes all licensed radio and television outlets on its website (www.esr.gr) mentioning the company name, contact details, and the scope of the outlet's territorial coverage (national, regional/local). A comprehensive regulatory framework for online media has yet to be developed. NCRTV is also charged with keeping record and shareholder information of media and media-related enterprises including press agencies, advertising and media research companies (see Art. 10a Presidential decree (PD) 213/1995 (FEK A' 112/1995) and Art. 10 Law 3310/2005 (FEK A' 30/2005) as amended by Law 3414/2005 (FEK A' 279/2005)).

While this information is accessible to the public through the authority's website, there is no data on the degree to which people are actually aware of it or the percentage of the population actually accessing it. Art. 6 of PD 109/2010 (which incorporated the EU Audio Visual Media Services Directive as statute) also contains rules that cater for increased transparency in the audiovisual media sector by mandating audiovisual media service providers to make their company name, address and contact details publicly available through their website or teletext service. Press undertakings are required to list the name(s) of their owner (physical or legal person), publisher and manager in their edition (see Art. 3 Law 1178/1981, FEK A' 187/1981).

Finally, the principle of transparency in all areas of public life, including the media, is expected to increase given that an Action Plan to promote Open Government (Greek Action Plan 2014-16) is now in place.⁸

How ownership is considered to affect journalism

At the macro level, ownership affects journalism in ways that are linked with the current financial crisis. Since there have been many mergers and acquisitions among

⁸ Technical and institutional changes have been adopted to enhance transparency and the functionality of the DIAVGEIA ('transparency' in Greek) project, the publication of public tenders, and the open, transparent and secure exchange of public documents. In the present action plan, the major challenges in the effort to enhance transparency concern the institutional and technological upgrading of the DIAVGEIA Programme, the publication of all open invitations for job vacancies in the public sector, as well as of public administration organizational charts. The Action Plan also aspires to improve the coordination and monitoring of Open Government policy, the reorganization of inspectorate bodies, and the development of a strategy against corruption.

media companies, it has become difficult for journalists to find jobs when they are made redundant by a particular media institution, either because it closed down or because there were differences of opinion with the owner.

In addition, the financial crisis, together with the tough fiscal austerity measures – including heavy reductions in salaries and pensions and numerous layoffs in the public sector – have accelerated the downward trend in newspaper circulation. This has had an impact on the employment of media personnel in general and print journalists in particular. More than 20 per cent of JUADN members are estimated to be unemployed, while about 30 percent have temporarily interrupted work as they do not get paid (MK, interview). The national collective agreement currently determines a monthly salary of €581 gross (€490 gross for those 25 years age or less). The informal economy has grown because of austerity and journalists are compelled to work by piece and with any conditions that the employer decides (DT, interview).

The closure of particular media organizations has been devastating. The shutting down of ALTER television led to about 800 redundancies, including journalists. The closure of three public television channels and several public radio stations in 2013 led to the layoff of about 2,700 permanent and 300 temporary employees. In the case of *Imerisia* newspaper (which belongs to Pegasus SA, one of the big media organizations), of 150 personnel in 2011 fewer than 30 remained in 2013. In the entire Pegasus SA (which also comprises the *Ethnos* newspaper) there are 430 left of 1,500. At the same time, salaries have been reduced by 60 percent (XS, interview).

Media dependencies on state funding, advertising and economic interests

The State, media and clientelism

The overt and covert use of public money to support preferred media outlets is widespread in south-eastern Europe. The state in Greece has historically intervened in all aspects of economic and social life, including the media. The interventionist state has played the following roles:

- censor (the direct authoritarian control exercised during the dictatorship of 1967-74 has carried over into the democratic period).
- owner (the electronic media have typically been under tight state control)
- subsidiser (several press outlets became dependent).

The intertwining of political elites and the media has resulted in a highly centralized state policy. In effect, this led to a journalistic culture which has historically been

cautious about reporting news that could be embarrassing to state officials (Hallin and Papathannassopoulos, 2002; Papathannassopoulos, 2014b). This process is widely referred to as *clientelism* (a pattern of social organization in which access to social resources is controlled by patrons and delivered to clients in exchange for deference and various types of support). Clientelistic relationships are far from being unique to Greece; they have been central to the social and political organization of most southern European contexts due to the late development of democracy and the historical prevalence of autocratic institutions.

State interference into the Press

The modernization of the Greek press since the fall of the military junta in 1974, was enabled by the introduction of new printing technologies, the entry of private investors, and the fierce competition from television. The sector has witnessed the entry of industrialists (especially from the construction sector) and ship-owners, all trying to benefit their business interests by influencing public opinion and politicians (Leandros, 2010). Nevertheless, the ongoing fiscal crisis has accelerated the decline of circulation and caused major losses of advertising revenue. Meanwhile, state subsidies for the press have been reduced as part of public spending cuts.

To be sure, state aid for newspapers in Greece was established as an economic intervention with strong political repercussions on both politics and the press. There are no clear rules applying to state aid, though a “Bureau of Newsprint” was set up as early as in 1946 to establish criteria for the allocation of newsprint subsidies. In the era of restoration of Parliament (1974-1990), the state used subsidies to enforce written press limits by providing sizeable financial aid to the press, on which individual enterprises became dependent since they could not recover their production costs by themselves. The Greek model of state aid to newspapers in 1995–2008 may be summarised as follows:

- State assistance for the transportation of newspapers by air and railways. For example, in 2007 this aid cost the state some €7.5 million.
- Financial support in the form of subsidizing distribution costs given to the Greek press to help sales abroad, mainly to push readership in the Greek diaspora. For example, in 2007 the government spent €800,000 to assist air transportation of Greek newspapers to the United States and Northern Europe; however, this subsidy was abolished in 2012 (Papathanassopoulos, 2014b: 245-8).

Whereas press subsidies do not necessarily result in government control over newspaper output (Sparks, 1992), government intervention in the Greek press has the following characteristics:

- Press subsidies have not been governed by a clear and transparent regulatory framework. Rather, they constituted an expression of a paternalistic and clientelistic political culture that has tied together the state and the press in a network of mutual benefits. The state largely defined the extent of autonomy it was willing to grant to the press and used press subsidies to make individual press enterprises dependent as the latter could not afford the production and distribution costs (see above).
- There has been no transparent and regular financial press subsidy scheme, and most newspapers have become dependent on irregular direct government financial support as well as on bank loans.
- Indirect subsidies such as government advertising and reduced tariffs on telephone and air transport have been abolished or drastically cut since July 2011 (see table below). The entire state advertising expenses in 2008, including ministries, municipalities, public enterprises, lottery games administered by the *Greek Organisation of Football Prognostics S.A. (OPAP)*, came to a staggering €105.7 million; in 2011 the figure was €34.3 million, while in 2012 it was €29.3 million. Significantly, a big share in these figures is taken by OPAP (€33.7 million in 2008, €17.9 in 2011, and €14.5 million in 2012). Its privatization in 2013 was seen as a further step in intertwinement between media and private interests, as OPAP is one of the strongest clients in advertising (Ntarzanou, 2013).

Public Aid to the Greek Press 2009-2012 (€ million)

Year	Postage	Telephones	Air transport in Greece	Air transport outside Greece
2009	32.7	0.77	5.48	0.62
2010	27.8	0.65	5.95	0.47
2011	16.9	0.31	1.79	0.16
2012	5.7 (estimate)	Abolished	Abolished	Abolished

- Source: Secretariat General of Mass Media; Papathanassopoulos, 2014b

It seems surprising that state advertising in 2013 (first ten months) increased to €34.7 million, compared to €23.2 million in the first ten months of 2012, though the 2013 figure does not include OPAP; for some, less so, as it is attributed to a pressing need to ensure that media corporations continue to present a favorable angle of government policy under austerity.⁹

If non-state sources are taken into account, advertising expenditure in 2011 in both print and electronic media went down to just €1.6 billion, compared to €2.6 billion in 2007 (a reduction of more than 40 percent in just four years). This also reflects the weaknesses of the media sector relating to production procedures, the quality of the

⁹ See http://greektv-com.blogspot.co.uk/2013/12/blog-post_7811.html.

service, as well as the media's relationship with their audiences (Leandros, 2013).¹⁰ Generally speaking, due to the dependency of media on state (and banking) advertising, falls in advertising spending are likely to result in bankruptcy for most of the current titles, both at a national and regional level, thereby adding to the already high number of unemployed press journalists.

'Diaploki' and the triangle of power

The 'golden age' of the Greek media (1980s and 1990s), generated large media organisations characterised by diversification, high production costs, and, more worryingly, to the establishment of close ties between the media and the political elite. These were consolidated over time by the increasing concentration of media market power, economic activities of media moguls in various sectors (e.g. shipping, telecommunications, refining, construction, or sports), and their engagement in business with state mechanisms.

The outcome has been a rich landscape of deep intertwinement of interests (the so-called *diaploki*) through advertising and commissioning of public projects: "Traditional newspaper owners used to be politically affiliated and not necessarily objective and they did try to control the political process, but at least they did not have intertwining interests and other activities. The media have been colonized since the 1980s by entrepreneurs undertaking public projects, who realised that controlling the media would give them control of information" (LH, interview).

In effect, a so-called 'triangle of power', involving political power-holders, media organizations and powerful economic actors, including banks, has been well-established and quite visible. Many of our interviewees emphasized how this triangle operates. The heart of the problem is that those who own the largest media corporations also hold leadership positions in significant economic sectors. The problem becomes more significant when we take into account that due to the structure of the Greek economy, their economic activities (oil, shipping, construction and so on) depend largely on the state, i.e. they involve public projects. As a result, when part of this activity is not lawful or involves preferential treatment or clientelist relations, it is in the interest of these entrepreneurs not to provide objective and transparent information in the media outlets that they control (NL, LH, KV, interviews).¹¹

¹⁰ Having said this, advertising has not always been proportionate to readership; there are examples of outlets with low levels of audience which have nevertheless attracted significant advertising revenue, e.g. the newspaper *Hora*.

¹¹ An example before the crisis was the media coverage of the period running up to the 2004 Olympic Games in Athens. As most of the powerful media owners were involved in public projects related to the Games, there was an information deficit regarding the allocation and budgets of such projects (NL, interview).

While the declared priority of Greek media policy reform has been the fight against *diaploki*, alongside ensuring transparency of media ownership, successive governments have in practice tended to exploit these relationships to their own advantage, demonstrating a lack of the political will needed to combat powerful business and media interests. In the recent years of austerity, the small group of oligarchs who own the major newspapers and engage in economic activities involving public projects have tended to present a favourable picture of government policy through their media outlets. At the same time, the presence of the banks in the triangle has become increasingly influential. Banks invest huge sums in advertising through the press, television and radio, while the banking system is intertwined with extensive political interests, particularly under the circumstances of the 'Memorandum' imposed on Greece by the Troika (European Central Bank, International Monetary Fund, and European Union through the European Commission).¹²

How media dependencies are considered to affect journalism

In general terms, clientelism affects the development of news media in several ways (Hallin and Papathannassopoulos, 2002; Hallin and Mancini, 2004):

- it encourages the use of the media for purposes other than the balanced provision of news and current affairs
- it weakens self-regulation of the media and jeopardizes the political and economic independence of regulatory agencies
- it affects media content, particularly in newspapers, by treating it as currency for negotiation among conflicting elites, rather than as a means of informing the public.

Societies where political clientelism is historically prevalent have difficulty in developing a sense of a 'public interest' as against particular private interests; as a result, political pluralism suffers. In general, clientelism contributes to the difficulty of developing a culture of journalistic professionalism (Papathanassopoulos, 2014b). In Greece, the domination of private media and the increasing presence of advertising (at least before the crisis) have contributed to a gradual deterioration of media output towards the direction of infotainment and low quality programs. The invasion of advertising has influenced news in ways favorable for those advertised.

The triangle of power has been identified as a central problem in the functioning of media in our interviews (KV, NL, LH, DT, interviews). Under austerity, and taking into

¹² For instance, the Piraeus Bank has controversially absorbed a number of other banks in recent years, while the executive chairman's family has been accused of linking the bank's activities with their offshore companies. The mainstream media have not covered these practices, as Piraeus Bank is one of the biggest advertisers in almost all of them.

consideration that media organizations are heavily indebted,¹³ the triangle between media, the political system, and the economic system (including large banks, which are managed by private interests) has become tighter. Media organisations are increasingly dependent on public contracts and the banking system (through loans or advertising revenue) for their survival.¹⁴ This means that they are very careful in controlling the content they publish or broadcast. In parallel, since austerity started Greece has experienced significant layoffs in the media sector in total, while many surviving employees face lower salaries and worse conditions: "We have thus a terrorised group of media producers compelled to work for media owners who are increasingly identified with the dominant economic and political interests" (DT, interview).

Media owner Ioannis Alafouzos, who owns SKAI TV and *Kathimerini*, for instance, has characterised media as "in effect press offices for business groups...It has developed into a completely unhealthy situation. The purpose of media has been largely to execute specific tasks for their owners" (Reuters, 2012a). Expressions of this are, for example, presenting the government positively in exchange for the passage of a favourable law for facilitating the economic interests of the media organization in question; or not disclosing a certain bank's unlawful practices or its links with other (possibly unlawful) activities in exchange for getting a loan. It can also take the form of blackmailing the government, exerting pressures in particular entrepreneurial directions, and threatening to tarnish the government's picture should these entrepreneurial interests not be satisfied (NM, interview).

The intertwining of media, economic, and political interests has created an impenetrable web of corruption and silence (KV interview).¹⁵ Under these circumstances, certain issues will be covered minimally, if at all, when the economic interests of mainstream media owners are implicated. The 'Skouries' affair is indicative, as it involved economic interests that were common with the ownership of Pegasus SA, therefore it was not covered by the media (AN interview).¹⁶ The recent disclosure of the Lux Leaks affair is also significant. This concerned tax avoidance by large firms in Luxemburg and involved a small number of influential Greek firms. Although a reporter for *TA NEA* newspaper had been given exclusivity by the *International Consortium of Investigative Journalists (ICIG)* for presenting the

¹³ According to a study of recently-published accounts, the top 18 Athens-based media companies had declared debts of more than €2 billion in total (Reuters, 2012a).

¹⁴ Though they are indebted, media are among the very few corporations that get loans, e.g. a 2013 loan of €98 million to MEGA channel from the National Bank of Greece.

¹⁵ As an example, *Eleftherotypia's* well-known column '*Ios*' ceased publication in 2010, after 20 years, allegedly as a result of the newspaper's switch towards support of austerity policies.

¹⁶ The gold-mining operations in the area of Skouries in Chalkidiki (northern Greece), were met in 2013 with protests by local residents on the grounds of their environmental impact. The police intervened against protesters and Amnesty International called for the Greek authorities to investigate alleged human rights violations by the police.

case in Greece, he was forced by his superiors to not publish the names of the Greek corporations involved, as some of these had common interests with the very newspaper he was reporting for; in effect, *TA NEA* chose to censor itself (NM, NL, TT interviews).¹⁷

Advertising is carried out through media shops, which are intermediaries between the firm advertised and the media outlet hosting the advertisement; they manage contracts between the two parties, which often involve clauses that enable the firm to control the content of the outlet hosting the advertisement. This control is often suffocating, particularly when banks are advertised (LH, NM, interviews).

However, there are exceptions: “My experience from my newspaper is not one of interference. When I covered a difficult economic subject last year, namely the restructuring of fish farming debts, banks were involved, including lenders of the media group where my newspaper belongs. I was just told to be fair, which I would have been anyway. The report was broadcast and neither the banks nor the fish farming company were happy” (TT, interview). On certain occasions the prerogative of silencing or avoiding sensitive issues is dictated by more mundane considerations than by pressure from powerful economic and political interests. From the perspective of newspapers with (for the most part) weak and under-resourced legal departments, it is important to try and avoid lawsuits.

Intertwining and conflicting interests are also evident in the way the crisis is presented in the mainstream media: “The mainstream media have adopted uniform ways of presenting the crisis: cultivation of fear as to what might happen, which directs people to adopt conservative decisions; cultivation of a guilt syndrome, suggesting that citizens are the culprits of the situation the country is in; defamation of certain economic guilds and associations; and last but not least, silencing of reactions, resistance and mobilisation” (AN, interview). Dependence on advertising, particularly through banks, means compliance with a positive representation of the government and the policies of the Troika.

The closure of the public broadcaster ERT

In 2013 the government closed down the national public broadcaster, ERT, and made its employees redundant, ostensibly as part of the latest public spending cuts imposed to meet the terms of the country’s bailout deal with the European Union.

¹⁷ Interestingly, *The Guardian* newspaper, whose proprietor, the Guardian Media Group was also involved in the tax avoidance schemes, did not hesitate to publish the piece and mention its owner firm. In Greece, the Press Project group gave extensive coverage to the scandal and also carried out research into how it was covered by the Greek media. This research found very little front-page coverage of the issue in the mainstream press, including the papers of the political left (NL, interview).

Looking back at the history of ERT, *Law 1730/1987* united public television into a single corporate body titled *ERT S.A. (Hellenic Broadcasting Corporation)*. As stipulated by law, the mission of ERT S.A. was the organization, exploitation and development of state broadcasting, its contribution to public education and entertainment, as well as the presentation of the activities of the Greek Parliament. It was further provided that state radio and television should reach diverse social groups and cover a wide range of fields, since their purpose was not to make profits but to promote the public interest.

In the case of broadcasting the state not only intervenes but is the active agent. Greek broadcasting was established, as in most European countries, as a state monopoly which remained after the restoration of Parliament. According to the Constitution of 1975, 'radio and television will be under the direct control of the state' (Alivizatos, 1986; Dagtoglou, 1989). Although 'direct control' did not necessarily mean 'state monopoly', state monopoly was justified on the grounds of the limited frequencies being available, as well as the need to provide full coverage for such a mountainous country with its many islands. Therefore, the state became the sole agent of the broadcast media. The government manipulation of state television news output is a suitable example of the *dirigist* role of the state, since it has traditionally reflected and reinforced government views and policies (Papathanassopoulos, 1990).

As a result, ministerial censorship was common practice and state control greater than was the case elsewhere. The general pattern at the Greek state broadcaster was that a transfer of political power was followed by an equivalent turnover among the executives. As a result, news and editorial judgments of particular importance were in close agreement with, if not identical to, the government announcements on a whole range of policies and decisions. Thus, it is not surprising that the responsible posts in state broadcasting have come and gone with great frequency, and when the major political parties, New Democracy (Conservatives) and PASOK (Socialists), come to power they usually adopt policies they had strongly criticized when they were in the Opposition (*ibid.*).

In this sense, it could be said that public service broadcasting never really existed in Greece. The troubled political history of the country led to the formation of a 'state' rather than a 'public' broadcaster. To understand this, one has also to note that the license fee is not collected directly from the television-owning households, but through the electricity bills. In this sense there was never a license fee of the Western European kind. By and large, in Greece the public broadcaster was unable to function according to the public service obligations evident in Britain, Germany, Scandinavia or other Northern European countries (Iosifidis, 2011; Papathanassopoulos, 2010).

The deregulation of broadcasting in the late 1980s and 1990s and the entry of big industrial and merchant capital into the Greek media ecology had impacted greatly

on ERT which never recovered from huge losses of audience share and advertising revenue. For many analysts, ERT lacked clear public interest objectives, while it was bureaucratically run, and its political independence was questionable. It was also criticised for being overstaffed, loss-making, and unaccountable to the public. These were some of the arguments used on 11 June 2013 by the government spokesman to justify the closure.

Ironically, as Nevradakis (2013) notes, many of the criticisms levelled against ERT following the shutdown are less applicable to ERT than to the major private media outlets. According to its own figures, in 2011 ERT had pre-tax profits of €56.9 million, while in 2012, that figure was €36 million, so the portrayal of it as loss-making was a myth; moreover, it was not funded from the national budget but from a license fee levied on electricity bills. In fact, the licence fee was one of the lowest in Europe and 25 percent of it did not go to ERT at all but to a 'green energy' fund to promote renewable energy sources, which jeopardized ERT's financial independence. On the other hand, the 'highly paid' employees of ERT represented a small minority of the organization's workforce and were mostly direct government appointments (some under the current New Democracy-PASOK governing coalition, which closed down ERT in the name of transparency and meritocracy).¹⁸ As a PSB, ERT provided a universal service (including radio and television coverage in remote regions), while it was the only broadcaster in Greece that operated worldwide satellite and shortwave services for the Greek diaspora, as well as radio stations featuring classical music, world music and broadcasts in foreign languages for immigrants in Greece (Nevradakis, 2013).

The real motives behind the closure involved the need to control a public broadcaster that was showing signs of independence – and criticizing the government – while also blocking increasing collective action by the employees (MK, interview). In addition, as many interviewees have affirmed, by closing down ERT the government and private interests succeeded in gaining full control of the digital television landscape and preventing ERT (the representative of the public interest) from raising objections to the terms attached to the competition for digital spectrum and the way it was conducted (NM, GD, MN, KV, AT, DT, interviews).

The abrupt closure of ERT has been widely condemned by national, European and international organizations, including the Council of Europe, the Organisation for Security and Cooperation in Europe (OSCE), the European Parliament and media organizations (Economou, 2013). The European Broadcasting Union (EBU), the association of European public service broadcasters of which ERT is a founding member, urged the Greek Prime Minister, A. Samaras, to reverse the decision. Instead, the ruling coalition of New Democracy and PASOK passed a bill – by a

¹⁸ A small number of special consultants (19 people), hired by the ND/PASOK coalition, were paid the equivalent of 350 journalists' salaries.

narrow majority of 155 votes in the 300-seat house – to establish New Hellenic Radio, Internet and Television (NERIT) to replace ERT.

Meanwhile, a number of experts have questioned the legality of ERT's shutdown, on the grounds that Article 44 of the Constitution requires ministerial decrees to be approved by parliament within 40 days, something that did not happen in this case. Indeed, a subsequent ruling by the Council of State determined that the closure was illegal. Under EU Law, even though PSB is not explicitly mentioned in the Treaties, the 1997 Amsterdam Protocol recognizes the importance of PSB for the democratic, social and cultural needs of each society and for media pluralism. Further, a 2009 study on media pluralism commissioned by the EC recognized that public service media are a cornerstone of democracy and identified the lack or insufficiency of funding as one of the main threats to them from a legal/regulatory perspective (EC, 2009).

How ERT's closure affected journalism and the media industry

The shutdown of ERT left the broadcasting landscape without a public channel and made Greek citizens dependent on private media for the provision of information, entertainment and education (Iosifidis & Katsirea, 2014). While ERT was historically subject to government influence and control, it did occasionally present instances of criticism against government policy. In the period 2010-12 in particular (under G. Papandreou's government), ERT was able to operate with relative independence and expression of opinion on air, together with relatively high audience shares. The atmosphere changed dramatically, however, after the 2012 elections, and a number of incidents demonstrated a clear intention for government intervention and censorship, culminating in its closure in June 2013 (MK, MN, interviews).¹⁹

The audiovisual landscape since ERT's closure certainly suffers from a 'pluralism deficit'; ERT was the only broadcaster with a legal obligation to provide objective, unbiased news in a market dominated by largely unlicensed commercial channels. Greece's drop by 14 places to 99th place out of 180 countries in the 2014 World Press Freedom Index, just one place above Bulgaria, the lowest ranked EU country, is an unmistakable sign that media freedom and pluralism have deteriorated since ERT's closure, which was characterized as 'a turning point in Greece's media history' (Reporters without Borders, 2014).

Despite serious pitfalls, such as editorial dependence and excessive pay for senior personnel, as well as mechanisms of self-remuneration and corruption, ERT's abrupt closure without consultation was an attack on free speech, public space, and cultural

¹⁹ One such well-known incident involved a morning television program with high audience share, which was initially cut from four to two hours and was eventually suspended altogether after negative remarks were made on-air about a minister (MK, interview).

heritage. The government's authoritarian move was a blow to Greek democracy, since ERT's legacy was sacrificed under the pretence of financial expediency. Even more worryingly, it is a dangerous precedent to close down PSB entirely or even to link PSB reform to austerity. Greece is not the only country undergoing austerity measures and looking to cut public spending; even though some slimming of budgets might be unavoidable, the position of public service broadcasting in these conditions should be guaranteed and such arbitrary axing should be prohibited (Iosifidis & Katsirea, 2014). The implications for pluralism are obvious and acutely relevant in view of the program strands affected (including culture) and of the diversity of the audience (including immigrants in Greece and Greeks abroad) (LN, interview). It is worth noting that the opposition party of the Left (SYRIZA) has pledged to re-open ERT should they form the next government after the 25 January 2015 elections.

As mentioned, ERT was replaced by NERIT, whose independence is questionable for several reasons:

- NERIT is tainted by its origins and is not recognised by the political opposition.
- Although it was established as an independent public television, a subsequent legal amendment determined that the relevant Minister will be the main player in selecting the Board Director and the Board, thereby ensuring state control of NERIT.
- The government-orchestrated appointment of NERIT's key personnel not only violates equal opportunities and meritocracy but also undermines the effort to enhance the channel's editorial integrity.
- NERIT co-exists with a social movement of ex-ERT employees (and others) who support the re-opening of ERT and currently use some of ERT's equipment to produce significant news, as well as other content.

The shutdown, then, contributed to a deteriorating landscape regarding the overall quality of journalistic independence, media performance and plurality of output. The dismissal of some 2,700 permanent and some 300 temporary employees without consultation has led the vast majority of them to stay out of the market or seek work in private media under worse conditions: "The private media are completely controlled, much more than ERT used to be. It is humiliating for the journalists. I have seen journalists who report live and they read whatever their editor has already given them beforehand. Many rely only on press releases, or even worse, on the so-called 'non-papers', which provide information in the understanding that the source carries no responsibility for it. Lack of funding has shrunk specialized reporting. Newspapers still have their own expert journalists, but radio and television use the same personnel for coverage of different topics; thus, a journalist reports on insurance one day, on education the following and on health on the third, and as a result cannot become knowledgeable and take a stance on any subject" (MN, interview).

Digital switchover of broadcasting

Regulatory framework

In terms of regulation, according to *Law 2863/2000* the regulatory agency NCRTV has the sole responsibility for granting, renewing or revoking licenses for terrestrial transmission of broadcasting services.

Law 2644/1998 made provision for the supply of broadcasting *subscription* services and regulated all new pay-TV services regardless of their process (digital or analog) and means of broadcast (terrestrial, cable or satellite). Licenses are granted only to limited liability companies (S.A.), the shares of which should be registered. In an attempt to prohibit the creation of dominant positions, the law provides for limitations of the holding of licenses, but these provisions were subsequently updated and replaced by *Law 3592/2007*.

Law 3592/2007 made it possible for licensed television stations to transmit digitally their analog Television program using frequencies that would be allocated for the period until the digital switchover. According to the 2007 Law, the responsibilities of the Ministry of Infrastructures, Transport and Networks and the Ministry of Press and the Media are (1) to establish the regulatory framework for digital licensing; (2) to create the frequency map and establish the technical requirements, and (3) to grant the licences. With regard to the regulatory bodies, the Law foresees that the broadcasting regulator (NCRTV) is responsible for granting licences and checking compliance with the relevant legislation regarding content. The telecommunications regulatory body (HTPC) is responsible for checking the incumbents for compliance with the technical requirements. In addition, *Law 3592/2007* contains provisions on the implementation of the Electronic Communications Services and Networks Directive 2002/77/EC, as well as on television via broadband networks (IPTV) and wireless networks (mobile television).

The plan for analog switch-off

Greece lags behind other European countries when it comes to digital switch-over. It was among the countries that could not meet the 2012 analog switch-off deadline suggested by the European Commission. However, since the mid-2014 the progression to digital switchover has accelerated and analog switch-off has occurred in the following regions:

27 June 2014: Peloponnese; part of Central Greece; part of the island of Zakyntos.

1 August 2014: Attica; Argosaronikos Gulf (islands of Poros, Aegina, Salamina, Angistri, Hydra and Spetses); Central and South Euboia; Northwest of the Cyclades group of islands.

5 September 2014: Northeastern Greece and islands of Northeastern Aegean (Chios, Lesbos, Limnos).

Meanwhile, two co-ministerial decisions were published containing the date of the definitive national switch-off of analog signals (19 December 2014) and the dates of switch-off throughout the country. These dates for switchover were decided after public consultation organized by the telecoms regulator, NTPC.

The next three major analog switch-off stages were scheduled as follows:

31 October 2014: Central Macedonia; Thessaly; part of Central Greece.

28 November 2014: Epirus; West Macedonia; Ionian islands; Aetolia-Acarmania.

19 December 2014: Crete; rest of the Cyclades islands; the Dodecanese islands; Samos and Icaria.

It was foreseen that from 19 December 2014 about 96 percent of the population would receive digital signal only, making the Greek switch-over one of the most compressed in Europe. But this deadline was never met and the final conversion date has now been moved to 6 February 2015. It is doubtful that this new date will be met, given that the country will hold a general election on 25 January 2015 and political priorities obviously rest elsewhere.

The Digea involvement

Similarly to the development of digital satellite television, which was left entirely to the private sector, the government has promoted private interests in digital terrestrial television (DTT). While ERT was used to drive the development of DTT in the beginning, (it was the first to broadcast digitally in 2006) its sudden closure left the terrain open for private television interests to dominate (Papathanassopoulos, 2014a). After June 2013, ERT could not participate in the digital frequencies allocation, not could it have an input (as the representative of public interest) in the relevant competition for the allocation of digital frequencies, which was at the time unfolding (NM, interview).

In July 2009, Digea Digital Provider S.A was officially named by the Government as the DTT network provider for the main Greek private television channels with national coverage (MEGA, ANT1, ALPHA, STAR, and SKAI). Digea's main activity is to provide digital coding, multiplexing and broadcasting services for terrestrial digital television and has been certified by the HTPC only for the first phase of digital switchover at 23 points across Greece. Despite the fact that Greek legislation (Law

3592/2007) prohibits a network provider to also be a content provider (namely a television station) in order to avoid market concentration, Digea is precisely a consortium of these same private stations holding equal shares (specifically MEGA, ANT1, ALPHA, STAR, SKAI and ALTER, which subsequently closed down). Broadcasts from Digea began in the summer of 2009 and its intention from the beginning was to dominate the digitization of terrestrial frequencies (Michalitsis, 2013).

The digital switchover process involved the drafting of the so-called 'map of frequencies', prepared by the National Technical University of Athens and the University of Piraeus and submitted by the Ministry of Infrastructures, Transport and Networks to public consultation. After the 2012 elections and the formation of the PASOK/ND coalition government, the new Secretary General of Telecommunications in the Ministry assigned a member of the HTPC with the task of remodelling the map. The specifications were drafted officially by HTPC but in practice in close cooperation with Digea, and the consultations involved 32 companies or physical persons, the majority of which asserted that only Digea could take part in this tender. HTPC accepted the consultation of Digea as confidential.²⁰

According to the auction specifications, two frequencies were assigned to ERT (instead of the previous three), four frequencies to national network providers (instead of the previous two), and two frequencies to regional network providers. ERT was recognized by the law as a network provider and would not pay for the use of public frequencies. The remaining six frequencies (four of national and two of regional range) were the ones to be auctioned, but in the meantime ERT closed down and was left out of the frequencies game.

With Digea controlling already about 95 percent of the clientele of digital frequencies, i.e. the content generated by their own channels, competitors were already seriously discouraged. Moreover, the competition involved a series of provisions designed to serve Digea's interests.²¹ As a result, and contrary to public

²⁰ The original plan provided coverage of 97.2 percent of the population with 275 transmission centres; if the network provider supplemented these with a number of small transmitters (gap fillers), the coverage would reach 99 percent. Digea had objected at the time, claiming the number was exaggerated and the cost excessive. A few days after the end of the consultation period (23 September 2012), and without publishing the proposals that had been submitted, or even informing the original drafters, or indeed obtaining any comment from the Ministry, a Joint Ministerial Decision was signed and the final frequency map was published (FEK 5/10/2012), which reduced the number of transmitters to 156 (NM, interview).

²¹ In order to enter, competitors had to create the same infrastructure of signal transmitters (something that Digea already had done over a period of four years) in 90 days since having obtained the authorization to take part, something that no competitor could do. Further, no objection could be raised unless it was by a competitor that had already passed the first stage (which meant investment and cost without any guarantee of actually winning the competition) (NM, interview).

procurement regulations, it was allowed for only player (Digea) to take part; the whole spectrum of 272 MHz was given to Digea for 15 years at the starting price of €18.3 million, as there was no competition. By comparison, the auction competition for the digital dividend, i.e. radio spectrum released by the switchover of television signals from analog to digital went on for 10 rounds and the spectrum (only 72 MHz) was given to three mobile companies for 15 years for €309 million. Additionally, a 2012 Analysys Mason report estimated the market value of the digital television in the next 20 years at €10.3 billion (Analysys Mason, 2012).

In effect, Digea has been upgraded to the sole national player regarding the digitization of Greek television.²² Prior to its closure ERT's digital branch (ERT Digital) was broadcasting three digital channels. In their frequencies, the government in an unprecedented move decided to broadcast BBC World, Deutsche Welle, Euronews, and TV5 Europe. Digea's owners are the (still unlicensed) main private television channels that broadly supported the government's decision to close down ERT. So, DTT seems to resemble the analog television era since no channel will have an official license to broadcast. The digitization of the terrestrial frequencies and the switchover from analog to digital broadcasting is perceived as a missed opportunity by the Greek government to regulate Greece's largely unregulated television landscape. More worryingly, with the demise of ERT and until its successor NERIT becomes fully operational, Greece has reached the final development of DTT without having a public service broadcaster to participate in the whole process.

To sum up, in the last five years it seems that Digea rather than successive governments which decided on the digital compression format (MPEG-4), the digital frequencies to be used, and the areas where they would start simulcasting, while the regulatory authorities showed preferential treatment of the incumbent commercial broadcasters. The entire information campaign for the public has also been left entirely to Digea.

Though legally a separate entity, the digital operator, Digea, as noted above, is controlled by the private national channels and is the sole provider of DTT in Greece and consequently has a monopoly. This is because 95 percent of television households receive their signals over the air and there is an absence of an alternative competitive media platform (either satellite or IPTV). It is interesting to consider why the Troika, which ensured that the €309 million from the digital dividend were included in the state budget of 2014, let go the potential of cashing in another large amount through the digital television switchover.

²² Mr Kostas Chrysogonos, a Member of the European Parliament, asked the European Commission in August 2014 what measures it intended to take to protect media freedom, pluralism and healthy competition between broadcasters in Greece, given that the entire television spectrum was managed by a single company. The European Commission answered in October that the fact that only one network operator participated in the auction and was assigned rights of use of the radio-frequency did not in itself infringe EC law.

Digea now controls the media landscape and has the power to interrupt any emission it does not agree with on air; indeed it did so when ERT's output continued to be broadcast through the 902FM channel after the shutdown and was cut by Digea, which at the time was only the digital signal provider. The shareholders of Digea own the national private television stations and are powerful players in the Greek economy associated with the construction industry, shipping and property complexes of media. As described above, their vested interests have fed an overall pro-austerity broadcasting stance. As a result, Digea's monopoly raises serious concerns about pluralism and independent journalism under the current austerity conditions, as the presence of anti-austerity voices through its frequencies is expected to be limited.

Digea has also significant power over the peripheral channels and charges high sums for providing digital services (e.g. demands about €3,500 monthly for each of them (plus VAT), with no risk whatsoever. According to the terms of the contract, if one of the channels is not in a position to pay, the cost is shifted to the others. Under the circumstances, some experts expect the peripheral channels to close down eventually or become parts of the mainstream ones, which will then silence any alternative anti-austerity voices in the periphery (NM, interview). In addition, the reduction of the necessary transmission centres from 275 to 156 means less cost for the digital provider, though at the expense of the digital television coverage of the country. Significantly, the local authorities are responsible for bearing the cost of any additional infrastructure that might be needed if they are not covered by the above transmission centres (e.g. additional transmitters and their maintenance) (FEK 1693/B/2014).

Safeguards for journalism

The promotion of the professional interests of journalists employed by newspapers and by the electronic media is ensured through the establishment of four regionally organized unions, of which two are the most prominent: the *Journalists' Union of Athens Daily Newspapers (ESIEA-JUADN)* and the *Journalists' Union of Macedonia-Thrace Daily Newspapers (ESIEMTH)*. The *Periodical and Electronic Press Union (ESPIT)* represents journalists who work for magazines and the online media. Grouped under the *Pan-Hellenic Federation of Journalists' Unions (POESY)*, the unions' principal aim is to negotiate labor contracts, wages, employment conditions and social security benefits with the state and the employers. The unions are also tasked with supervising journalists' ethical performance, self-regulating journalists' professional behavior, and protecting the principles of journalistic autonomy and editorial independence.

The Code of Ethics for journalists and audiovisual programs was issued by NCRTV and published in 1990 as part of a collective contract signed by JUADN and the management of ERT. The rules in the code apply to public broadcasting, both national and local, as well as to private radio and television stations. In terms of journalism, the Code states that (details can be found in www.esiea.gr):

- Journalism is a profession.
- Truth and its presentation constitute the main concern of the journalist.
- The journalist always defends the freedom of the press, the free and undisturbed propagation of ideas and news, as well as the right to opposition.
- Religious convictions, institutions, manners and customs of nations, people and races, as well as citizens' private and family life, are respected and inviolable.
- The primary task of the journalist is to protect people's liberties and democracy, as well as to advance social and state institutions.
- Respect for national and popular values and the protection of people's interests should inspire journalists in the practice of their profession.
- Journalists should reject any intervention aimed at concealing or distorting the truth.
- Access to sources of news is free and unhindered for journalists, who are not under any obligation to reveal his/her information sources.
- The profession of journalism may not be practised for self-seeking purposes.
- Journalists do not accept any advantage, benefit, or promise of benefit in exchange for the restriction of the independence of their opinion while exercising their profession.

The disciplinary councils of the unions investigate alleged breaches of the code mainly on the basis of specific complaints (though this is not necessary), and have the power to penalize journalists (i.e. reprimands, suspension of membership, or expulsion) found guilty of breaches, such as defamation, distortion of facts or anti-collegial behaviour. Such penalties apply only to members, which limits self-regulation through the code, as membership of a professional union is not mandatory for journalists (Psychogiopoulou et al., 2011).²³

Legislative environment and prosecution of journalists

Legislative environment

The Constitution of 1975 guarantees freedom of expression. Article 14, paragraph 1 determines that “every individual is free to express and propagate their thoughts in oral or written form, and through the press, in accordance with the Law”. Article 14 also states that the press is free; censorship, as well as the seizure of newspapers

²³ In addition, there is an election process to become a member and a number of requirements that must be fulfilled before qualifying, such as a minimum of three years of service as a journalist.

and other publications before or after publication, is prohibited. In addition, Article 14 guarantees the right to reply to errors published in the press or broadcast.

At the same time, the Civil Code, based on articles 2, paragraph 1 and 5, paragraph 1, guarantees a right to respect of one's personality, as well as a right to the development of all aspects of personality. Article 9A determines that "Everyone has the right to be protected against the collection, processing and deployment, particularly through electronic means, of private data, in accordance with the Law" (Karakostas and Vrettou 2011).

This background is relevant to cases of media exposure of one's personal data against their will, as the rights protected by the above articles might conflict with each other. As the Constitution does not prioritise the right to freedom of speech over the right to protection of privacy, competing rights must be balanced ad hoc and in relation to the context of each case at hand.

In such cases, the notion of 'justified public interest' is taken into consideration in assessing the balance between the two conflicting rights (right to expression and right to protection of one's personality, reputation, private life, and one's personal data). Case law recognises the interest (including in their personal data) that public figures attract, but only to the extent that this is linked with their public role. It also acknowledges that press journalists, in particular, have a justified professional interest in bringing to light aspects of private life of such figures when these are linked with the political process or have a public role. At the same time, insult, libel and slanderous defamation are considered criminal offences (Art. 361-363 of the Criminal Code), which constitutes a significant constraint on journalistic freedom. Still, the journalists affected may be vindicated if the information published is true and 'justified interest' is involved (Art. 366, 367) (Psychogiopoulou et al., 2011).

Law 2472/1997, which incorporates the European Directive 95/46/EC, and is based on Articles 2 (paragraph 1), 5 (paragraph 1), and 9 and 9A of the Constitution, attempts to address the above issue by stipulating that the processing²⁴ of simple personal data of public figures by the media and their employees is based on a judgement about the necessity to satisfy the right to inform and to be informed that the processing actor seeks; in the case of more sensitive data,²⁵ there must be an absolute necessity. Law 2472/1997 does not resolve the issue of competing rights, but seems to be providing a slight advantage to the protection of personal data. The *Authority for Protection of Personal Character Data (DPA)*, established with Law

²⁴ The Law covers all activities in the context of journalism that can constitute data processing, from investigation and collection, maintenance of data in files or databases, linking with other data, exchange or publication of the data.

²⁵ Data 'referring to racial or ethnic origin, political opinions, religious or philosophical beliefs, membership of a trade-union, health, social welfare and sexual life, criminal charges or convictions, as well as membership of societies dealing with the aforementioned areas'.

2472/1997, investigates the legality of personal data processing on the basis of the above principles (Karakostas and Vrettou 2011).

Audiovisual media content is subject to state regulation. Regulation and self-regulation²⁶ apply to electronic editions of print media, as well as to broadcasting on the internet. The liberalisation of broadcasting around 1989-1990 led to Law 2328/1995, which sought to define the legal rules and norms regulating the structure and content of private radio and television.²⁷ Law 2472/1997 also applies to audiovisual media, while Presidential Decree 77/2003 established a number of principles for journalists and media personnel that apply to all public and private television and radios: protection of political pluralism and diversity of views, prohibition of discrimination, respect for personality and private life, cross-checking of information, and the right to preserve the confidentiality of sources (Psychogiopoulou et al., 2011). In addition, a recent anti-racist *Law 4285/2014* criminalizes the public expression of hatred (through the press, broadcasting, or the internet) against persons or groups on the grounds of colour, race, ethnic origin, religion, or sexual orientation.

Further, Presidential Decree 131/2003 (which transposed the EU Directive on electronic commerce and implemented the EU provisions concerning the liability of internet intermediaries) regulates content on the basis of the freedom of expression and information in the online environment. Internet service providers (ISPs) are exempted from any liability regarding the information they transmit or store, but are obliged to promptly inform the relevant domestic authorities of any alleged illegal activities. However, Article 20(1)(b) stipulates that data protection rules are exempted from the scope of application of the Presidential Decree (Psychogiopoulou et al., 2011). Liability for content is a thorny issue, notably in the case of blogs. Generally speaking, responsibility for content lies with the author or blogger, who cannot be identified easily due to the confidentiality of communications (Article 19 of

²⁶ *Law 2863/2000* provided for self-regulation mechanisms by instituting self-regulatory bodies in respect of radio and television services. Under this legislation, owners of public and private, free-to-air or encrypted channels must conclude multi-lateral contracts in which their parties define the rules and ethical principles governing the programs broadcast. In this context, several codes have been developed, namely the Code of Ethics of Greek journalists, the Code of Conduct for news and other political programs, as well as the advertising and communication code governing the content, presentation, and promotion of adverts. The development of self-regulatory mechanisms, and in particular the drafting of the above codes of conduct, has complemented governmental regulation.

²⁷ Laws 1178/1981 and 2328/1995 have determined significant monetary compensation for content violating one's honour, esteem, or reputation. Depending on the intensity of the offence and the power and circulation of the outlet, minimal compensation ranges from 100 million drachmas (approx. €294,000) for national television stations to 30 million drachmas (approx. €88,000) for local television stations, and from 50 million drachmas (approx. €147,000) for networked radio stations, to 20 million drachmas (approx. €58,700) for non-networked radio stations.

the Constitution). Bloggers are not liable for third-party content, but there is an ongoing discussion as to how to regulate this type of content, possibly by differentiating between content that is political or current affairs and other.

Reviewing a number of recent cases, Vrettou claims that Greek case law generally prioritises private data protection over freedom of expression even where there is justified public interest. Contrary to the jurisprudence in other European countries, and that of the European Court of Human Rights, Greek case law in this matter does not follow a fixed set of criteria, such as whether a public figure is involved, whether there is justified public interest, whether a journalist acted in good faith, whether the claims are based on sound research and investigation, or whether the value judgments are based on facts. In effect, “Sharp criticism, although provided for by the Greek Constitution, is not interpreted in the right way” (XV, interview). Psychogiopoulou et al. (2011) argue that Greek jurisprudence, as well as independent authorities like NCRTV, have been inconsistent; they restrict journalistic freedom of expression when political figures are involved, while on the other hand they allow blatant violation of privacy. Interviewees confirm that NCRTV operates in a very ambivalent way, endorsing conservative values, while often ignoring violation of privacy and racist and anti-immigrant broadcasts (AN, DT, interviews).²⁸

The European Court of Human Rights (ECtHR) constitutes an alternative platform for journalists and individuals to seek correction for the infringement of their rights to freedom of expression and information in accordance with Article 10 of the European Convention on Human Rights (ECHR). Indeed, the ECtHR has challenged domestic courts’ case law on a number of occasions.²⁹

²⁸ On the social front, NCRTV has fined channels such as MEGA and STAR for showing homosexual relationships or airing the views of gay or trans-sexual individuals, often invoking the need to prevent corruption of the young. On the other hand, it has not used legal provisions that would let it protect minority groups that have become targets of physical attack, verbal abuse, mockery, or bullying. A characteristic example was the exposure in the 2012 pre-election period of a number of female prostitutes who were obliged to be tested for HIV following a pledge by two ministers to protect the male population (something that may have boosted their re-election chances). Photographs of these women were shown on all mainstream channels, clearly violating their dignity and medical confidentiality. When NCRTV was asked to intervene, it refused to do so (AN, interview).

²⁹ In a famous case, Nikitas Lionarakis, a journalist and television presenter, was brought to justice with defamation charges for statements made in his ERT program by a guest against another invitee who was a well-known lawyer involved in the case of Abdullah Ocalan. The domestic courts ordered Lionarakis to pay EUR 161,408 for the damage sustained; after a settlement in the domestic courts the amount was reduced to EUR 41,067.48. Lionarakis resorted to the ECtHR, which held unanimously that there had been a violation of Articles 6 (right to a fair trial), § 10 (right to freedom of speech) of the Convention, considering, in particular, that the journalist and coordinator could not be held liable in the same way as the person who had made remarks that were possibly controversial, insulting or defamatory (ECtHR, Lionarakis vs. Greece (1131/2005)).

Prosecution of journalists

Against this legal and regulatory background, journalists are often faced with accusations and lawsuits for defamation or violation of one's privacy and exposure of personal data. Large sums of compensation can be sought in cases of insult or libel and this is considered a serious hurdle to freedom of expression and in particular to investigative journalism.

As one of our interviewees and JUADN representative mentioned, "Public figures exploit the legal framework to resort to lawsuits that require high compensations either from the media organization or newspaper or the journalists involved. The legal framework's aim is to protect individuals from yellow journalism but it has now become a weapon in the hands of powerful businessmen and organizations. The position of the trade unions is that this abuse needs to stop and that we need to find a new law for defamation of character, as the public figures should be checked strictly" (DT, interview).

In October 2011, investigative journalist Kostas Vaxevanis was arrested and charged with violation of privacy over the publication of the 'Lagarde List', exposing Greek tax evaders with Swiss bank accounts. Vaxevanis was tried and acquitted twice (second time in November 2013). However, he has been constantly involved in lawsuit cases in recent years: "I currently have over 40 pending court cases. This is a full-time job and it incurs large amounts of money even in order to be represented at Court" (KV, interview).

Diaploki and the triangle of power described above create circumstances that are quite unfavourable to objective and investigative journalism. Dealings between entrepreneurial interests (including banking ones) and the state can take many shapes and forms, including often using legislation to accommodate particular business interests. Such dealings are often ignored in the mainstream media – the term 'omerta', denoting a code of silence, has been used by many interviewees to picture this situation of extensive cover-up of scandals.

When exposed by alternative media these affairs generate confrontation between the individuals whose interests have been revealed (entrepreneurs and politicians) and the journalists involved. The magazines *Unfollow* and *HotDoc* have been on the receiving end of many lawsuits for exposing scandals. Resorting to legal action is the most common reaction, but not the only one. More explicit practices have been followed, including blatantly false claims, direct threats against journalists' personal and family life, conspiratorial practices involving forgery, secret surveillance, or burglaries and stealing of sensitive data. In most cases, these incidents have not been covered by the mainstream media at all (KV, interview; Reuters, 2012b).

Recently, growing violence and physical attacks against journalists have also been visible. For example, in the recent months, police shut down student-run radio stations in Athens, Patras and Xanthi. A number of journalists have been attacked

and injured during protests against the country's austerity measures. In April 2012, Marios Lolos, president of the Union of Greek Photojournalists, was beaten by the police while covering a protest and had to undergo brain surgery. Journalists were also attacked by individuals affiliated with Golden Dawn neo-fascist party, such as the SKAI reporter Michael Tezaris who was beaten by members of Golden Dawn at an anti-immigrant demonstration (Freedom House 2012).

The techniques for suppressing and marginalizing good-quality journalism overall and investigative journalism in particular cannot be over-emphasised. Nonetheless, a related problem identified by some interviewees has been the violation of the Code of Ethics of Greek journalists: "Often alternative media violate the Code of Conduct and do not conform to professional rules. My view is that before exposing somebody and possibly leading them to prison you have to communicate with them and confront them; this is something that is very rarely done" (TT interview).

A prevalent phenomenon is the uncritical and unchecked reproduction of information by well-known journalists and radio and television reporters. The term '*vaporakia*' (little vessels) has been coined for journalists who, intentionally or unintentionally, serve a particular agenda without exercising their mental faculties or without employing ethical principles and abiding by the Code of Conduct. It may come as no surprise that violations of the Code are becoming more pronounced under austerity and the current crisis of journalism.

The rise of the internet is of increasing significance, as it offers a platform for journalists who have been excluded, persecuted, or simply presented with no alternative. Nevertheless, it can also function in the opposite way: journalists who operate independently and bring affairs of public interest to light, but are subsequently prosecuted and led to court on accusations of libel, often face a humiliating exposure on anonymous blogs, which clearly violate any Code of Conduct: "No journalist, not even the most respectable, can come out of this process untarnished" (NL, interview).

When Reuters were conducting their investigation into the banks in Greece in 2012, quite a few blogs alleged – anonymously – that the journalists involved were agents of foreign interests. "During the same period a certain blog published anonymously that I had received €50,000 from secret services. I brought a lawsuit for defamation and was told by Google that the blogger could not be identified because the blog was under U.S. law. This is significant for freedom of the press, as it means that you can be a victim of defamation by somebody who writes anonymously and gets away with it" (KV, interview).

Regarding its content, then, the Internet is currently a space where regulation is uncertain and the following features seem to prevail:

- verbatim reproduction of the same news, with no editorial or other control, through unauthorized replication of intellectual property;³⁰
- content based on entertainment of the lowest quality and gossip
- a platform where racist, xenophobic or sexist messages can be produced and find an audience (AN, DT interviews).

Individuals/organizations for media reform/ethics/accountability

Measured in organizations and participation rates, civil society in Greece has traditionally been limited. In practice, non-governmental organizations are often dependent on state mechanisms. Relations among the state, business, and labour have been characterized by disjointed corporatism, whereby labour unions tend to be controlled by the state and the political parties, while the policy and regulatory capacities of the state regarding business remain weak. However, informal civil society channels are significant, and there are also strong professional associations which have traditionally safeguarded their own interests (Lavdas 2005, Voulgaris 2006, Sotiropoulos 2004).

Historically, the media sector has lacked a movement or a visible civil society organization working for media reform. This remains the case under the current austerity conditions. JUADN and ESIEMTH, as well as other trade unions (e.g. Union of Photojournalists), work to protect their members against austerity and adverse working conditions, as described above. In addition, they seem to have adopted a milder stance against employers and their practices for fear of media closures and their impact on journalists (MN, GD, EI, interviews). Apart from the trade union associations, there does not seem to be much activity for media reform and freedom at the level of civil society. Still, there is clear evidence of attempts to build informal networks and professional self-organization in the sector.

In spring 2014, the Educational Department of JUADN cooperated with POESY to create an Observatory recording phenomena of racism and fascism, as well the role of the media in instigating or exacerbating them. This has already started work, albeit without many resources (though it has been supported by the UN authorities) and on a voluntary basis. It is about to publish an evaluation report on the representation of sensitive groups and issues by media at the time of the 2014 European elections.³¹ As

³⁰ “I used to work for the website of a very well-known journalist; we were instructed to write 50 pieces of news every eight hours, which we copied and pasted from other sites, without confirmation, checking original sources, expertise, or a critical approach” (EI interview).

³¹ A methodological tool (questionnaire) was developed to assess whether different angles were presented, or whether aggressive language was avoided. The tool was applied to a collection of articles published in May and June 2014 by a number of mainstream papers, including *Ta Nea*, *To Vima*, *Eleftheros Typos*, *Democratia*, *Ethnos*, *Kathimerini*, *EfSyn* and *Eleftherotypia*, *Prwto Thema*, *Real*.

our interviewee put it: “The intention is to create a Code of Ethics regarding the presentation of topics of racism, migration, fascism, etc. that we hope the media will adopt. There has been a wide consultation with various agencies to this end, including anti-fascist organizations and academics. However, lack of resources is a problem and at the moment we rely on voluntary work. We intend to apply for European Funds when the conditions are ripe” (XS, interview).

Our interviews also identified a problem that can be seen as endemic and cultural, and has been exacerbated in the current fiscal crisis. In traditional readings of Greek history, society and culture, the polarization engendered by the Civil War of the 1940s, the prevalence of clientelism, the politically-appointed trade unions, the self-interested acquisitiveness of professional associations, the over-reliance on the family and dissociation from broader social groups, have contributed to social heterogeneity and prevented the development of a universalistic and collective culture (Petmesidou, 1996). These historical features seem to have been reproduced under the present circumstances, in a cleavage between individuals, groups, and organizations, including journalists, who often demonstrate insurmountable disagreements depending on their political orientation (NL, interview).

This cleavage often presents itself in mobilisation attempts: “We came together 18 months ago to make a union of investigative journalists, but we had disagreements regarding the political positioning of the union. For example, with regard to fundraising sources: certain journalists on the Left did not want to pursue fundraising from mainstream organizations or private funders, which they saw as a compromise. This and other disagreements reflected the current schism and polarization in Greek society between *systemic* and *anti-systemic* journalists.³² There is widespread suspicion among us” (TT, interview).

Universities have also been to some extent active in potential media reform. There have also been proposals for a Media Observatory in the past, but they have not materialized, as they were resisted by the Executive Board of JUADN (LN, interview). Further, disagreements about what is progressive and topical are apparently ample within the trade unions. Currently JUADN organizes, together with the Church, 300 packs of food per month for unemployed journalists, with the intention to increase them to 500, but has been criticized for this cooperation (MK, interview). Likewise, JUADN in cooperation with Panteion University has organized an Academy for Journalists, which has stimulated reactions on the basis of the argument that JUADN should be about mobilizations and not about founding Academies which will serve the purposes of some members only. Similar reactions are expected with the Observatory when it comes to the issue of funding; generally there is a guild logic, which many considered short-sighted and old fashioned (XS, interview).

³² This terminology is widely used in Greece to differentiate between journalists who work in mainstream media and tend to be favourable towards the austerity measures, and those who are employed in non-mainstream, alternative media and are often critical of austerity policies.

The very existence of the independent ERT program, or ERT-Open, run by former ERT employees who refused to leave ERT premises in June 2013³³ represents a de facto initiative for greater freedom of speech and pluralism of content. It has been supported by local communities who have mobilized alongside ERT employees for the installations to remain open. It is based on self-organization, with horizontal structures and collective decision-making. A number of former ERT employees are involved in formulating the program, and editorial decisions are taken on the basis of expertise. This can be seen a vehicle for the production not only of content in the spirit of culture that characterised the old ERT at its best, but also of political messages of resistance, emphasis on the need for re-opening ERT, as well as critical comments on current affairs (e.g. regarding the potential privatization of the water utility). It is also supported by a movement which aims at the re-opening ERT, which includes the Pan-Hellenic Federation of Unions of Employees at ERT (POSPERT), as well as numerous individuals 'in solidarity with ERT'. POSPERT provides funding for the independent program, while JUADN and POESY also contribute (MN, GD , KK, EI, interviews).

There is currently a search for alternative journalism and media models that are economically viable without being part of *diaploki*, with some successful examples. The common features in these alternative models have been that the actors who started them were obstructed in their attempts to inform objectively, while also realising that the Greek public currently needs proper news. The Press Project is such an initiative; created in 2010, it began by aggregating news and subsequently evolved into an alternative news medium, which is internet-based (thepressproject.gr). In just two years it has been receiving almost two million unique visits each month. The Press Project does not accept any advertising from Greek banks and government, on the basis that these have been linked to manipulation of information, and pursues alternative ways by relying on its audience. It has an international, English-language version with links to international outlets such as *The Guardian*, and also a web-TV which has just started broadcasting.³⁴

Generally speaking, such models often operate in the logic of social entrepreneurship, which goes beyond the traditional media enterprise model and its dependencies (LN, interview). They are also informed by a more general mobilisation of citizens towards self-organisation for solidarity, creation of alternative economic

³³ ERT-Open transmits one television channel from Thessaloniki (where the installations of ERT3 are still controlled by former ERT personnel), two radio channels (from Athens and Thessaloniki), and another 15 peripheral channels from the old public radio installations (which have not been controlled by the police), as well as one internet site.

³⁴ The Press Project was first to publish the Greek diplomatic cables from WikiLeaks, produced a successful documentary about the crisis ('Debtocracy' by Aris Xatzistefanou), and provided ERT with media servers to keep its program going when the government shut it down.

and social organisation and resistance against dominant political rhetoric, with a proliferation of relevant citizen-based organisations (see omikronproject.gr for a list).

Attempts at self-organization in the media include the *The Editors' Newspaper (EfSyn)*, which was generated from the closing down of *Eleftherotypia* and staffed by redundant employees who formed a journalistic co-operative. It is based on two parallel and independent structures, the first dealing with logistics and management and the other with content (DT, KK, interviews). Another successful outlet is the monthly magazine *Unfollow*, which started in 2011, when a number of journalists who had been laid off from mainstream media put together personal funds that were enough to publish a single issue; it has since achieved a circulation of over 10,000 copies and has about 8,000 subscribers (LH, interview).

Crowdfunding has sometimes been used successfully but economic conditions in Greece are unfavorable. Examples of individual efforts include the documentaries of Aris Xatzistefanou, who was fired from SKAI, which explain and analyse the crisis in Greece, as well as those of George Avgeropoulos. The Press Project also campaigned successfully for donations to support publication of the Lux Leaks affair in a special printed issue in order to reach people who do not have internet access. Overall, however, there is a distinct shortage of entrepreneurs to finance investigative journalism (KK, NM, interviews).

Self-organization is also facilitated by the rise of the internet. Alternative voices have proliferated in recent years thanks to the internet combined with the increasing lay-offs from mainstream media and the mounting pressures on journalism (Redwire.gr, Katalipsiesiea.blogspot.gr, Alterthess.gr, and Alfavita.gr, to name but four). Internet-based radio stations, most of which operate on a voluntary basis, can be identified (Radiobubble, Indymedia Athens, EntasiFM and many others), as well as web TV stations, such as Omniatv.com. Other examples include websites that provide informative content, such as Rednotebook.gr, Left.gr, Iskra.gr, Leftlab.gr, and E-dromos.gr. In parallel, there has been a rise of specialized sites that can be seen as performing a watchdog function, such as antigoldgr.org of the Hellenic Mining Watch, which investigates mining activities, or 360pedia.org which reports on educational issues (MN, GD, interviews).

Indeed many of the serious alternative media outlets, such as the Press Project, or less known and more specialized sites have been financially sustainable (or almost) by operating electronically and without physical presence, while others with offline presence still maintain websites for easy updates, real-time coverage and so on. In this way, the internet provides opportunities for pluralism. On the other hand, many internet sites replicate the phenomena of intertwining interests by carrying advertisements by the state or the banks and becoming subject to their control, thus compromising independence: "The internet is also largely based on ads, so there is a myth about free information on it; it is a matter of what information can you get. Generally, reliance on ads means that those paying for ads control the content; the

public needs to understand that under these circumstances they do not get real information and they are not free to access information” (LH, interview).

Furthermore, the internet has hitherto escaped content regulation to a large extent; it also evades fiscal and financial regulations, working conditions and pay and so on. As such, “The internet becomes a space of uncontrolled entrepreneurship, with poor working conditions and employee exploitation” (AN, interview).

Conclusions

Throughout the *Metapolitefsi* (the post-1974) period, media organizations (from the press to radio and television) have been implicated in complex intertwining of political and economic interests. In a nutshell, successive New Democracy and PASOK administrations have created a media environment that is chaotic on the surface but in fact deeply controlled by the state and by prominent private interests (Leandros, 2013). The current New Democracy-PASOK coalition government has shown no signs of reversing this trend.

The so-called ‘triangle of power’ (NL, KV, DT, interviews), which involves the political system, economic interests (including the banking system) and media corporations is both weakened (as disenchantment of the public under austerity has grown) and strengthened (through the development of tighter bonds of complicity). *Diaploki* has become more pronounced under austerity, as mainstream media now routinely conspire in favour of austerity measures and are uncritical towards the state and the banking system, which in turn supports them and their enterprises through public projects and advertising.

The legal limbo and institutional corruption around the media benefit the major media groups and their owners and disadvantage new entrants, helping to keep them out of the marketplace. The involvement of mainstream media corporations in the digital switchover process was a central factor behind the closure of ERT, a drastic step that was quite in keeping with the authoritarian and anti-democratic traditions of Greece’s political system (see Nevradakis, 2013).

Austerity has led to the closure of several media outlets (newspapers and television channels), while also contributing to the rise of several internet-based media. The latter, while offering the potential for pluralism and of supporting alternative voices, seem to suffer from overall low quality: they host xenophobic, intolerant and racist views; they rely on replication of the same material from a limited number of news sources; or they depend on advertising by major banks, thereby perpetuating dependence.

Austerity has added to the pressure on journalists in many ways: self-regulation so as to safeguard their job, low-status work conditions and very low salaries, increased

editorial control and censorship of critical views on governmental policies, in order to maintain the sensitive balance of *diaplaki*.

This landscape has created unfavourable conditions for independent journalism, which is more or less marginalized for a number of reasons: lack of resources and staff; poor work conditions and very low pay; continuous accusations of libel and court cases that bear a heavy financial burden for those who choose to remain independent, blackmail and threats against one's life and family, murder attempts of intimidation, or physical violence (including beatings) from police during demonstrations.

Trade unions, though present and visible, have weakened significantly, not least in terms of their membership, as flexibility, low rewards and precariousness have resulted in lower membership rates. Civil society, albeit rejuvenated on the solidarity front to provide means of subsistence to the categories of people affected by austerity, including journalists (e.g. by the provision of food, clothing, and other donations), has not mobilised around the promotion of media reform (including accountability, transparency, pluralism, and freedom of expression), with very few exceptions.

As mainstream media have proven economically unsustainable and more intertwined and under the pressures of austerity, redundancies and deterioration of working conditions, informal mechanisms of self-organized groups and networks of journalists and other media personnel have started exploring new models of journalistic production, such as *the Editors' Newspaper (EfSyn)* (AN, DT, interviews).

Investigative journalism has also reacted by establishing alternative (non-mainstream) outlets and alternative business models, examples of which are the magazines *Unfollow* and *HotDoc* (which are sustainable because of circulation success and advertising, though not by big business), and the online Press Project site, which also relies on advertising.

The internet, in spite of its limitations, is beginning to host alternative voices or watchdog type journalism and thus offers potential for strengthening pluralism and transparency. However, the general problem of funding journalism and new production is replicated online: advertising revenue does not suffice to support quality journalism. This creates the risk that intricate political and economic interests may be replicated online to ensure funding (through advertising or under the table deals) for sites that they can control, at the expense of independent journalism. Indeed, such trends are visible, as is the proliferation of low quality, gossip-based, or blatantly plagiarized content from one internet site to another.

If the media landscape under austerity creates bleak conditions for media freedom and for journalists to earn a livelihood, then a post-austerity agenda could restart the economy and have a positive impact on employment circumstances for journalists. The materialization of the pledges of the political opposition SYRIZA to re-open ERT and to conduct a competition for granting legal licenses to private channels could contribute to a redrawing of the media landscape. Regulatory authorities that function more independently will also be crucial in this.

In the meantime, as the need for the public to be informed is pressing, greater attempts at self-organization might offer an exit from the web of *diaploki*, censorship, and humiliation. These attempts will face inescapable problems in finding sustainable revenue models that depend neither on pro bono services nor on advertising. Regular funding will be essential to success. If alternative, regular sources of funding can be guaranteed they might offer the long-term potential for a landscape where media and extra-media activities cease to co-exist and information and democracy can function more effectively. Participation in such attempts by non-professional entities, including a more active role for universities and a more visible presence for NGOs, might be instrumental. Last but not least, journalists will bear the responsibility for honouring their profession by contributing objective and truthful content in this 'cold climate'.

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Appendix 1: Main players in the Greek media landscape

Table 1: Leading daily newspapers in Greece (2012)

Title	Ownership	Daily sales (in 000)	Political stance	Chain membership
TA NEA	Lambrakis Group	38	Liberal	TV: MEGA Channel Press: papers; magazines; travel; culture
Kathimerini	Alafouzos family	36	Independent	Radio: SKAI FM and Melodia FM; press: magazines; TV: SKAI TV; shipping
Eleftherotypia	Tegopoulos Publishing	Ceased publication in 2011; Republished in January 2013	Liberal	TV: MEGA Channel Press: magazines Telecoms services
Ethnos	Pegasus (Bobolas family)	26	Liberal	TV: MEGA Channel Press: magazines Construction
Eleftheros Typos	Press Foundation (now D. Mpenekos and A. Skanavis)	15	Conservative	Used to have shares in STAR Channel
Rizospastis	Greek	8.3	Communist	Radio station

	Communist Party			'902 Aristera sta FM'
Vradyni	Vradyni Ltd (K. Mitsis)	3.0	Conservative	Magazines
Avgi	SYRIZA - Left Coalition Party	2.8	Left	Radio station: 'Sto Kokkino FM'

Source: Athens Association of Newspaper Publishers; Papathanassopoulos, 2014b

Table 2: Average Circulation of National Political Newspapers (1955-2011)

Year	Circulation
1955	330,000
1965	600,000
1975	630,000
1985	1,100,000
1995	620,000
2005	400,000
2011	216,500

Source: JUADN;

Table 3: Annual % audience shares of the main Greek television channels (2010-2013)

Year	ET1	NET	ET3	ANT1	MEGA	ALPHA	STAR	ALTER	SKAI
2010	3.0	9.5	3.6	15.1	20.2	12.2	9.7	10.9	4.0
2011	2.5	7.7	3.4	16.7	19.8	12.9	10.3	8.9	4.9
2012	2.6	8.1	3.0	16.8	21.5	12.0	10.8	Closed	4.6

2013	Closed	Closed	Closed	17.3	22.0	12.4	11.1	Closed	4.9
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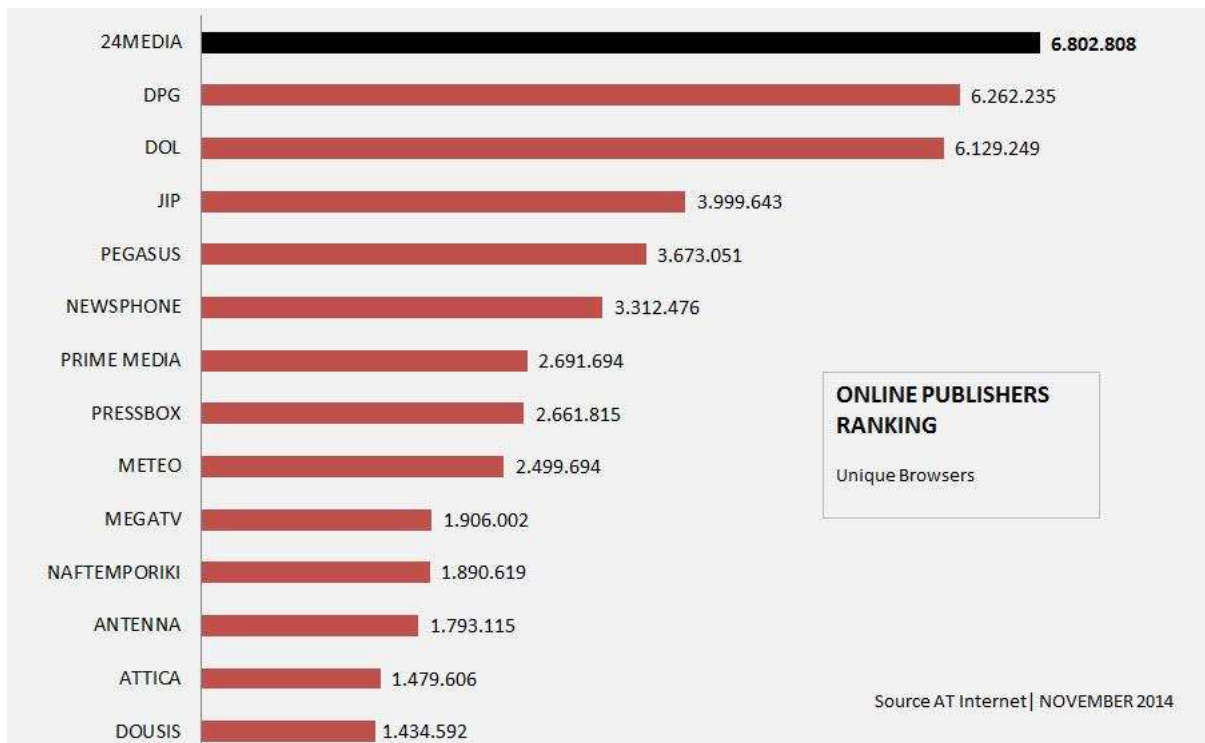
Source: AGB Nielsen Media Research

Table 4: Advertising spend in print and electronic media (2000-2011) (€ million)

Year	Newspapers	Magazines	Radio	Television	Total
2001	255,3	532,2	70,8	661,0	1,519.3
2003	302,4	684,7	98,5	720,8	1,806.4
2005	407,4	886,2	113,9	784,7	2,192.2
2007	499,7	1,047.5	165,6	941,5	2,654.3
2009	441,7	889,8	166,2	714,8	2,212.5
2011	359,9	579,9	87,8	566,3	1,593,9

Source: Media Services

Figure 1: Online Publisher Groups (by number of unique browsers)



Source: AT Internet

Appendix 2: List of Interviewees

Journalists

Aggela Ntarzanou	(AN)	Avgi newspaper
Kostas Vaxevanis	(KV)	HotDoc magazine
Dimitris Trimis	(DT)	EfSyn newspaper
Tasos Telloglou	(TT)	Kathimerini newspaper and STAR channel
Lefteris Haralampopoulos	(LH)	Unfollow Magazine
Nikolas Leontopoulos	(NL)	The Press Project
Pavlos Klaudianos	(PK)	Epohi newspaper
Xaris Savvidis	(XS)	Imerisia Newspaper
Giannhs Darras	(GD)	Former editor for ERT Digital and www.360pedia.gr
Kostas Karikis	(KK)	News editor for independent program of ET3
Eleni Iliopoulou	(EI)	www.zougla.gr and www.zoosos.gr

Lawyers

Xristina Vrettou	(XV)	Attorney at Law, PhD on freedom of speech
Apostolos Tsalapatis	(AT)	Attorney at Law, Legal Adviser to JUADN
Antonis Petridis	(AP)	Attorney at Law, Legal Adviser for www.stokokkino.gr

Trade Union representatives

Marilena Katsimi	(MK)	General Secretary of JUADN
Maxh Nikolara	(MN)	ALPHA 98.9 and ERT journalists' representative in JUADN

Other

Nikos Michalitsis	(NM)	Former ERT Director of Technical Services
Nikos Leandros	(LN)	Professor of Media, Panteion University