

At the Public's Expense: Proposed Government Law Serves Political Interests

Zulat's Response to Distribution of Digital Channels Law (Amendment No. 8-2024)¹

On 31 December 2024, the government published a law memorandum seeking to extend by two additional months the arrangement established in a temporary provision enacted in August 2024.² This arrangement, which was set to expire at the end of January 2025, allows for the distribution of Israeli commercial channels via the Idan Plus system free of charge, at the public's expense, contrary to the previous legal situation that required them to pay for this service.

Zulat is opposed to this legislation, both due to the anti-democratic methods employed by the government to promote it and because the retroactive exemption from distribution fees and the cost shifting onto the Israel Public Broadcasting Corporation (IPBC) was originally designed as a customized benefit for Channel 14. This constitutes a major far-reaching financial perk to specific private entities and wealthy tycoons at the expense of public funds. Below are our main concerns regarding the law memorandum.

Background

Retroactive Authorization of Illegal Directive

The law memorandum is based on a temporary provision that was initially proposed as a private bill by Likud MK Ariel Kellner. The original intent of the provision was to address the illegal situation created by an unauthorized directive issued by Communications Minister Shlomo Karhi on 7 October 2023 allowing Channel 14 to distribute its broadcasts on the Idan Plus platform free of charge, despite the channel's financial obligations to the Second

All references in this document are in Hebrew.

¹ [Law Memorandum on Distribution of Digital Channels \(Amendment No. 8-2024\)](#), Ministry of Justice's Government Legislation Repository, 31 December 2024.

² [Law on Distribution of Digital Channels \(Amendment No. 7-2024 - Temporary Provision\)](#), Knesset National Legislation Repository, 6 August 2024.

Authority for Television and Radio (SATR). Karhi claimed that the directive was issued for security reasons, but this claim was not supported by any professional body. In other words, this was a political decision not professionally justified, aimed at benefiting Channel 14 over other broadcasters.

Both the temporary provision and the Communications Ministry's current law memorandum aim to retroactively legitimize this situation, with the ultimate goal of shutting down Idan Plus and transitioning broadcasts to a digital application-based platform. While this is a welcome and legitimate move that could enhance efficiency, benefit the public, and generate savings, the complexity of the transition and its potential harm to vulnerable populations necessitate a professional, well-researched approach. However, no thorough preparatory work was conducted before enacting the temporary provision or publishing the law memorandum.

Concealment of Customized Arrangement

The original version of MK Kellner's private bill proposed to reduce to a minimal amount the distribution fees paid to Idan Plus by niche microchannels and to grant them immunity from a halt to their broadcasts due to unpaid debts to the SATR. Since Channel 14 is a microchannel that had accumulated quite an arrears, the inevitable conclusion was that the proposal was specifically designed to benefit it. Therefore, to counter claims of improper customized legislation, the bill was reworded during the legislative process. As a result, the final version granted a sweeping exemption from distribution fees to all commercial channels, in a move that was intended to disguise the bill's original purpose but still provided a substantial financial benefit to Channel 14.

Economic and Political Impact on the Public

The economic significance of extending the temporary provision is a direct blow to public funds. Instead of requiring commercial channels to cover their own distribution costs on the Idan Plus platform, the public will have to pick up the tab. This arrangement, which is of questionable legality and clearly undercuts the public interest, is totally unacceptable. Private and commercial channels that benefit and profit from the broad reach of Idan Plus should pay the fees required for their distribution, both retroactively and moving forward, and there is no justification whatsoever for shifting this financial burden onto taxpayers.

Furthermore, there is no genuine connection between the retroactive exemption granted to these channels and the legitimate goal of shutting down the Idan Plus platform to save public

funds. Were this the real intention of the law memorandum, the logical approach would have been to implement the exemption only upon the closure of the first multiplex and the subsequent cost savings for the IPBC. Instead, the law memorandum primarily seeks to allow Channel 14 to avoid paying distribution fees for over nine months and to retroactively validate the unauthorized directive issued by the Communications Minister allowing Channel 14 to broadcast via Idan Plus as of 7 October 2023.

Legislation that disproportionately benefits a specific media outlet severely undermines democratic values and poses a direct threat to freedom of the press. Such a move sends a clear message of dependency between the media outlet and the government, effectively turning it from an independent and autonomous tool into a political mouthpiece. Instead of being a watchdog of democracy that holds the government accountable, the media risks becoming a propaganda tool serving narrow political interests. A media that is not free but rather controlled and subjugated weakens democracy's ability to protect citizens from corruption, the concentration of power, and violations of fundamental rights. Any such interference is not only a potential conflict of interest but also a direct and unacceptable violation of the media's essential role as the backbone of a functioning democratic system.

Government's Anti-Democratic Methods

Legislation Based on Private Bills

During the Knesset Economics Committee's discussions on the private bill upon which the law memorandum is based, Justice Ministry officials objected to its enactment, arguing that the proper route was government legislation. They contended that the latter, meant to provide a long-term solution based on in-depth professional groundwork, was far from ready and that the arrangements being pushed lacked a solid foundation. The goal of this maneuver was clear: circumventing both the professional and legal authorities with the help of private bills.

As is known, the private bill passed despite the Justice Ministry's opposition. However, Karhi's current attempt to base the government's law memorandum on a private law that was enacted as a temporary provision fundamentally undermines proper administrative procedures. This method, whereby government legislation relies on private bills approved as temporary measures, weakens the principles of planning and professionalism that should guide the executive branch. Rather than presenting well-founded solutions that consider long-term consequences and are based on thorough professional groundwork, the current process builds

upon temporary legislation that was never subjected to the scrutiny of the relevant professional bodies.

This conduct not only erodes public trust in government institutions but also sets a dangerous precedent where political considerations and narrow interests outweigh professional judgment and an informed public debate. Such an approach could lead to hasty legislation that fails to account for all consequences, further deepening the sense of lack of transparency and due diligence in the country's decision-making processes.

Use of Temporary Provisions to Entrench Unconstitutional Arrangements

Extending the temporary provision by means of a law memorandum raises fundamental concerns about the use of such legislative mechanisms. In Israel, temporary often becomes permanent, and history shows that repeated extensions of temporary arrangements lead to the normalization of severe infringements on fundamental democratic rights. Just as temporary civil service appointments allow a government to bypass proper procedures, this approach enables it to circumvent the need for a structured professional foundation and legislative process by establishing facts on the ground in the service of political interests.

In the case at hand, there is no urgency justifying an expedited and non-transparent extension of a temporary provision. We are talking about a violation of proper governance principles, as the process bypasses orderly and controlled legislation. Instead of holding a comprehensive and professional discussion about long-term arrangements, the government takes advantage of the temporary provision to cement policy decisions that severely undermine the checks and balances between the executive and legislative branches.

The use of temporary provisions should not serve as a permanent solution for contentious policies, and their extension, especially under these conditions, must be categorically rejected. It is imperative to conduct a professional and public debate on such arrangements that ensures transparency, fairness, and a commitment to the principles of Israeli democracy.

Conclusion

Zulat opposes the enactment of this law memorandum, both due to the anti-democratic methods employed by the government to advance it and because the retroactive exemption from distribution fees and shifting the cost onto the IPBC is unjustified. This measure is inherently a customized arrangement designed to benefit Channel 14, granting a major far-reaching economic advantage to specific private entities and tycoons at the public's expense.

The proposed extension of the temporary provision is not merely a technical or provisional step, but yet another move down a slippery slope of political benefits that undermine the foundations of Israel's democracy. Instead of strengthening media independence and allowing it to fulfill its crucial role in holding the government accountable, the government is choosing to provide unnecessary subsidies and benefits to commercial channels at the public's expense, thereby raising serious concerns about the true motivations behind the decision.

Furthermore, the financial blow to the IPBC's budget comes against the backdrop of private bills currently under discussion in the Economics Committee, which aim to weaken and even shut down public broadcasting in Israel. The move reflects a deliberate effort to undermine the IPBC, which plays a key role in ensuring a free and independent media. Such legislation not only threatens the IPBC but poses a direct risk to freedom of the press, pluralism, and democracy. An independent public broadcaster is essential for maintaining a balanced and critical discourse, and its enfeeblement or shutdown would leave the media landscape entirely dependent on commercial and political interests.

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