

## **Proposed Broadcast Media Law**

### **Attempt to Ravage Free Media in Israel**

#### **Introduction**

This document addresses the draft of the Broadcast Media Law-2025,<sup>1</sup> a government bill promoted by the Communications Ministry headed by Minister Shlomo Karhi.

**We would like to emphasize right from the start that implementation of this law will severely harm the free media in Israel and the constitutional fundamental rights of freedom of the press and freedom of expression, which are the prerequisites of a properly functioning democratic regime.** The main harm posed by it lies in the attempt to abolish mechanisms in the law designed to preserve the independence and autonomy of news departments and the reliability of news broadcasts.

**Should the Israeli government succeed in passing such legislation, the doors will be thrown wide open to political and economic influences over news broadcasts and people's trust in the news will be most probably damaged. Independent, reliable, and politically unaffiliated news enables citizens to form informed positions about what is happening around them, voice criticism, and actively participate in the public discourse. The harm to news broadcasts could undermine public transparency, damage freedom of the press, and impair the public's ability to scrutinize government actions and engage in an effective democratic dialogue.**

#### **Improper Reforms Disguised as Changes Necessitated by Outdated Regulation**

Israel's broadcasting market has long been in need of comprehensive reform. The existing regulatory framework is based on factual conditions and core assumptions that were valid in the 1990s and have not been substantially updated since. Major developments have occurred over the years: technology has drastically transformed, the Internet has evolved dramatically, the ways we distribute and consume content have changed, and the advertising market has shifted with the emergence of digital players and social networks. Few could have predicted

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\* English-language reference. All other references in this document are in Hebrew.

<sup>1</sup> This document addresses the version of the bill containing certain amendments that was presented for further approval by the Ministerial Committee on Legislation on 8 June 2025.

the extent of these changes, some of which would have seemed like science fiction three decades ago.

Over the years, several public committees set up by the Communications Ministry examined the necessitated changes and published their recommendations. However, initiatives aimed at implementing these changes in regulation never reached the legislative finish line.

The current bill incorporates some of these previously recommended changes, such as abolishing current regulators and establishing a new regulatory body; basing regulation on the concept of technological neutrality, which examines the nature of the service rather than the platform providing it; reassessing the requirements pertaining to original content productions; examining the economic relationships between players in the broadcasting market, and more. Even if the bill does not entirely address these issues, an effort to reform regulation is imperative.

However, alongside these legitimate proposals for a regulatory update, **the bill contains a destructive core**, wherein the government seeks to severely violate fundamental principles that are essential to the existence of a free press in a democratic regime. **These principles, which were never included in the recommendations of these public committees and align perfectly with the current government's agenda, aim at severely and broadly harming core systems vital for democracy.**

The primary harm lies in the intention to eliminate protective mechanisms designed to safeguard the autonomy and reliability of news departments and to replace them with vague unenforceable and unmonitorable rules. Independent news broadcasts are a prerequisite for a functioning democracy, and their continued existence would be in real danger if the government succeeds in advancing the bill.

### **Bill Part of Broader Government Effort to Undermine Free Press**

This bill was not formulated in a vacuum. It is a central link in a long chain of steps to undermine basic democratic principles and joins a series of government-backed legislative initiatives aimed at harming the free media and public broadcasting.

It is a combined and synchronized effort whose purpose is two-pronged: **to undermine the independence of commercial news broadcasts**, subject them to political and economic influence, and release them from basic ethical obligations without which factual and reliable news reporting will no longer be guaranteed, **and to eliminate public broadcasting**, the

cornerstone of a functioning democracy, through numerous legislative proposals.<sup>2</sup> Therefore, the bill must be examined together with all the other initiatives to dismantle public broadcasting. The government's actions against commercial broadcasters cannot be separated from its efforts to destroy public broadcasting in Israel.

Should these efforts succeed, the media landscape in Israel will be fundamentally altered. This will lead to the collapse of the free media, both commercial and public, and subject media bodies to political and economic influence, whether from the tycoons owning media outlets or politicians seeking control over news broadcasts. This will deal a severe blow to Israel's democratic principles and the fundamental rights of freedom of expression and freedom of the press.

### **Summary of Zulat's Position on Problematic Points in Proposed Bill**

- **Abolition of mechanisms protecting independence and autonomy of news broadcasts.**  
The bill seeks to eliminate the restrictions and threshold requirements that ensure the independence of news broadcasts and the separation between commercial/political and objective/ethical considerations. This provision is aimed at harming news broadcasts and opening the floodgates to cross-ownerships and market concentration. It constitutes fertile ground for the proliferation of a wealth-government-media nexus, introduces extraneous considerations, threatens the autonomy of news programs, harms the public interest and people's right to reliable and accurate information that is not politically biased.
- **Concern over politically-linked appointments to the new regulatory authority.** Public figures will comprise the majority in the council of the new regulator (to be named "Broadcast Media Authority" or BMA) and its budget will be part of the annual state budget. According to the bill, these public figures will be selected by a search committee

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<sup>2</sup> Following are some of these legislative proposals: Bill on Amending Format of Public Broadcasting and Regulating National Radio Broadcasting-2025, submitted by Likud MK Galit Distel Atbaryan and approved by the Ministerial Committee on Legislation on 29 June 2025, seeking the closure of Israel Public Broadcasting Corporation's news broadcasts; Bill on Privatization of IPBC-2022, submitted by Likud MK Tali Gottlieb, seeking the elimination of public broadcasting in Israel; Bill on Amendment of IPBC's Budget-2024, submitted by Likud MK Avichay Boaron, seeking to make the IPBC's budget part of the state budget and thereby subject it to political control; Bill on Privatization of IDF Radio-2024, submitted by Likud MK Nissim Vaturi, seeking to close the radio station's public broadcasts; Bill on Amendment of Method of Appointment of IPBC Council-2025, submitted by Likud MK Osher Shekalim, seeking to establish a political appointment mechanism, thereby subjecting the IPBC to political control; Bill on Reducing Concentration in Media Advertising Industry-2025, submitted by MK Avichay Boaron and other Likud MKs and approved by the Ministerial Committee on Legislation on 29 June 2025, intended to benefit Channel 14 and weaken commercial and public broadcasters.

composed primarily of government ministry officials, which may allow for political considerations to infiltrate the appointment process and open the door to political and economic influence over its work. This entire clause should be revised and instead follow the model set in the Israeli Public Broadcasting Law-2014, whereby council members must be appointed by an external and independent search committee, while the BMA's budget must be independent, not be part of the state budget, and its amount must be determined in advance by law.

- **Serious concern over reduced obligation to invest in local productions.** The bill raises concerns about a significant reduction in the requirement to invest in local productions. Freedom of expression and creativity are fundamental values of a free and democratic state, and the understanding that there is no culture without public funding is what underlies the statutory requirement about local productions. The claim in the explanatory notes that the proposed mechanism will preserve the existing level of investment is presented without any corroborating support, both regarding current and future investments following the implementation of the proposed mechanism.
- **Politicization of ratings data.** The bill seeks to empower the BMA to set guidelines on the publication of viewership data (ratings) in a way that affects its calculation, thereby authorizing the council to interfere and set rules about both the computation method and the way viewership data is presented to the public. Such a dangerous provision could allow control over the calculation, measuring methods, and publication of results, and open the door to deliberate biasing of the ratings in favor of pro-government channels and platforms.
- **Empowering the Communications Ministry to requisition information constitutes interference by the government in the operations of the future regulator.** The bill seeks to allow the Communications Ministry to demand from the BMA unlimited information about the Israeli broadcasting market. This provision may lead to direct interference in the regulator's work and in the management of broadcast channels in contravention of the principle that a regulatory body must be independent from the political-governmental echelon.

**In conclusion**, there is no dispute about the need for regulation, provided that it is adequate, anchors the ability of the media to effectively serve a broad social and civic interest, and fulfills the right of citizens to freedom of expression, information, and communication, amid

realization of its essential role in the fabric of democratic life. The bill contradicts all of these and instead seeks to promote government domination and to legitimize a wild and unruly broadcasting market subject to political considerations.

The importance of independent media cannot be overstated. Freedom of expression is a basic civil and human right, and freedom of the press and media are the practical outcome of this principle and one of the ways to realize the people's right to know and to receive a variety of opinions. The existence of an independent and free media and press is the foundation of democracy. The Supreme Court stated in its ruling on the Laor case in 1987: "Freedom of expression is the lifeblood of democracy, because without it the democratic mechanism itself may be impaired. It is not for nothing that this court ruled many years ago that 'without democracy there is no freedom of expression, and without freedom of expression there is no democracy.'"<sup>3</sup>

The proposed provisions severely harm the core values of the media in a democratic state, its independence, freedom of expression, and the public interest. They do not promote an independent media able to effectively criticize the government and power centers in society, but rather the opposite: the bill proposes to eliminate such an option and is yet another stage in the regime revolution launched by the current government. Its sole purpose appears to be to grant itself unlimited power and control over the fourth branch in a democratic regime: a free press.

These are not ordinary times. In the past, when reviewing legislative proposals, the assumption was that the minister/government would make prudent and objective use of the powers granted to them by law, but that is unlikely to be the case with this bill. In reading the proposed provisions, special attention must be given to the status of the regulated body vis-à-vis the regulator, to the public interest versus the government, and to the protection of human rights in the face of repression.

Therefore, the bill must not be advanced in its current version, and should instead be replaced with provisions that primarily strengthen the independence and reliability of news and current affairs programs, bolster the autonomy of the BMA, ensure investment in local productions, and buttress public broadcasting in Israel.

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<sup>3</sup> Supreme Court Case HCL 14/86 Laor v. Council for Review of Films and Plays, 1987.

We will now present our stance on the proposed bill in greater detail, briefly reviewing the proposed provisions and the existing legal situation and stating Zulat's position on each of the issues.

### **Radical Change in Regulation of News Broadcasts**

The bill seeks to abolish regulatory mechanisms previously anchored in Israeli law that were designed to preserve the independence, professionalism, and reliability of news providers, thereby opening a broad gateway to political and economic intervention by interested parties in Israel's news broadcasts.

This is an extremely radical change, which is deliberately intended to fundamentally alter the map of news broadcasting, to dumb down the news and political discourse in Israeli democracy, and to erode the prominence of "the fourth estate" in a democratic regime, whose role is to keep an eye on government institutions and critique them while adhering to professional ethical standards. We will now review the main provisions in the bill pertaining to news broadcasts.

### **Inadequate Threshold Conditions for Registering News Providers**

Entities seeking to provide news content to Israeli audiences will be required to enroll in a "registry of news providers" managed by the BMA, a model of which is attached to the bill.

Article 52 sets minimal and inadequate conditions for registration: (1) an entity employing five people with press cards; (2) an entity providing news programs totaling at least 40 minutes daily, from Sunday to Thursday;<sup>4</sup> (3) an entity with annual expenses exceeding NIS 2 million as a result of dealing with news.

Article 72 requires any registered provider who contracts with subscribers and airs content of other providers to relay free of charge the news content of up to 10 registered news providers who request as much.<sup>5</sup>

These provisions are ostensibly intended to increase the exposure of Israeli audiences to diverse news programs so as to maintain a rich variety of news providers and introduce the

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<sup>4</sup> It should be noted that the first version presented to the Ministerial Committee on Legislation on 18 May 2025 included a requirement for broadcasting at least 60 minutes daily. In the updated version presented on 8 June 2025, this requirement was toned down.

<sup>5</sup> This provision was also amended, and the updated version presented on 8 June 2025 stipulates that the obligation to relay other news content would be limited to one channel per news provider.

public to a multiplicity of different viewpoints. However, as will be detailed below, simultaneously with the expansion of news providers, the bill seeks to significantly harm the independence and reliability of news departments. Consequently, content platforms will be required to broadcast programming from very small and even insignificant news providers, some of them operating with only a handful of journalists, without any substantial investment or adherence to basic ethical standards. This is not pluralism, but rather the destruction of the broadcast news market in Israel.

### **Protective Mechanisms for News Outlets Under Current Law**

The existing legal framework requires the establishment of structural mechanisms separating the commercial content of channels from their news departments in order to preserve the latter's independence and autonomy and shield them from attempts at political and economic influence.

For example, Article 6 of the Communications Law (Bezeq and Broadcasting)-1982 prohibits cable and satellite platforms HOT and YES from producing their own news broadcasts for Israeli audiences. They may only do so after securing the approval of the Cable and Satellite Broadcasting Council (CSBC) and contracting with an independent news producer while retaining the structural separation with the news company.

In addition, the Second Authority for Television and Radio (SATR) Law-1990 requires licensees, such as Keshet 12 and Reshet 13, to maintain independent and separate news companies with separate legal status, offices, and managers.

The law stipulates that a licensee should not hold full control of the board of directors of a news company, and that 40% of its members must be public figures appointed by the SATR. Board members must, at a minimum, meet the qualifications required under the Government Companies Law-1975 of the chairperson of the board of a government company, along with additional restrictions aimed at preventing conflicts of interest.

The SATR Law contains strict rules regarding the operation of news companies, their budget, the hiring and firing of directors (who are also the editors-in-chief), and the ethical guidelines they must comply with. In addition, under the terms of their licenses, the news companies are

obligated either to join the Israel Press Council or to establish an internal ethics committee headed by a retired judge.<sup>6</sup>

The SATR Law also includes a more lenient standard intended for small licensees, primarily created to support the operations of Channel 14, which does not require them to set up a dedicated news company or abide by principles of structural separation. Nevertheless, it sets substantial requirements aimed at preserving the independence of news departments, such as establishing a news department that operates separately and independently from the channel's business and marketing sections, appointing an experienced chief editor who is autonomous to make making editorial decisions, setting up a well-defined mechanism for hiring and firing the chief editor, and complying with the ethical regulations under the SATR Law.

All of these provisions, both the strict standard and the more lenient one, are intended to shield news departments from economic and political interference and to allow them to operate on the basis of professional and independent considerations stemming from the legislature's recognition of the paramount importance of broadcast news in a democratic regime.

### **Bill Abolishes Mechanisms Safeguarding Independence of News departments**

The draft Broadcast Media Law does away with existing stipulations and introduces hollow provisions that do not protect the independence of broadcast news or their ability to function professionally and autonomously. In practice, the bill institutes only two central provisions, which are entirely unenforceable and impractical.

To wit, Article 69 states that "news broadcasts shall be accurate and reliable" and "shall not express the personal positions and opinions of [a licensee's] managers and shareholders." According to the explanatory notes of the bill itself, this is merely a declarative clause, which is not intended to serve as a basis for enforcement or hindrance of anybody.

In addition, Article 70 stipulates that the news provider must adopt a code of ethics covering such issues as conflicts of interest; contracts that affect the quality of news coverage; full disclosure by anchors, commentators, and journalists; misleading news reporting; and securing responses to news reports. However, the bill notes that this code of ethics will solely

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<sup>6</sup> Article 13.9 of the license terms. See SATR's [website](#).

serve the news provider for internal consumption and will not be enforced by the BMA or any other external body.

Other than these two provisions, the bill seeks to abolish all protections intended to safeguard the independence of news departments and their professional conduct.

### **Cross-Ownership Restrictions in Current Law Significantly Reduced**

As if that were not enough, the bill significantly reduces ownership and cross-ownership regulations currently applying to content providers, particularly news providers, aimed at preventing the concentration of power in the hands of a major broadcaster and at increasing diversity of content and viewpoints available to Israeli audiences. For example, the SATR Law restricts ownership of commercial broadcasters by barring a single entity from holding more than 74% of the controlling interest and limits cross-ownership between a licensee and anybody connected to other content providers or newspapers,<sup>7</sup> and the Communications Law as well contains similar restrictions.<sup>8</sup>

The proposed bill seeks to significantly reduce these cross-ownership restrictions on the one hand, and grant broad discretion on the matter to the BMA Council on the other. The main provision in this respect is Article 96, which states that a registered content provider shall not acquire more than 20% control in another registered content/news provider without prior approval from the BMA, after the latter determines that the acquisition is not likely to significantly harm competition and after consulting with the Israel Competition Authority (ICA). At the same time, the bill eliminates the current restrictions on ownership of newspapers and online news websites.

This represents a substantial reduction in the ownership restrictions on content providers. It is worth noting that the previous draft of the Broadcast Media Law from 2023 proposed to prohibit cross-ownership between a registered news provider and anybody owning both a newspaper and a news website, and to authorize the SATR Council to ban certain cross-holdings between a news provider and a newspaper/news website after consulting with the ICA. As stated above, the current bill seeks to eliminate even these restrictions.

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<sup>7</sup> See provisions of Article 41 of SATR Law.

<sup>8</sup> See provisions of Article 6 of Communications Law.

### **New Provisions Will Ravage Free Media, Freedoms of Press/Expression**

**Zulat's position** is that the proposed legislation is a dangerous and reprehensible move aimed at dismantling the mechanisms that protect the independence and proper functioning of news departments. The regulation of news/current affairs broadcasts is meant to ensure the independence of news departments, neutralize commercial and political influences on content, and prevent concentration of power and cross-ownerships. These safeguards stem from the fundamental right to freedom of information and the critical role that broadcast news plays in shaping informed and independent public opinion as an essential foundation for civic engagement. **The provisions outlined in the proposed bill undermine all of these goals.**

The importance of a free and independent media in a democratic state as a tool needed to safeguard freedom of expression and freedom of the press was articulated in Supreme Court Ruling HCJ 2996/17 Union of Journalists in Israel-Histadrut Labor Federation v. The Prime Minister:<sup>9</sup>

"The importance of a free press in a democratic state seemingly requires no further elaboration. A free press serves as a central tool in exposing information about the government and others and bringing it to the public's attention. The media has the authority and power to investigate how government bodies and others are run, to expose improper conduct, and to critique it. For these reasons, the press and the media have at times been dubbed 'the fourth estate'.... The media serves as a counterbalance to the power of government, and guarantees that the latter does not harm democratic principles. Besides the ability to monitor the government, the media ensures a free flow of information and regular expression of different and diverse opinions. It allows more citizens to participate in the democratic process by providing them with the information necessary to do so.... Finally, the media is a platform that plays a key role in safeguarding the public and political discourse. Even these days, when a significant portion of that discourse takes place on the Internet, the strength of 'traditional journalism', radio, and television, and their role as platforms for much of the public discourse, remains essential and must be respected. Therefore, a free media is the stage upon which the public discourse takes place, and as such, it is a factor that preserves, promotes, and enhances that

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<sup>9</sup> [Supreme Court Case HCJ 2996/17 Union of Journalists in Israel-Histadrut Labor Federation v. The Prime Minister](#), paragraph 35 of Supreme Court Deputy President Hanan Melcer's ruling, *Nevo*, 23 January 2019.

discourse.... All this shows that the media is a central element in preserving and advancing the democratic system and many of its attendant values.”

The proposed law is incompatible with these foundational principles, and opens the door to the infliction of significant harm to the independence and functioning of news departments. Without a clear separation between the news department and the commercial aspects of a content provider, and without mechanisms that guarantee the autonomy of news editors, news departments will be subject to direct economic and political pressures. Without a mechanism for the implementation and enforcement of ethical rules in broadcast news, news departments will not be able to maintain standards of professionalism and credibility of the information they deliver. Without cross-ownership rules, excessive power will be concentrated in the hands of a few news providers across multiple platforms, reducing the diversity of news content available to the public.

The elimination of the current structural separation between news departments and tycoons and of the restrictions on the makeup of the board of directors will pave the way for commercial corporations, including newspaper owners, to become providers of broadcast news and for the politicization of broadcast news. This is a dramatic and destructive step that will place broadcast content under the control of the ruling government and intensify the risks inherent in the wealth-government-media nexus.

Moreover, the harm posed by the proposed law is especially magnified by the current state of the media landscape in Israel and around the world. The broadcasting industry has in recent decades undergone profound changes and technological innovations that have revolutionized the way content is distributed and consumed, as well as viewing habits of audiences. The main drivers of these changes are the Internet, which allows for widespread distribution of content, and social networks such as Facebook, X (formerly Twitter), Instagram, and others. These developments have significantly altered the status of traditional broadcasters, while many other content intermediaries operate online without regulation or ethical obligations.

In today's reality, despite the higher variety of information sources, it has become increasingly difficult to distinguish between reliable and fact-checked information and unsubstantiated or even completely false content. This undermines the credibility of regulated news outlets and the right to access trustworthy information, thereby impairing the public's ability to form informed opinions within the democratic sphere. This state of affairs threatens the media's ability to function as "the fourth estate" watching over the government, and thus jeopardizes

the prerequisites for the very existence of democracy.

This is the reality that the proposed law aims to bring about. If until today there existed a distinction between unregulated information sources (mostly on the Internet) and regulated news providers subject to oversight, the bill seeks to eliminate even those last islands of professional, independent, and trustworthy news broadcasts, creating a situation where audiences will no longer be able to rely on the accuracy or reliability of the news presented to them. **This is a crisis for Israeli democracy, whose very existence hinges on a free press and on independent and reliable news broadcasts.**

Now more than ever, the situation calls for a move in the opposite direction: to safeguard the independence of news departments at all costs, to ensure maximum decentralization of ownership in news organizations, and to uphold enforceable ethical standards. The government's decision to go the other way around and to eliminate the protections required for the proper operation of news providers demonstrates its taste for power and anarchy over the public interest and democratic values.

In an age dominated by social networks, where simplistic and shallow messages attract the most attention and draw audiences in a phenomenon that has also infiltrated and overtaken traditional broadcasting channels, such a move clearly serves the government's goal of accumulating power, based on the understanding that control over the media is essential for consolidating its dominance and finalizing the regime revolution. This is also evident in the proposed law, which is set to result in the triumph of shallow and aggressive discourse and to ravage the standing of the media and of democracy itself.

### **Independence and Autonomy of New Regulator Impaired**

The proposed law seeks to abolish the current regulators (CSBC and SATR) and replace them with a new entity, the Broadcast Media Authority (BMA), which will be a public corporation whose council will set guidelines for the regulation of visual-audio content.

Such a step, which has long been recommended by public committees in recent decades, is warranted overall. However, the proposed law sets several provisions that do not preserve the new regulator's independence, thereby opening the door to political and economic influences on its work and major interference in its operations.

According to the proposed law, the BMA Council will consist of four public figures appointed by the Communications Minister, based on the recommendation of a search committee to be

established for this purpose. Its chair will be either a faculty member at an academic institution or a person with experience in print, broadcast journalism, or the creative field, while the other three will be employees of the BMA, ICA, and Communications Ministry. The search committee will consist of five members: the director general of the Communications Ministry, who will be its chair; the director of the BMA or a deputy; the director of the Finance Ministry's Budget Department or a deputy; the ICA Commissioner or a deputy; and another academic.<sup>10</sup> As for the BMA's budget, it will be a separate line item within the annual state budget.<sup>11</sup>

**Zulat believes these mechanisms are insufficient to preserve the independence of the new regulator.** As noted earlier, abolishing the current regulators and replacing them with a single one is a warranted and fitting step, provided that the new regulator is an autonomous body that is independent of a minister or the government. A basic condition for its viability is to enable it to operate professionally and freely, without the intrusion of external political, economic, or commercial considerations. To preserve these principles, the selection of the public representatives on the council should be done by a body unlinked to the government, and not by a search committee composed almost entirely of government workers, even if some of them are considered professionals unassociated with the political echelon.

In Zulat's view, the makeup of the search committee should at the very least follow the stipulation in the Public Broadcasting Law, whereby the chair is a retired judge who in turn appoints its two other members. This configuration is intended to ensure that the search committee consists of non-partisan members, which is the only way to guarantee non-political appointments and to increase public trust in the decisions of the new regulator.

The same goes for the BMA's budget, which should also follow the stipulation in the Public Broadcasting Law: it must be independent, its amount determined in advance by law, and should not be part of the state budget. Any other model will allow the political echelon to meddle in the BMA's activities, and thus infringe on its independence.

These two amendments are essential for preserving the independence, autonomy, and proper functioning of the new regulator.

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<sup>10</sup> Article 23 of the bill.

<sup>11</sup> Article 8 of the bill.

### **Investment in Israeli Original Productions Significantly Reduced**

According to the current legal situation, commercial broadcasters Reshet and Keshet are required to invest 15% of their annual revenues in "premium" original productions (Israeli drama and documentary), as well as to allot 40% of their programming to local content. For their part, the multi-channel platforms YES and HOT are required to invest 8% of their annual revenues, with the amount decreasing over time as subscribers switch to Internet-based services. Moreover, current legislation requires some of the local content to be produced by external companies to ensure the subsistence of this creative market and to preserve the diversity and variety of its players.

The proposed law significantly reduces these investment obligations, as every registered Israeli and international content provider (such as Netflix and Disney) will every fiscal year be required to allocate the equivalent of 6.5% of their annual revenue to finance or produce local premium content, at least 10% of it documentary programs.<sup>12</sup>

At the same time, the bill stipulates that the reduction in investment will be implemented in stages between 2026 and 2032. Under the proposed timeline, multi-channel platforms HOT and YES will be required to invest 4% of their revenues in premium productions in 2026, with their contribution increasing incrementally over the following years. Keshet and Reshet will begin with a 15% investment in 2026, which will be reduced progressively through 2032. New content providers, who have not previously been subject to such obligations, will start by investing 2% in premium content, with their required share gradually rising until the end of the period.<sup>13</sup>

Although the explanatory notes assert the intention to maintain the current level of investment in local productions, this remains a mere general statement unaccompanied by any financial data to throw light on the current total investment or on the expected investment based on the model proposed in the bill. Nor do the explanatory notes clarify why the bill sets no obligation to transfer part of the productions to external companies in order to shore up the viability of the creative market. Therefore, it is feared that the proposed provision spells a major reduction in resources allocated to Israeli original productions, which will harm Israeli artistic work and culture.

There is no overstating the importance of artistic and cultural freedom of expression, which holds special status in political philosophy and in Israeli law. It is a unique right in that it

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<sup>12</sup> Article 58 of the bill.

<sup>13</sup> Article 192 of the bill.

enables self-fulfillment through the articulation of a wide spectrum of outlooks comprising emotions, lived experiences, and impressions, which supplement verbal and reasoned expression and enrich the social discourse.

Freedom of expression is also essential for the creation of quality content for adults and children and of premium documentary and drama programs that are accessible to the general public and shape a country's social character, national identity, and cultural and historical heritage. Cultural freedom of expression is attained not only because freedom is not forbidden ("negative right"), but primarily through its encouragement with public budgets ("positive right"), which fittingly should come from broadcasters flooding the networks with content.

The importance of local productions does not only lie in their contribution to Israeli culture and people but also because freedom of expression and creation is one of the most basic human rights and foundational values of a free state. The rationale behind the statutory obligation to budget local productions, in Israel and in other Western countries, is that culture cannot exist without state support. Public funding is intended to correct a dearth in quality content (products that are non-commercial and more costly) and to promote the public interest: to nurture shared values, present them in the local vernacular, teach and enrich the common heritage, and shape a social reality consistent with its unique character. This is similarly true in countries that are rich in resources, such as the United States, the United Kingdom, and Scandinavia.

However much it is argued that there will be no reduction in local production rates because Israeli content providers such as Partner and Cellcom and international providers like Disney and Netflix will now be required to produce, no data supporting this claim is presented in the proposed bill. Therefore, if its authors sincerely believe that it preserves the rate of investment, they should not only disclose the economic data upon which this assertion is made but also reduce the obligation on existing entities only after ascertaining that its application to new entrants indeed led to an increase in Israeli local productions and by how much. However, until such data is presented, there is serious concern that this provision will spell severe harm to the world of television content and production and shut down the only cultural artery accessible to all, in every Israeli living room, in opposition to the public interest.

### **Politicization of Rating Data**

Article 98 of the proposed law authorizes the BMA Council to set rules for registered content providers concerning the publication of aggregated viewership data, either on a permanent basis or for a specific period. The article ostensibly talks only about the publication of this data, but given the possible impact on the calculation methods, there is concern that the BMA Council might use this provision to set rules both on how the viewing data is measured and on the manner it is presented to the public. **This is an extreme provision which, as we see it, has no parallel in any other democratic country in the world.** The explanatory notes of the bill do not clarify why this provision was included or what problem it is meant to address.

By contrast, under the current situation, rating data is published by the Israeli Audience Research Board, whose members include broadcasting entities as well as advertisers and advertising agencies, in a setup that strikes a reasonable and substantive balance between stakeholders and ensures that measurement processes and the published data are free from political considerations and government interference.

In Zulat's opinion, the proposed provision may enable government control over the measurement, calculation methods, and publication of results, thereby dangerously paving the way for deliberate biasing of the viewership map in favor of channels and broadcasts sympathetic to the government.

It should be pointed out that even fractional percentage points of ratings translate into the amount of cash that flows into a broadcaster's coffers. They determine the lifespan of a program, the impact of a channel, its influence on the public, and even its very existence. Such legislation becomes much more dangerous given the "network effect": the tendency to watch more of the content that many others watch. The proposed provision could thus create a government-controlled snowball that grows increasingly stronger in support of the channels favored by it.

Granting such powers raises concerns about major government intervention in the commercial relations between players in the broadcasting sector, which might potentially lead to altering current calculation methods. Consequently, this raises the suspicion that the underlying purpose of the proposed provision is to favor specific channels favored by the government at the expense of channels airing content that is incompatible with its political views. **Such a provision is totally inconceivable in a democratic country.**

### **Communications Ministry's Director Could Demand Information From BMA**

Article 108(c) of the proposed law empowers the director general of the Communications Ministry to demand from the BMA Council reports and data analyses needed for advancing regulation in the diffusion of audio-visual content to Israeli audiences.

One of the main purposes of establishing a new regulator is to maintain its autonomy and distance it both from the political-government echelon and from the broadcasters under its supervision in order to prevent attempts to exert political and economic influence on their operations. However, the proposed provision contradicts these principles, as it enables the political-government echelon to demand information on all broadcasters under the BMA's supervision. Delivering such information to the political echelon may lead to direct interference in the regulator's work and in the operations of broadcasters.

**There is no place for such a provision in a democratic society, and it should be repealed, or at the very least, substantially limited,** with clear restrictions on the scope and type of information that the ministry's director general may request from the BMA, so as not to infringe on the fundamental constitutional principles of freedom of the press and freedom of expression.

### **Conclusion**

**"Democracies don't die with a bang but with a whimper, by means of a prolonged weakening of their institutions, particularly the judicial system and the media, and the slackening of political norms."**<sup>14</sup> These words aptly describe both the intentions behind the provisions set forth in the proposed bill and the expected consequences if it becomes law.

Zulat's position is that there is need for revised regulation, aimed at bolstering an effective media that fulfills its essential role in democratic life, promotes freedom of expression and local creativity, free and independent journalism, and freedom of information. This revised regulation should focus on merging legal provisions for players with similar characteristics and promoting effective but not unlimited competition, regulation that upholds the separation between content and commercial considerations and that remains insulated from extraneous political and economic influences that threaten this purpose.

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<sup>14</sup> Benjamin Carter Hett, American historian and professor at Hunter College, quoted by Yoram Peri in [\\*All the Ways Democracy Is Crashing and Burning](#), *Haaretz*, 2 September 2018.

**The proposed law, however, fulfills none of these goals but serves a different purpose: to weaken a free and independent media and subject it to political and economic pressures.** As such, it has no place in a democratic country and must be removed from the Knesset's agenda.

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