

Joint Master in EU Trade and Climate Diplomacy

Media independence and freedom: a comparative analysis of public service broadcasting in Europe

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2025

Thesis Pitch

A link to the thesis pitch can be found here:

https://youtu.be/gjSBVCZDp3c?si=TSduTG1fd14Ub4_1

Statutory Declaration

I hereby declare that I have composed the present thesis autonomously and without use of any other than the cited sources or means. I have indicated parts that were taken out of published or unpublished work correctly and in a verifiable manner through a quotation. I further assure that I have not presented this thesis to any other institute or university for evaluation and that it has not been published before.

26 July 2025 Solari Alice

Acknowledgements

First and foremost, I would like to thank my supervisor, Dr. Citino, for her constant guidance throughout these months of writing. I am deeply grateful for the attention, care, and above all the enthusiasm she has shown for my work: an inspiration from the very beginning.

A special thank you goes to my parents, who have always offered me unwavering support and love. Their encouragement, even in this experience abroad, has never faltered. Thank you for always allowing me to follow my heart and pursue my ambitions.

To my lifelong friends, thank you for making me feel close to you even from thousands of kilometers away. It is truly precious to grow and achieve our goals together.

Finally, heartfelt thanks to the friends I met during this journey, who helped make it unforgettable. Thank you for the laughter, the learning, and for embracing me and

valuing me beyond my initial shyness. A special thought goes to my beloved flatmates, who managed to turn two temporary apartments into true homes over these five months, which I wish had been years.

Abstract

This thesis critically examines the evolving landscape of public service broadcasting (PSB) independence in the United Kingdom, France, and Italy, focusing on the complex interplay between legal frameworks, governance structures, funding mechanisms, and political influence. Through qualitative research methodology, building on an extensive document analysis of primary legal texts, official regulatory reports, European Commission documents, and scholarly literature, this study aims to highlight governance structure, funding mechanisms and, based on these, critical perspectives on UK, France and Italy public broadcasting independence from politics. Given the threats that the research contributes to confirm, the European Media Freedom Act was promulgated to provide additional safeguards to protect media independence in Europe. The research then delves into the regulation, analysing its provisions and the reforms that France and Italy are currently discussing to comply. The research anticipates demonstrating how, despite formal legal safeguards, PSB independence in these countries remains highly susceptible to political interference, mainly for political cultures that facilitate it.

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Introduction

Media independence and freedom is at a worryingly increasing risk in several European countries, mining the very foundation of the European Union.

Indeed, these elements are fundamental to both democratic governance and the rule of law, forming part of the shared values outlined in Article 2 of the Treaty on European Union. Upholding and committing to these principles is crucial for building mutual trust among Member States and for ensuring the Union operates effectively. There is, therefore, a very close relationship between democracy and freedom of information, since enjoying a free media and a plurality of voices in society represents “an indispensable precondition and an essential safeguard for a healthy democracy.”¹

Among types of media, public ones uphold a vital role in the quality of a democracy.

Public service broadcasting is defined as broadcasting run by public entities under public regulation, justified by political, economic, social, and cultural grounds.

According to the Broadcasting Research Unit, PSB is characterized by universality of access, content catering to all tastes, national identity, freedom from vested interests and government, funding directly from users, competition based on quality, and program-maker autonomy.²

Unlike the United States, where public broadcasting plays a minimal role, European countries have traditionally depended on public service media to ensure high-quality content. This model is built on shared principles such as editorial independence from political influence, universal access, professional standards, diversity of perspectives, editorial accountability, and a commitment to innovation.³

¹ Roberto Mastroianni, “Freedom and pluralism of the media: an European value waiting to be discovered?” (2022) (1) Media Laws

² Stylianos Papathanassopoulos, “Public Service Broadcasting and Deregulatory Pressures in Europe” (1990) (16) Journal of Information Science 2

³ Nathalie Sonnac, ‘France TV, Radio France, INA: Pourquoi une Réforme de l’Audiovisuel Public est Indispensable’ (The Conversation, 2025)

Indeed, public service broadcasting seems to be the most effective way to provide varied and high-quality content, as it is not driven exclusively by commercial interests or audience ratings, unlike private broadcasters. As such, it plays a crucial role in influencing the programming strategies of private media and maintaining a balanced media landscape. This mission entrusted to public media has also been reaffirmed on several occasions by the Italian Constitutional Court. According to the latter, its legitimacy lies in its ability to “provide comprehensive information, of a suitable professional standard and strictly impartial in reflecting the debate among the various political perspectives present in the country, as well as to fulfill its specific role in promoting culture and ensuring that programming is open to the most significant cultural expressions.” In today's increasingly fragmented "information society," where sources of information are multiplying exponentially, public broadcasters remain the most effective means of promoting accurate and widely shared information. This need is also reflected in recent European legislation, which emphasizes the importance of high-quality media services as a “countermeasure to disinformation, manipulation of information, and interference by foreign actors.”⁴

However, the credibility of public service broadcasting, the fulfillment of its mission, and its very survival are being undermined by increasing dependence on market and political interests.

With respect to the first aspect, since the 1980s, technological developments, such as satellite, cable, and digital broadcasting, have heightened the level of competition between public service broadcasters and their commercial counterparts, forcing public media to adapt to market logic in order to avoid becoming obsolete, resulting in a clear decline in the quality of the content broadcast.⁵

Nowadays, it is the very concept of public media that is being questioned, with many actors disregarding its fundamental role and conceiving it as an anachronism in the digital era. It is a crisis of legitimacy that spares not even the world's most acclaimed

www.publicmediaalliance.org/france-reform-of-public-broadcasting-is-essential/> accessed 21 July 2025.

⁴ Giulio Enea Vigevani, “Potere politico e mezzi di comunicazione” (2025) (2), *Rivista AIC*

⁵ Yoshiko Nakamura, ‘Governance and Accountability in Public Service Broadcasting: Lessons from the Latest BBC Charter Review’ (2009) *NHK Broadcasting Studies* (NHK Broadcasting Culture Research Institute)

and widely followed public media outlets, such as the BBC.

The crisis facing public service broadcasting is clearly a Europe-wide phenomenon, as evidenced by the widespread instability of regulatory frameworks—even in countries that had long maintained stable rules for public media governance. For instance, the United Kingdom underwent two major overhauls of its public broadcasting governance system in 2006 and 2016. Similarly, ongoing shifts and reconsiderations have marked the regulatory approaches in France, Spain, and Italy.⁶

Moreover, the experience of an increasing number of European countries shows that the independence of public media is increasingly being undermined by political interference, as governments attempt to use them as a mouthpiece for their own ideologies. This is evidenced by the numerous contributions from legal scholars and media experts, who highlight how the appointment procedures for public media board members and their funding mechanisms are largely influenced by the governments in power. This research, in particular, focuses on an analysis of the public broadcasting systems in the United Kingdom, France, and Italy, in order to provide the most comprehensive overview possible on the subject. The BBC is widely regarded as the benchmark for public service broadcasting, known for its independence, impartiality, and quality. By contrast, France and Italy face increasing accusations of political interference—France representing something of a middle ground, and Italy, especially today, serving as a negative example of what a public broadcaster should be.

Given the persistent threats to media independence, the European Union put in place the European Media Freedom Act (EMFA), which entered into force on 7 May 2024, introducing key safeguards against political and economic interference in editorial decisions. An adequate implementation of Article 5 regarding public service broadcasters is the only way to protect public media from political control and to save its democratic mission.

Member States have to comply with the regulation by next 8 August but a thorough evaluation of the effectiveness of the EMFA in saving public media broadcasters from the concerning legitimacy crisis they are facing will only be possible after a longer period of observation.

⁶ Giulio Enea Vigevani, “Potere politico e mezzi di comunicazione” (n 4)

Therefore, this research will critically analyse the legal frameworks governing public service broadcasters in the UK, France and Italy, examining the rules about governance (appointment procedures and terms of office) and funding. The final chapter will instead focus on the EMFA and the reforms France and Italy have to undergo in order to comply.

Literature review

This research explores the independence of public service broadcasting (PSB) in the United Kingdom, France, and Italy, drawing on a diverse body of legal texts, academic literature, regulatory reports, government documents, and media commentary.

Legal sources form the backbone of this analysis. In the UK, the BBC’s “Royal Charter” and “Framework Agreement” define its public service remit, board structure, and accountability mechanisms. France’s “Loi L  otard” (1986), alongside reforms such as the 2013 Law on Audiovisual Independence, provide the legal foundations for French public broadcasting. In Italy, the “Gasparri Law” (2004) was replaced by the “Renzi reform” (2015) that continues to govern RAI. These national laws are complemented by constitutional guarantees—particularly Article 21 of the Italian Constitution—and relevant decisions of Italy’s Constitutional Court, which have addressed political interference and pluralism in broadcasting.

Beyond formal legal frameworks, regulatory and institutional evaluations offer valuable insights into how PSBs function in practice. Reports by national regulators like Ofcom (UK), ARCOM (France), and AGCOM (Italy), as well as supranational analyses from the European Commission—notably the 2024 and 2025 Rule of Law Reports—and the Media Pluralism Monitor, assess PSB autonomy, funding stability, and political influence. These evaluations expose significant variation: the BBC enjoys greater procedural independence, while RAI remains vulnerable to politicized appointments, and France’s system has oscillated between presidential control and regulatory independence.

Academic literature critically assesses the limits of formal independence and the influence of informal political dynamics. Diane Coyle, in "The Governance of the BBC," argues that the 2017 reform weakened internal checks by creating a unitary board with fewer safeguards against government pressure. Tom Mills, in "The BBC: Myth of a Public Service," critiques the broadcaster's historic alignment with elite interests despite its formal autonomy. In Italy, Giulio Enea Vigevani and Ylenia Maria Citino emphasize the persistence of "parliamentarization" in RAI, where board appointments are largely controlled by political parties, undermining both independence and public trust. They argue for deeper constitutional reforms to depoliticize governance structures and enforce editorial autonomy. Regarding France, scholars such as Nathalie Sonnac, Ana Fernández-Viso, and Isabel Fernández-Alonso have examined the country's transition from executive-dominated broadcasting, especially under De Gaulle and Sarkozy, toward greater institutional pluralism. However, ARCOM's creation has not entirely resolved concerns over political sensitivity, especially as new reforms merge various public broadcasters and reshape funding mechanisms. These changes have prompted further debate about institutional independence and democratic accountability.

Parliamentary records and government reports also provide valuable documentation of reform efforts. The UK's 2024 Mid-Term Review of the BBC, conducted by the Department for Culture, Media and Sport, evaluates the broadcaster's compliance with public purposes and independence commitments. In France, legislation such as "Law No. 2013-1028" sought to insulate public media from government control by altering appointment procedures. Italy's 2015 RAI reform aimed to modernize and professionalize governance but failed to meaningfully curb political appointments. These national attempts at reform show that legal change alone is not always sufficient to overcome entrenched political interests.

Media analyses and civil society reports offer timely, real-world perspectives on political interference and institutional responses. Coverage by Byline Times, LSE Media Blog, Civil Liberties Union for Europe, and Reporters Without Borders (RSF) reveals ongoing threats to PSB integrity. These include controversies such as the suspension of BBC presenter Gary Lineker for criticizing UK immigration policy,

censorship episodes and staffing purges at RAI under Italy's current government, and resistance to structural reforms in France's broadcasting sector. NGOs like the Public Media Alliance and Media Freedom Rapid Response document growing political parallelism in Europe—where media content increasingly aligns with the ideological preferences of ruling coalitions—eroding public trust and pluralism. This political pressure is particularly acute in Italy and France, where regulatory authorities and public broadcasters face regular attempts at influence through funding threats, board reshuffles, or editorial interventions. Even the BBC, despite its institutional strength, has experienced creeping politicization, particularly through appointments to its board and funding negotiations tied to broader political agendas.

The final part of this research evaluates the European Media Freedom Act (EMFA), adopted as "Regulation (EU) 2024/1083," which introduces binding standards for editorial independence, transparency in media ownership, and stable public funding. The EMFA represents a landmark effort by the European Union to codify media freedom protections and create accountability mechanisms for national governments. This research draws on the text of the Regulation itself, relevant Treaty provisions, and proposals to implement its standards in France and Italy. Given its recent entry into force, scholarly commentary on the EMFA is still limited. Nonetheless, early analyses by Ylenia Maria Citino—in "European Media Freedom Act and the Jigsaw of the 'Parliamentarized' Italian RAI"—examine how the EMFA's requirements clash with Italy's highly politicized media governance. Citino argues that compliance with Article 5 of the Regulation, which demands operational and editorial autonomy for public service media, would require significant reform of RAI's governance structure. Similarly, Enrico Albanesi, in "Safeguards for the Independent Functioning of Public Service Media Providers," provides a detailed reading of Article 5, emphasizing the legal obligations on national legislators to guarantee independence not just in law, but also in practice. Despite its promise, the EMFA faces implementation challenges. Member states retain flexibility in how they meet its standards, and enforcement mechanisms remain limited to existing EU tools such as infringement procedures.

This research also identifies some broader gaps in the literature on PSB independence in Europe. Firstly, a significant challenge arises from the rapid and continuous reforms

affecting PSB governance and funding across European nations, which renders much academic literature outdated shortly after publication. Legal structures, governance boards, and funding models in all three countries have undergone significant changes in the past years, requiring constant updates to comparative analysis. Another gap concerns the EMFA itself: while it is widely seen as a breakthrough in European media policy, academic engagement with its legal and political implications is still at its early stage. There is limited literature on how different countries will transpose and adapt its provisions, particularly those concerning public broadcasters. Additionally, a significant portion of existing scholarship tends to focus on market pressures, particularly competition with commercial broadcasters or audience fragmentation, rather than thoroughly investigating degrees of independence from political influence. This research prioritizes the latter, arguing that political appointments and partisan funding decisions pose a more immediate threat to editorial independence. Finally, while a substantial body of comparative literature focusing on PSB exists—such as Ana Fernández-Viso and Isabel Fernández-Alonso on Mediterranean systems, Eva Połńska and Charlie Beckett on troubled democracies, and Rodney Benson and Matthew Powers on global public media—recent comparative work specifically focusing on France, the UK, and Italy is scarce. This study aims to fill that gap by providing a detailed, updated examination of PSB independence in these three contexts, with special attention to recent governance changes and the implications of the EMFA.

In conclusion, by integrating the most recent legal, institutional, and analytical sources, this research aims to offer a timely and critical contribution to the ongoing debate about how to safeguard public service broadcasting in Europe, which is proven to be at a worryingly high risk.

Research methodology

The research methodology employed in this research is primarily qualitative. Given the research focus on legal frameworks, regulatory evolution, political influence, and institutional dynamics, qualitative methods enable an in-depth analysis of documentary evidence and interpretive critique rather than purely numerical measurement. Data

collection involved comprehensive document analysis, drawing extensively on primary legal texts (Royal Charters, national laws, constitutional provisions), official regulatory reports (from Ofcom, ARCOM, AGCOM), European Commission publications (including Rule of Law Reports and Media Pluralism Monitor), and scholarly literature comprising peer-reviewed articles, monographs, and policy papers. This was complemented by professional media coverage and NGO reports to capture real-time developments and contextualize legal and academic findings. Data analysis was conducted through a systematic thematic synthesis, critically analysing legislative norms in light of academic critiques and regulatory assessments to unravel patterns of governance reform, political influence, and funding vulnerabilities across the UK, France, and Italy. The methodology's qualitative nature allowed the integration of diverse sources to triangulate information, supporting arguments and critical reflection throughout the research. Recognizing limitations, the study acknowledges challenges inherent in working with dynamic and evolving regulatory environments, where continual reforms make some legal documents potentially outdated and where recent legislative changes, particularly related to the European Media Freedom Act, are still under implementation and subject to interpretation. To mitigate these issues, the methodology incorporated the most recent available official documents and supplemented them with up-to-date policy analyses and expert commentaries, thus ensuring contemporary relevance while accounting for evolving contexts. The selection of qualitative documentary analysis aligns coherently with the research objectives and it has been employed to provide an organic understanding of the interplay between formal legal frameworks, political culture, and institutional practice in shaping media independence, which could not be effectively captured by purely quantitative or experimental methods, given that some parts of the research even encompass sociological and anthropological fields.

1. UK

1.1 Legal framework and governance

The British Broadcasting Corporation (hereinafter BBC) was founded in 1922 and is both the oldest and most watched media in the nation.

The Royal Charter serves as the constitutional basis of the BBC, ensuring its legal status for a period typically lasting 10 to 15 years. A Royal Charter is a formal document issued by the monarch that grants certain rights, privileges, or powers to an individual, a corporation or an organization. Royal Charters have been historically used for the establishment of towns, universities, guilds and companies and the BBC one is a well-known example of the use of Royal Charters in the modern context.⁷

The current Charter began on 1 January 2017 and runs to 31 December 2027.

The existence of a Royal Charter is in itself proof of the independence of the BBC, given that it was originally “established by the crown and not by parliament, which means it is constitutionally separated from the government”.⁸

The independence of the BBC is also enshrined in the Charter itself (par.3): “The BBC must be independent in all matters concerning the fulfilment of its Mission and the promotion of the Public Purposes, particularly as regards editorial and creative decisions, the times and manner in which its output and services are supplied, and in the management of its affairs”. The BBC’s mandate, as defined in the Royal Charter, obliges it to fulfill multiple roles: to provide impartial news and information to help people understand and engage with the world around them, to support learning for people of all ages, to show the most creative, highest quality and distinctive output and services, to reflect, represent and serve the diverse communities of all of the United Kingdom’s nations and regions and, in doing so, support the creative economy across

⁷ Privy Council Office, ‘Royal Charters’ (Privy Council)
<<https://privycouncil.independent.gov.uk/royal-charters/>> accessed 21 July 2025.

⁸ Machiel van Dijk, Richard Nahuis and Daniel Waagmeester, ‘Does Public Service Broadcasting Serve the Public? The Future of Television in the Changing Media Landscape’ (2006) De Economist

the United Kingdom, and, finally, to reflect the United Kingdom, its culture and values to the world.⁹

Following the latest Charter Review in 2017, new BBC governance and regulatory arrangements were established, marking a shift from the BBC Trust model to the current system involving the BBC Board and Ofcom. The Corporation was previously governed and regulated internally by the BBC Trust, which maintained a high degree of independence from the government, given that the trustees were appointed by the Queen, on advice from government ministers and an independent commissioner for public appointments. In practice, however, the double mandate of being both the governing and regulating body of the Corporation, has often raised doubts about its effective transparency and accountability. Its judgments were sometimes seen as lacking impartiality, and it was accused of being too slow or too lenient when dealing with issues of editorial standards or public complaints. In response to these concerns, a new governance framework was introduced and the BBC Trust was replaced with a unitary BBC Board while transferring the regulatory oversight to Ofcom, the BBC's first independent, external regulator.

The BBC Board now oversees strategy, ensures editorial and financial independence, and represents the interests of audiences across the UK. It consists of ten non-executive members, including the Chair, currently Samir Shah, and four executive members including the Director-General and Editor-in-Chief, Tim Davie. Four of the non-executive members are specifically appointed as members for each of the nations of the UK (England, Scotland, Wales and Northern Ireland).¹⁰

The Chairman and the non-executive members for the nations are appointed by the King on the recommendation of Ministers while the other non-executive members of the Board are appointed by the BBC through the Board's Nominations and Governance committee. The Executive Members, instead, are appointed by the Board, typically from among senior BBC management.

⁹ Royal Charter for the Continuance of the British Broadcasting Corporation (18 September 2016) <www.gov.uk/government/publications/bbc-charter-and-framework-agreement> accessed 21 July 2025.

¹⁰ Department for Culture, Media and Sport, 'Summary of the BBC Mid-Term Review 2024' (Gov.uk, 22 February 2024) <www.gov.uk/government/publications/bbc-mid-term-review-2024/summary-of-the-bbc-mid-term-review-2024> accessed 21 July 2025.

On the other hand, Ofcom now handles the external regulation of BBC content, audience complaints, and assesses if the Corporation meets its public service obligations. By involving an independent regulator, the new model allows for more effective and impartial adjudication of complaints, which in turn increases public trust. Regarding the term of office of the Board members, under the BBC Trust model, Trustees were appointed for terms of up to five years, with the possibility of serving two consecutive terms, making a maximum of 10 years. The long duration of the mandate gave trustees some continuity and independence, as they were not subject to frequent re-approval by changing governments. Moreover, appointments were staggered, reducing the risk of a single government reshaping the Trust quickly. However, following the latest Charter review, non-executive board members are now appointed for terms of four years, with possible renewal for a second term, for a maximum of 8 years in total. The shorter term, combined with the government's decision-making power with regard to renewals, marks a significant loss of independence for the Corporation.¹¹

It has also been highlighted by some scholars, such as British economist Diane Coyle, that unitary boards lack separation between managers and governors, thus creating problems in terms of accountability and impartiality. Under the Trust model, in fact, the first was structurally separated from the BBC management and this allowed for a greater independence in representing licence fee payers and serving the public interest. The Trust had its own staff and could conduct independent research, acting as a stronger buffer between management and external stakeholders. The shift to a unitary board has weakened this buffer, making it easier for political interests to influence day-to-day decisions and editorial choices. Non-executives now participate more closely in editorial discussions and appointments, increasing the risk of conflicts of interest and perceived bias. Coyle argues that while no governance structure is perfect, the current unitary board model does not adequately protect the BBC's independence or the interests of licence fee payers. She suggests that a supervisory dual board model would provide stronger safeguards for editorial independence by reintroducing a structural buffer between management and political influence. To back up her argument, she

¹¹ BBC, 'The BBC Board' (BBC) <www.bbc.com/aboutthebbc/whoweare/bbcboard> accessed 21 July 2025.

provides an interesting example of how the board structure is relevant to the issue of independence. In 2009, the government proposed taking a substantial portion of the licence fee revenue to allocate to other broadcasters for the production of public service content. As Coyle herself was part of the Trust from 2006 to 2015, she reports that most of the members were prepared to resign if the proposal had moved forward, in the name of a deep sense of accountability and commitment to protecting the BBC's independence. "It is hard to imagine non-executive members of a unitary BBC board making such a decision", she wrote in an article for the Political Quarterly.¹²

Given the extent of these changes brought by the Charter review in 2017, the Charter itself provided for the government to conduct a Mid-Term Review in 2024 to assess the effectiveness of the governance of the BBC in serving the interests of audiences and stakeholders. The Mid-Term Review revealed the effectiveness of the governance reform, but highlighted some concerns to be addressed within the current governance framework. Unlike what Coyle suggests, an additional governance shift does not seem to be an option for the time being. However, a large part of the audience seems to be dissatisfied with how the BBC handles public complaints, but the creation of a dedicated complaints handler reporting directly to the Director-General, rather than to editorial leadership, would ensure greater independence and impartial oversight of contentious content. Similarly, audience trust in the BBC's impartiality is declining, causing a crisis of legitimacy that the Review suggests to address through the publication of more detailed updates on its impartiality measures and the explanation of editorial decisions that generate controversy.¹³

There are certainly safeguards to protect the BBC from political interference. According to the Royal Charter, the Board must observe high standards of openness and transparency: minutes of Board meetings and the reasoning behind major decisions must be made public and the BBC must consult with the public and stakeholders to take into account the diverse perspectives of audiences across the UK. Moreover, in accordance with article 3, "each member of the Board must at all times uphold and protect the independence of the BBC including by acting in the public interest, exercising independent judgement and neither seeking nor taking instructions from

¹² Diane Coyle, 'The Governance of the BBC' (2024) (95) The Political Quarterly

¹³ Department for Culture, Media and Sport, 'Summary of the BBC Mid-Term Review 2024' (n 10).

Government Ministers or any other person".¹⁴ The Royal Charter explicitly reaffirms the broadcaster's autonomy by formally assigning its governing bodies the role of representing "the interests of all licence fee payers." This formulation carries strong symbolic significance: it portrays citizens not merely as passive consumers of content, but as stakeholders to whom the institution must be accountable and responsive.¹⁵

In addition, the members of the governing bodies are appointed in accordance with the so-called Nolan Principles, seven principles established by the Committee on Standards in Public Life during Lord Nolan's presidency that all public office-holders need to abide by: honesty, integrity, objectivity, accountability, selflessness, openness and leadership.¹⁶

In order to analyse the actual influence of politics in the appointment of the members of the Board, it is necessary to examine concretely to whom the government decides to entrust this task.

In his history of the BBC's first 50 years, Briggs noted that the then called trustees were typically drawn from among former politicians, business and finance leaders, retired diplomats, figures from social services or trade unions, as well as authors, journalists, and military officers. A review of the biographies and backgrounds of the most recent Board members suggests that this general trend persists, bringing together figures from broadcasting, corporate finance, public communications, and the arts.¹⁷

With regard to political affiliation, while most members are not explicitly politically active or partisan, the perception of political influence continues to shadow the BBC's governance. The appointment as representative for England of Sir Robbie Gibb, former Director of Communications under Prime Minister Theresa May, has led critics to argue that he serves as a conduit for Conservative Party perspectives within the BBC. Similar concerns have been raised by the appointment of Tim Davie as Director-General and Editor-in-Chief. His past as Conservative councillor in Hammersmith and deputy chair

¹⁴ Royal Charter for the Continuance of the British Broadcasting Corporation (18 September 2016)

¹⁵ Michela Manetti, 'Pluralismo dell'informazione e libertà di scelta' (2012) 1 Rivista AIC

¹⁶ Giorgia Pavani, 'La Governance dei Sistemi Radiotelevisivi Pubblici: Una Questione Culturale' (2016) (1) Federalismi.it

¹⁷ Rodney Benson and Matthew Powers, "Public Media and Political Independence: Lessons for the Future of Journalism from Around the World" (New York University 2011).

of the local Conservative party contributed to the criticism of an excessive presence of conservative thinking within the Corporation.¹⁸ A clear evidence of government influence in the appointment process has been the revelation that former chairman Richard Sharp had facilitated a connection between then-prime minister Boris Johnson and a potential financial supporter in order to be appointed, without informing the appointment panel. This scandal then forced him to resign in June 2023.¹⁹

1.2 Funding

The BBC is primarily funded through the television licence fee, which is set by the UK government at periodic intervals and provides for about 75% of BBC total annual revenue. This system is designed to provide the BBC with a stable source of revenue that is not dependent on direct annual government appropriations, thereby helping to insulate the broadcaster from short-term political pressures. However, the fee level and renewal are ultimately determined by the government, which means a potential avenue for political influence still persists.

Although the government sets the level of the BBC licence usually for multi-year periods, thus minimising the risk of political pressures, it still has the discretion to update it annually, particularly in line with inflation, as is happening recently.

For this reason, there is now widespread belief that, in order to avoid possible conditions detrimental to the independence of the BBC, the determination of the fee should not be the prerogative of the government, but of external actors.²⁰ This led to the proposition of the BBC Licence Fee Bill in 2017 which provides for the establishment of an independent commission to promote public consultation on the matter, to report

¹⁸ Sam Bright, “‘Gold Standard of Broadcasting Impartiality’? New BBC Board Member Sir Robbie Gibb Recently Championed Boris Johnson” (Byline Times, 30 April 2021) <https://bylinetimes.com/2021/04/30/gold-standard-of-broadcasting-impartiality-new-bbc-board-member-sir-robbie-gibb-recently-championed-boris-johnson/> accessed 21 July 2025.

¹⁹ Coyle, ‘The Governance of the BBC’ (n 12).

²⁰ Camera dei deputati, *Temi dell’attività parlamentare: I Sistemi Radiotelevisivi Pubblici di Francia, Germania, Regno Unito e Spagna* www.camera.it/leg17/561?appro=i_sistemi_radiotelevisivi_pubblici_di_francia_germania_regno_unit_o_e_spagna_con_particolare_riferimento_alla_governance_e_ai_meccanismi_di_finanziamento accessed 21 July 2025.

back to the Chambers and to advise the government on the appropriate license fee. However, originated in the House of Lords, the Bill has not yet passed to the next chambers nor is it at an advanced stage of approval.²¹

On the contrary, politicians have openly challenged the licence fee model, arguing that it is no longer sustainable in the age of online news and social media. Therefore, they are threatening to abolish it with the next Charter review in 2027, which would further undermine the Corporation's independence.²²

1.3 Political independence

A critical perspective on the BBC's independence is offered by Richard Danbury, who argues that the broadcaster's autonomy is maintained more by political convention than by robust legal safeguards, a common feature of the UK's constitutional framework which relies significantly on unwritten norms and rules. Legally, the UK government possesses significant powers to control or censor the BBC, such as through the Communications Act 2003, which allows the government (via Ofcom) to censor or even shut down broadcasters. Nonetheless, these powers are rarely exercised due to longstanding conventions and the political cost of interfering with the BBC. By "political cost", the author refers to the fact that historically the BBC has been regarded by much of the British public as a trusted, central institution-sometimes affectionately even called "Aunty"-and therefore any government action perceived as undermining its independence risked provoking widespread criticism and damaging the government's reputation. As Professor Tony Prosser states, BBC independence is protected "through a system of mutual expectations and cultural norms and this has meant that [...] there has been a reluctance to use them to the full for political advantage". Even leaders ideologically opposed to the BBC, like Margaret Thatcher, refrained from direct attacks because the political risk was too great. However, Danbury warns that these conventions are weakening as public support for the BBC becomes more fragmented, and the

²¹ House of Lords, BBC Charter Review: Draft Charter and Framework Agreement HL Bill 54 (2017–19) <https://publications.parliament.uk/pa/bills/lbill/2017-2019/0054/18054.pdf> accessed 21 July 2025.

²² Coyle, 'The Governance of the BBC' (n 12).

political cost of government interference decreases. Large parts of audiences from all sides of the political spectrum no longer feel represented by the Corporation's content. For example, remainers think that the BBC was too accommodating to the Brexiteers, as well as radical leftists perceived bias against political figures like Jeremy Corbyn. As a consequence, if the political cost of interference is low, governments may be more willing to use their legal powers or financial leverage (such as during licence fee negotiations) to influence the BBC. According to Danbury, the only solution would be to strengthen legal protections, as it has also been analysed in the Mid-Term Review and recommended reforms.²³

Indeed, the BBC does not benefit from a constitutionally enshrined guarantee of independence, given that the UK lacks a formal written constitution. However, the Human Rights Act 1998 allows individuals and organizations to directly invoke the rights set out in the European Convention on Human Rights in domestic courts when challenging actions by public authorities. This includes Article 10 of the Convention, which provides a right to freedom of expression that broadcasters could, in theory, use to contest governmental interference. Prior to the Convention's incorporation into UK law, journalists were unsuccessful in using Article 10 to overturn a government prohibition on airing statements from terrorist groups, but since the Human Rights Act came into force in 2000, UK courts have applied a more rigorous standard of review in such matters, potentially leading to different outcomes in similar cases today.

The government's powers remain significant. Any minister is allowed to instruct Ofcom to direct a broadcaster to avoid airing specific content identified in a formal notice or to include particular announcements in their programming. Broadcasters, in turn, are entitled to inform their audiences that any omission or inclusion is due to a ministerial directive. According to the BBC Agreement, a minister can always request the BBC to carry a particular announcement, but can compel it to do the same only in circumstances deemed to be emergencies.

However, these powers are meant to enable ministerial intervention in exceptional cases and on specific issues, rather than provide a mechanism for day-to-day oversight.

Ministers do not have direct authority over how broadcasters manage their

²³ Richard Danbury, 'Is the UK Government Undermining the BBC?' (VerfBlog, 25 February 2020) <https://verfassungsblog.de/is-the-uk-government-undermining-the-bbc/> accessed 21 July 2025.

programming schedules or editorial content, though broadcasters must still comply with broader legal obligations, such as the Official Secrets Act 1989, which criminalizes the unauthorized disclosure of certain government information.²⁴

Concerns about BBC independence have been also raised by another journalist, Stephen Cushion, in an article republished by the online blog of the London School of Economics. Stephen Cushion argues that the principle of impartiality, historically a cornerstone of UK broadcasting, has been incrementally undermined, particularly in the context of recent political and media developments. The debate was mainly fueled by the high-profile suspension of BBC presenter Gary Lineker, who was temporarily removed from air for publicly criticising the immigration policy of the government. Moreover, the emergence of new channels such as GB News and TalkTV has introduced a more partisan style of broadcasting to the UK, with presenters and guests often openly expressing political views. In particular, there has been an increase in politicians as actual broadcasters, presenting shows and interviewing guests from their own party, both from the right and left of the political spectrum. This blurring of lines between journalism and political activism undermines the principle of impartiality and risks turning broadcasters into extensions of political campaigns rather than independent arbiters of public debate.

Cushion refers to this trend as a potential “Foxification” of UK news, referring to the overtly partisan style of Fox News. This is particularly problematic for the BBC, whose legitimacy and public funding are closely tied to its longstanding reputation for impartiality.²⁵

Nowadays, it is the very concept of public media that is being questioned. The BBC, in particular, has long been the target of those who view public service broadcasting as an anachronism in a digital, competitive media landscape. Reports from right-leaning think tanks, such as the Institute for Economic Affairs, have challenged the need for the BBC’s special status, arguing that competition can deliver public value more efficiently.

²⁴ Susanne Nikoltchev, *The Public Service Broadcasting Culture* (Strasbourg, European Audiovisual Observatory, 2007).

²⁵ Stephen Cushion, ‘How UK Broadcasting’s Key Principle of Impartiality Has Been Eroded Over the Years’ (LSE Media Blog, 3 April 2023) <https://blogs.lse.ac.uk/medialse/2023/04/03/how-uk-broadcastings-key-principle-of-impartiality-has-been-eroded-over-the-years/> accessed 21 July 2025.

However, these arguments fail to take into account that market logic does not safeguard pluralism or public interest and can therefore represent a serious threat to media independence.²⁶

The widely held belief that the BBC is one of the most independent, impartial, and democratic public service broadcasters is also challenged by sociologist Tom Mills in “The BBC: Myth of a Public Service”. Mills argues that, contrary to its self-image and public reputation, the BBC has consistently served the interests of the British establishment, government, and elite, rather than acting as a truly independent institution serving the public good. From its origins, the BBC has maintained a close relationship with those in power, always aligning with the government’s interests. To back this argument, Mills draws examples from the past, back to the early life of the Corporation, like the 1926 General Strike, when the BBC sided with the government against workers, or when the first Director-General, Lord Reith, assured the government of the BBC’s reliability in not being “really impartial,” highlighting a tacit understanding that operational autonomy was conditional on serving government interests. Mills details how decision-making within the BBC has historically been concentrated in the hands of a small, Oxbridge-educated elite, which has shaped both the organization’s culture and its output. This elite control gradually led to the marginalization of dissenting voices and perspectives, particularly those challenging the *status quo*, such as trade unionists, anti-war protesters, and critics of austerity. Furthermore, The BBC has been subject to scrutiny and influence by the state, including collaboration with intelligence agencies to suppress left-wing or radical viewpoints, a practice that continued into the late 20th century. At times, the Corporation found itself having to distance itself from the government line, for example over the Iraq war, but Mills contends that these conflicts with the executive are better understood as disputes within the elite, rather than evidence of true independence. Moreover, since the 1990s, the BBC, like most public broadcasters, has undergone significant market-oriented reforms, integrating more closely with commercial practices and adopting neoliberal management structures. These changes have further eroded its independence from both government and big business, making it more vulnerable to external pressures and less

²⁶ Coyle, ‘The Governance of the BBC’ (n 12).

accountable to the public. For all these reasons, the book suggests that the BBC's claims to impartiality and public service are more myth than reality, serving to legitimize its role as a mouthpiece for establishment interests. A more honest reckoning with the BBC's history and its ongoing limitations as a public institution would certainly represent a first step towards possible reforms aiming at eroding political control over the Corporation. Public service media are facing a legitimacy crisis everywhere in the world and "the most impartial broadcaster" is certainly not exempt from this tendency.²⁷

In conclusion, while the BBC is constitutionally designed to operate independently through its Royal Charter and governance structures, its effective independence is increasingly under question. The Charter explicitly mandates editorial and managerial autonomy and aims to safeguard the Corporation from government interference. Reforms introduced in 2017, such as the establishment of a unitary BBC Board and external regulation by Ofcom, were intended to enhance impartial oversight and accountability. However, these changes have sparked criticism, particularly regarding the centralisation of governance, with scholars like Diane Coyle and Richard Danbury arguing that the BBC's independence is undermined by blurred lines between management and oversight, weakened conventions, and governmental control over funding mechanisms like the licence fee. Indeed, the government maintains the right to update it annually and recently several politicians have threatened to abolish the licence fee model by the next Charter renewal. The lack of robust legal protections exposes the BBC to increasing influence from both state and market forces, with Corporation's autonomy being maintained more by tradition and political restraint than by enforceable legal guarantees. In spite of these growing concerns, there are certain factors that make it possible for the BBC to maintain its role as the "model public broadcaster". First of all, unlike other European public broadcasters, the governmental role in the Board's appointment procedure is mediated by the presence of the King, who serves as a neutral and impartial figure. Moreover, despite recent threats, the government usually sets the level of the licence fee for multi-year periods, thus providing a relatively stable source of revenue for the Corporation. Finally and most importantly, the BBC still enjoys a

²⁷ Tom Mills, *The BBC: Myth of a Public Service* (Verso 2020).

strong reputation and high degree of public trust, which act as a deterrent to political interference.

The BBC's news services reach an estimated one in sixteen adults globally, and within the UK, approximately 80% of the population engages with its content, far surpassing the reach of any other news outlet. Although people typically consult multiple news sources, half of the UK audience identify the BBC as their primary source of information, and one in five depend on it exclusively. In addition to being the most widely used, the BBC is also perceived by its audience as the most reliable and accurate news provider.²⁸

²⁸ Tom Mills, *The BBC: Myth of a Public Service* (n 27)

2. FRANCE

2.1 Legal framework and governance

The French public broadcasting service was established as a state monopoly after the Second World War.

The main legal framework is provided by the L  otard Law (Loi n. 86-1067) promulgated in 1986 and governing the operation of the public broadcasting service and the granting of licences to private audiovisual communications services.

French public broadcasters include France T  l  visions, Radio France, and France M  dias Monde, a company responsible for managing France's international broadcasting services. The law specifies that the State directly holds 100% of the capital of these three companies and stipulates that their statutes must be approved by decree. Another public broadcaster is ARTE-France, which manages a European cultural channel together with a similar organization based in Germany.

In general, the 1986 law provides that public radio and television broadcasters must carry out public service missions in the general interest. They must offer a range of programs and services characterized by diversity and pluralism, while taking into account the requirements of quality and innovation, as well as the respect for human rights and constitutionally defined democratic principles.

These provisions clearly resemble the BBC's mission and public purposes as set forth in the Royal Charter, which explicitly identify the services offered by these companies as public.²⁹ Historically, France has always been one of the most striking examples of political interference in public service broadcasting, which became even more pervasive with the transition to a semi-presidential form of government. Using the conceptual category developed by the scholars Daniel Hallin and Paolo Mancini, France has always had a high rate of "political parallelism", referring to the "degree and nature of the links between the media and political parties or the main ideological tendencies of society".³⁰ From the very beginning, "broadcasting became integrated into an institutionalized

²⁹ Camera dei deputati, *Temi dell'attivit   parlamentare* (n 20)

³⁰ Ana Fern  ndez-Viso and Isabel Fern  ndez-Alonso, 'The Evolution of Government Intervention in the Mediterranean Media System: Spain, France, and Portugal' (2024) 12 Media and Communication

system of political control built around the Gaullist party," and President de Gaulle himself was the first great "man of the screen." After President de Gaulle's mandate, the political presence became less overt, but no less pervasive. The appointment of professionals close to the political current of the moment (the so-called professionalization of political control) is proof of this. Until the mid-1990s, direct political involvement began to slightly loosen, thanks to the establishment of independent authorities to which the power of appointing top management was transferred. However, the limited independence of these authorities meant that the problem of politicization persisted. The establishment of the Conseil Supérieur de l'Audiovisuel (hereinafter CSA) in 1989, an independent regulatory and oversight body involved in appointing part of the board of directors of France Télévisions, marked a turning point. However, the formal legal safeguards, which should have guaranteed a certain degree of independence, were not sufficient to prevent full political interference during President Sarkozy's term. His presidency stood out for the intent to directly participate in the appointment of France Télévisions' leadership, reducing the CSA to a merely consultative role, and for making fundamental decisions regarding the survival of public broadcasting unilaterally. One of the most striking examples was undoubtedly the unilateral announcement to eliminate advertising from public television, made during a press conference in January 2008, when Sarkozy surprised everyone, including the relevant Minister and the President of France Télévisions, who learned the news live. According to commentators, Sarkozy intended to strengthen TF1, the private TV company owned by a close political ally, and weaken public service broadcasting by simultaneously cutting its budget and increasing its dependence on the State. Ironically his choice was also shared by the opposition parties, in particular the Socialist Party, which were in favour of a model in line with the BBC, free from the "tyranny of advertising".

With the 2009 reform, Sarkozy has therefore moved the power to appoint the President of France Télévisions and France Radio from the CSA to the President of the Republic for a term equal to the presidential term (5 years), after consultation of the CSA. If we add to this power of the President that of the Government and the Parliamentary Committees in the appointment of most of the members of the Board of Directors, it becomes evident the degree of governmental interference in the public broadcasting

service.

However, by Law n° 2013-1028 of November 2013 on "la indépendance de l'audiovisuel public", the above system of appointments has been modified so that the power to appoint the President of France Télévisions and France Radio is again transferred to the CSA, significantly reducing the governmental role.³¹

In 2022 the CSA was replaced by the "Autorité de régulation de la communication audiovisuelle et numérique" (hereinafter ARCOM), an independent regulator tasked with overseeing public broadcasters and ensuring pluralism and independence. It is composed of 9 members (with a 6-year term), including a President appointed by the President of the Republic, and members designated by the Presidents of the Senate and the National Assembly, as well as by the Council of State and the Court of Cassation. Although its members are appointed by political authorities, ARCOM operates with a legally autonomous status, which helps limit direct political interference.

Leadership of public broadcasters is still appointed through a transparent process led by ARCOM. Radio France is formed by a president, appointed by a majority of the ARCOM on the basis of strategic projects submitted by the candidates, and 13 board members. The board members are: one deputy and one senator, appointed by the Standing Committees for Cultural Affairs, four representatives of the state, four independent figures appointed by ARCOM, two members drawn from among Radio France's staff.³²

The same system, albeit with a different number of members, is followed by France Télévisions and France Médias Monde.

The role of the CSA/ARCOM in the appointment of public media directors, although it is a guarantee against excessive political interference, has not been free from criticism. The most recent example is the appointment of Delphine Ernotte as President of France Télévisions by the CSA in 2015, and her reappointment in 2020. According to some trade unions, the president of the CSA exerted undue pressure to influence her selection.³³

³¹ Giorgia Pavani, 'La Governance dei Sistemi Radiotelevisivi Pubblici: Una Questione Culturale' (n 16)

³² Radio France, 'Gouvernance' <www.radiofrance.com/gouvernance> accessed 21 July 2025.

³³ Ana Fernández-Viso and Isabel Fernández-Alonso, 'The Evolution of Government Intervention in the Mediterranean Media System: Spain, France, and Portugal' (n 30)

2.2 Funding

As with the BBC, the vast majority of funding for French broadcasting has long been public, collected through the licence fee. The remainder came from commercial advertisements. The ban on advertising promoted by Sarkozy then removed advertising on public networks between 8 pm and 6 am. This system remained unvaried until 2022, when the axing of the licence fee was decided by Macron to improve households' purchasing power. It was determined that in 2023 and 2024, broadcasting funding will come from a fraction of the VAT set in the Finance Law and will be linked to the General State Budgets. Several voices coming from left parties, trade unions and cultural stakeholders raised concerns about the risks to the independence of French public service broadcasting given that the funding is now dependent on the State budget and therefore potentially subject to political pressures or cuts. For this reason, several options for reform of the system are being discussed, but for now the situation remains unchanged. Nonetheless, it is important to point out that Macron's decision seems to be driven more by a purely economic logic of cost-cutting than by a desire to exert more pervasive political control over broadcasters. In fact, he has repeatedly and publicly condemned French public media, allegedly branding them "the shame of the Republic" for their lackluster programming, poor governance, inefficient use of public funds and declining journalistic standards. However, regardless of the intended purpose of the reform, such a significant cut to public funding, along with its linkage to the State Budgets, still represents a potentially dangerous move for the independence of public service media, raising serious concerns among the opposition, journalists and media experts.³⁴

³⁴ Eva Połomska and Charlie Beckett, *Public Service Broadcasting and Media Systems in Troubled European Democracies* (Springer 2019).

2.3 Political independence

Indeed, aside from accusations that ARCOM is excessively politicized, the most concerning aspect is certainly the method of financing French public broadcasters following the 2022 reform. According to the annual Rule of Law Report drafted by the European Commission, the 2024 Media Pluralism Monitor, a research project co-founded by the European Union, considers the independence of public service media in France as an area of medium risk because of the new financing method. The Report also mentions the government's proposal of merging Radio France and France Télévisions at the start of 2026 in order to guarantee a centralised and thus more effective governance and to resist the skyrocketing competition from private companies. This proposal caused several public service strikes and its examination was interrupted by the dissolution of the National Assembly and the fall of Elisabeth Borne's government.³⁵ The reform was nevertheless reinstated in Michel Barnier and the current François Bayrou's political agendas. The main concern that arises from the reform is that, as an article published by the journalists' associations denounced, it would lead to "an impoverishment of the information on offer" and to the risk of "being more susceptible to pressure, particularly political pressure, once united under a single management".³⁶ The government continues to defend the reform, strongly supported by the Minister of Culture, Rachida Dati, who claims that only a unified strategy can ensure long-term sustainability and firmly dismisses any claims that editorial independence is at risk. Others fear that the reform could simply be a cover for budget cuts, as the saving costs following the merging cancelling any duplication might not necessarily mean more effective budget allocations. Maria Afonso, a trade union representative at France Médias Monde, warns that "The budgets will be merged, yet no allocation key has been specified for distributing funds among the various broadcasters", meaning that "The future CEO will be able to decide how much funding

³⁵ European Commission, *2024 Rule of Law Report: Country Chapter on the Rule of Law Situation in France* https://commission.europa.eu/document/download/5e07c320-2475-4c0c-bdbd-6eda76460cdd_en?filename=25_1_58064_coun_chap_france_en.pdf accessed 21 July 2025.

³⁶ Civil Liberties Union for Europe, *2025 Liberties Rule of Law Report* <www.liberties.eu/f/vdxw3e> accessed 21 July 2025.

goes to each outlet, without the stations having any say in the matter”.³⁷ A different perspective on the impact of the reform on French public broadcasters is provided by Professor Nathalie Sonnac in an article published by Public Media Alliance. She is particularly worried about the democratic loss in an increasingly digitally dominated media ecosystem. Unlike the UK, where the BBC is not losing ground against social media, but is instead maintaining a high reach for news online,³⁸ in France social media has become the main source of information for a growing segment of the population, particularly young people. The space for reliable, impartial, and accountable journalism narrows and the consequence is an information environment that, as authors like Zuboff (2020) and Chavalarias (2022) argue, is increasingly vulnerable to manipulation, disinformation, and political polarization. In this context, the role of independent public service media becomes all the more vital, in order to provide a valid and impartial alternative to this trend. Yet the article makes clear that France’s public broadcasters are not well-positioned to meet these challenges. Structurally, the French system remains fragmented and duplicative, given that France Télévisions, Radio France, France Médias Monde operate under different administrative regimes. The lack of integration has resulted in operational inefficiencies, duplicated staffing and infrastructure, and a diminished capacity to respond cohesively to the demands of digital innovation. The threat to editorial independence resulting from the advancement of the digital era and the government’s abolition of the licence fee, which increases the broadcasters’ financial dependence on the central state budget, is a concerning issue. According to Sonnac, the reform that aims at merging French broadcasters would actually contribute to strengthening the public media system, rather than undermining its independence, and therefore the article advocates for the creation of a single entity with unified governance, a coherent digital strategy, and secure, autonomous funding.³⁹ Another critical aspect is the extent to which pluralism is respected in terms of coverage of all

³⁷ Laurent Geslin, ‘All You Need to Know about France’s Public Broadcasting Reform’ (Euractiv, 1 July 2024) www.euractiv.com/section/politics/news/all-you-need-to-know-about-frances-public-broadcasting-reform accessed 21 July 2025.

³⁸ Annika Sehl, Alessio Cornia and Rasmus Kleis Nielsen, “Public Service News and Digital Media” (2016 Reuters Institute)

³⁹ Nathalie Sonnac, ‘France TV, Radio France, INA: Pourquoi une Réforme de l’Audiovisuel Public est Indispensable’ (n 3)

major political formations, which is monitored by ARCOM. Public service media are tasked with ensuring balanced coverage of political parties and viewpoints, especially during elections, but accusations of bias persist, particularly from parties at the political extremes. For instance, both Marine Le Pen and Jean-Luc Mélenchon have been long-standing critics of the political coverage of the mainstream media and their outrage was articulated on several occasions during the 2017 presidential campaign. In spite of the most recent threats to independence that we have analysed, there are some safeguards to protect public media from political interference. Today, Articles 4 and 34 of the French Constitution proclaim respectively the “pluralist expressions of opinions” and the “freedom, pluralism and independence of the media.” Media independence has also been recognized by France’s Constitutional Council, first in 2009 and then reaffirmed in 2016.⁴⁰ Moreover, it is important to notice that the public processes envisaged in the Board’s appointment phase (calls for candidates, auditions, secret ballots), as well as in the daily life of the broadcasters (e.g. publication of all materials) contribute to further diffuse political influence. Finally, each broadcaster follows ethical charters and maintains internal editorial committees to ensure neutrality of all the published content. For example, France Télévisions’ “Broadcasting Charter” states that journalists cannot be compelled to carry out tasks or disseminate information that goes against reality, their will or their core professional values. To uphold journalistic integrity, the organization offers training programs and integrates ethical awareness into its recruitment, assignment, and promotion procedures. Accepting gifts or benefits that could undermine their independence or raise doubts about the neutrality of their reporting or the organization’s objectivity is strictly prohibited. Finally, all editorial staff are expected to prevent any conflict of interest that could threaten their impartiality or damage their professional credibility.⁴¹

Overall, France has made a huge progress in establishing independent regulatory oversight and in reducing overt political control over public media, especially if we consider the history of French public broadcasters. We have seen how, starting from de

⁴⁰ [Decision no. 2009-577 DC of 3 March 2009 | Conseil constitutionnel](#)
[Decision no. 2016-738 DC of November 10, 2016 | Conseil constitutionnel](#)

⁴¹ Susanne Nikoltchev, *The Public Service Broadcasting Culture* (n 24)

Gaulle's era and with a peak during Sarkozy's presidency, public media were completely under the control of the executive. Yet, the improvements that have been made have not entirely eliminated the perception of political interference, as government appointees and party-affiliated individuals continue to play prominent roles in public media governance. The process is still seen as vulnerable to clientelism with appointments being influenced by political loyalty rather than professional merit, although the situation in France is considered less pronounced than in some other Mediterranean countries. Indeed, according to scholars Hallin and Mancini France represents a middle way between the Mediterranean model (Spain, Greece, Italy, and Portugal), characterised by strong political interference, and a more liberal model, typical of Central and Northern Europe. They argue that France "has a strong cultural tradition of the state as an embodiment of the 'general will' and a long history of professionalized administration", which is part of the reason why rational-legal authority tends to prevail over clientelism. In spite of a persistent presence of the government in French broadcasters, public media continue to enjoy a high level of public trust: in 2023, 48% of French citizens viewed public service media positively, while only 11% seemed to hold a negative view.⁴²

In conclusion, the French public broadcasting system has undergone significant institutional and legal reforms aimed at reducing political interference and strengthening editorial independence. From its early history marked by significant executive control, especially under strong presidencies, as the ones of de Gaulle and Sarkozy, France has progressed toward a more regulated and transparent model, notably through the establishment of independent regulatory bodies like ARCOM. Leadership of public broadcasters is appointed through a transparent process led by ARCOM and this is the main safeguard to protect their independence from politics, given that the governmental role is much limited.

Nevertheless, concerns about politicization persist, particularly regarding a politicised ARCOM, the abolition of the licence fee, and the increasing financial dependence on the state budget. Unlike the UK, where it is still a latent political threat, the axing of the

⁴² Ana Fernández-Viso and Isabel Fernández-Alonso, 'The Evolution of Government Intervention in the Mediterranean Media System: Spain, France, and Portugal' (n 30)

licence fee was decided by Macron in 2022, providing that broadcasting funding will come from a fraction of the VAT and will be linked to the General State Budgets. According to most scholars and media experts, this is undoubtedly the most worrying aspect of the current status of French public media independence. While constitutional safeguards, ethical standards, and transparent procedures help to mitigate undue influence, the potential for political pressure remains, also in light of ongoing structural reforms such as the proposed merger of public broadcasters. Ultimately, although French public media are now more independent than in the past, their autonomy is still fragile and contingent on political will, financial arrangements, and the strength of regulatory oversight. As Hallin and Mancini suggest, France occupies a middle ground, neither fully captured by politics nor entirely free from its reach.

3. ITALY

3.1 Legal framework and governance

The Italian public service broadcasting is carried out by Radiotelevisione Italiana S.p.A. (hereinfter RAI). According to the 2024 Rule of Law Report published by the Commission, it is the most commonly accessed news source among the Italian public and leads the market in both the audiovisual sector, capturing an average daily audience share of 37.9%, and the radio sector, where it accounts for 23.1% of revenue-based market share.⁴³

With these percentages, RAI holds the highest share of national television viewership among all public service broadcasters in Europe.

RAI's public service mission is grounded in Article 21 of the Italian Constitution, which enshrines the freedom of expression, and affirmed by the Constitutional Court, which, ever since its pivotal judgement no. 59/1960, has repeatedly stated its "public utility in the general interest".⁴⁴

The existence of public broadcasting is intrinsically connected to its constitutional foundation. This link is essential, as only through such a framework can public involvement in a sensitive area, like that of informing citizens and shaping public opinion, be legitimately justified, particularly in an era marked by the gradual retreat of the state from economic affairs.⁴⁵

Professor Gardini has described this form of state intervention as the "paradox of state freedom." In his view, the evolution of broadcasting regulation in Italy, and more broadly across Europe, essentially reflects this paradox: by setting aside the principle of market competition, the state takes direct (and at times exclusive) control over a sector typically reserved for private enterprise, with the aim of ensuring a pluralistic and

⁴³ European Commission, *Rule of Law Report: Italy 2024* (Report, European Commission, 2024) https://commission.europa.eu/document/download/60d79a4f-49cd-4061-a18f-d3a4495d6485_en?file_name=29_1_58066_coun_chap_italy_en.pdf accessed 21 July 2025

⁴⁴ Susanne Nikoltchev, *The Public Service Broadcasting Culture* (n 24)

⁴⁵ Giulio Enea Vigevani, *I media di servizio pubblico nell'età della rete: verso un nuovo fondamento costituzionale, tra autonomia e pluralismo* (Vol 124, G Giappichelli Editore, Torino 2018)

competitive media environment, all while preserving the fundamental freedom of the activity itself.⁴⁶

The Italian broadcaster is governed by the Broadcasting Code of 2005 (Single Text for Audiovisual and Radio Services), enacted to transpose the so-called Gasparri Law (Law 2004 No. 112). In 2015, during the centre-left government led by Renzi, the Italian Parliament passed Law No. 220, reforming the governance structure of RAI, adding the guiding principles of transparency, effectiveness, efficiency, and competitiveness. For example, one of the provisions forbids high government officials to become Board members within a certain period of time following their service.

As we have seen for BBC and French public media, the Italian public broadcaster has to fulfill a mission as well. According to Article 7 of the Broadcasting Code, information activity has to guarantee the following: truthful presentation of facts and events, so as to ensure the free development of opinions, without any sponsoring of news programmes; daily transmission of news programmes; access for all political subjects to information programmes and party political or electoral broadcasts in conditions of impartiality and non discrimination; broadcasting of official releases or declarations of public institutions; ban on any methodology or technique capable of manipulating the content of information.⁴⁷

The specifics of the public service mandate are outlined in the Service Contract, which is approved by the public broadcaster in coordination with the Ministry currently known as the Ministry of Enterprises and Made in Italy. The Service Contract concerns the activities carried out by the company for the fulfillment of the public radio, television, and multimedia service and, in particular, includes the distribution of content across various platforms, the production of editorial content, and the implementation and management of control and monitoring systems. The current Service Contract has a five-year duration and will remain in effect until 2028.⁴⁸

⁴⁶ Gianluca Gardini, 'Rai e servizio pubblico radiotelevisivo: la "cultura italiana" in bilico tra unità, pluralismo e mercato' (2015) *Munus 2*

⁴⁷ Susanne Nikoltchev, *The Public Service Broadcasting Culture* (n 24)

⁴⁸ Rai, 'Contratto di servizio' (Rai trasparenza)
<www.rai.it/trasparenza/Contratto-di-servizio-e6731507-23ae-41bf-83dd-bf99b44b66ec.html>
accessed 21 July 2025

RAI operates under its own Statute, which defines the essential operating rules of its governing bodies, establishing the criteria and procedures for appointing the members of its management and oversight bodies.

The main governing body is the Board (“consiglio di amministrazione”), composed of seven members. The current statute provides that individuals eligible for appointment to the Board must meet the requirements for appointment as a constitutional judge or, in any case, be persons of recognized integrity, prestige, and professional competence, as well as of well-known independence in conduct. They must have distinguished themselves in the fields of economics, science, law, the humanities, or social communication, having gained significant managerial experience. This provision is intended to ensure the election of an independent and professional Board; however, the appointment procedure raises some doubts in this regard.

The members of the Board of Directors are appointed as follows: two are elected by the Chamber of Deputies and two by the Senate of the Republic, two are appointed by the Council of Ministers, upon proposal of the Minister of Economy and Finance, and, finally, one is appointed by the RAI employees’ assembly from among the company’s employees who have held a continuous employment contract for at least three consecutive years. Members elected by the Parliament are drawn from those persons interested in the position who register as candidates on a roster maintained in the websites of the Chamber of Deputies, the Senate, and RAI. The procedure for the election of the member chosen by RAI employees’ assembly is organized by the outgoing RAI Board, which must guarantee the process’s transparency and confidentiality. If up to this point the appointment procedure appears to respect the principles of transparency and impartiality, with a relatively limited role for politics, the same cannot be said for the two members appointed by the government. Indeed, they are not only appointed but chosen by the executive, after the Minister of Economy and Finance, through dedicated internal committees, draws up a list of candidates, which is moreover compiled by secret ballot.

The Chair of the Board of Directors is appointed by the Board itself from among its members and the appointment becomes effective after obtaining the favorable opinion, expressed by a two-thirds majority of its members, of the Parliamentary Committee for General Policy and Oversight of Broadcasting Services.

To manage the day-to-day business of the company, the Government appoints a chief executive officer (“amministratore delegato”), who exercises multiple functions, from defining the general strategies of the company to representing it before third parties, both nationally and internationally.⁴⁹

3.2 Funding

RAI’s financing system is mainly based on a licence fee (“canone”) but relies on commercial sources for almost 40% of its total income, more than most public service media in European countries. The increasing dominance of advertising represents itself a threat to the public broadcaster independence, leading to the homogenization and trivialization of programming prioritizing commercial over public interest, to the detriment of quality journalism.⁵⁰ In 2016 the Italian government decided to combat widespread evasion (estimated at 26% of all households) and therefore included the payment of the fee in electricity bills.⁵¹ Given that its revenues come from both the fee and advertising, RAI has to establish separate accounts for public service activities and other (commercial) services according to an accounting system that has to be approved by the “Autorità per le Garanzie nelle Comunicazioni” (hereinafter AGCOM), the independent regulatory authority. Moreover, this system has to be checked every year by an independent auditor.⁵² Although these safeguards guarantee the functioning of a transparent accounting system, the funding of the public broadcaster remains a critical issue in Italy. The government maintains significant powers in annually setting the license fee. In particular, Salvini’s Lega, which is part of the government coalition, has repeatedly attempted, and continues to attempt, to gradually reduce and ultimately eliminate the license fee, justifying this by pointing out that it is not required in many

⁴⁹ Rai, ‘La governance di Rai’ (Rai trasparenza) <www.rai.it/trasparenza/La-governance-di-Rai-3c2bc9d8-6b88-43d5-ba24-a49ed6b6fa7e.html> accessed 21 July 2025

⁵⁰ Michela Manetti, ‘Pluralismo dell’informazione e libertà di scelta’ (n 15)

⁵¹ Annika Sehl, Alessio Cornia and Rasmus Kleis Nielsen, “Public Service News and Digital Media” (n 38)

⁵² Susanne Nikoltchev, *The Public Service Broadcasting Culture* (n 24)

other European countries, following a trend seen also in the political classes of France and the United Kingdom.⁵³

Salvini is not the first politician who is willing to reduce the licence fee. Indeed, a first significant reduction started during Renzi's government, when he introduced the new method of collection of the fee (by incorporating it in the electricity bill) and simultaneously reduced its amount, under the slogan '*tutti pagano, tutti pagano di meno*' ('everyone pays, everyone pays less').

Later, in 2018, *La Repubblica*, one of Italy's major daily newspapers, reported that Matteo Renzi was determined to include in the Democratic Party's election plan a proposal to eliminate the licence fee. According to the report, the plan involved a transitional three-year phase during which RAI would be funded through general taxation, after which it would have to rely solely on advertising revenue. The announcement sparked significant political debate, including criticism from prominent members within Renzi's own party. RAI's journalists' union, Usigrai, also issued a sharply worded response, stating: "Timely as a Swiss clock, when the electoral campaign starts, there come attacks on RAI. It's a script that has been repeated for years: we point out that in countries where the licence has been abolished, public service media has been greatly reduced, to the benefit of the private sector".⁵⁴

The wave of opposition sparked by this alleged proposal meant that it was never actually implemented; however, attempts at significantly lowering the fee still persist nowadays and the 2024 Budget Law established a reduction of the fee from €90 to €70 which caused RAI's independent revenue to suffer a 22% cut. Despite Lega's reiteration of the proposal, this provision was not passed in the 2025 Budget Law, setting the fee back to €90.⁵⁵ The 2025 Rule of Law Report by the European Commission acknowledged the progress made, and stakeholders viewed this positively, noting that it could lead to an increase in RAI's funding. Nevertheless, they emphasized the urgent need for a more comprehensive and structural overhaul of the funding mechanism: one that ensures stable and multi-year financial planning, rather than allowing the fee to be

⁵³ Civil Liberties Union for Europe, *2025 Liberties Rule of Law Report* (n 36)

⁵⁴ Eva Połomska and Charlie Beckett, *Public Service Broadcasting and Media Systems in Troubled European Democracies* (n 34)

⁵⁵ Civil Liberties Union for Europe, *2025 Liberties Rule of Law Report* (n 36)

determined annually at the government's discretion.⁵⁶

Concerns about the current system persist, as evidenced by the ongoing review of a 2023 legislative proposal by Lega Senator Mara Bizzotto, which seeks to eliminate the licence fee over a five-year period.⁵⁷

3.3 Political independence

To protect the broadcaster's independence, the current framework includes several safeguards. Set aside the legal ones (although fundamental), such as the constitutional value and the Service Contracts, two main supervisory and regulatory bodies are incorporated in the system: AGCOM (Communication Regulatory Authority) and the Parliamentary Committee for General Policy and Oversight of Broadcasting Services. The first one oversees compliance with rules on content, pluralism, equal access to media, and transparency during election campaigns and in the overall editorial offering, while the latter is responsible for providing guidance and general oversight of RAI's activities, particularly regarding major public service decisions and the management of pluralism.

In particular, when non-compliance is suspected, AGCOM initiates a formal procedure to assess the situation in collaboration with the public service broadcaster. If the investigation confirms a breach, the regulator sets a deadline for corrective action. In cases of serious or repeated violations AGCOM is authorized to impose fines of up to 3% of the company's revenue and may also suspend the broadcaster's operations for up to 30 days.⁵⁸ The role of the regulator has been positively assessed by the Commission 2025 Rule of Law Report, which defines AGCOM as well resourced and functionally

⁵⁶ European Commission, *Rule of Law Report: Italy 2025* (Report, European Commission, 2025) https://commission.europa.eu/document/download/9ccf6a60-8e2f-4193-868b-30a24c9e37e0_en?filename=16_1_63949_coun_chap_italy_en.pdf accessed 21 July 2025

⁵⁷ IPI, 'Italy: international media-freedom groups raise alarm about Rai's independence' (IPI Media, June 2023) <https://ipi.media/italy-international-media-freedom-groups-raise-alarm-about-rai-independence/> accessed 21 July 2025;
Senato della Repubblica, Disegno di Legge n. 611 (PDF, accessed via Senato.it) <http://www.senato.it/service/PDF/PDFServer/BGT/01375836.pdf> accessed 21 July 2025

⁵⁸ Susanne Nikoltchev, *The Public Service Broadcasting Culture* (n 24)

independent. Its financial autonomy is ensured through a self-funding mechanism, whereby it independently collects contributions from the entities it oversees. This model allows AGCOM to secure the resources it deems necessary to fulfil its broad, and increasingly complex, regulatory responsibilities. In this capacity, according to the Commission, AGCOM acts as an active and influential player within Italy's media regulation landscape. Indeed, the 2025 Media Pluralism Monitor report assesses the independence and effectiveness of national regulatory authorities as posing a low risk, largely due to AGCOM's significant operational autonomy.⁵⁹

Moreover, RAI has adopted internal regulations aligned with transparency and anti-corruption standards, and it publishes a three-year anti-corruption plan. Finally, as we have seen with the ethical charters that French broadcasters follow, a code of ethics is also in place for the Italian case. RAI's Code of Ethics sets out the full range of rights, duties, and responsibilities that the company explicitly undertakes toward the stakeholders it engages with in the course of its operations. Every person working at RAI, without distinction or exception, is required to adhere to these principles and to ensure that they are upheld. Among others, some of the principles mentioned are freedom, completeness, transparency, objectivity, impartiality, pluralism and fairness of information.⁶⁰

In terms of the governance structure, the 2015 reform introduced merit-based eligibility requirements for the Board (honour, prestige, professional competence), which, as we have seen, are also applicable to the BBC and French broadcasters. These, in theory, should ensure the establishment of an independent Board, but concerns about an excessively "politicised" governance are still ongoing.

Under the previous legal framework (Gasparri Law), there was no doubt that political interference played a greater role. The appointment procedures were completely under the control of the Government and of the Parliament. From 1993 onward, the authority to appoint RAI board members had rested with the Presidents of the Chamber of Deputies and the Senate, figures considered the highest-ranking institutional authorities

⁵⁹ European Commission, *Rule of Law Report: Italy 2025* (n 51)

⁶⁰ Rai, *Codice Etico* (October 2023)
<www.rai.it/dl/doc/1700479917619_codice%20etico%20ott.%202023%20ENG.pdf> accessed 21 July 2025

after the President of the Republic and, in principle, above partisan influence. However, with the Gasparri Law, this responsibility was later returned to a strongly politicized Parliamentary Committee tasked with overseeing RAI, thereby reverting to the arrangement that had existed between the mid-1970s and 1993. Additionally, the Gasparri Law granted the government the right to appoint two board members, one of whom would serve as chairman.⁶¹

The risks brought by a highly political Board would consequently reflect in the selection of journalists appointed as heads of news divisions across various RAI channels. Since these roles are filled by the Director General, who is appointed by the Board, the connection between news leadership and political power is particularly strong. As a result, shifts in government frequently triggered changes in the leadership of news departments, a phenomenon known as “lottizzazione”. In some cases, this took the form of sidelining journalists perceived to be aligned with particular political leanings, either by assigning them to low-viewership time slots or removing them from the screen altogether. Political influence also extended into the editorial content of news and current affairs programming. A common format involved a structured sequence in which the government’s position was presented first, followed by commentary from opposition parties, and finally a reiteration or reinforcement of the majority parties’ stance. This so-called “sandwich” approach effectively gave the ruling coalition greater visibility and influence over how information was framed and interpreted by the audience.⁶² Another phenomenon that is often highlighted by the doctrine is the so-called “parliamentarization” of RAI, where management structures have traditionally reflected political party balances rather than merit-based or independent appointments. This approach, first adopted as a safeguard for public oversight, eventually entrenched political influence, with parliamentary dynamics deeply intertwining with those of RAI's governance.⁶³

⁶¹ Eva Połowska and Charlie Beckett, *Public Service Broadcasting and Media Systems in Troubled European Democracies* (n 34)

⁶² Susanne Nikoltchev, *The Public Service Broadcasting Culture* (n 24)

⁶³ Ylenia Maria Citino, ‘European Media Freedom Act and the Jigsaw of the “Parliamentarized” Italian RAI: Depoliticizing Italy’s Public Service Media Amid New EMFA-Driven Reform Proposals’ (Verfassungsblog, 21 October 2024) <https://verfassungsblog.de/european-media-freedom-act-and-the-jigsaw-of-the-parliamentarized-italian-rai> accessed 21 July 2025.

For these reasons, when Matteo Renzi took office in early 2014, he promised to make RAI more competitive and reduce political influence over the broadcaster, adopting the slogan "*fuori i partiti dalla RAI*" ("get political parties out of RAI"). The resulting reform came into effect in January 2016. However, the legislation fell short of its aim to fully depoliticize RAI. Although it introduced merit-based criteria and conflict-of-interest rules, particularly for individuals with previous roles in government, it controversially allowed the newly strengthened position of Chief Executive to remain a government-appointed role, thus preserving a key channel of political influence.⁶⁴ Despite the persistent issue of excessive politicisation within RAI remaining a recurring theme throughout the Renzi government and subsequent centre-left administrations, the past two years have seen concerning levels of political interference.

Vittorio di Trapani, President of the Italian National Press Federation, highlighted the "unprecedented nature and scale" of recent developments at RAI, especially pointing to the mid-term replacement of the broadcaster's CEO and the subsequent overhaul of its editorial leadership. In May 2023, CEO Carlo Fuortes stepped down before the end of his mandate, citing political tensions. He was succeeded by Roberto Sergio, formerly head of RAI Radio, who promptly communicated to staff the need for a "new storytelling" approach. Soon after, a minority vote led to the replacement of editors-in-chief at five of RAI's eight channels. Further changes came on 1 October 2024, when a newly appointed Board saw Sergio and then-director general Giampaolo Rossi switch roles. Rossi then assumed the CEO position with backing from Prime Minister Meloni's party, Fratelli d'Italia.⁶⁵

Another concerning aspect regards political interference in editorial content broadcasted by RAI. The 2024 Rule of Law Report by the European Commission highlights that several stakeholders raised concerns about the actions of the Parliamentary Committee responsible for overseeing broadcasting services. These concerns centered around the Committee's decision to summon a journalist from RAI's investigative program, which

⁶⁴ Eva Połńska and Charlie Beckett, *Public Service Broadcasting and Media Systems in Troubled European Democracies* (n 34)

⁶⁵ Marina Adami, 'Under far-right government, journalists fear press freedom in Italy heading down slippery slope' (Reuters Institute for the Study of Journalism, Oxford, 15 October 2024) <https://reutersinstitute.politics.ox.ac.uk/news/under-far-right-government-journalists-fear-press-freedom-italy-heading-down-slippery-slope> accessed 21 July 2025

had covered politically sensitive topics involving public officials. While the Committee has the legal authority to summon media personnel, stakeholders viewed this instance as exceptional, marking the first time an individual journalist had been targeted in such a manner. They were particularly troubled by what they described as disrespectful behavior from certain Committee members during the proceedings, interpreting it as a potential form of political intimidation. In addition, stakeholders criticized recent amendments to the “par condicio” rules, regulations governing equal airtime during election periods, introduced for the 2024 European Parliament elections. The revised rules, they argued, could disproportionately favor government-affiliated candidates by granting them greater media exposure on RAI, thereby undermining fair competition for opposition parties.⁶⁶ Moreover, after the proposed amendments were introduced, AGCOM passed a resolution concerning private broadcasters that omitted these changes. This led to a discrepancy between the “par condicio” rules applied to the public broadcaster RAI and those governing private broadcasters. The resulting double standard in political communication raised significant concerns, drawing strong criticism from opposition parties, journalist unions, and media organizations. Critics even coined the term “TeleMeloni” to highlight fears that Prime Minister Meloni’s government was attempting to take control of public broadcasting and transform it into a government propaganda outlet. One of the most striking examples of government interference in editorial content occurred in April 2024, when journalist and author Antonio Scurati’s planned anti-fascist monologue was abruptly cancelled. Following this, journalist Serena Bortone, who was set to host the segment, faced disciplinary proceedings for posting that she “was unable to obtain a plausible explanation” and thus breaching the broadcaster’s confidentiality agreement. While RAI management attributed the decision to a financial dispute over the agreed compensation, Scurati publicly denied that explanation. In protest against what was seen as growing political pressure on public broadcasting, the journalists’ union Usigrai called for a 24-hour strike on 6 May 2024, which saw participation from 75% of its members, highlighting concerns over RAI being turned into a tool for government propaganda.⁶⁷

The government firmly denied all these accusations on several occasions. In reaction to

⁶⁶ European Commission, *Rule of Law Report: Italy 2024* (n 43)

⁶⁷ Civil Liberties Union for Europe, *2025 Liberties Rule of Law Report* (n 36)

the Rule of Law Report, Giorgia Meloni addressed a letter to European Commission President Ursula von der Leyen, claiming that certain aspects concerning press freedom had been “distorted for political purposes” and that most of the accusations did not come from impartial voices. The Government maintains that pluralism within the public service media is upheld, arguing that RAI's programming includes various investigative reports concerning members of the Government and the ruling parliamentary majority.⁶⁸ Nonetheless, in spite of the government's accusations of “partisanism” threats to the independence of the public broadcasting service have been highlighted by numerous (independent) organizations, both nationally and internationally.

According to the Press Freedom Index (RSF), published by Reporters Without Borders every May, Italy ranked 46th out of 180 countries in 2023 and 2024, marking a five-place drop from 2022, and worryingly reached the 49th position in 2025.⁶⁹

Similarly, the 2025 Media Pluralism Monitor report assesses the independence of public service media as being “at high risk” due to ongoing challenges stemming from legal gaps and the practices that have followed.⁷⁰

According to legal scholar Vigevani, the Italian public broadcaster is far from being immune to political pressure and a reform is strongly needed. In his view, a central reform priority involves strengthening the autonomy of RAI's governing bodies through more transparent, pluralistic, and independent appointment procedures. Ensuring a more balanced and impartial selection process would be the first, essential step toward safeguarding editorial independence. Another critical proposal calls for the introduction of objective and verifiable criteria to assess RAI's performance and its actual level of independence. Without such mechanisms, it becomes difficult to hold the broadcaster accountable or to measure the effectiveness of reforms intended to insulate it from political control. Equally important is the establishment of a clear and binding “charter” outlining the public service mission, responsibilities, limits, and guarantees of RAI. Such a document, on the BBC model, would help re-center the broadcaster's role as a constitutional safeguard, one that serves the public interest rather than the government

⁶⁸ Marina Adami, ‘Under far-right government, journalists fear press freedom in Italy heading down slippery slope’ (n 65)

⁶⁹ Reporters Without Borders, <https://rsf.org/en>

⁷⁰ Centre for Media Pluralism and Media Freedom, *Media Pluralism Monitor* (EUI CMPF) <https://cmpf.eui.eu/media-pluralism-monitor/> accessed 21 July 2025

of the day. The need for the public broadcaster to be independent is consistently reaffirmed in all the BBC's Royal Charters, whereas in Italy this principle was abolished in 2004. There is also a growing recognition of the need to improve parliamentary oversight mechanisms. At present, these controls are often entangled in the majority/opposition dynamic, undermining their impartiality. We have seen how the Parliamentary Committee has often proven to be non-neutral in its decisions, such as when it reprimanded the journalist who had investigated public officials. Reforming oversight procedures to ensure greater neutrality would help protect RAI from being used as a political tool. Vigevari points out how the fundamental challenge lies in guaranteeing the broadcaster's true independence, not merely through feigned reforms or formal changes, but through meaningful institutional transformation. The legal framework governing RAI remains ambiguous, and repeated legislative changes have yet to resolve the core problem: the lack of a clear separation between political supervision and operational management. As long as this ambiguity continues, the risk of political capture remains high.⁷¹

In conclusion, RAI occupies a dominant position in the Italian media landscape, with unparalleled reach in both television and radio. Its constitutional foundation and public service mission are reinforced by legal safeguards, regulatory oversight, and internal ethical standards, all of which are intended to guarantee independence, pluralism, and accountability. However, despite reforms aimed at increasing transparency and professionalism, such as the 2015 governance overhaul, concerns about political interference persist. The current appointment mechanisms, particularly the role of the government in selecting key executives, leave RAI vulnerable to politicization, as evidenced by recent leadership changes and alleged editorial pressures. While regulatory bodies like AGCOM have demonstrated independence and effectiveness (as it has also been highlighted by the 2025 Rule of Law Report of the Commission), the broader institutional framework remains insufficiently insulated from political influence. An independent AGCOM falls short of its mission if its role in the appointment procedure is so limited, unlike France where the independent regulatory authority ARCOM is the main responsible for the designation of the top management of

⁷¹ Giulio Enea Vigevari, *I media di servizio pubblico nell'età della rete: verso un nuovo fondamento costituzionale, tra autonomia e pluralismo* (n 45)

the broadcasters. High-profile episodes, such as the cancellation of politically sensitive content, editorial reshuffles aligned with shifts in government, and controversial changes to equal airtime rules, have reinforced perceptions of governmental overreach. Moreover, financial dependence on annually determined licence fees, which are subject to political manipulation, further undermines structural autonomy. Persistent threats of cutting or even abolishing the licence fee are still ongoing, but the government's decision to set back the fee at the former level after a 22% cut in 2024 made the financing situation less worrying and was positively recognised by the European Commission in the Rule of Law Report. The most concerning aspect remains the political interference in the appointment procedure and editorial choices of the public broadcaster. As underscored by experts and international assessments, only a comprehensive reform, including more neutral appointment processes, stronger guarantees of editorial freedom, and structural financial stability, can ensure that RAI truly operates in the public interest, free from governmental control. With an ever decreasing level of freedom of press, the Italian case is far more concerning than the English and French ones.

4. THE EUROPEAN MEDIA FREEDOM ACT

4.1 The Regulation and its meaning

As the European Commission reports, “On a global scale, the European Union remains a stronghold for free media, setting a standard as a democratic continent. Yet, there are increasingly worrying trends.”⁷²

Indeed, media integrity and freedom have been experiencing a marked decline across Europe, especially in Central and Eastern European countries. The combined effects of the digital revolution and globalization have transformed the media landscape leading to a significant and unregulated presence of unofficial or amateur sources. The COVID-19 pandemic further accelerated these dynamics, leading to an explosion of misinformation and heightening state intervention in national media systems.⁷³

This shift expands access and pluralism in theory but also causes “infodemia”, an overload of diverse information challenging the audience's ability to critically assess content.⁷⁴ From this premise arises the need for action at the European level to oblige Member States to ensure an adequate level of protection for the independence and pluralism of the media. This has culminated in the European Media Freedom Act (hereinafter EMFA), a regulation that entered into force on 7 May 2024 and that will fully apply from August 2025. The EMFA marks the first comprehensive initiative at the European level aimed at regulating the information landscape, given the historic difficulties harmonizing national regulations due to differing views on the balance between market efficiency and freedom of expression. The regulation introduces key safeguards against political and economic interference in editorial decisions. Public service media are identified in the regulation as particularly susceptible to external interference “given their institutional proximity to the State and the public funding they

⁷² Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act)

⁷³ Ylenia Maria Citino, ‘Verso l’European Media Freedom Act: la strategia europea contro le minacce al pluralismo e all’indipendenza dei media da una prospettiva *de iure condendo*’ (2022) (2) Media Laws

⁷⁴ Giuseppe Muto, “European Media Freedom Act: la tutela europea della libertà dei media” (2022) (3) Media Laws

receive.”⁷⁵ Regulation of public service broadcasting has always been a sensitive matter which Member States struggled to cease sovereignty on. In spite of the European action, each Member State still has the right to define and organize their own public service remits. However, they cannot disregard EU common values (under Article 2 TEU) in the process. This means that the regulation takes into account the diversity of Member States enshrined in Article 4(2) TEU, but at the same time they are not entitled to invoke the “national identity” clause to justify domestic laws that conflict with shared European values.⁷⁶

Given the persistent threat to public broadcasters’ independence in several European Countries, the EMFA introduces a dedicated provision aimed at reinforcing their autonomy. Specifically, Article 5 is designed to protect the editorial independence of these media outlets and to ensure their impartiality in holding power to account. This protection is anchored in a set of rules that support their independent functioning, including a clear legislative mandate, structurally independent governance free from political pressure, and financial stability through secure and predictable funding.⁷⁷

Article 5 provides as follows:

1. Member States shall ensure that public service media providers are editorially and functionally independent and provide in an impartial manner a plurality of information and opinions to their audiences, in accordance with their public service remit as defined at national level in line with Protocol No 29.

2. Member States shall ensure that the procedures for the appointment and the dismissal of the head of management or the members of the management board of public service media providers aim to guarantee the independence of public service media providers.

The head of management or the members of the management board of public service media providers shall be appointed on the basis of transparent, open, effective and non-discriminatory procedures and transparent, objective, non-discriminatory and proportionate criteria laid down in advance at national level. The duration of their term

⁷⁵ Giulio Enea Vigevani, “Potere politico e mezzi di comunicazione” (n 4)

⁷⁶ Enrico Albanesi, “Safeguards for the independent functioning of public service media providers. The legal position of domestic legislation that is not in compliance with Article 5 EMFA” (EUI CMPF, April 2024).

⁷⁷ Giulio Enea Vigevani, “Potere politico e mezzi di comunicazione” (n 4)

of office shall be sufficient for the effective independence of public service media providers.

Decisions on dismissal of the head of management or the members of the management board of public service media providers before the end of their term of office shall be duly justified, may be taken only exceptionally where they no longer fulfil the conditions required for the performance of their duties according to criteria laid down in advance at national level, shall be subject to prior notification to the persons concerned and shall include the possibility of judicial review.

3. Member States shall ensure that funding procedures for public service media providers are based on transparent and objective criteria laid down in advance. Those funding procedures shall guarantee that public service media providers have adequate, sustainable and predictable financial resources corresponding to the fulfilment of and the capacity to develop within their public service remit. Those financial resources shall be such that the editorial independence of public service media providers is safeguarded.

4. Member States shall designate one or more independent authorities or bodies, or put in place mechanisms free from political influence by governments, to monitor the application of paragraphs 1, 2 and 3. The results of that monitoring shall be made available to the public.

In order to comply with the above provisions, Member States have to change their legislation, if needed, as it has also been highlighted by the European Commission in its 2024 Rule of Law Report: “Given the relevance of the provisions under Article 5 EMFA in fostering media freedom and media pluralism, it is important that Member States start putting them into practice as soon as possible, including by addressing the relevant rule of law reports’ recommendations, especially in cases where concerns on the matters covered by the EMFA signalled in the rule of law reports have persisted for several years of where deterioration of the situation has been reported”.

Indeed, despite EMFA being a regulation and therefore directly applicable, Article 5’s

requirements are not immediately self-executing and Member States must enact implementing legislation.⁷⁸

4.2 Implementation in France and Italy

In France, as analysed in the respective chapter, the government proposed to merge Radio France and France TV in a single holding called France Médias aiming to guarantee a centralised and more effective governance. The reform sparked criticism, but the government continues to defend its purpose, rejecting any accusation of threat to editorial independence. Regardless of the ongoing debate on the subject, an analysis of the relevant appointment and funding procedures of the holding is what truly matters when discussing political independence in view of the implementation of Article 5.

With respect to this, the legislative proposal provides that the CEO of France Médias will be appointed by ARCOM, based on a call for candidates, evaluated via transparent and objective procedures. The system reflects the current one, with a prominent role of the independent regulator, thus ensuring transparency and impartiality.

Moreover, appointments and dismissals will be publicly justified and subject to legal oversight. In particular, the mandate of the CEO of France Médias may be revoked by decree adopted by the Council of Ministers, only following a reasoned decision by the Board of Directors and subject to the prior approval of ARCOM.

The term length is expected to be around 5 years, ensuring sufficient independence from the executive.⁷⁹

Regarding the funding, we have seen how the decision to finance the public broadcaster through a fraction of the VAT, thus linking it to the General State Budgets, raised serious concerns on the potential political pressures. However, a new organic law (loi n° 2024-1177) was adopted, which guarantees stable financing through a fixed share of VAT and establishes multi-year funding plans to reduce political discretion.

⁷⁸ Enrico Albanesi, “Safeguards for the independent functioning of public service media providers. The legal position of domestic legislation that is not in compliance with Article 5 EMFA” (n 76)

⁷⁹ Sénat, Rapport n° 693 (2022-2023), déposé le 7 juin 2023
<www.senat.fr/rap/122-693/122-6935.html?utm> accessed 21 July 2025

With respect to the establishment of an independent authority, ARCOM already operates as France’s independent media regulator and, under the proposed reform of the holding, will oversee governance and funding compliance of France Médias, contributing to monitor the implementation of the regulation.⁸⁰

As far as Italy is concerned, RAI continues to be viewed as under strong political influence.

Among many other organisations, the Media Freedom Rapid Response (MFRR) report recently argued that the rules regulating RAI are “fundamentally contrary” to the regulation.⁸¹ In particular, the government is considered to play an overly pervasive role in the appointment of the members of the Board of Directors, with two out of seven members being appointed by the Council of Ministers on the basis of a list of candidates drawn by the Minister of Economy and Finance.

For this reason, two appeals were filed in May 2024 before the Regional Administrative Court of Lazio, seeking to suspend the ongoing procedure for the renewal of RAI’s Board of Directors. The first appeal challenged the selection criteria for board members, asserting that the current procedure fails to meet the standards of transparency and non-discrimination laid down by the EMFA. The second appeal raised concerns regarding the candidates’ independence from executive power and called for a preliminary ruling to the Court of Justice of the European Union to assess the compatibility of the relevant Italian provisions with the EMFA. Nonetheless, the new Board of Directors of RAI took office on 1 October, appointed through the unchanged procedure that clearly violates the regulation.⁸²

At the moment, ten reform proposals are currently under consideration by the Senate, in order to comply with EMFA. However, most of them fall short in truly removing political control over the public broadcaster, offering a “gattopardian solution” to the ongoing issue.

⁸⁰ Loi organique n° 2024-1177 du 13 décembre 2024 portant réforme du financement de l'audiovisuel public
<www.legifrance.gouv.fr/jorf/id/JORFTEXT000050774292> accessed 21 July 2025

⁸¹ Media Freedom Rapid Response, *MFRR Europe*
<www.mfrr.eu/>

⁸² Civil Liberties Union for Europe, *2025 Liberties Rule of Law Report* (n 36)

The most relevant are the following ones:

1. Bill No. 162, proposed by Forza Italia Senator Gasparri, the same author of the debated 2004 Gasparri law, revive the older model of Director General instead of CEO, keeping Parliament heavily involved in appointments and effectively maintaining political influence.
2. Bill No. 611 (League) defines RAI's public-service remit more clearly (as “indispensable public service for maintaining and affirming cultural and social values and defending local identities”) and reorganises governance structure without significantly reducing political control and aligning with EMFA obligations
3. Bill No. 1242 (M5S) entrusts a role to the President of the Republic and AGCOM in the appointment procedure, albeit limited.⁸³
4. Bill No. 1570, proposed by Lega, extends Board terms to five years (which would align with EMFA provisions about the duration of the term of office) and increases the number of directors.⁸⁴

With respect to funding, threats to gradually eliminate the licence fee still persist, coming especially from Lega. RAI is still strongly subject to political discretion and to annual budget law decisions, lacking a multi-year planning that would enhance predictability and independence. The current provisions and the proposed reforms thus fall short of EMFA's standard.

Finally, regarding the establishment of an independent regulator, the Italian media authority AGCOM is considered to work independently and effectively. As already stated, its role in impartially monitoring compliance has also been praised by the European Commission. On the contrary, its involvement in the appointment procedure is null, despite the cautious attempt of Bill No. 1242.

Nonetheless, one of the easiest improvements that the current system could implement in order to align (at least partially) with EMFA provisions would be reallocating or reducing the influence of Parliament and the government over appointment procedures

⁸³ Ylenia Maria Citino, ‘European Media Freedom Act and the Jigsaw of the “Parliamentarized” Italian RAI’ (n 63)

⁸⁴ Patrick Rossano, “RAI: dieci proposte di legge per cambiare la TV di Stato in vista del European Media Freedom Act, dell’8 agosto” (First Online, 17 July 2025) <www.firstonline.info/en/rai-dieci-proposte-di-legge-per-cambiare-la-tv-di-stato-in-vista-delleuropean-media-freedom-act-dell8-agosto> accessed 21 July 2025

of Board members to other bodies, such as the AGCOM. This would significantly enhance RAI independence from political control, as we have also seen with the French case.⁸⁵

In conclusion, France appears to be on the right path toward the effective implementation of Article 5, with a proposed appointment procedure of the Board led by the independent regulator through a transparent process and a multi-annual funding framework. On the contrary, the situation in Italy remains far from achieving a genuine and meaningful reform of the system. The proposed legislative measures seem driven more by a desperate attempt to reach compromises on minor details than by a true commitment to reforming an inadequate framework. While an infringement proceeding initiated by the European Commission is likely, it is still too early to draw definitive conclusions. The deadline for compliance is set for August 8, but a thorough evaluation, both of Italy and of those countries that seem to have implemented the legislation correctly, will only be possible after a longer period of observation.

Conclusion

This research undertakes a comprehensive comparative analysis of public service broadcasting systems in Europe, with an in-depth focus on the United Kingdom, France and Italy. Across France, Italy, and—even in subtler ways—the UK, public broadcasters have historically been (and still remain) subject to significant political influence. The research highlights that, regardless of formal safeguards, governance structures often leave room for politicization. In the UK, reforms to the BBC Trust model were intended to enhance impartiality and public accountability, yet have paradoxically centralized power, and appointments of non-executive board members are still influenced by government recommendations. In France, although ARCOM is legally autonomous, its political composition means the process is not immune to government

⁸⁵ Ylenia Maria Citino, ‘European Media Freedom Act and the Jigsaw of the “Parliamentarized” Italian RAI (n 63)

or parliamentary influence. The system still allows strategic use of appointments and dismissals to secure favorable management or editorial lines. In Italy, reforms intended to enhance meritocracy have consistently fallen short, as government and parliamentary control over appointments remain persistent, making RAI the most exposed to political pressure among the cases analysed.

A critical vulnerability across all cases lies in the funding arrangements for public media. The UK's BBC license fee, though long-term and relatively shielded, remains ultimately set by the government and is threatened with periodic review, making the broadcaster's financial security susceptible to political winds. In France, the abolition of the license fee and the move to VAT-based state budget allocations have raised acute concerns about governmental leverage over funding decisions. Italy's hybrid model, combining a license fee with heavy reliance on advertising, diminishes both stability and the broadcaster's capacity for independence, while annual government decisions over the license fee level continue to create opportunities for political leverage.

These threats to media independence raised criticism and growing concerns, making a comprehensive action at the European level not only necessary, but urgent.

The European Media Freedom Act entered into force in May 2024 and Article 5 provides a series of safeguards to protect public media independence from political power, requiring transparent and depoliticized appointment procedures, predictable funding, and impartial oversight.

The central inquiry investigates how each country's regulatory, governance, and funding arrangements align with the new EU requirements and what structural and cultural barriers persist in making public media genuinely autonomous from political power.

France is taking legislative steps to create a new holding, France Médias, consolidating its main public broadcasters and formally codifying transparent, ARCOM-led appointment procedures, mandate protections, and multi-year funding, as required by the EMFA. Concerns persist regarding the incorporation of the licence fee as a fraction of the VAT and the holding reform that could potentially undermine public media independence. Overall, the implementation of the European regulation seems to be well underway. Italy, meanwhile, is far from compliance: government and parliamentary dominance over both appointments and funding persist, reform proposals remain inadequate, and legal challenges have begun in anticipation of possible infringement

proceedings by the European Commission. The UK, outside the direct scope of the EMFA post-Brexit, continues to serve as both a point of reference and an example of the non-legal conventions that can either sustain or erode genuine independence.

This work adds to the growing scholarly consensus that legal formality and institutional innovation are insufficient if not backed by genuine political will, public pressure, and mechanisms for accountability. It appears to me that the main finding of the research is the following: the independence question is ultimately a cultural one. As the case studies show, even progressive reforms often produce only cosmetic change when the underlying political culture remains untransformed.

The comparative analysis makes clear that European states oscillate between models: the “liberal”, aspiring to a strict firewall between politics and media, the “realist”, recognizing intractable interdependence but still seeking transparency, and the “parliamentarized” model, where parliamentary dynamics completely dominate public service broadcasting. France, despite its legal reforms, continues to mediate a pragmatic balance between state guidance and professional autonomy, Italy keeps struggling with deep-rooted politicization, while the UK’s experience reveals both the advantages and the precarity of independence forged by historical convention rather than constitutional guarantees. Nonetheless, what truly enables reforms to take root and bring about real change is a political culture of independence—something that is much harder to internalize. As we have seen in Hallin and Mancini’s analysis, France “has a strong cultural tradition of the state as an embodiment of the ‘general will’ and a long history of professionalized administration”, which acts as a deterrent to clientelist practices and excessive political interference.⁸⁶

In the same way, scholars seem to agree on the UK’s strong culture of independence which is probably the most important “non-institutional” safeguard of BBC’s independence, demonstrating that political culture can effectively fill the void of a real Constitution and other legal guarantees, albeit the risks are always present in the absence of structural and formal buffers.⁸⁷

⁸⁶ Ana Fernández-Viso and Isabel Fernández-Alonso, ‘The Evolution of Government Intervention in the Mediterranean Media System: Spain, France, and Portugal’ (n 30)

⁸⁷ Antonio Maria De Rosa, “Rai: cosa c’è realmente da imparare dal modello BBC” (Orizzonti Politici, 17 May 2021)
<www.orizzontipolitici.it/rai-cosa-ce-realmente-da-imparare-dal-modello-bbc/> accessed 21 July 2025

On the contrary, it has been claimed that RAI's long-standing lack of political independence is closely tied to Italy's persistent political culture, especially its limited tradition of journalistic professionalism and editorial autonomy.⁸⁸

However, knowing that political culture is deeply rooted in a country's values and therefore reflected in its laws, we certainly cannot blame it all on culture and leave the situation unchanged.

The European Media Freedom Act represented an indispensable action to strengthen Member States' legislation on the matter. The regulation has just entered into force and the application phase is at its early stage, even if, by analysing the proposed reforms France and Italy are discussing to meet the EMFA standards, it is already possible to gain a preliminary understanding of how the law is expected to be implemented.

However, it is too early to draw definitive conclusions and it would be interesting to analyse the concrete implementation of EMFA provisions in the different Member States, the potential actions at the European level in the event of non-compliance, and the future health of the media across Europe in a few years' time.

Given the importance of political culture when discussing independence from political power, I believe a particularly stimulating area of research concerns the study of how political culture can be shaped and formed over time, an issue that intersects with broader fields of inquiry, including anthropology, sociology, and law.

In conclusion, the research demonstrates that the struggle for public media independence is not just a technical or legal question but is ultimately about the democratization of the state itself: ensuring that information remains a public good, free from undue political or commercial influence, accessible to all citizens, and aligned with the fundamental values of democracy, pluralism, and the rule of law that underpin the European Union.

⁸⁸ Eva Połowska and Charlie Beckett, *Public Service Broadcasting and Media Systems in Troubled European Democracies* (n 34)

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