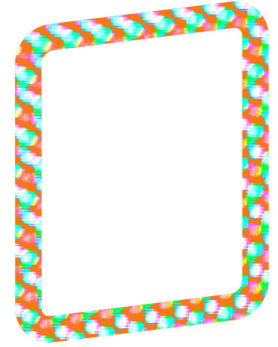
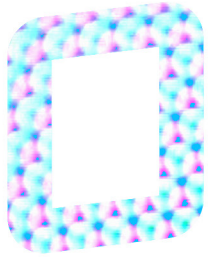




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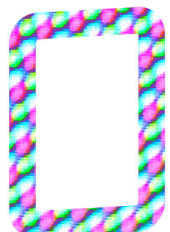
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# Monitoring Media Pluralism in the Digital Era

Application of the Media Pluralism Monitor in the European  
Union, Albania and Turkey in the years 2018–2019

Elda Brogi, Roberta Carlini, Iva Nenadic, Pier Luigi Parcu,  
Mario Viola de Azevedo Cunha



*Report 2020*

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# 1. Executive Summary

Pluralism of the media constitutes one of the essential pillars of democracy. Freedom of expression and freedom and pluralism of the media are enshrined in the Charter of Fundamental Rights of the European Union (Article 11), and their protection is underpinned by Article 10 of the European Convention on Human Rights.

This report presents the results and the methodology of the Media Pluralism Monitor (MPM2020), a tool geared at assessing the risks to media pluralism in EU member states and selected candidate countries (30 European countries in total). The Media Pluralism Monitor has been implemented, on a regular basis, by the Centre for Media Pluralism and Media Freedom, since 2013/2014 (last implementation MPM2017), based on a holistic perspective, taking into account legal, political and economic variables that are relevant to analysing the levels of plurality of media systems in a democratic society.

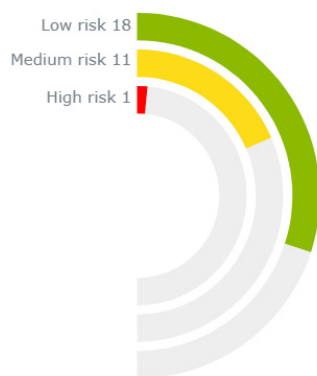
This implementation covers the years 2018 and 2019. Consequently, the United Kingdom – which left the Union in January 2020 - is still analysed as being part of the European Union in this report.

In a media ecosystem that has been rapidly evolving, especially under the pressure of the digitalisation of the information industry, rapid technological advancements have created new opportunities, but also new sources of risk for media pluralism. For this latest implementation, the Media Pluralism Monitor was revised and developed in order to insert, into its existing body, the analysis of the major features of the digital transformation, without renouncing the general character of the instrument.

This means that the analysis of the 4 areas of the MPM (Basic Protection, Market Plurality, Political Independence and Social Inclusiveness) has been integrated with several new variables that are related to the digital transformation, in the hope of obtaining a balanced and updated view of the reality of the present media systems in the EU and in selected candidate states. Furthermore, a special focus on the assessment of the digital variables has allowed the design of a preliminary evaluation of their specific contribution to the measurement of risks to media pluralism, and to extract a digital specific risk score, with the intention of advancing the agenda for public discussions and policy making in the EU (and beyond) about the effects of the digital transformation on our democratic societies.

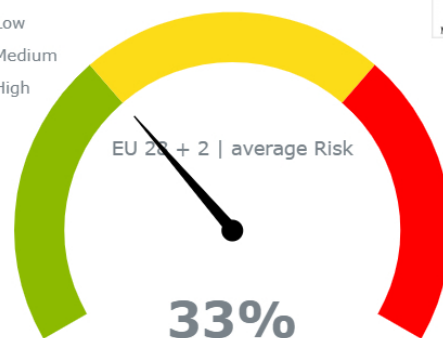
# Basic Protection

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JS chart by amCharts

Low  
Medium  
High



Under the Basic Protection area, the MPM assesses the fundamental factors which must be in place in a pluralistic and democratic society, namely, the existence and effectiveness of regulatory mechanisms in order to safeguard the freedom of expression and the right to seek, receive and impart information; the status of journalists in each country; the independence and effectiveness of the media authority; the universal reach of traditional media and access to the Internet. This year, the Basic Protection area adds indicators focused on the challenges posed by the digital environment to the plurality of the media landscape; this results in a closer focus on the protection of freedom of expression online, data protection online, the safety of journalists online, levels of Internet connectivity, and the implementation of European net neutrality obligations.

In the MPM2020, the majority of countries analysed score a low risk when it comes to the Basic Protection area: 18 of 30 countries are assessed as having a low risk (namely, Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Sweden and the United Kingdom). 11 countries (Albania, Bulgaria, Croatia, Cyprus, Hungary, Italy, Malta, Poland, Romania, Slovenia and Spain) score medium risk, (with 1 country moving from low to medium risk (Cyprus) and 3 countries from medium risk to low risk (Greece, Latvia, Portugal) - which could be seen as a progress at first sight if compared to MPM2017, where 16 of 31 countries were assessed as being at low risk. However, the average score for the area of Basic protection, in this round of the

MPM, reached 33%, a percentage very close to the medium risk range, an increase of an average 1% in comparison to MPM2017 – (when the average was 32%, still within the low risk range, although in its upper band). The assessment on Basic Protection shows a deteriorating situation in comparison with MPM2017 because MPM2020 assesses at higher risk the indicator on Journalistic profession, standards and protection: Albania, Bulgaria, Croatia, France, Italy, Hungary, Malta, the Netherlands, Romania, Slovenia, Slovakia, Spain and the United Kingdom score as being at medium risk and Turkey as high risk for this indicator (in MPM2017, 6 country scored at medium risk and Turkey at high). In comparison with MPM2017, the indicator on Universal reach of traditional media and access to the Internet got a lower score. This impacts on the calculation of the average per area.

Only two indicators out of the five that compose the Basic Area assessment, i.e. Protection of freedom of expression and Independence and effectiveness of the media authority, score a low risk, on average. This does not mean, nonetheless, that the countries assessed under these two indicators are free from risks. In particular, within the indicator on Protection of freedom of expression, the assessment of the legal framework on defamation, and its implementation, shows the arbitrary use of lawsuits (the so called Strategic lawsuit against public participation, or SLAPP), resulting in a chilling effect on journalists and limitations to the freedom of expression. A specific focus on protection of freedom of expression online shows that the main source of risk detected by the MPM2020 is the lack of transparency among online platforms in justifying and reporting on their content moderation policies and techniques.

The *de facto* independence of the media authority registers a medium risk in more than a half of the 30 countries considered. The insufficient protection of whistle-blowers, poor working conditions for journalists, and the increasing number of threats to which journalists are subjected, are some of the main risks that are observed across Europe. It is worrisome that threats to journalists often come from politicians, who should, instead, guarantee an enabling environment for journalists.

After the murder of Daphne Caruana Galizia in Malta in 2017, the assassinations of Jan Kuciak and Martina Kušnírová in Slovakia, of Lyra McKee in Northern Ireland and of Jamal Khashoggi in the consulate of Saudi Arabia in Istanbul. These all, sadly, confirm that Europe and the candidate countries are not immune from horrendous crimes against journalists.

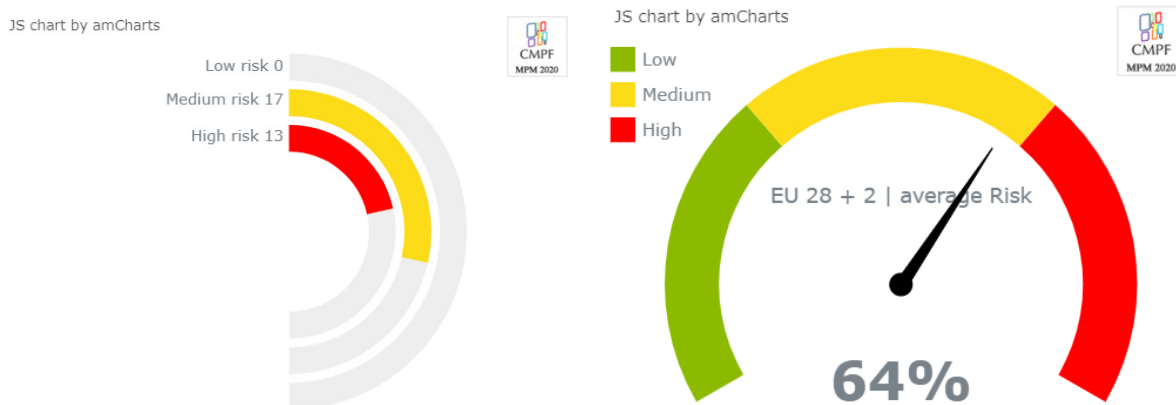
Threats to journalists come from the online environment too. Digital safety has become a serious concern for journalists, including, in some countries: harassment and threats, especially against female journalists; legal provisions allowing national security services to collect internet and telephone data from citizens in bulk as a result of purposes of investigation and surveillance.

As in previous rounds of the MPM implementation, Turkey is the only country that scores a high risk in Basic Protection, confirming a trend to deterioration in the protec-

tion of fundamental rights and values. Of particular concern, is the still high number of imprisoned journalists in the country (47 as of December, 2019), coupled with a lack of independence among the judiciary and abusive use of the criminal justice system, in particular, when it comes to limiting freedom of expression. The trend to the prosecution of writers, journalists and social media users for insulting the President has grown. Journalists have been prosecuted and imprisoned on extensive charges of terrorism, insulting public officials, and/or committing crimes against the state. Turkey, again, is the only country scoring high risk when it comes to protection of freedom of expression online: administrative authorities and courts routinely have recourse to internet blocking in a way that is disproportionate and that is not compatible with Art. 10 ECHR (just on December 26, 2019, the Constitutional Court of Turkey ruled that the blocking of Wikipedia, ordered in 2017, violated human rights).



# Market Plurality



Under the Market Plurality area, the MPM assesses the risks to media pluralism that arise from the legal and economic context in which market players operate: market concentration, transparency of ownership, businesses' influence over editorial content, the sustainability of media production. In the MPM2020 implementation, the role of the digital platforms in the new ecosystem of the media has been considered, assessing separately the concentration in the production and distribution of information. While the indicator on News media concentration assesses the risks of market power in the production of news (both legacy and digital providers), a new indicator (Online platforms and competition enforcement) addresses the role of the digital intermediaries in the distribution of news. The average score for the area of Market Plurality is 64%, which is considerably higher than in MPM2017 (53%), signalling the growing economic threats to media pluralism.

Under Market Plurality, no country scores a low risk; and this area has the highest average risk among the areas considered by the Monitor. The majority of countries score a medium risk – 17 out of 30 (Austria, Belgium, Denmark, France, Estonia, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Spain, Sweden and the United Kingdom), while 13 countries score a high risk (Albania, Bulgaria, Croatia, Cyprus, the Czech Republic, Finland, Hungary, Latvia, Malta, Romania, Slovakia, Slovenia and Turkey).

The highest risks for market plurality come from ownership concentration, both in the news media and the digital intermediaries' markets. The indicator on News media con-

centration scores 80%: for this indicator, no country scores a low risk, and only four countries (France, Germany, Greece and Turkey) score a medium risk. The new indicator on Online platforms and competition enforcement is also at high risk (73%), reflecting the very high concentration in Gateways to news (80%), and a medium risk in Competition enforcement (65%, very close to the threshold of high risk).

The role of digital intermediaries indirectly affects the indicator on Media viability: it ranks a medium risk, at 56%, reflecting the tough market in which the news media industry is struggling. By collecting users' personal data and using them for targeted advertising, the online platforms take the major share of the online advertising market, thus disrupting the traditional business model of the news media. In seven countries, Media viability is assessed as being at high risk. Among the news media sectors, the most vulnerable are newspapers and local media industries.

The other two indicators in this area are at medium risk: Transparency of media ownership (52%) and Commercial and owner influence over editorial content (60%). Only four countries score a low risk level for the indicator on Transparency of media ownership (France, Germany, Luxembourg and Portugal); while five countries score a high risk (Cyprus, Czech Republic, Hungary, Latvia and Slovakia).

The risks relating to commercial and owners' influence over editorial content have risen from MPM2017. In the MPM2020 implementation, only 5 countries score as low risk (Denmark, France, Germany, Portugal and the Netherlands). 11 countries score as medium risk (Austria, Belgium, Cyprus, Estonia, Finland, Ireland, Italy, Luxembourg, Poland, Spain, and the United Kingdom), the remaining 14 being at high risk (Albania, Bulgaria, Croatia, the Czech Republic, Greece, Hungary, Latvia, Lithuania, Malta, Romania, Slovakia, Slovenia, Sweden and Turkey).

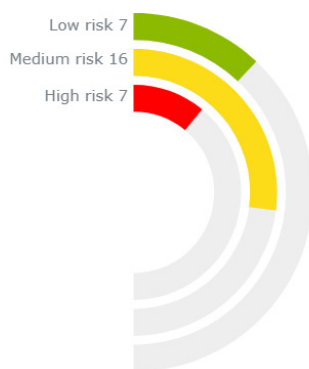
Even if the impact of digital competition affects all of the indicators in the area, the extraction of the score for digital variables can help to better assess the risks that are linked to the online environment. The average score of the digital variables for the Market Plurality area is 61%, (i.e. medium risk). It is slightly lower in comparison with the overall risk (64% for EU+2, 63% for the EU).

In each of the five indicators of the Market Plurality area, the digital score is at the same risk-level as the overall score, but with different numerical values. In the indicators on market concentration, the digital variables mark a very high level of risk: 80% for News media concentration, 77% for Online platforms and competition enforcement. The sub-indicator on Gateways to news (which aims to assess the role of algorithm-driven access to news, and the concentration in the online advertising market) scores as a high risk in all the countries monitored by MPM2020.

The data collection in the Market Plurality area has been challenging, particularly for the digital variables. Based on the MPM methodology, lack of data is coded as "no data" in the MPM questionnaire and the consequent level of risk is assessed having regard to the country context. "No data" coding in the Market Plurality area amounts to 18% of all the questions in the area itself (compared to 7% for all of the MPM's areas), highlighting a high degree of opacity that, in itself, can be seen as a risk for market pluralism.

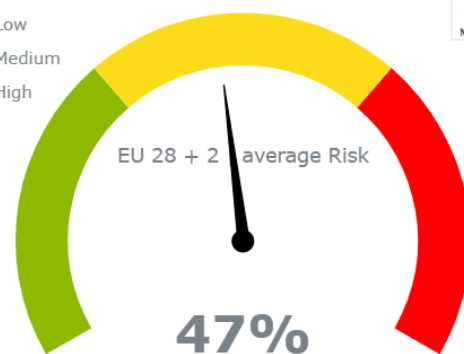
# Political Independence

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JS chart by amCharts

Low  
Medium  
High



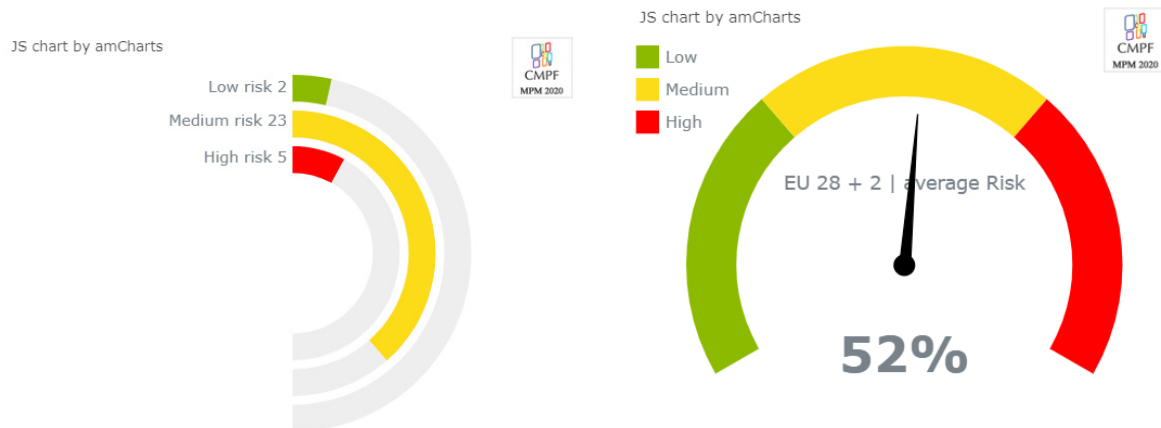
Political pluralism, as a potential for actively representing the diversity of the political spectrum and of ideological views in the media and other relevant platforms, is one of the crucial conditions for democracy and democratic citizenship. The Political Independence area is assessed using indicators that evaluate the extent of the politicisation of the distribution of the resources to the media; political control of media organisations and content; and, especially, of the public service media. The area evaluates the editorial autonomy to self-regulate in traditional and digital news environments, and safeguards against manipulative practices in political advertising in the audiovisual media and on online platforms. Media policies and media regulation have mainly been focused on audiovisual media, because of their perceived impact on public opinion, and because of their use of finite spectrum resources. As more people are shifting their attention and news habits to online platforms and sources, more attention needs to be given to the conditions in which political information there is shared, moderated and accessed. The MPM2020 thus introduces a set of variables that aim to assess the political control over digital native media, the fairness and transparency of (micro-targeted) political advertising on the social media, and the potential for journalists to self-regulate their activities in the platform's realm.

Overall, the Political Independence area is at high risk in 7 countries (Bulgaria, Hungary, Malta, Poland, Romania, Slovenia, and Turkey). Seven other countries are found to be at low risk (Belgium, Denmark, France, Germany, the Netherlands, Portugal, and Sweden). A majority of countries, namely, 16, including a candidate country, Albania, in which the MPM was implemented for the first time in 2018-2019, score medium risk.

While, on average, for all of the countries covered by the research, the risk remained almost the same as in MPM2017 (when it was 46%), in several cases the level of risk has changed. Malta and Romania, which, in MPM2017, performed within the medium risk band, but were scored as being very close to high, now score a high risk. In both cases, this is largely due to the increase in risk for the indicator Audiovisual media, online platforms and elections. Unlike the MPM2017, when this indicator was purely focused on audiovisual media in elections, in the MPM2020 it was redesigned to also evaluate the conditions and safeguards for fair play and the transparency of political advertising online, including those online platforms that distribute content. While most countries in the EU have a law or another instrument with which to ensure transparency and allow equal opportunities in political advertising during election campaigns in the audiovisual media, this is far from being a reality in the online sphere, where different possibilities are offered, and different techniques are used to influence political opinions.

Turkey continues to be the only country that scores high risks across all five indicators in the area of Political Independence. Overall, for all of the 30 countries examined, most risks in the area of Political Independence relate to the lack of regulatory, or self-regulatory, protection of editorial autonomy. The risks are further associated with the general lack of political independence of the media: conflicts of interest between holding government office and media ownership, especially at the local level, is often not effectively regulated, and other indirect means of political control over the media, such as state advertising, are also used. Public service media, especially in Central and Eastern Europe, are at the risk of government interference through the appointment of politically dependent management.

# Social Inclusiveness



The Social Inclusiveness area considers access to the media by various social and cultural groups, such as minorities, local/regional communities, people with disabilities, and women. In addition, the Monitor considers media literacy as a precondition for using the media effectively, and examines media literacy contexts, as well as the digital skills of the population. On average, the area of Social Inclusiveness scores 52% (i.e. medium) risk. This is 2 percentage points lower than in MPM2017 (54%), but is still in a medium risk band. Two thirds of the countries (22) score a medium risk (Austria, Belgium, Croatia, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain), 5 countries (Albania, Bulgaria, Cyprus, Romania and Turkey) score a high risk, while only 3 countries (France, Sweden and the United Kingdom) are in the low risk band for Social Inclusiveness.

Access to media for minorities, and Access to media for women, are the two highest scoring indicators in this area. The risk is particularly prevalent with regard to minorities who are not recognised by law. Women continue to be heavily underrepresented in both media management and reporting. Male experts are more often invited to comment on political programmes and articles than are female experts, and no country scored a low risk on this matter.

While media literacy activities are gaining popularity in both the number and scope in the majority of the countries examined, media literacy policies are evaluated as being comprehensive in only 6 (Belgium, Finland, France, Germany, the Netherlands, and

Sweden). In the vast majority of countries, namely, 19, media literacy policies are available, but they are not comprehensive, and 5 countries have no media literacy policy at all (Albania, Croatia, Cyprus, Hungary, and Romania). The lack of systematic and state-level effort to increase media literacy may be reflected in the overall digital competencies of individuals. It is largely those countries that do have a comprehensive media literacy policy that also have a higher share of the population with basic, or above basic, overall digital skills, as compared to those that have no, or only a limited policy in this field.

The novelty of the MPM2020 Social Inclusiveness area is a new component of the Media literacy indicator: Protection against hate speech. The MPM2020 results show that 4 countries only (Belgium, Germany, Luxembourg, and Sweden) have regulatory frameworks that appear to be effective in countering hate speech online, especially with regard to vulnerable social groups, such as minorities, people with disabilities and women. In many countries, there is still insufficient research into the extent and form of hate speech against these and other groups or individuals in the online sphere, but indications are that such hate speech is taking place and represents a severe problem.

As mentioned above, MPM2020 devotes a special focus to the evaluation of the specific risks to media pluralism in the digital environment.

# Media Pluralism in a digital environment

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With the exception of the Market Plurality area, the risk scores of the digital component of each area are, in general and on average, higher than the overall score in that area.

The average score of the “digital” variables in the **Basic Protection Area** results in a medium risk, slightly higher than the general low risk average for the same area. While the assessment on the digital dimension of Basic Protection is somehow comparable to the overall score for this domain, it presents some specific elements that generate additional risks, such as online surveillance and digital threats to journalists, access to the internet, and availability of broadband connection that is below the EU’s median in half of the analysed countries, together with the ineffective implementation of net neutrality.

In the **Market Plurality Area**, the risk score for the digital market is slightly lower than the overall risk. Transparency of media ownership and businesses' influence over editorial content perform relatively better, even if they are still, on average, at medium risk; this may be due to the very features of digital native news media businesses, as well as to the progressive inclusion of digital media in the regulatory and self-regulatory provisions; but a growing concern relates to ownership transparency for cross-border digital news media. However, the digital score for the indicators on market concentration is equal to, or higher than, the overall score. Even if it has low entrance and production costs, the sector for online news media turns out to be at high risk in horizontal concentration. Also the specific indicator aimed to measure the impact of online platforms on media market pluralism shows the overwhelming dominance of a few digital intermediaries; consequently, the online advertising market is highly concentrated (in most countries the first two players controlling around  $\frac{2}{3}$  of the market). Finally, the digital score for Media viability is lower than the overall score, reflecting the fact that, in terms of revenues and employment, the legacy media suffer more, while, in the digital field, the development of alternative business models is continuing.

In the **Political Independence Area**, the higher risks are largely associated with the lack of proper safeguards, monitoring, and the transparency of political advertising on online platforms, which are increasingly serving as a source of political information, and

tend to give more prominence to paid content. On the positive side, the digital native media show significantly lower levels of politicisation than traditional media do.

As regards the **Social Inclusiveness Area**, the digital-specific risk score derives mainly from the under investigated and inadequately handled issue of hate speech against vulnerable social groups online.

Pending the publication of this report, an unprecedented global crisis, caused by the COVID-19 pandemic, has highlighted and confirmed the key role of independent media systems in democratic societies, and the risks to media pluralism associated with a state of emergency and various restrictions on freedom of expression. This crisis has boosted an “infodemic”, parallel to the health emergency itself, leading to a rapid spread of disinformation, sometimes boosted by politicians themselves. This situation has placed the big platforms in the spotlight even more, as they have found in a position to contribute to the diffusion of disinformation and, conversely, a public demand to act to fight it.

The crisis has demonstrated how “quality” journalism, based on the standards of professional ethics, is fundamental to keeping the public informed. The crisis has also forced media companies to think of alternative business models as news consumption habits change. The emergency has also highlighted how strategic and essential access to the Internet and digital media literacy have become in contemporary democracies.





**2.**

# **Introduction**

The MPM is a tool that has been developed by the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute to assess the risks to media pluralism in a given country, based on 20 indicators covering four main areas defining “media pluralism”, in its broad and holistic sense and including Basic Protection, Market Plurality, Political Independence and Social Inclusiveness<sup>1</sup>. The design of the MPM has a normative approach: it tries to catch all possible variables and features that may represent a risk for media pluralism, including lack of certain legal safeguards, media market concentration and socio-political shortcomings in the media systems. The result of the MPM analysis is not a ranking of the countries analysed or a description of actual state of media pluralism in any given country, but an assessment of potential weakness in the media system, that may hinder media pluralism. The MPM, using a practical approach, focuses its analysis on news and current affairs. The CMPF had to define the object of the Media Pluralism Monitor to take into account an evolving definition of media or, better, to include within the scope of the assessment all the various channels, on- and offline, that offer news and current affairs and, in the end, that contribute to the definition of a “public opinion”.

The MPM project is co-funded by the European Union.

This report presents the results and the new methodology of the Media Pluralism Monitor (MPM2020) that has been implemented in all EU-28 member states, in Albania and in Turkey, **covering developments in 2018 and 2019. As the analysis covers this timeframe, for the purposes of this report the UK is considered to be an EU member state<sup>2</sup>.**

Freedom and pluralism of the media, along with freedom of expression and stemming from it, constitute essential foundations of contemporary liberal democracies and of the European Union. Freedom of expression, and freedom and pluralism of the media are enshrined in the Charter of Fundamental Rights of the European Union (Art 11). They are also protected by Art.10 of the European Convention on Human Rights, which has been signed by all of the EU’s member states.

The media ecosystem has rapidly evolved in recent years. Significant changes have been observed in the way that the news has been produced, disseminated and consumed. Technological advancements have created new opportunities in the area of media freedom and media pluralism, but have also prompted new sources of risk, including, but not limited to the spread and impact of disinformation, and hate speech on a scale that is unprecedented; a lack of transparency in algorithm-driven news intermediaries; the increasing importance of private technological companies in governing communication online; the polarisation of the public debate; the decreasing sustainability of the legacy news media and journalism. These issues are largely perceived as having an impact on

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1 Prior to the 2020 implementation, the tool was implemented across all EU Member States in 2017 and 2016, and was tested through two pilot-projects, which were also co-funded by the European Union, in 2014 and 2015. These two pilot-test implementations were built on the prototype of the MPM that was designed in the 2009 Independent Study on Indicators of Media Pluralism in the Member States – Towards a Risk-Based Approach, which was carried out by KU Leuven, JIBS, CEU, Ernst & Young, and a team of national experts ([http://ec.europa.eu/information\\_society/media\\_taskforce/doc/pluralism/pfr\\_report.pdf](http://ec.europa.eu/information_society/media_taskforce/doc/pluralism/pfr_report.pdf)).

2 The UK left the EU on 31st January, 2020.

the public sphere, on pluralism, and on the very health of democracy. They are high on the agenda of public discussions and of policy making in both the EU and worldwide.

A few developments illustrate this point. In March, 2018, news of the Cambridge Analytica scandal<sup>3</sup> broke, highlighting privacy issues with Facebook and the misuse of users' data for microtargeting purposes in political campaigns, such as Brexit and the 2016 US election. The scandal brought to the fore the lack of oversight around the transparency of political advertising online and the use of algorithmic audience profiling.

In January, 2018, the High Level Expert Group on Fake News, was created by the European Commission “to advise on policy initiatives to counter fake news and disinformation spread online”, and it produced a report in the following March which recommends a multidimensional approach to increasing the transparency of online news, the promotion of media and information literacy, the development of tools to empower users and journalists, to safeguard the diversity and sustainability of the news ecosystem in Europe, and to promote continued research on the effects of disinformation. Ahead of 2019 European elections, the EU sponsored a “European approach” to tackling disinformation, thus supporting the signature of the Code of Practice on Disinformation (2018), and this should encourage online platforms to ensure the transparency of political advertising and restrict the automated spread of disinformation. The Commission also adopted Guidelines on the application of General Data Protection Regulation (GDPR)<sup>4</sup> in the electoral context (European Commission 2018), perceiving the growing importance of data protection in electoral campaigns online.

Moreover, in 2018, the new Audiovisual Media Services Directive<sup>5</sup> included into its scope of application video-sharing platforms, thus setting the stage for new approaches to content regulation online. In 2019, the new Copyright directive<sup>6</sup> put forward solutions to strike a balance between the interests of the publishers and creators and those of the online platforms exploiting copyrighted content online. The proposed reform of the ePrivacy Regulation<sup>7</sup> - if adopted - is expected to enlarge the scope of the current ePrivacy Directive (Directive 2002/58/EC)<sup>8</sup> and will include Over-the-Top communi-

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3 <https://www.theguardian.com/news/series/cambridge-analytica-files>

4 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

5 Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities

6 Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC

7 European Commission (2017). Proposal for a Regulation of the European Parliament and of the Council concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications). Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52017PC0010> [20 March 2020].

8 Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications)

cations services - "OTTs" (European Commission 2017).<sup>9</sup> A revision of the EU e-commerce directive is in the pipeline under the umbrella of the announced new Digital Services Act.<sup>10</sup>

An intense worldwide debate is taking place on the digital challenges to competition policy. The rising market power of a few digital intermediaries have highlighted the limits of competition rules and competition enforcement in all sectors (OECD 2018; Furman Report 2019). In the EU, the Special Advisor Report to the Commissioner for Competition, Margrethe Vestager, stressed that “concepts, doctrines and methodologies, as well as competition enforcement more generally, have to be adapted and refined” to face digital challenges (Crémer et al. 2019). The impact of the platform economy on the news media system is specifically addressed in the Digital Platform Inquiry of the Australian Competition Authority (ACCC 2019).

However, there is still insufficient understanding of the extent of these developments to media pluralism, both on the transnational and national levels, especially taking into account the differences in media systems. There is also a lack of agreement worldwide on what the right approach(es) should be to ensure that the standards set to protect the freedom of expression and media pluralism in traditional media systems are also respected online, and/or whether new standards are needed. There is a lack of agreement on what the best economic policies should entail to boost diverse and sustainable business models online, allowing for a vibrant and diverse content offer to citizens. Finally, there is a lack of agreement about the measures to be used to guarantee citizens a fair political debate online.

The new Media Pluralism Monitor tool analyses in more detail, when compared to previous rounds of implementation, what the risks for media pluralism in the online environment are, using a principle-based approach.

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9 European Commission (2017). Explanatory memorandum of the Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL concerning the respect for private life and the protection of personal data in electronic communications and repealing Directive 2002/58/EC (Regulation on Privacy and Electronic Communications). Available at <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52017PC0010&from=EN> [accessed Mar 24 2020].

10 On 2nd June 2020 the European Commission launched a Consultation on the Digital Services Act package, see <https://ec.europa.eu/digital-single-market/en/news/consultation-digital-services-act-package>

**Figure 2.a.: Areas and Indicators covered by the Media Pluralism Monitor (MPM2020)**

<b>Basic Protection</b>	<b>Market Plurality</b>	<b>Political Independence</b>	<b>Social Inclusiveness</b>
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for people with disabilities
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Access to media for women
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	PSM governance and funding	Media literacy

While the MPM2020 has an enhanced focus on the online media and platforms, it has continued to monitor traditional risks to media pluralism.

Starting in 2017, Europe witnessed the assassinations of investigative journalists Daphne Caruana Galizia in Malta, and Ján Kuciak, and his fiancée, Martina Kušnírová, in Slovakia. The murders highlighted a need across the EU for better protection for both journalists and whistle-blowers.<sup>11</sup> In 2018, the Saudi journalist, Jamal Khashoggi, was murdered at the Saudi consulate in Istanbul, sparking an international outcry and calls for an independent inquiry into the circumstances surrounding his death; Viktorija Marinova, a Bulgarian journalist, was brutally murdered.<sup>12</sup> In 2019, the journalist Lyra McKee was fatally shot during riots in Northern Ireland.

11 <https://www.europarl.europa.eu/news/en/press-room/20180411IPR01528/murder-of-jan-kuciak-meps-urge-action-to-protect-journalists-across-the-eu>

12 It is important to emphasise that the assassination of Mr Khashoggi did not occur on Turkish territory but inside the Saudi consulate in Istanbul and, further, that no Turkish nationals or bodies have been implicated in the assassination. Addendum 27/07/2020 “On April 22 2019, a court in Bulgaria sentenced to 30 years in prison a man found guilty of killing journalists Viktoria Marinova. According to the judgement the crime was not related to her profession. [https://www.coe.int/en/web/media-freedom/detail-alert?p\\_p\\_id=sojdashboard\\_WAR\\_coesoportlet&p\\_p\\_lifecycle=0&p\\_p\\_col\\_id=column-1&p\\_p\\_col\\_pos=1&p\\_p\\_col\\_count=2&sojdashboard\\_WAR\\_coesoportlet\\_alertId=40114537](https://www.coe.int/en/web/media-freedom/detail-alert?p_p_id=sojdashboard_WAR_coesoportlet&p_p_lifecycle=0&p_p_col_id=column-1&p_p_col_pos=1&p_p_col_count=2&sojdashboard_WAR_coesoportlet_alertId=40114537)

Risks to media pluralism still beset traditional media. In Hungary, the creation of the Central European Press and Media Foundation (KESMA), a conglomerate of almost five hundred media organisations, represents a huge and unprecedented concentration of media in the hands of oligarchs who are friendly to the ruling party (CMPF 2019).

The Wikileaks founder, Julian Assange's arrest and indictment on 11th April, 2019, for conspiracy to commit computer intrusion<sup>13</sup>, prompted a host of reactions from freedom of expression and press organisations.<sup>14</sup> While it gives a comparative view on how certain standards are implemented across Europe, it must be stressed, as a general caveat for the reader, that the assessment must be read also in the light of the political, social, legal and economic contexts of any given country. This narrative report must be read together with the individual MPM country reports produced by the MPM country teams which provide the necessary background and specificities of each national media landscape.

Pending the publication of the report, an unprecedented global crisis, caused by the COVID-19 pandemic, is confirming the key role of media systems in democratic societies, and the risks to media pluralism that are associated with a state of emergency and restrictions to freedom of expression. As the first pandemic in the social media era, the crisis has meant not only a health emergency, but also a parallel “infodemic”, as it was defined, meaning a rapid spread of disinformation, sometimes boosted by politicians themselves. “The infodemic”, once more, has put the big platforms in the spotlight, as they have found themselves in a position to contribute to the diffusion of disinformation and, conversely, required by the public to act to fight it. Big online platforms may be helpful in tracking the diffusion of the virus, but unprecedented and disproportionate data collection of sensitive personal data is at stake. The crisis has stressed how reliable journalism, based on the standards of professional ethics, is fundamental to keeping the public informed and has forced media companies to think of alternative business models with which to cope with new news consumption habits. The crisis has also highlighted how strategic and essential access to the Internet and media literacy are in contemporary democracies. The MPM provides a holistic analysis, as it covers many different aspects and interpretations of “media pluralism”.

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13 <https://www.justice.gov/usao-edva/pr/wikileaks-founder-charged-computer-hacking-conspiracy>

14 <https://www.theguardian.com/media/2019/apr/12/julian-assange-charges-press-freedom-journalism>

# 3. Analysis

# 3.1.

# Basic

# Protection

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*The Basic Protection indicators are designed to describe and measure those elements considered essential conditions for a pluralistic and democratic society. The first, and fundamental, component of the area is the level of ‘Protection of freedom of expression’, the basic prerequisite for any functioning democracy. Freedom of expression is necessary for individual dignity and fulfilment, and it “constitutes [an] essential foundation for democracy, rule of law, peace, stability, sustainable inclusive development and participation in public affairs”.<sup>15</sup> In the MPM2020, respect for freedom of expression is assessed as having specific regard for the realisation of this fundamental right, in the online environment too.*

*Along with freedom of expression, and stemming from it, the right to access information is another fundamental ingredient of democracy. It is of the utmost importance that the effective transparency of public administrations is guaranteed, and that information which is in the public interest can be circulated to feed the political debate and, in the end, democracy. For that reason, a contemporary democracy should guarantee access to public information and whistle-blowers’ protection.*

*A free and plural media environment relies on free journalism. This means that access to the journalistic profession should be open, that journalists should be able to enjoy decent working conditions and should be able to work without constraints. An “enabling environment”<sup>16</sup> allowing journalists and other media actors to freely express themselves without fear, even when their opinions are contrary to those held by the authorities, or by a significant section of public opinion, should be guaranteed by Member States. The MPM therefore considers the safety of journalists, both physical and digital, as a direct and essential parameter through which to assess whether the basic conditions for a plural media environment are fulfilled. The impartiality and independence of the institutions that oversee the media market are other basic elements for a plural media environment. The independence of media authorities is of paramount importance when implementing media specific regulation and media policy, as the shape of the market has a direct impact on market plurality and on the political independence of the media environment.*

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15 Council of the EU, EU Human Rights Guidelines on Freedom of Expression Online and Offline, 12 May 2014, [http://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/EN/foraff/142549.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142549.pdf)

16 ECtHR, case *Dink v. Turkey*, 2668/07, 6102/08, 30079/08, 7072/09 et 7124/09, Judgment on September 14, 2010. See also Council of Europe, Committee of Ministers, Recommendation CM/Rec(2016)4[1] of the Committee of Ministers to Member States on the protection of journalism and the safety of journalists and other media actors, [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016806415d9](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9)

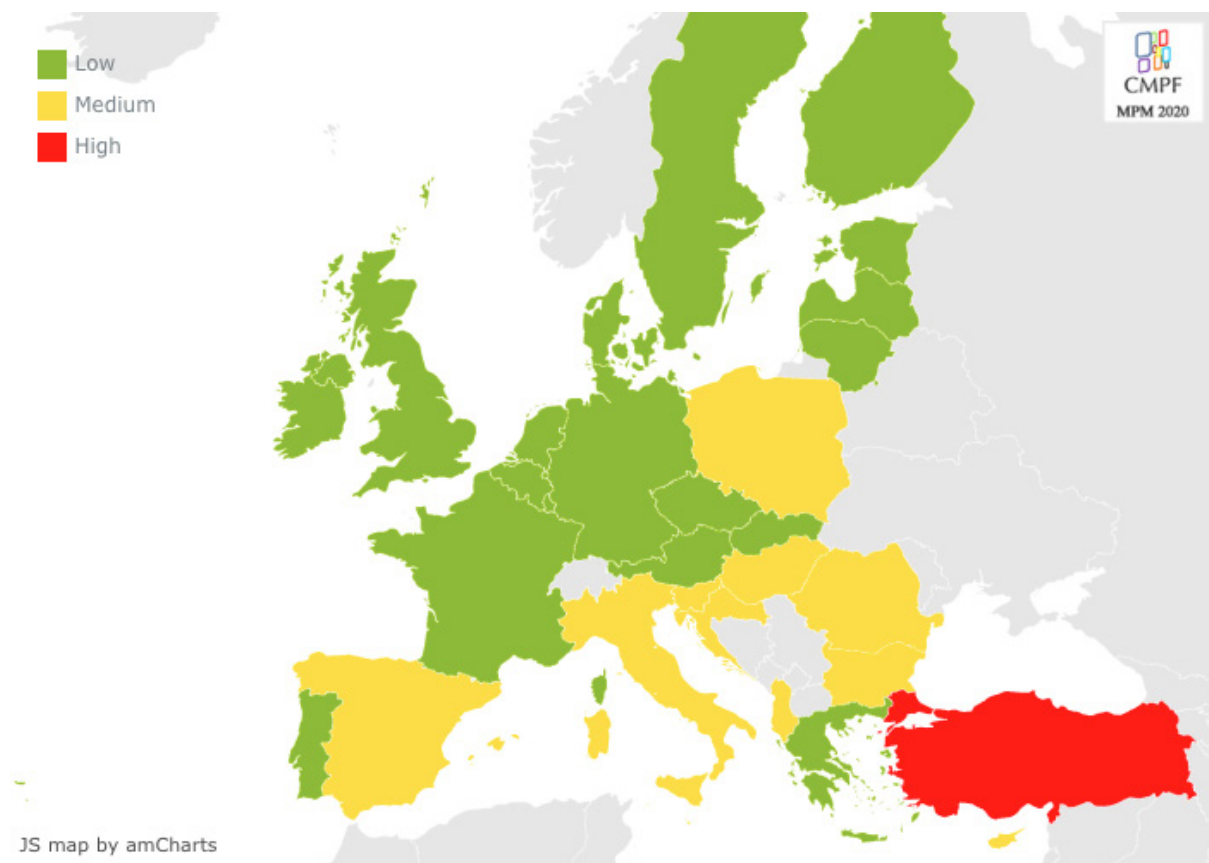


Finally, the Basic Protection area includes an assessment of the universal reach of traditional media and of access to the Internet. These are conditions that contribute to the assessment of whether citizens have, or at least potentially have, access to a wide variety of content. The indicators aim to capture risks in relation to specific legal standards, by measuring both the existence of legislation in a given area and its implementation. In addition to this, the Monitor assesses what the effective socio-political conditions are that affect the specific area of investigation in practical ways.

The five indicators examined under the Basic Protection area are:

- Protection of freedom of expression
- Protection of the right to information
- Journalistic profession, standards and protection
- Independence and effectiveness of the media authority
- Universal reach of traditional media and access to the Internet

**Figure 3.1.a. Basic Protection area – Map of risks per country**



The analysis of the MPM2020 results in the area of Basic Protection confirms the trends observed in previous rounds of MPM implementation. In MPM2020, 18 countries score low risk in the Basic Protection Area, namely, Austria, Belgium, the Czech Republic, Denmark, Estonia, France, Finland, Germany, Greece, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Slovakia, Sweden and the United Kingdom, 11 score medium risk (Albania, Bulgaria, Croatia, Cyprus, Hungary, Italy, Malta, Poland, Romania, Slovenia and Spain), and 1 country scores high risk (Turkey).

As in MPM2017, the majority of EU countries still register within the low risk category in this area, while the number of countries within the medium risk range has remained stable (12 in MPM2017, 11 in MPM2020). The significant number of countries that are assessed to be at medium risk, and the generally higher risk scores within the low risk range, explain why the Basic Protection area's overall score shows an average risk of 33% in MPM2020, an increase of 1% in the general risk, in comparison to MPM2017 (32%). This percentage, although still within the low risk range, falls within its upper band, and is very close to the medium risk level (above 33%).

Most of the medium-risk countries received a similar score in 2017, except for Cyprus (which had scored low risk in 2017), Albania – (a new country in the MPM assessment), and Greece and Latvia, which in MPM2020 fall within the low risk group. Turkey confirms its high risk score in Basic protection, and is the only country with a high risk assessment among the monitored countries.

In the case of Cyprus, the risk level was increased by the indicator on Protection of right to information, due to the lack of legislation to protect whistle-blowers, and the postponement of the reform of the law on Freedom of Information which has been assessed as a significant element of risk (Christophorou and Karides 2020). In the case of Latvia, a lower risk for the country in Basic Protection, in comparison with MPM2017, is the result of a better score, under the same indicator, while, for Greece, three of five of the indicators that compose the area are assessed as being at low risk in MPM2020 (Protection of right to information, Journalistic profession, standards and protection and Independence and effectiveness of the media authority, at medium risk in MPM2017).

With regard to the indicators in the Basic Protection area, the situation remains comparable to that of MPM2017, meaning that, overall, no major shifts can be detected in the fundamental principles and preconditions for media pluralism. It should be noted that in MPM2020 the average result for indicators on Universal reach of traditional media and access to the internet, and Protection of the right to information have dropped in risk compared to MPM2017, while the other indicators register higher risk levels.

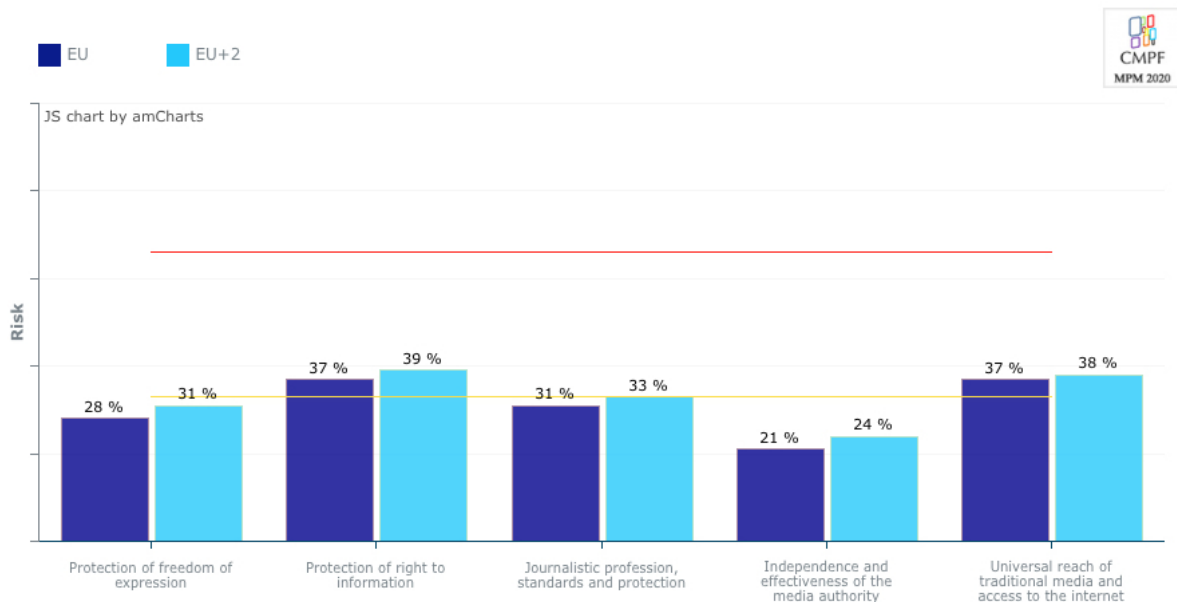
This means that some of the legal and institutional prerequisites for media pluralism, namely, the protection of freedom of expression, the protection of journalists, and the independence of the media authority face, on average, a generally increasing score and, therefore, a deterioration in the risk situation. These are the changes in the percentages of the five indicators: i) Protection of Freedom of Expression increased from 25 to 31%; ii) Protection of right to information went from 42 to 39%; iii) Journalistic profession

standards and protection from 26 to 33%; iv), Independence and effectiveness of the media authority from 21 to 23%; and, v) Universal reach of traditional media and access to the Internet from 43 to 38%.

It should be noted that these shifts are partially due to the revision of the MPM questionnaire, implemented in order to better incorporate the digital dimension of the media landscape in the MPM assessment (see, below, 5.1.).

Finally, it should be noted that, overall, the average of the indicators is higher when EU28+2 candidate countries are considered: This is particularly true for Turkey, a country that, in MPM2020, is confirmed as being an outlier for the Basic Protection area.

**Figure 3.1.b. Basic Protection area – Averages per indicator**



The assessment relating to the **Protection of freedom of expression** indicator shows a 31% average risk (28% if we just consider EU MS), which means that it is in the upper band of low risk (medium risk starts above 33%). The assessment shows an increase of 6% risk, in comparison to MPM2017, which represents a significant negative shift. This worsening of the risk is due mostly to the abuse of defamation laws and, to a limited extent, to a more detailed assessment of laws and practices regulating online content moderation, which revealed lack of transparency by social media and online platforms in content moderation practices and reporting.

Freedom of expression in the EU is, in general, protected. However, the relevant international standards are challenged in some of the assessed countries when it comes to finding a proportionate balance between freedom of expression and the criminalisation of defamation, assessed as a risk under MPM and as a potential disproportionate measure which may produce a chilling effect on journalists. The use of strategic lawsuits

against public participation (SLAPPs), which are often employed to intimidate journalists has exacerbated this problem. Furthermore, the lack of transparency of online platforms and social media with regard to content moderation and the insufficient data provided on filtering, takedowns and blocking is also seen as having an impact of online content and, on freedom of expression online.

For this fundamental indicator, 17 countries, slightly more than half of the analysed countries remained in the low risk range (in MPM2017 22 countries out of 31 scored low risk). Turkey is the only country that recorded a high risk for this indicator, continuing the trends reported in the 2017 and 2016 MPMs. This explains the higher average for the EU28+2 candidates, as shown in Figure 3.1.b.

The reduction in risk for the indicator on the **Protection of the Right to Information**, in comparison with MPM2017 (still within the medium risk range), is mostly due to the slightly revised composition of the indicator.

There are 2 countries that score an overall high risk for the indicator on Protection of the right to information, namely, Turkey, due to the many restrictions on access to information that are provided in the law, and Spain, where, allegedly, the Spanish public administration obstructs or delays access to the information requested, and there are no rules to protect whistle-blowers (MPM2020 data collection, Spain); 18 countries score a medium risk (Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal Romania and the United Kingdom) while 10 countries record a low risk (France, Germany, Greece, Ireland, Hungary, Latvia, Lithuania, Slovakia, Slovenia and Sweden).

The MPM2020 confirms the declining trend in relation to protection of journalism in Europe. The murders of Slovak Journalist, Ján Kuciak, and his partner Marina Kušnírova, in 2018, represent a serious threat to media freedom in Europe. In 2019, the killing of Lyra Catherine McKee in Northern Ireland raised concern for the safety of journalists in situations and areas of unrest. Two years after the assassination of Daphne Caruana Galizia in 2017 in Malta investigations led to the arraignment of the alleged mastermind, one of Malta's foremost businessmen. A separate public inquiry into the assassination and the state's role or otherwise in it was established in 2019. In the case of Ján Kuciak, an entrepreneur with connections to politicians and other high-ranking state officials was charged with ordering his killing (Sampor 2020).

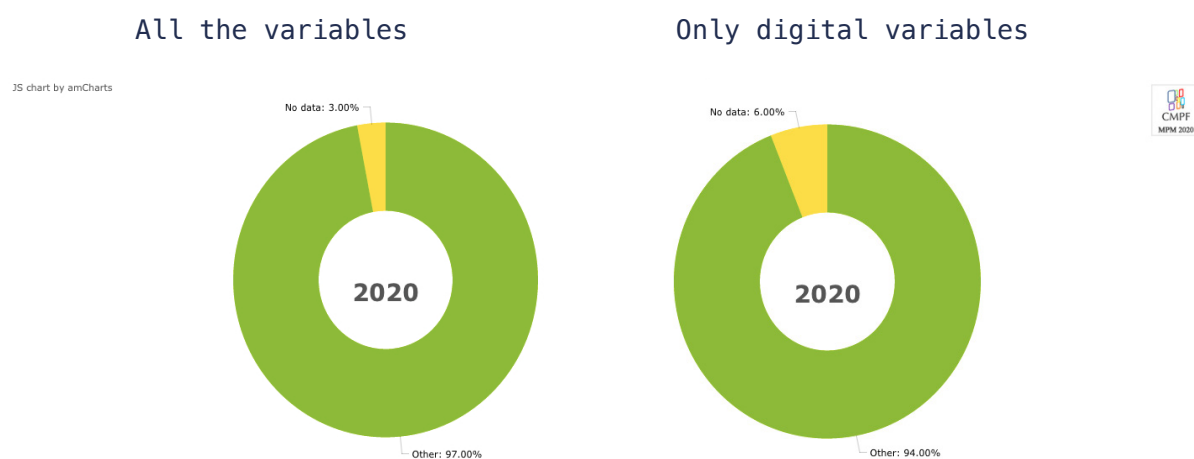
The increase in the risk level for the **Journalistic profession standards and protection** indicator is due to an increase in attacks and threats to journalists as a consequence of their work, both on- and offline, by the deteriorating working conditions for journalists, by the lack of initiatives on behalf of the state to guarantee an enabling environment for journalists to work without fear. 16 countries score a low risk and 13 a medium one. Again, Turkey scores as being at high risk and presents the worst situation, as, after the failed coup of 2016, a significant number of journalists are still imprisoned, thousands of journalists lost their jobs, and more than 800 press cards were cancelled by the government.

The **Independence and the effectiveness of the media authority** indicator, scores low risk in 21 countries, based on the MPM variables and sub-indicators, that aim to assess the effectiveness of the national legal frameworks in guaranteeing the independence of the media authorities. The role of media authorities (very often in cooperation with data protection authorities and competition authorities) is becoming crucial in understanding, and reacting to, the new challenges that are posed by digital markets. Albania, Croatia, Latvia, Luxembourg, Malta, Poland, Romania, and Slovenia score as being at medium risk for this indicator. Turkey scores as being a high risk. The difference between EU28 and all 30 countries is mostly due again to the high score for Turkey (80%), with Albania contributing to the difference with a medium risk of 50%.

The indicator on **Universal reach of traditional media and access to the internet** shows a decrease in risk, which reflects the increasingly high standards of coverage and connectivity in the European Union. The decrease in the percentage of risk for this indicator, in comparison to MPM2017 – down to 38% from 43% - can be explained by the fact that some of the variables used to evaluate access to the Internet were revised in the MPM questionnaire to better exploit available secondary datasets, which were collected at the EU level (DESI database).

Lack of data does not seem to have a decisive impact on the overall score of the Basic Protection Area, as just 3% of all the variables in 30 countries were coded as “no data”, and were then assessed, based on the MPM methodology on the lack of data (see Figure 3.1.c.). It must be noted, nonetheless, that the percentage of digital variables assessed as “no data”, amongst all the digital variables, is significantly higher (6%), reflecting a broader problem (more evident in other areas of the MPM) that arises because of the availability, or its lack, of sound data for the assessment of the digital-related phenomena.

**Figure 3.1.c. Basic Protection Area Incidence of “no data” (EU + 2)**



### 3.1.1. Protection of freedom of expression

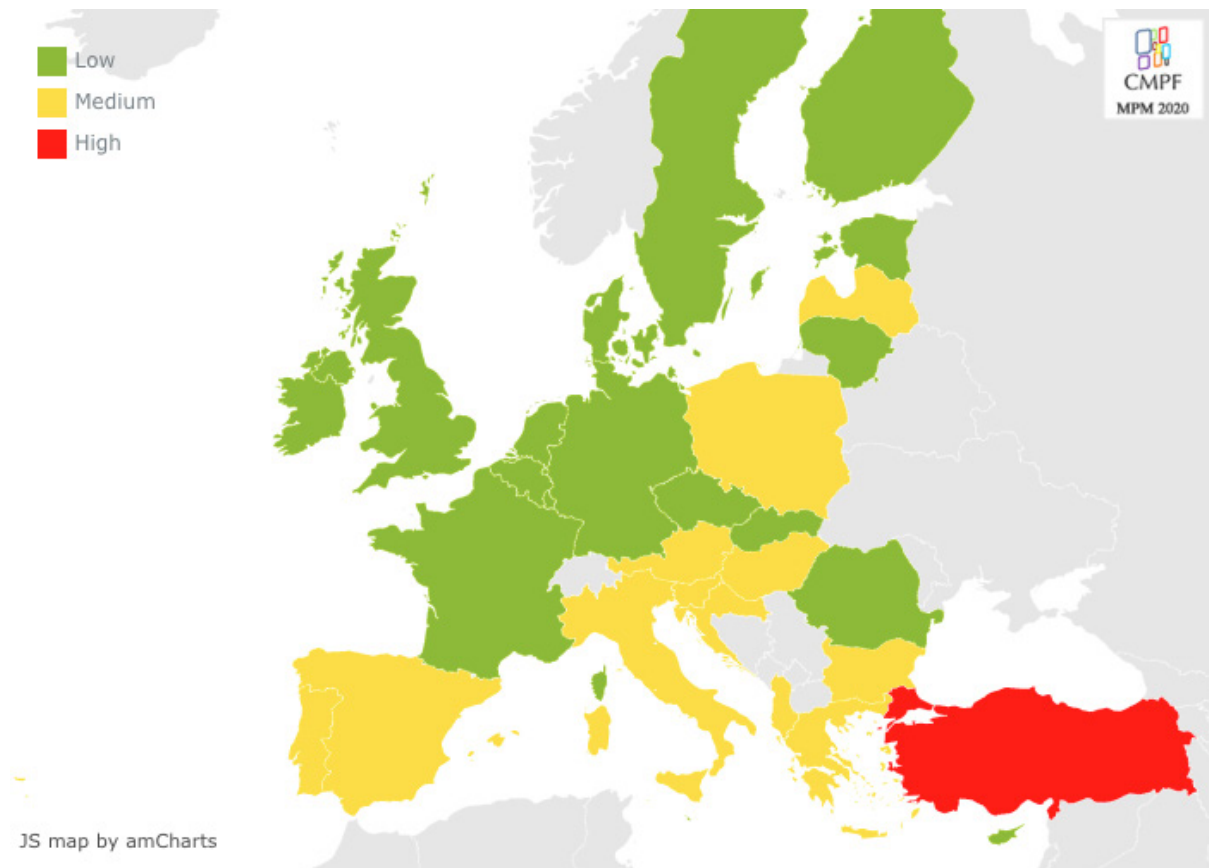
*Freedom of expression is considered to be the cornerstone of democracy. Freedom of the press, freedom of the media, the right to access information - which all stem from recognition of freedom of expression - are essential conditions for a public sphere dialogue in which public opinion is based on the free exchange of information and opinions. In addition to this, freedom of expression also 'enables' other rights, namely the right to assembly, the right to join a political party, the right to vote. Its protection is thus at the very core of any democratic society.*

*EU Member States share, and are bound to respect freedom of expression, as it is enshrined in Art. 11 of the EU Charter of Fundamental Rights, and as it is at the core of their common constitutional traditions. It is also a right that has been effectively promoted under the Enlargement and Accession process (Brogi, Dobрева and Parcu, 2014), and by the European Convention of Human Rights. The indicator on the Protection of freedom of expression, under the MPM2020, aims to assess the existence and effective implementation of the regulatory safeguards for freedom of expression in a given country. A country may have a set of laws protecting freedom of expression, but their implementation and enforcement may be lacking. Constitutional guarantees and international treaty obligations may be eroded by exemptions and derogations, or by other laws that may limit the freedom of expression in an arbitrary way. In order to assess the levels of protection for freedom of expression, the MPM uses the standards developed by the Council of Europe and the European Court of Human Rights (ECtHR) when interpreting Art. 10 of the European Convention of Human Rights (ECHR). Restrictive measures must have a legal basis in domestic law, should be accessible to the person concerned, and foreseeable in its effects; limitations must have a "legitimate aim" and be "necessary in a democratic society". The ECtHR has interpreted the scope of freedom of expression broadly, as it is considered essential for the functioning of a democratic society: "the dynamic interpretation, by the Court, of what is to be considered 'necessary in a democratic society', together with the limitation of the 'margin of appreciation' by the member states, has been crucial for the impact of Article 10 of the Convention on the protection of freedom of expression in Europe" (Voorhoof, 2014).*

*This indicator includes a sub-indicator that specifically relates to defamation laws. While defamation laws are an important tool in protecting people from false statements that damage their reputation, such laws can be abused. The criminalisation of defamation, as well as exorbitant claims for damages, may have a chilling effect on freedom of expression, and journalistic freedom. The abusive use of SLAPPs - Strategic lawsuit against public participation - has exacerbated this phenomenon. Journalists, should enjoy a position in which they can exercise their job without fear. Online violations of freedom of expression are growing in frequency and importance. Another element that is therefore taken into account in the indicator is whether freedom of expression online is limited on the same grounds as freedom of expression offline. In this regard, the indicator takes into account whether Art 10 of the ECHR is respected, and, in particular, whether restrictive measures resulting in blocking, removing and filtering of online content comply with Art. 10.2 ECHR (i.e., limitations on freedom of expression are prescribed by law, regardless of the existence of a specific law on content moderation online, they pursue a legitimate aim, and they are necessary in a democratic society). The indicator also takes into consideration whether*

*filtering and blocking practices by Internet service and content providers, and by a given state, are based on legitimate conditions and limitations, on transparent practices, or whether they are arbitrarily limiting freedom of expression online.*

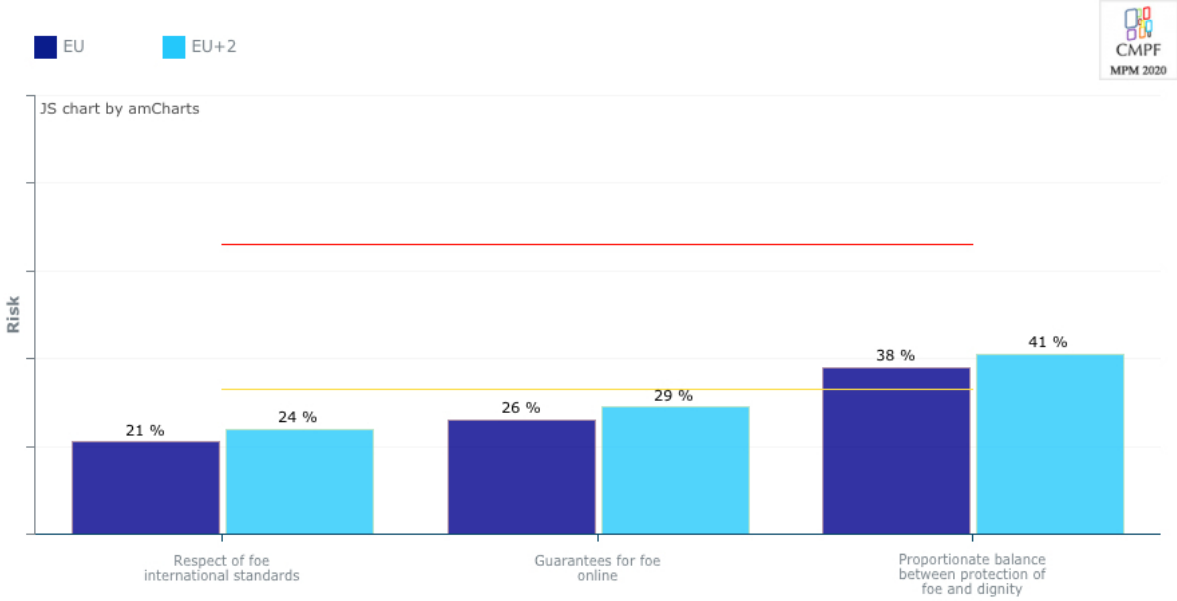
**Figure 3.1.1.a. Indicator on the Protection of freedom of expression – Map of risks per country**



Overall, the indicator on the Protection of freedom of expression scores low risk in 17 countries (5 countries fewer, in comparison with MPM2017) namely, Belgium, the Czech Republic, Cyprus, Denmark, France, Finland, Estonia, Germany, Ireland, Lithuania, Luxembourg, Malta, the Netherlands, Romania, Slovakia, Sweden and the United Kingdom; and as being at a medium risk in 12 countries - 4 more in relation to MPM2017 (Albania, Austria, Bulgaria, Croatia, Greece, Hungary, Italy, Latvia, Poland, Portugal, Spain and Slovenia) and, as in previous rounds of the MPM, Turkey is the only country scoring as being at a high risk for this indicator (88%).

The average of all the 30 countries analysed is higher than the average of the EU-28 countries (31% vs 28%), which is the same as the difference that was identified in MPM2017. Turkey contributes to this difference with a very high risk of 88%, as does Albania, with a risk score of 62%, which is in the upper band of medium risk.

**Figure 3.1.1.b Indicator on Protection of freedom of expression – Averages per sub-indicator**



The indicator for **Protection of freedom of expression** in the EU benefits from a consolidated tradition, in terms of constitutional and legal safeguards, international standards and case law. Constitutional and legal protection for the freedom of expression is formally guaranteed in all of the countries that are considered under the MPM2020. It is enshrined in all of their constitutions and/or in the national laws (see the score for the sub-indicator on the Respect for freedom of expression international standards, on average, scores 24% (low risk)).

As a general trend, the relevant international human rights conventions, which are particularly relevant for freedom of expression standard setting, namely, the International Covenant on Civil and Political Rights (ICCPR, Art 19) and the European Convention on Human Rights (ECHR, Art 10), were ratified with no particular derogations, with only Malta having two reservations to Article 19 of the ICCPR.

In Turkey, the state of emergency declared after the July 2016 attempted coup ended on 19th July 2018. However, the decrees which came into force in that period are still in force and several cases relating to violation of freedom of expression resulted from the application of these decrees. Turkey is the only state that scored as being at high risk for this very basic indicator on the protection of freedom of expression (88%).

The main differences between the various legal systems in this area are to be found in the limitations to freedom of expression that are permitted under each constitution, in the legal order, or in special laws, and in the proportionality of the specific limitations



on the basis of the interests of “national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary” (Art. 10(2), ECHR). Albania, Bulgaria, Croatia, Poland, Spain, Slovenia and the United Kingdom are assessed as medium risk for the sub-indicator on the Respect for freedom of expression international standards. In many cases, these countries have a satisfactory or solid regulatory framework in place, which is in line with international standards, but they demonstrate poor implementation, which, in practice, leads to violations of the exercise of freedom of expression (Albania, Bulgaria, Croatia). In Poland, “judicial reform controversies deepen uncertainty among journalists and media professionals concerning their performance, especially as regards political reporting and investigative journalism” (Klimkiewicz, 2020). In Spain, the constitutional and international standards are challenged by existing laws: “Despite the constitutional recognition, some legal reforms have had a significant impact on the exercise of these rights. Particularly, the reform of the Spanish Penal Code (Organic Law 1/2015) as well as the Organic Law 4/2015 on the protection of public security (Masip et al 2020).

In the detailed analysis of the components of the indicator on Freedom of expression, the sub-indicator that scored the highest risk is, once again, that relating to the **Proportionate balance between the protection of freedom of expression and dignity** (41% - in the medium risk range).

Under this sub-indicator, just one country scored high risk (Turkey), while 8 countries register the maximum score for medium risk (66% - Albania, Austria, Latvia, Poland, Portugal, Slovakia, Slovenia and Spain) out of the total of 11 that scored medium risk (Belgium, Greece and Italy score 50%) and 18 countries scored low risk, 13 of them in the maximum band for the low risk range (33% - Bulgaria, Croatia, the Czech Republic, Estonia, Finland, France, Germany, Hungary, Ireland, Lithuania, Luxembourg, the Netherlands and Sweden). In particular, more than two-thirds of the countries assessed (24) have in place legislation that criminalises defamation, 19 of which make it punishable by imprisonment, as a possible disproportionate punishment (Austria, Belgium, the Czech Republic, Estonia, Finland, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and Turkey). Only 6 countries have completely decriminalised defamation (Cyprus, Denmark, Ireland, Malta, Romania and the United Kingdom).

Under Protection of freedom of expression, the MPM analyses also whether freedom of expression online is formally guaranteed and respected in practice (sub-indicator Guarantees for freedom of expression online). For this specific analysis, see, below, 4.1.

### 3.1.2. Protection of the right to information

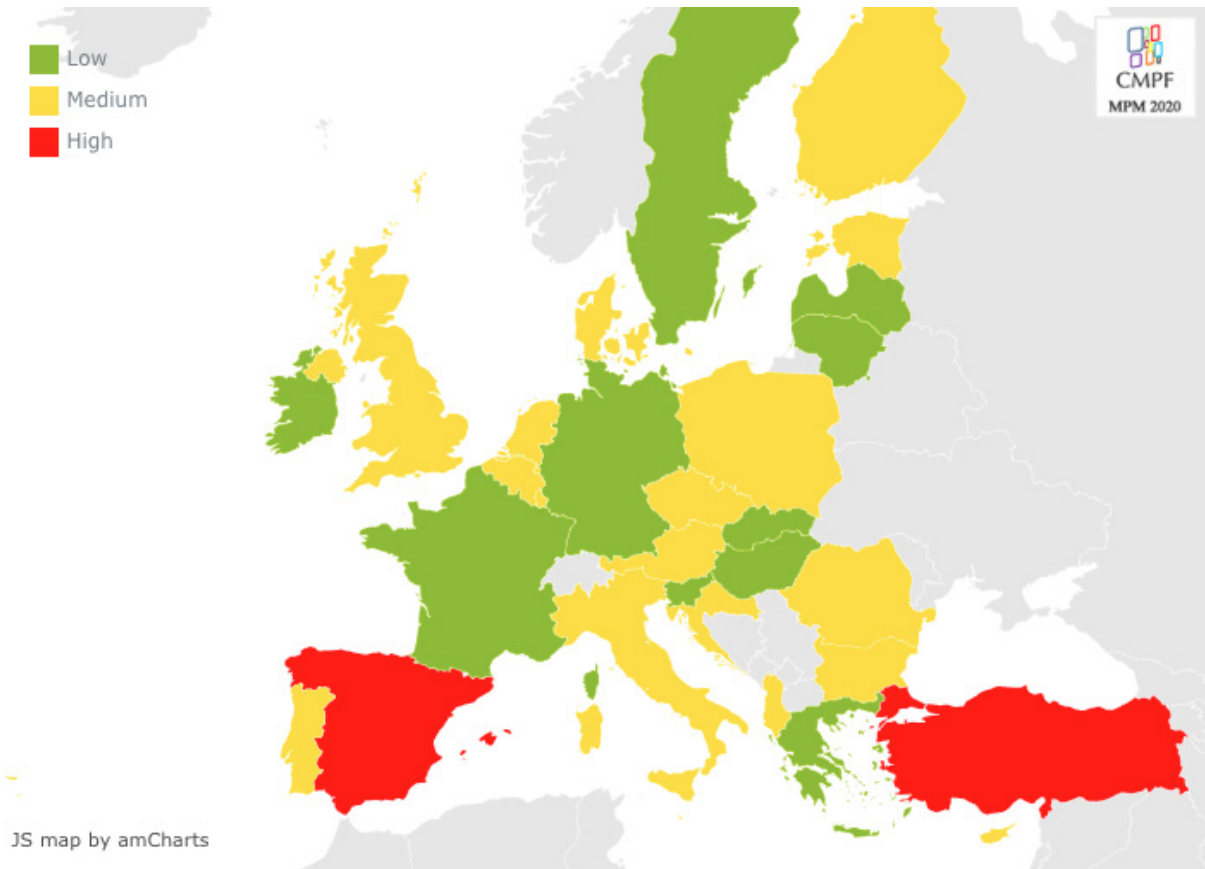
*The indicator on the Protection of the right to information is designed to assess the existence and effective implementation of regulatory safeguards in relation to access to information and to the protection of whistle-blowers. Hence, it aims to assess one of the building blocks of media freedom, and especially of investigative journalism. The indicator, as in the previous MPM editions, focuses on the right of access to information that is held by public authorities and the state, the lawfulness of limitations thereto, as well as the existence and effectiveness of appeal mechanisms in cases where access to information is denied. The indicator is based on the principle that all information in the hands of the State belongs to the public, with limited and qualified exceptions that must be justified by the State authorities. The indicator has also been enhanced by a sub-indicator on whistle-blowers' protection, which aims to understand whether, in a given country, legislation on the topic exists, whether it is implemented in practice, and whether the country is free from the arbitrary sanctioning of whistle-blowers.*

*Based on the standards of the Council of Europe, (Recommendation CM/Rec (2014)7 of the Committee of Ministers to Member States on the protection of whistle-blowers), a “whistle-blower” is “any person who reports or discloses information on a threat or harm to the public interest in the context of their work-based relationship, whether it be in the public or private sector.”<sup>17</sup> Whistle-blowing is fundamental to journalists in shedding light on wrongdoing (e.g., corruption, fraud), and in exposing situations that are harmful to the public interest. Whistle-blowers should be protected, as they need specific channels so as to be able to expose their case without fear, and as their actions potentially expose them to negative personal consequences. Within the EU legal framework, whistle-blowers are now protected under Directive (EU) 2019/1937 of the European Parliament and of the Council of 23rd October, 2019, on the protection of persons who report breaches of Union law.*

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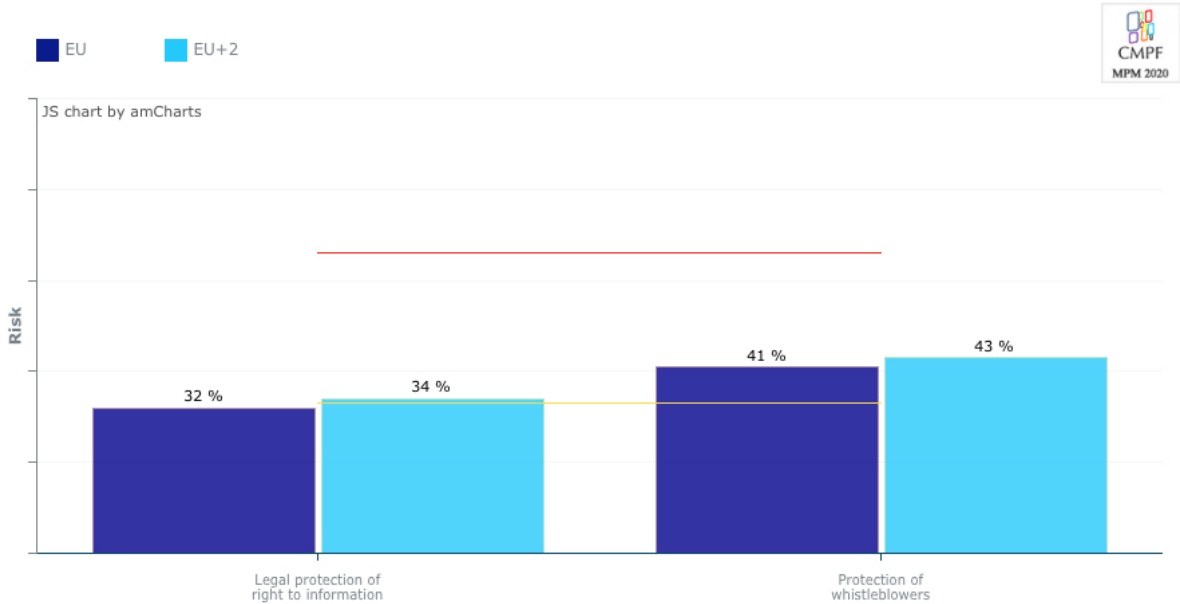
<sup>17</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=09000016805c5ea5](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016805c5ea5)

**Figure 3.1.2.a. Indicator on the Protection of right to information – Map of risks per country**



The indicator on the protection of the right to information scores an average of 39%, reaching a problematic medium risk level, in the Basic Protection area. It must be noted that, in comparison to the MPM2017, this indicator decreased from 42 to 39%, mostly due to the fine tuning of some of the variables within this indicator. It is important to highlight that most countries - 18 of 30 - scored as being at medium risk (Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Italy, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania and the United Kingdom) with 2 countries scoring high risk (Spain and Turkey). The case of Spain deserves attention, as it scored as a medium risk in MPM2017, and in this round (MPM2020) it scores as being at high risk, although in the lowest range of the high risk band (67%), mostly due to the lack of an effective mechanism to enforce the right to access information held by the public administration.

**Figure 3.1.2.b. Indicator on Protection of right to information- Averages per sub-indicator**



The sub-indicator on the **Legal protection of the right to information** is now within the medium risk range (34%), an increase of 2% in comparison with MPM2017 (a similar increase applies if we consider only EU28 - from 30 to 32%). In this sub-indicator the majority of countries scored a low risk (20), with 8 countries at medium risk (Croatia, Cyprus, Hungary, Lithuania, Malta, Romania, Slovenia and Spain). Lithuania and Romania joined the group of medium risk countries for this sub-indicator in MPM2020, replacing Bulgaria, which scores within the low risk range, although in the upper band (33%). In the case of Lithuania the lower score is due to the entry in force of a law on whistle-blowers protection, while in the case of Romania the lower score depends on the slight revision of the MPM methodology for the assessment of the sub-indicator on whistle-blowing<sup>18</sup>. Two countries scored high risk (Austria and Turkey confirming the negative assessment identified in MPM2017). Luxembourg significantly improves its situation in comparison with its high risk score in MPM2017, now scoring within the low risk range (33%) as the right to information has been enshrined in Luxembourg’s legislation in September 2018 (Kies and Hamdi 2020). In Austria, although the right to information is recognised by the Federal Constitution, the lack of a positive obligation for authorities to provide information to the public still persists. The situation in Turkey remains unchanged with the right to freedom of information still facing too many exemptions.

As for the sub-indicator on the **Protection of whistle-blowers**, although the situation is still alarming, with an average risk of 43%, a considerable improvement can be identified in comparison to MPM2017, in which this sub-indicator scored 51%. In this round of the MPM 10 countries scored as being at low risk (Austria, France, Germany, Greece,

<sup>18</sup> Shift to multiple choices answers in in legal questions ,originally Yes-No answers.

Hungary, Latvia, Lithuania, Slovenia, Slovakia and Sweden), 13 at medium risk (Albania, Croatia, the Czech Republic, Estonia, Finland, Italy, Ireland, Luxembourg, Malta, the Netherlands, Poland, Portugal and Romania) - in comparison to the 24 countries scoring this level of risk in MPM2017 - and 7 countries scored as being at high risk (Belgium, Bulgaria, Cyprus, Denmark, Spain, Turkey and the United Kingdom). This is due to the recent approval of national laws on the protection of whistle-blowers, as is the case in Croatia (2019), Latvia (2018), Lithuania (2019), and Slovakia (2019). In Italy there was a reform in 2017, but questions have been raised about its effectiveness. The impact of Directive (EU) 2019/1937 of the European Parliament and of the Council of 23rd October, 2019, on the protection of persons who report breaches of Union law, remains to be seen. The new Directive must be transposed by EU Member States by 17th December, 2021.

### 3.1.3. Journalistic profession, standards and protection

*Journalists and other media actors are those who, in a functioning democratic society, feed the public debate and ensure that the public is informed on all matters of public interest. In contributing to the public debate, journalists influence public opinion and, in the end, the electoral choices of voters and the accountability of politicians. It is therefore important that, in a democratic society, access to the journalistic profession is not limited (i.e., subject to licensing schemes); and that journalists can act independently from political and commercial interests and can rely on an “enabling environment” to carry out their job.*

*In this regard, the standards are provided by the European Court of Human Rights: the Court has stressed, in its case-law, that countries have positive obligations to “create a favourable environment for participation in public debate by all persons concerned, enabling them to express their opinions and ideas without fear”.<sup>19</sup> This means also that the countries have a duty to guarantee a safe environment in which journalists and other media actors can exercise their watchdog function.<sup>20</sup>*

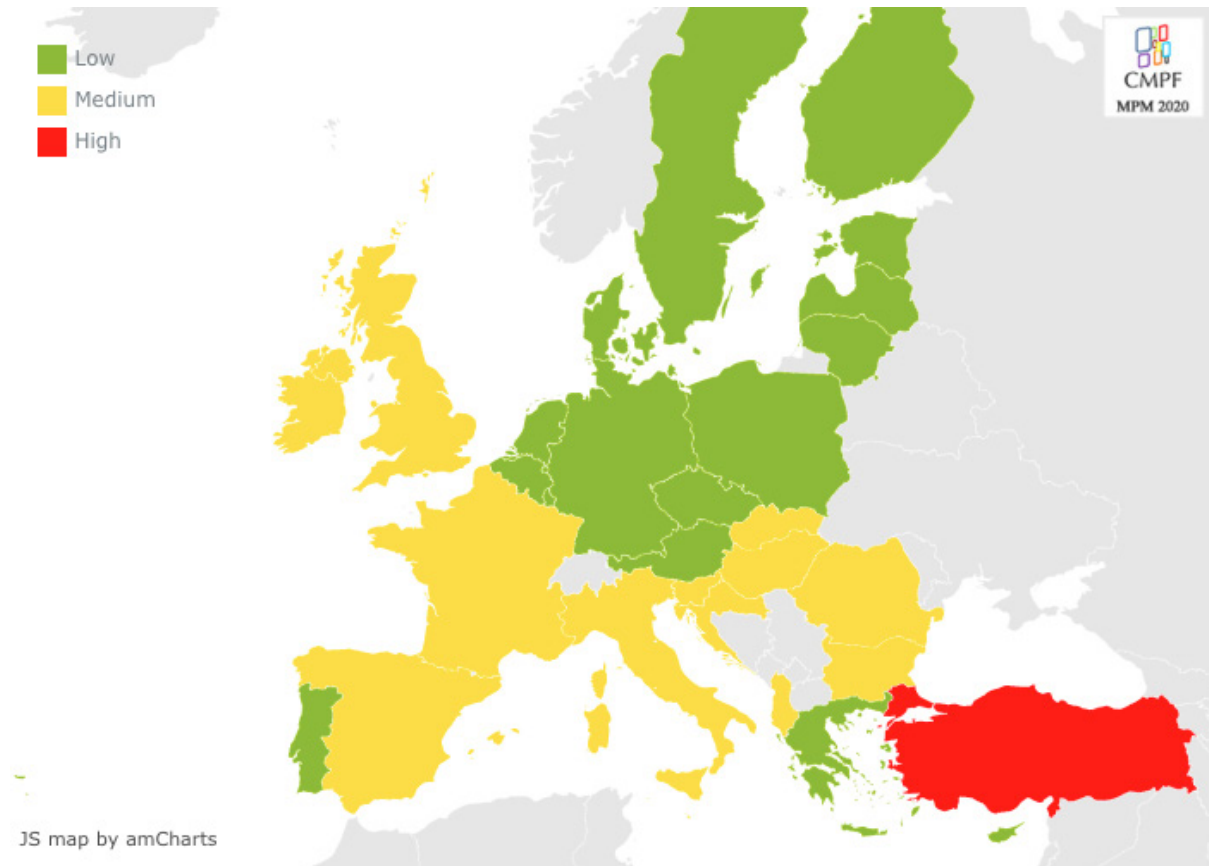
*The Journalistic profession, standards and protection indicator deals with a range of different aspects touching upon journalists and journalism. The indicator is composed of eight sub-indicators which describe risks that result from (i) conditions to access the profession; (ii) the level of the representation of the interests of media professionals and media employers in labour relations, (iii) the effectiveness of professional organisations in guaranteeing professional standards; (iv) safety, both physical and “digital”, (v) working conditions; and (vi) the existence and levels of the implementation of rules on the protection of journalistic sources. MPM2020 has also assessed the status of journalists, based on a variable that considers arbitrary arrests and the imprisonment of journalists due to the exercising of their profession (whether there are, for instance, politically motivated arrests/detainments*

19 ECtHR, case *Dink v. Turkey*, 2668/07, 6102/08, 30079/08, 7072/09 et 7124/09. See also, the Council of Europe Committee of Ministers’ Recommendation on the protection of journalism and the safety of journalists and other media actors (2016) 4.

20 This obligation was also stressed during the 2016 Colloquium on Fundamental Rights, see the Media pluralism and democracy: outcomes of the 2016 Annual Colloquium on Fundamental Rights, [http://ec.europa.eu/information\\_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions\\_40602.pdf](http://ec.europa.eu/information_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions_40602.pdf)

*and imprisonment of journalists) and cases of severe threats to the lives of journalists, including physical threats, physical harm and assassination. MPM2020 provides additional focus on threats to female journalists, both off-line and online.*

**Figure 3.1.3.a. Indicator on Journalistic profession, standards and protection – Map of risks per country**

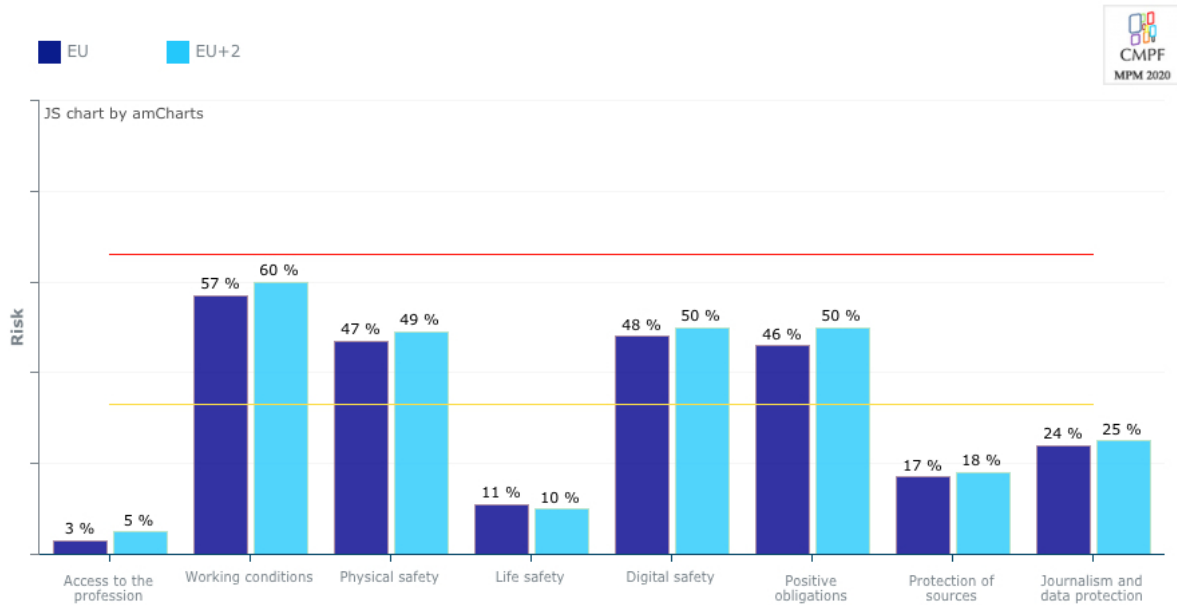


Digital disruption is also having an impact on journalism which is going through significant changes and upheavals, which MPM2020 analyses under this indicator as well as in many other parts of the MPM analysis (Political Independence and Market Plurality in particular). This indicator describes the basic conditions which must be guaranteed to journalists in order to allow them to work with dignity, and without fear.

The indicator on Journalistic profession, standards and protection scores a low risk, 33% in MPM2020, which is, however, close to the threshold for medium risk. This risk is significantly higher than in MPM2017 (26%), and it should be partially read in the light of the different composition of the various sub-indicators, which also includes a totally new sub-indicator on Journalism and data protection. Again, Turkey is the only country which scores a high risk, with the majority of countries (16) scoring an overall low risk (Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Latvia, Lithuania, the Netherlands, Portugal, Luxembourg, Poland and Sweden), and 13 countries scoring medium risk (Albania, Bulgaria, Croatia, France, Ireland, Italy, Hungary, Malta, Romania, Slovenia, Slovakia, Spain and the United King-

dom). The indicator on the Journalistic profession, standards and protection contains different sub-indicators that assess the risks for the protection of journalists, both in terms of professional standards and safety, including those working in the digital media.

**Figure 3.1.3.b. Indicator on Journalistic profession, standards and protection – Averages per sub-indicator**



The different sub-indicators must be considered separately in order to better describe the composite picture of the conditions of journalism and journalists in EU and in Albania and Turkey.

The sub-indicator on **Access to the journalistic profession**, does not highlight particular limitations in the EU, with 28 countries scoring low risk for this sub-indicator (average risk of the indicator is 5%, which is even lower than the average in the MPM2017). As a standard in Europe, in most countries access to the profession is open: self-regulatory instruments prescribe who may practice journalism; commonly, there is licensing or registration of journalists, and this is made on the basis of transparent, objective, proportionate and non-discriminatory requirements. Italy is the only country to score a medium risk, as the legal system of enrolment in the *Albo dei giornalisti* may be interpreted, based on some international standards, as an unjustified hurdle to overcome in order to access the profession. Turkey scores as being at high risk. In MPM2020, as in MPM2017, in some countries, access to journalism seems to be restrained, *de facto*, by poor working conditions that are associated with the profession itself, and by political pressures.

The sub-indicator on **Working conditions** scores, on average, an alarming medium risk (60%). Within this indicator, only Belgium, Denmark, Germany and Sweden score as being at low risk, while 13 countries score a medium risk (Austria, Cyprus, the Czech Republic, Estonia Finland, France, Ireland, Latvia, Luxembourg, Malta, the Nether-

lands, Poland and Slovakia) and 13 as being at a high risk (Albania, Bulgaria, Croatia, Greece, Hungary, Italy, Lithuania, Portugal, Romania, Slovenia, Spain, Turkey and the United Kingdom). Amongst the countries that score high risk, Albania, Croatia, Hungary, Romania and Turkey score 97%, the highest risk, mainly due to digital disruption and the reduced sustainability of media enterprises.

**Safeguards to physical safety** is another sub-indicator that is fundamental for evaluation when assessing basic conditions for journalists. The sub-indicator covers physical threats and arbitrary imprisonment. As noted in the UN Plan of Action on the Safety of Journalists and the Issue of Impunity : "In recent years, there has been disquieting evidence of the scale and number of attacks against the physical safety of journalists and media workers". The MPM2020 seems to confirm this trend, as this sub-indicator scores a medium risk of 49%. Albania, Cyprus, Germany, Hungary, France, Slovenia, Malta, Italy, Sweden, score medium risk in this sub-indicator, while 8 countries score high risk (Belgium<sup>21</sup>, Bulgaria, Croatia, Greece, the Netherlands<sup>22</sup>, Spain, Turkey and the United Kingdom<sup>23</sup>).

Threats to the physical safety of female journalists are monitored as a separate component of the sub-indicator. In ten countries (France, the UK, Belgium, Cyprus, Hungary, Italy, Malta, Spain, Sweden, Turkey) female journalists are physically threatened more than male journalists, (for other countries it was not possible to retrieve data, see below 4.1 on digital threats).

Once more, Turkey scores a high risk in the sub-indicator on the Protection of journalists in the light of the imprisonment of many journalists. Following the attempted coup of July, 2016, the risk gravely increased in the country as the government used exceptional powers, conferred under the state of emergency, to purge media outlets and silence dissident journalists.

Developments in Malta in November and December 2019 following the assassination of Daphne Caruana Galizia in 2017 implicated the Prime Minister's Chief of Staff and other members of the government, shocked the international community and shows that European journalists are not immune from the most serious threats. The more recent cases of the assassination of Slovak journalist Jan Kuciak, and of his fiancée, Marina Kušnírová, in Bratislava, in February, 2018 and developments in the investigation into the case as well as that of Lyra McKee in Northern Ireland in April, 2019, are a strong

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21 Based on MPM Belgium data collection, the number of brief detainments and other types of intimidation from government and non-government parties has increased over the past two years. This contributes to raising the risk. "Belgium has also been the subject of warnings from the ECtHR for the lack of a clear legal framework of prior restrictions, a matter still not resolved today" (Valcke & Lambrecht 2020).

22 According to the MPM report for the Netherlands "The violence against journalists reached its peak in 2018" (Rossini 2020). Brief detainments are also reported in the MPM data collection for the Netherlands.

23 In the UK, the National Union of Journalists denounced a 'surge in violent extremism against journalists and media workers' (Craufurd Smith 2020). Late in 2019, the story of journalist Owen Jones attacked in London by a group of allegedly far-right extremists made the headlines. Northern Ireland Journalist Lyra McKee was shot in April 2019 and subsequently died from her injuries received when covering rioting in Londonderry (UK MPM data collection and Craufurd Smith 2020).



reminder for EU governments that they have the positive obligation to guarantee an enabling environment for journalists and that they must put in place all measures to avoid impunity for such crimes.

It must be stressed that in several cases, the threats to journalists come from political actors, who should be called upon to create the conditions for free journalism. A notable, prominent case is Italy's former Minister of the Interior threatening to withdraw the police protection (against credible mafia threats) of journalist and author Roberto Saviano (see Brogi and Carlini, 2020).

Under the sub-indicator on **Positive obligations** MPM2020 looks into whether the countries examined are putting in place all the measures that are necessary to guarantee an enabling environment for journalism, based on Council of Europe standards. In 2016, the CoE adopted the Recommendation on the protection of journalism and the safety of journalists and other media actors, indicating as alarming and unacceptable the level of current threats to journalists and media actors in Europe and providing specific Guidelines to member states for them to act in the areas of prevention, protection, prosecution, promotion of information, education and awareness raising. This sub-indicator under MPM2020 scores as being at medium risk.

Albania, Bulgaria, Croatia, the Czech Republic, Hungary, Romania, Slovakia, Slovenia and Turkey are the countries that score high risk. In many countries the state has been repeatedly petitioned by experts and media professionals, not only to ensure that it guarantees a safe and enabling environment for journalists, but to stop it threatening journalists' safety and media independence. Data sets have been cross-checked with the results of the Platform to promote the protection of journalism and the safety of journalists of the Council of Europe. Within the timeframe of the MPM2020 analysis, more than 100 cases of threats to journalists and the media were reported as emerging from the state itself in the EU-28, Albania and Turkey.

The sub-indicator on the **Protection of sources** scores low risk and, at least in terms of legal protection, witnesses improvement compared to MPM2017. The protection of journalistic sources had no statutory basis in the Netherlands until the adoption, in 2018, of a law which introduced Art. 218a into the Dutch Code of Criminal Procedure, that contains legal provisions for the protection of journalistic sources (Rossini 2020)

MPM2020 introduced a new sub-indicator aimed at tackling **the impact of data protection and data retention rules on journalistic activity**. The processing of personal data is a necessary step for the proper exercise of the journalistic profession. Requiring journalists to fully comply with data protection rules and principles can have a real impact on their freedom of opinion and of expression. Examples would be, for instance, the requirement of the data subject's consent for publishing his/her personal information in news articles, or the disclosure of the name of the source who provided information on personal aspects of an individual for journalistic materials. In fact, the need for Member States' laws *"to reconcile the rules governing freedom of expression and information, including journalistic, academic, artistic and or literary expression with*

*the right to the protection of personal data*<sup>24</sup> has been recognised by EU Law since at least 1995, following the adoption of Directive 95/46/EC, and it was confirmed by the adoption of the General Data Protection Regulation (GDPR).<sup>25</sup>

This new sub-indicator scores an average 25%, with 24 countries scoring as a low risk (Albania, Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Slovakia, Sweden and the United Kingdom), 3 as being at medium risk (Ireland, Romania and Spain) and 3 at high risk (Croatia, Slovenia and Turkey), suggesting that although there is EU legislation in this field as well as guidance from the Court of Justice of the European Union, there is still room for improvement, as 5 EU Member States have not scored within the low risk range.

The first variable composing this sub-indicator aims at assessing whether there are, or are not, data retention obligations for Electronic Telecommunications Operators and Internet Service Providers at the national level, and, if they exist, whether they comply with EU and Council of Europe Standards. Despite the decision of the Court of Justice of the European Union in Joined Cases C-293/12 and C-594/12 (Digital Rights Ireland and Seitlinger and Others), half of the countries monitored scored as a medium risk (Belgium, Finland, France, Greece, Italy, Poland, Romania, Slovenia, Spain, Sweden and the United Kingdom) or as being at high risk (Croatia, Denmark, Ireland and Turkey), for this variable. In Croatia, according to a report produced by European Digital Rights “The national provisions do not differentiate, limit and/or make exceptions for persons for whom there is no evidence capable of suggesting that their conduct might have a link, even an indirect or remote one, with serious crime, nor does it provide exceptions for persons whose communications are subject to professional secrecy” (EDRi 2015).<sup>26</sup> In the same sense, in Ireland, the 2017 Murray Review of the 2011 Irish Data Retention Act clearly establishes that the data retention regime in Ireland is not in accordance with ECHR protections (Murray, 2017, quoted in the MPM2020 data collection for Ireland).<sup>27</sup>

The other two variables which compose this sub-indicator seek to evaluate whether the implementation or transposition of two EU instruments (GDPR and Directive 2016/680) were concluded in a way that ensures a proper balance between data protection and freedom of expression. Regarding the implementation of the specific rules of the GDPR (or similar legislation for non EU MS) at the national level, 3 countries scored as being at medium risk (Austria, Slovakia and Spain), and 4 as being at high risk (Croatia, Romania, Slovenia and Turkey). In Romania, for example, Law 190/2018, which implements GDPR rules into Romanian legislation, fails to establish explicit legal exceptions for the processing of personal data for journalistic purposes.

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24 Recital 153 of the GDPR.

25 REGULATION (EU) 2016/679 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 April, 2016, on the protection of natural persons with regard to the processing of personal data, and on the free movement of such data, repealing Directive 95/46/EC (General Data Protection Regulation).

26 [https://edri.org/files/DR\\_EDRi\\_letter\\_CJEU\\_Timmermans\\_20150702\\_annex.pdf](https://edri.org/files/DR_EDRi_letter_CJEU_Timmermans_20150702_annex.pdf)

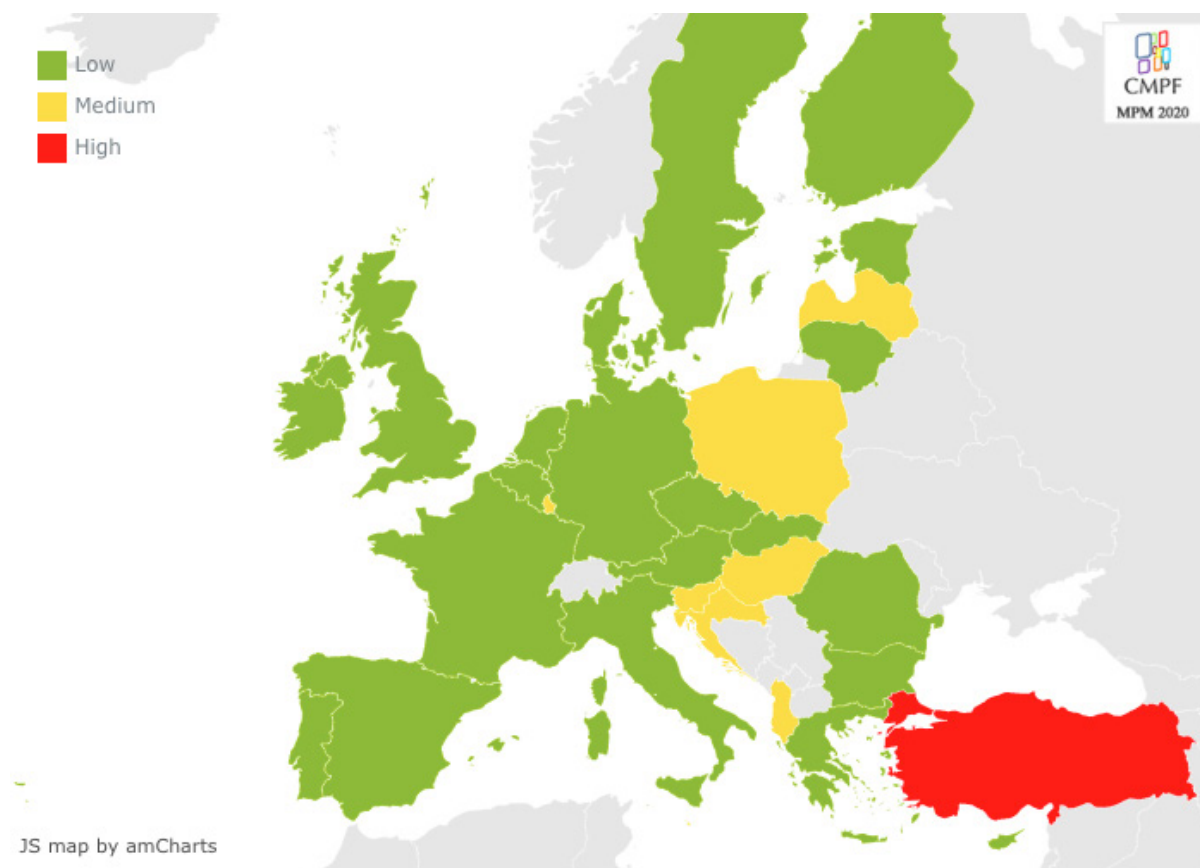
27 [http://www.justice.ie/en/JELR/Review\\_of\\_the\\_Law\\_on\\_Retention\\_of\\_and\\_Access\\_to\\_Communications\\_Data.pdf/Files/Review\\_of\\_the\\_Law\\_on\\_Retention\\_of\\_and\\_Access\\_to\\_Communications\\_Data.pdf](http://www.justice.ie/en/JELR/Review_of_the_Law_on_Retention_of_and_Access_to_Communications_Data.pdf/Files/Review_of_the_Law_on_Retention_of_and_Access_to_Communications_Data.pdf)

As for the transposition of Directive 2016/680, 7 countries score as being at medium risk (Austria, Bulgaria, Poland, Portugal, Romania, Sweden and the United Kingdom) and 3 at high risk (Croatia, Ireland and Turkey). Although Ireland, has informed the European Commission that it has transposed Directive (EU) 2016/680 into national law via the Data Protection Act 2018, which was signed into law on May 24, 2018, given the continued operation of the 2011 Data Retention Act, with its generalised surveillance of all users of electronic communications (including journalists), it is hard to see how this is compatible with any legal prohibitions on the monitoring of journalists by law enforcement authorities (MPM2020 data collection, Ireland).

### **3.1.4. Independence and effectiveness of the media authority**

*Media authorities are key actors in regulating media in Europe and are increasingly becoming relevant in facilitating shared policy actions on content moderation online. The indicator on the independence and effectiveness of the media authority looks into whether the appointment procedures guarantee the authority's independence and whether it is independent in practice; whether the allocation of budgetary resources protects authorities from coercive budgetary pressures and allows them to perform their functions freely; the type of powers and appeal mechanisms which are in place with regard to the authorities' decisions; and the transparency and accountability of their actions. On a methodological note, the MPM considers a media authority to be a public body which upholds the rules that are formulated in media acts and laws (also implementing the AVMS directive) and/or which oversees the media market. The MPM methodology considers and assesses national authorities that form part of the European Regulators' Group for Audiovisual Media Services (ERGA) or of the European Platform of Regulatory Authorities (EPRA).*

**Figure 3.1.4.a. Indicator on Independence and effectiveness of the media authority – Map of risks per country**



Media authorities are increasingly becoming key actors in media regulation in Europe and, along with them, competition and data protection authorities. They can play a role in defining the standards for media policies in a media environment that is dramatically and constantly altered by new digital markets and services.

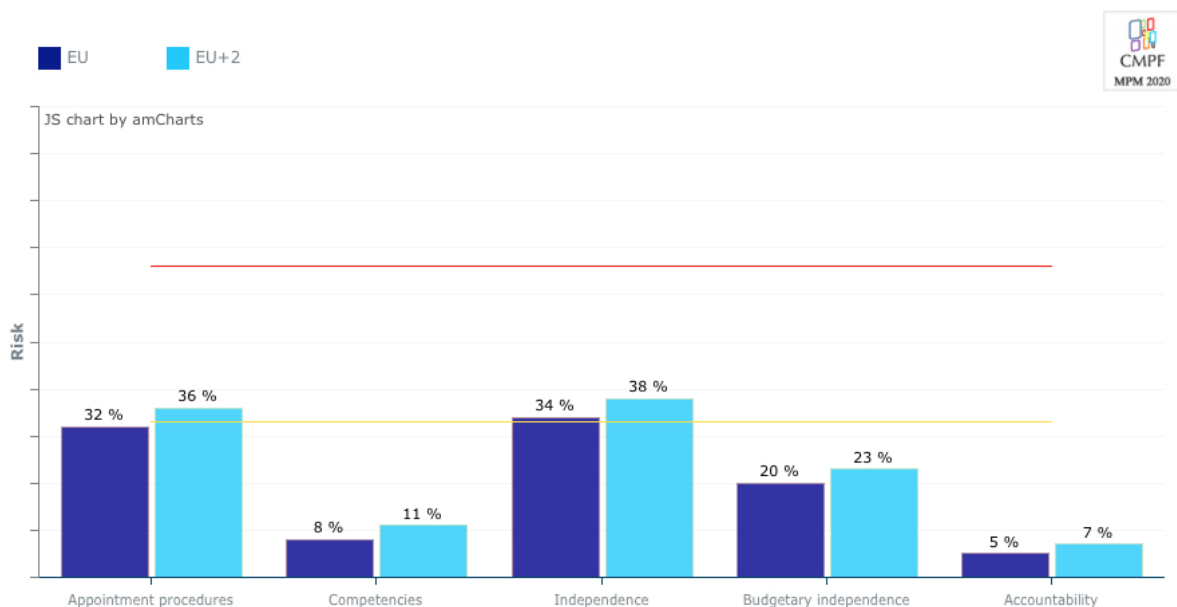
The 2018 revision of the Audiovisual Media Services Directive (AVMSD) has introduced specific provisions defining the criteria guaranteeing the independence of media authorities within the scope of the AVMSD, geared at reinforcing their independence from political and commercial interests. In particular, the reform includes a requirement for Member States to have independent regulatory authorities for audiovisual media services, authorities that should be legally distinct from the executive power, and also functionally independent of their respective governments and of any other public or private body. The independent audiovisual media authorities should not be instructed by any other body in relation to the exercise of their tasks and they should exercise their powers impartially and transparently. The AVMSD lays down that such national regulatory authorities or bodies must exercise their powers in accordance with the objectives of the Directive, in particular media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, the internal market, and the promotion of fair competition. The tasks of the audiovisual media authorities should be

clearly defined in law, and authorities should have adequate resources and enforcement powers in order to carry out their functions effectively. Member States shall lay down in law transparent procedures for the appointment and dismissal of the head of a national regulatory authority, or of the members of the collegiate body. An appeal mechanism against the decision of a regulator at the national level shall also be provided.

The criteria listed in the Directive were previously used by the MPM to assess the independence and effectiveness of the media authorities.

Under the **Independence and effectiveness of the media authority** indicator, Turkey is the only country scoring high risk. RTUK, the Turkish authority, is reported to: “fine dissident channels very often on very ambiguous grounds, like ‘contrary to the national and moral values of society, general morality and the principle of family protection’” (Inceoglu et al., 2020). 8 countries register medium risk (Albania, Croatia, Hungary, Latvia, Luxembourg, Malta, Poland and Slovenia) while the vast majority (21 countries) register within the low risk range (Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Finland, France, Estonia, Germany, Greece, Italy, Ireland, Lithuania, the Netherlands, Portugal, Romania, Slovakia, Spain, Sweden and the United Kingdom). In MPM2020, the average score for the indicator on the Independence and effectiveness of the media authority is 24%, and although this remains well within the low risk range, the overall risk level has increased in comparison to MPM2017 (21%).

**Figure 3.1.4.b. Indicator on Independence and effectiveness of the media authority – Averages per sub-indicator**



The sub-indicators registering the highest risk under this indicator are those relating to **appointment procedures** and the effective **Independence of the media authority**. As identified in previous rounds of the MPM (2016 and 2017), this is due to the weakness of mechanisms that could push back against political and commercial influences and ensure the independence of the authorities through appropriate appointment procedures. Political appointment does not automatically mean that the authority will act in line with political pressure, but it clearly poses the risk of interference.

The sub-indicator on the independence of the media authority scores at a medium risk (38%), a significant increase of 9% in comparison to MPM2017 (29%), due to cases in which the authority has come under political or other pressures. Bulgaria, Cyprus, the Czech Republic, Italy, Lithuania, Malta, the Netherlands, Romania, Slovakia, Slovenia and Spain score medium risk for this sub-indicator. Albania, Croatia, Hungary, Latvia, Poland and Turkey score a high risk. Fewer than half of the countries monitored have scored low risk for this sub-indicator (namely Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Luxembourg, Portugal, Sweden and the United Kingdom).

Across the 30 countries under consideration, the assessment of the **competencies/powers** of the authorities scores an overall low risk level (11%), though this represents an increase of 4% in comparison to MPM2017, the risk arising from a few cases in which government overruled the decisions of the media authority or where the authority was *de facto* prevented from exercising its scrutiny. The CMPF ad hoc report on Hungary (CMPF 2019) analysed the creation of the Central European Press and Media Foundation (KESMA) and its impact on media pluralism, including the fact that, by decree, the competition and media authorities were excluded from scrutinizing the merger. This can be viewed as a *de facto* limitation of their ability to exercise their competencies and ultimately impinges on their independence.

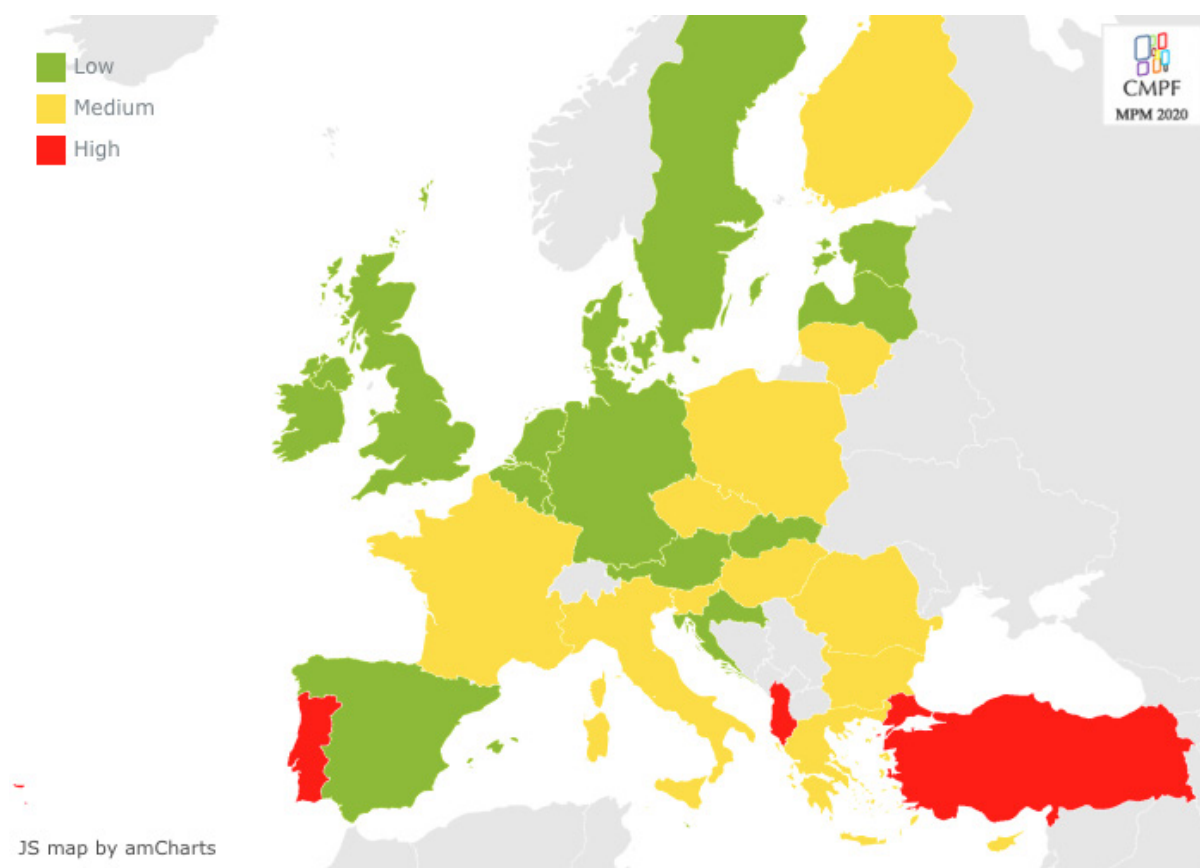
The sub-indicator on **Budgetary independence** scores overall a low risk, showing that, on average, regulatory safeguards for their funding allow the authorities to carry out their functions fully and independently and usually their budget is adequate for the media authorities to perform their functions. It must be stressed, nonetheless, that 8 countries score medium risk for this sub-indicator (Albania, Finland, Greece, Latvia, Portugal, Romania, Slovenia, Spain) and 3 high (Luxembourg, Malta and Turkey).

Authorities are generally assessed as transparent about their activities and accountable to the public. Being transparent about their activities may include the publication of regular or ad hoc reports relevant to their work or the exercise of their missions. Almost all the countries are assessed as low risk for the sub-indicator on **Accountability**, except Cyprus, Luxembourg, Slovenia and Turkey.

### 3.1.5. Universal reach of traditional media and access to the Internet

*The aim of the indicator on the Universal reach of traditional media and access to the Internet is to describe the risks to pluralism that arise from an insufficient level of access to content distribution platforms. It assesses the risk stemming from any excessively limited traditional tv and radio network coverage, broadband coverage, and access to the internet. The indicator consists also of variables on net neutrality.*

**Figure 3.1.5.a. Indicator on the universal reach of traditional media and access to the Internet – Map of risks per country**

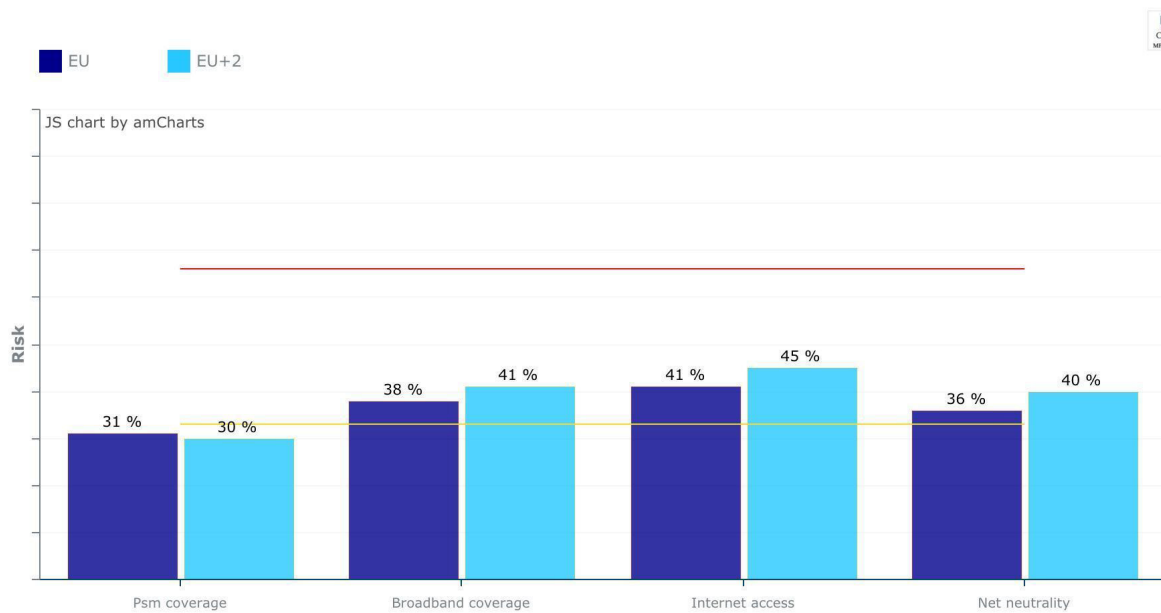


Half of the countries analysed in MPM 2020 score medium risk (Bulgaria, Cyprus, the Czech Republic, Finland, France, Greece, Hungary, Italy, Lithuania, Poland, Romania and Slovenia) or high risk (Albania, Portugal and Turkey) for the **Universal reach of traditional media and access to the Internet** indicator. The remaining 15 score low risk, although 4 of them register the maximum percentage (33%) within the low risk range (Croatia, Estonia, Ireland and Malta).

In Europe, most of the population is covered, and served, by public service media (PSM) networks and programmes. Considering the high threshold for assessing the risk levels (Low: >99% coverage; Medium: >98% and <99% coverage; High: <98% coverage), the coverage of PSM in Europe is generally satisfactory: 12 countries score medium risk (Belgium, Cyprus, the Czech

Republic, Estonia, Finland, Ireland, Lithuania, Malta, the Netherlands, Portugal Slovenia and Sweden), 16 countries low risk (Albania, Austria, Bulgaria, Croatia, Denmark, France, Germany, Greece, Italy, Latvia, Poland, Romania, Slovakia, Spain, Turkey and the United Kingdom) while only Luxembourg and Hungary score as being at high risk. Luxembourg scores as a high risk due to the lack of a regulation requiring full coverage by the local public radio and the effective, allegedly low, coverage (90%) of the (small) territory of the country. In Hungary, this result is mostly due to the fact that the universal access for PSM is not specified in law.

**Figure 3.1.5.b Indicator on Universal reach of traditional media and access to the Internet – Averages per sub-indicator**



With regard to internet access, 7 countries score high risk (Albania, Bulgaria, Croatia, Cyprus, Greece, Italy and Portugal), 10 score as being at medium risk (Austria, the Czech Republic, France, Ireland, Lithuania, Malta, Poland, Romania, Slovakia and Turkey), while 13 countries score low risk level. The MPM2020, again, has a very high threshold for assessing this risk, which is calculated by taking as a benchmark the median of existing (good) levels of access to the internet in EU countries.

Harmonised rules on net neutrality have been applied throughout the EU as of 30th April, 2016, following the adoption of Regulation (EU) 2015/2120 on 25th November, 2015 (which is directly binding). So the principle of net neutrality was introduced directly in all 28 EU member states. Nonetheless, in the relevant sub-indicator France, Hungary, Italy, Portugal and Romania score as being at a medium risk, Slovenia as being at a high one<sup>28</sup>. This sub-indicator also showed high concentration of market shares in the hands of the TOP 4 Internet Service providers (ISPs) in the greater majority of the countries analysed. In particular, Albania and Turkey score as being at high risk on net neutrality.

28 In the case of Slovenia the higher risk results mostly from a lack of official data.



# 3.2.

# Market Plurality

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*The Market Plurality area aims to assess the risks to media pluralism that arise from the legal and economic contexts in which market players operate. In MPM2020 these indicators and variables were fundamentally revised to better take into account digital developments in the production of information as well as in its distribution through online platforms.*

*The Market Plurality area is now comprised of the following five indicators:*

- *Transparency of media ownership*
- *News media concentration*
- *Online platforms and competition enforcement*
- *Media viability*
- *Commercial and owner influence over editorial content*

*The first indicator in the area focuses on the existence and effectiveness of legal provisions on the transparency of media ownership while the second and third indicators aim to assess the risks that are related to market concentration: with regard to production, horizontal concentration in each sector and cross-media concentration are considered separately; with regard to distribution, the role of online platforms as gateways to news and as competitors in the advertising market, and the role of competition enforcement and regulatory safeguards in protecting market plurality in the new digital environment are assessed. The indicator on Media viability attempts to look into the economic conditions of the market in which news media providers operate. The last indicator aims to assess the existence and effectiveness of regulation, or self-regulation, against commercial and owner influence on editorial content.*

*Compared with MPM2017, the Market plurality area has gone through significant changes, the most important being: 1) a new indicator to evaluate the impact of digital platforms on market plurality<sup>29</sup>; 2) a specific assessment of risks to digital news media in all the other indicators; 3) the inclusion of journalistic employment trends to assess risks for media via-*

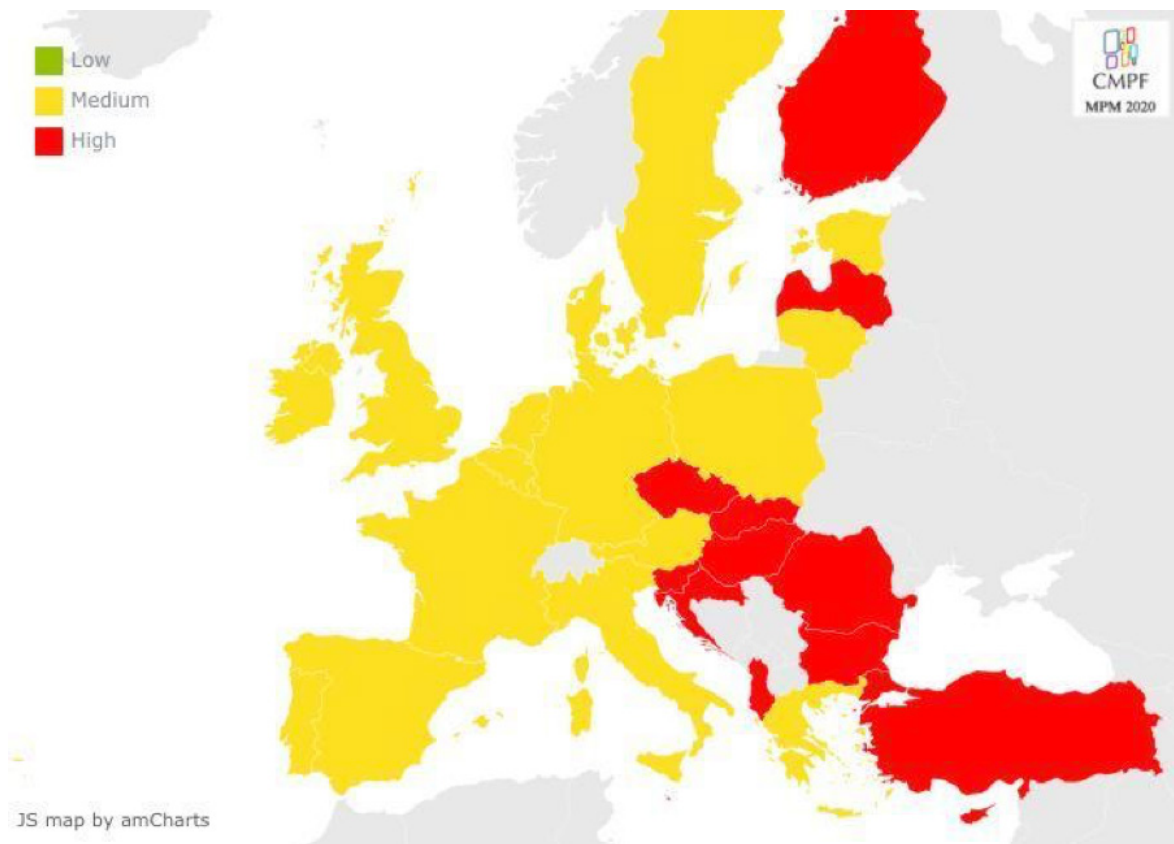
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<sup>29</sup> “The issue of the limitation of ownership and concentration in the media industry is both one of the most complex areas of competition policy and one of the most essential issues of media policy. The concentration of the market, and the dominance of only a few operators, have been traditionally considered major threats to pluralism in the media and information markets. Today, the same is true for the online platforms that are conveying most of the news and information, but that are not always even recognized as media”. (Parcu 2019)

bility. For this reason, a comparison of the results between MPM2017 and MPM2020, by separate indicator, would not be methodologically sound, while a comparison based on an overall view of the results is useful.

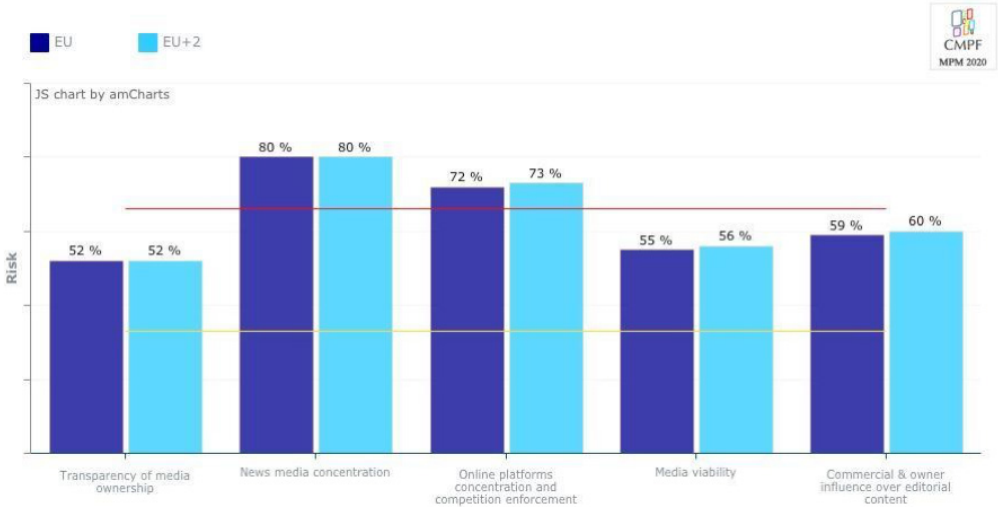
In the Market Plurality area there is no country that registers a low level of risk. 17 countries are at medium risk, 13 countries at high risk. The average risk is 64% in EU+2 (63% in EU), very close to an average general threshold of high risk (the area scored 53% in MPM2017). The higher risk scores are registered with regard to indicators on market concentration, both for news media and digital platforms.

**Fig. 3.2.a. Market Plurality area – Map of risks per country**



As shown in the map, the Market Plurality area scores a high risk level in Albania, Bulgaria, Croatia, Cyprus, the Czech Republic, Finland, Hungary, Latvia, Malta, Romania, Slovakia, Slovenia and Turkey, and a medium risk for the other countries in which MPM2020 has been implemented.

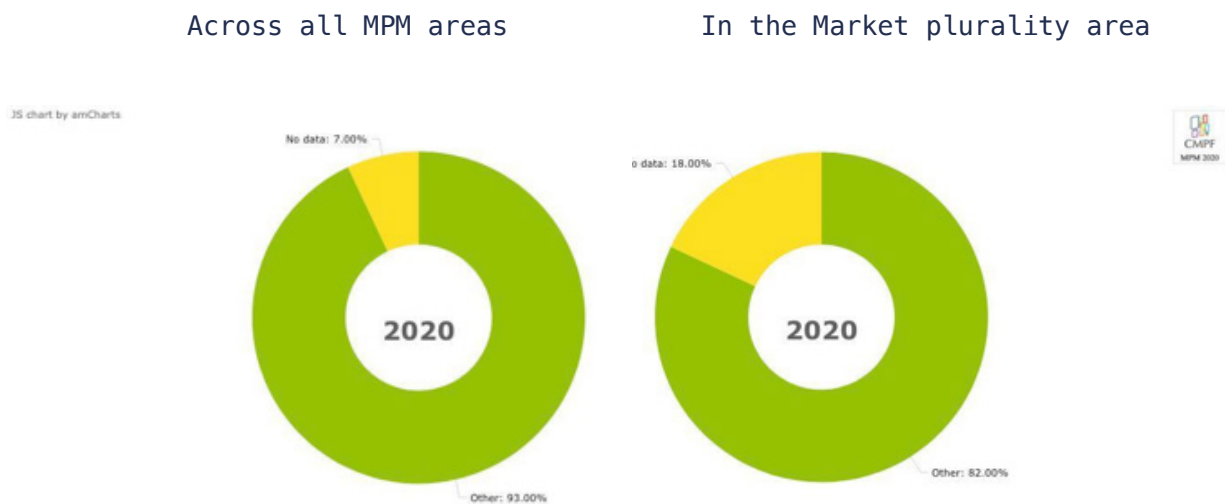
**Fig. 3.2.b. Market Plurality area – Averages per indicator**



The average risk level for each indicator across the 30 countries shows that the main threats to Market Plurality come from ownership concentration, both in the supply of information (news media concentration) and in its distribution (online platform concentration and competition enforcement). The risk level for the indicator on news media concentration is 80% (with no difference between EU and EU+2), while the score for the indicator on online platforms and competition enforcement is 72% for EU (73% for EU+2). No country registers low risk for these two indicators. The indicator on Media viability ranks as being at medium risk, at 55% for EU (56% for EU+2), reflecting the harsh economic situation in which the news media industry finds itself. In seven countries, media viability is at high risk. The risk level for Transparency of media ownership (52%) and for Commercial and owner influence on editorial content (59% for EU and 60% for EU+2), is medium.

It is worth underlining that the data collection in the Market Plurality area for the new variables introduced in MPM has been particularly challenging. Given the different legal and regulatory frameworks, data on market variables are neither available nor publicly accessible to the same degree in all of the countries that are covered by the MPM. This phenomenon, which was also noticed in the previous implementation of the MPM, is even more relevant for MPM2020, particularly for those market variables that are related to the online environment. Consequently, the lack of data in this area is higher than in other areas of the Monitor (18% vis-à-vis 7%), particularly regarding digital native news media revenues and audience, online platforms revenues and audience, and online advertising market.

**Fig. 3.2.c. Market Plurality area – Incidence of No Data (EU + 2)**



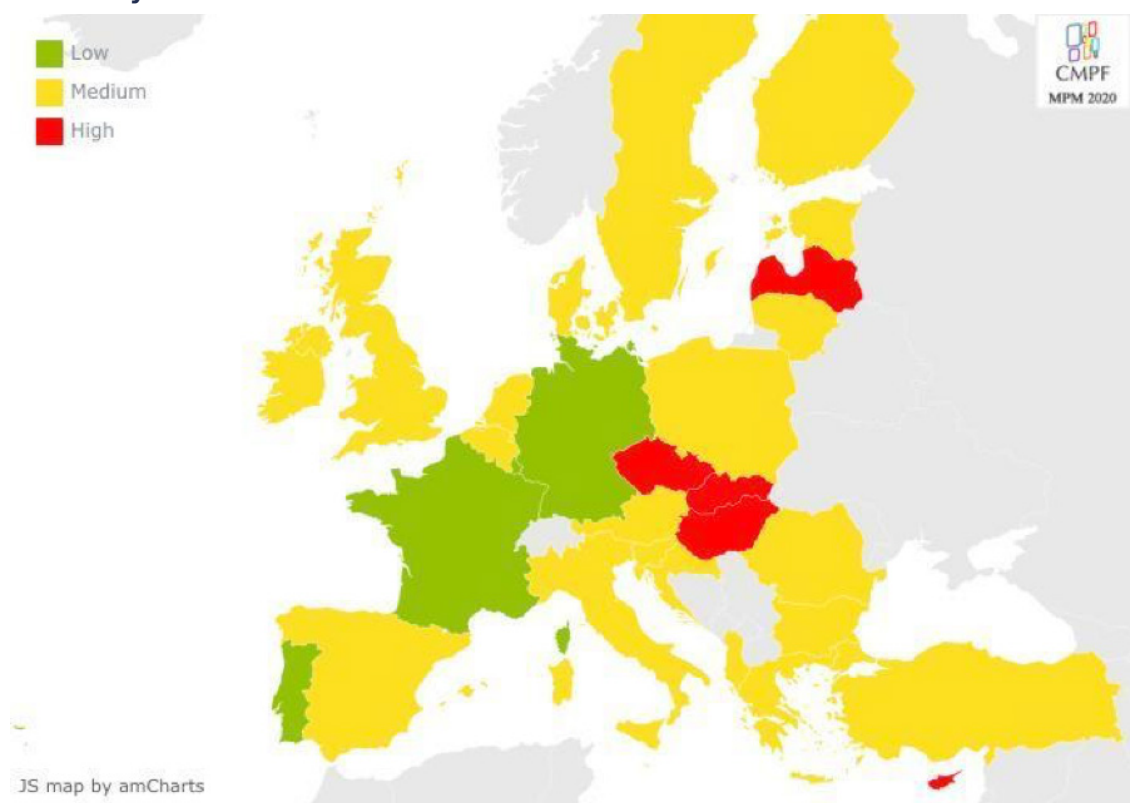
The lack of data can depend on technical reasons, market width (cross-border dimension of many businesses), the low level of transparency, or delays in the evolution of the monitoring by regulation or competition authorities. As this may result in low transparency and therefore low market contestability, the lack of data has been registered as a risk in its own right based on MPM's general methodology (see Methodology).

### 3.2.1. Transparency of media ownership

*This indicator aims to assess the existence and implementation of regulatory safeguards relating to the transparency of news media ownership, asking also for the effectiveness of these safeguards when it comes to the ultimate and beneficial owner. Ownership transparency should be interpreted as being an essential pre-condition for any reliable analysis on the plurality of a given media market. In comparison with the previous implementation of the monitor, MPM2020 emphasises the relevance of transparency in relation to the beneficial owner, and it provides specific variables on disclosure of ownership for digital news media.*

The **Transparency of media ownership** scores a medium risk of 52% (both for EU+2 and EU). The risks in this indicator are assessed by evaluating the legal framework (i.e. the existence of a media-specific law requiring the disclosure of ownership and ultimate ownership), its effectiveness, and the situation in practice (whether disclosure is provided, even though not requested by the law). The variables on transparency aim also to assess whether information provided to public bodies is effectively disclosed to the public.<sup>30</sup>

**Figure 3.2.1.a. Indicator on Transparency of media ownership – Map of risks per country**

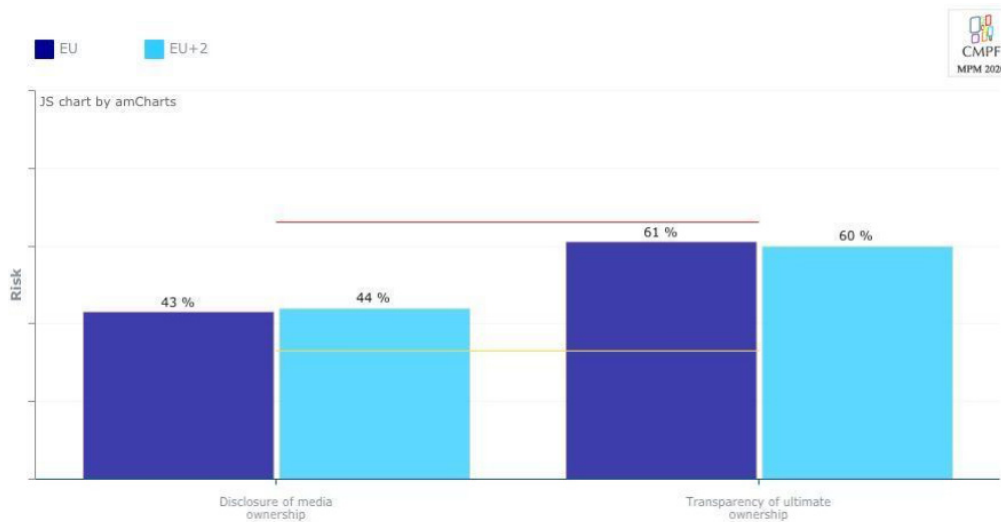


<sup>30</sup> For the definition of legal and effective disclosure of ownership to public bodies and to the public see CETS (2009); (PACE 2015).

Medium risk is prevalent, mostly due to the lack of effectiveness of the relevant legal provisions, and/or to the fact that ownership information may be available to public bodies, but not made available to the public at large.

In MPM2020, only four countries score a low risk level for the indicator on the transparency of ownership (France, Germany, Luxembourg and Portugal). Five countries score high risk, namely Cyprus, the Czech Republic, Hungary, Latvia and Slovakia. Among the countries with high risk in this indicator, the Czech Republic does not have any media-specific provision in its national law that requires the disclosure of media ownership, while the other countries listed do have provisions, but these are limited only to certain media (often audiovisual). In none of these countries is information about the ultimate ownership disclosed. In Hungary, a government proposal is pending to further restrict access to company registry data.

**Fig. 3.2.1.b. Indicator on Transparency of media ownership – Averages per sub-indicator**



The two sub-indicators relating to Transparency of media ownership both register medium risk, but the one concerning the **Transparency of ultimate ownership** is higher, close to the threshold of high risk in average value, both in the EU and EU+2. For this sub-indicator, 11 countries score high risk: Austria, Croatia, Cyprus, the Czech Republic, Hungary, Latvia, Lithuania, Slovakia, Slovenia, Spain, and the United Kingdom. In most cases, there is not a media-specific provision and the general law for commercial companies applies, but the registry is not easily accessible and the information is difficult to understand even for experts. In the Austrian case, the problem is related to the vague formulation of the law.<sup>31</sup> In UK, transparency of the beneficial owner is limited to companies awarded a broadcasting licence, and only basic information is available on the OFCOM website.<sup>32</sup>

31 See Seethaler et al. (2020) Austria Country report: “Despite the fact that media law establishes provisions with the aim of ensuring transparency of media ownership, information on the ultimate ownership structures of media companies is not generally available (Berka et al., 2019), partly due to a vague formulation in the 2011 amendment to the media law (the German word ‘Inhaber’ can be interpreted as ‘100 percent owner’)”.

32 See Craufurd Smith (2020), UK country report, pp. 10-11

### 3.2.2. News media concentration

*This indicator aims to assess the threats to media pluralism that arise from the structure of the news media market. The term “News media” refers to the production of original content by information providers, which include legacy media (audiovisual<sup>33</sup>, radio, newspapers, including their non-linear services and their electronic versions) and online media (digital outlets of the legacy media and native digital). The concentration is measured via market share and audience/readership share.*

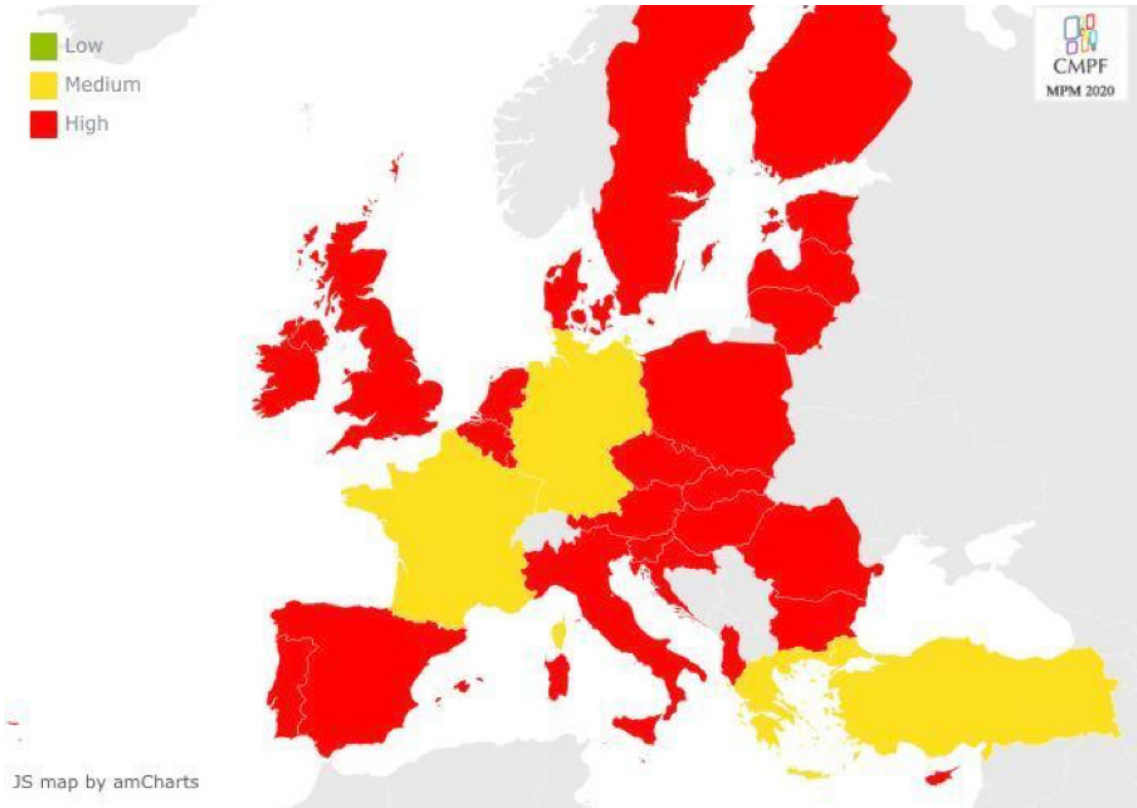
Risks to market plurality can arise from the concentration of ownership in a single news media sector, as well as from the concentration of ownership across different sectors. Horizontal and cross media concentration are therefore both assessed in this indicator. The risk level of horizontal concentration is evaluated by taking into account the legal framework (the existence and effectiveness of sector-specific regulatory safeguards and of a media-competition authority overseeing compliance with these rules) and measuring the effective concentration of the market and audience/readership for each sector using a Top4 index.<sup>34</sup> The risk level for cross-media concentration is evaluated considering the regulatory framework (the existence and effectiveness of specific regulatory safeguards to prevent high cross-media concentration) and the Top4 index measured across the different media markets.

MPM2020’s implementation confirms that news media market concentration is very high: the indicator registers high risk, at 80% (both for EU+2 and EU).

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33 As regards audiovisual media, the MPM adopts the definition that is laid down in the Audiovisual Media Services Directive 2010/13/EU, as modified by Directive 2018/1808/EU. The variables under consideration cover both linear and non-linear audiovisual media services.

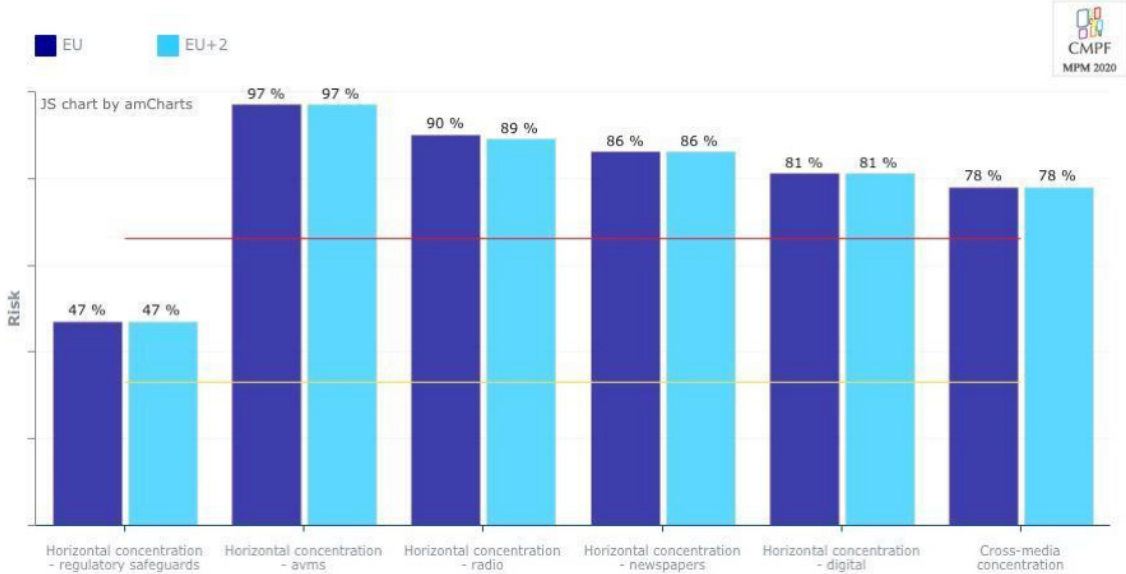
34 The Top4 (or C4 or four-firm) concentration ratio is an indicator of the size of the four largest firms within an industry, compared to the output of the entire industry.

**Fig. 3.2.2.a. Indicator on News media concentration – Map of risks per country**



Under the **News media concentration** indicator, no country scores low risk, and only four countries (France, Germany, Greece and Turkey) score medium risk. Even if several countries do have a regulatory framework with media-specific laws against horizontal and/or cross-media concentration, the economic data points to a very concentrated market, particularly in the audiovisual services sector.

**Fig. 3.2.2.b Indicator on News media concentration – Averages per sub-indicator**





The table above shows that only one sub-indicator scores a medium risk, relating to the **regulatory framework on horizontal concentration**. In this sub-indicator MPM2020 assesses the existence and effectiveness of media-specific provisions, with specific thresholds or other limitations that are based on objective criteria, in order to avoid market dominance in the media sector. Although some countries do not have such provisions, and in most of them regulatory safeguards are limited to the audiovisual sector, the average level of risk for this sub-indicator is medium (with 12 countries scoring a low risk, 14 a medium risk, and 4 a high risk).

All the sub-indicators which measure the actual market and audience share in each media sector score an average high risk - highlighting the limits of the competition law and regulatory safeguards to cope with the economic forces that lead to concentration, and the technological developments that shape these markets. In spite of the legal provisions aimed to limit the ownership concentration in the audiovisual sector, the **AVMS services** display high risk in all of the countries except Turkey (where it scores a medium-risk, albeit very close to the threshold of high risk); and as for the **radio sector**, only Greece records a low risk, 3 countries are medium risk (France, Germany and Turkey), the others high risk. In the **newspaper sector**, 25 countries score high risk, 3 medium risk (Bulgaria, Germany and Spain) and 2 low risk (Latvia and Lithuania). The sub-indicator on **digital news media concentration** also scores a high risk, even if it is slightly lower in comparison with the other sectors.

The sub-indicator on **Cross-media concentration** scores a high risk, at 78%, with only 2 countries recording a low risk score (Malta and the United Kingdom), 9 score medium risk, and 19 high risk. The average scoring for this sub-indicator is based on the following variables: the assessment of the legal framework, its effectiveness, and the measure of actual market concentration.<sup>35</sup> It is important to note that sixteen countries do not have any specific provisions in their media legislation geared at preventing a high degree of cross-media concentration of ownership (this is the case with Albania, Belgium, Bulgaria, the Czech Republic, Denmark, Finland, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Spain and Sweden). 13 countries do have regulation in place against cross-media concentration in general, but such laws do not cover all of the media markets. Only one country (Italy) possesses cross-media legislation which potentially covers all sectors. However, cross-media concentration, which is measured in the market by using the Top4 index, scores a high risk in Italy also, showing some limits and/or flaws in the law's effectiveness.

An overall phenomenon noted in the MPM assessment is a trend towards further concentration by the news media industries in order to counter the high level of concentration in the digital advertising market. For example, in the Netherlands, since 2018, there has been a rise in take-overs by, and partnerships with, domestic players. Competition with major international corporations has indeed sent national companies on a quest for scale, without which there is a high risk of becoming marginalised. According to the Dutch media and competition law, this is regarded as a problem only if media pluralism is affected (Rossini 2020).

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35 The concentration in the cross-media market has been measured using the Top4 index, see above.

Another source of risk that is highlighted by the MPM2020 assessment is the potential political influence in decisions regarding mergers and acquisitions (see the KESMA case in Hungary or, in less blatant cases, the grey areas that some national laws leave to discretionary decisions, see Batorfy et al. 2020).

### 3.2.3. Online platforms concentration and competition enforcement

*This indicator was not present in the previous MPM implementation. It has been introduced to assess the risk to pluralism coming from the digital intermediaries' role in the new ecosystem of the media, which is characterised by the role of online platforms in access to (and consumption of) information. Even if the online platforms (social media, search engines, algorithmic aggregators) do not produce, or produce to a limited extent, news and original content, they operate in the same market that news media providers do, competing for the consumers' attention and for advertising revenues. Whereas the previous indicator measures concentration in the production of news, this indicator is focused on distribution of news.<sup>36</sup> Two sub-indicators make up this new indicator:*

- *Gateways to news*
- *Competition enforcement*

*In the sub-indicator on **Gateways to news** the main variables are: the way in which consumers access news online (assessing the risks related to side-door access, i. e. the exposure to algorithm-driven information), and the concentration of the digital intermediaries (assessing the risks related to the dominance of a few players in the online advertising market and the online audience<sup>37</sup>).*

*The sub-indicator on **Competition enforcement** deals with the challenges which digitalisation brings to the traditional competition rules and tools. In comparison with MPM2017, this sub-indicator has been updated to take into account the evolution of the competition and regulation policies and bodies in order to address digital dominance - with a focus on the online advertising market. In addition, it contains a variable that aims to assess whether the state funding of PSMs does, or does not, create disproportionate effects on competition.*

The digital challenges to competition are debated worldwide, and they are addressed by EU competition policy.<sup>38</sup> For its characteristics and its role, the media sector would require a specific evaluation of the digital threats to pursue a level playing field in the

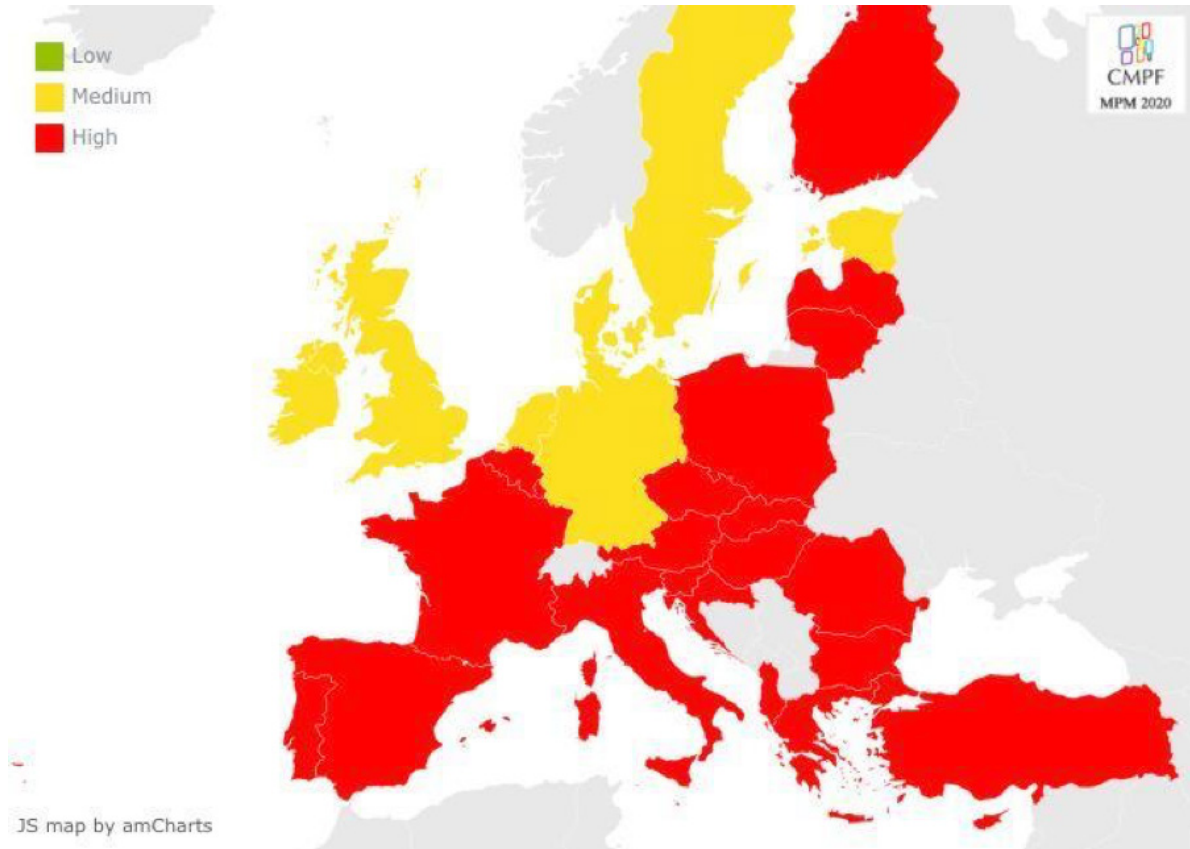
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36 As affirmed in the original MPM study “Not only the supply aspects but also distribution mechanisms and potential access to media represent areas to be assessed in order to develop economic indicators of media pluralism” (Valcke 2009)

37 The concentration of online advertising market and the online audience are assessed with the Top4 index, measuring the percentage (of revenues and/or of audience) detained by the four largest firms within an industry.

38 Crémer et al. (2019); Furman et al. (2019); ACCC (2019); Martens et al. (2019); Moore and Tambini (2018).

market and to preserve pluralism and diversity.<sup>39</sup> This is the scope of the indicator on Online platforms concentration and competition enforcement, which scores a high risk overall: 73% in EU+2, 72% in EU.

**Fig. 3.2.3.a. Indicator on Online platforms concentration and competition enforcement – Map of risks per country**

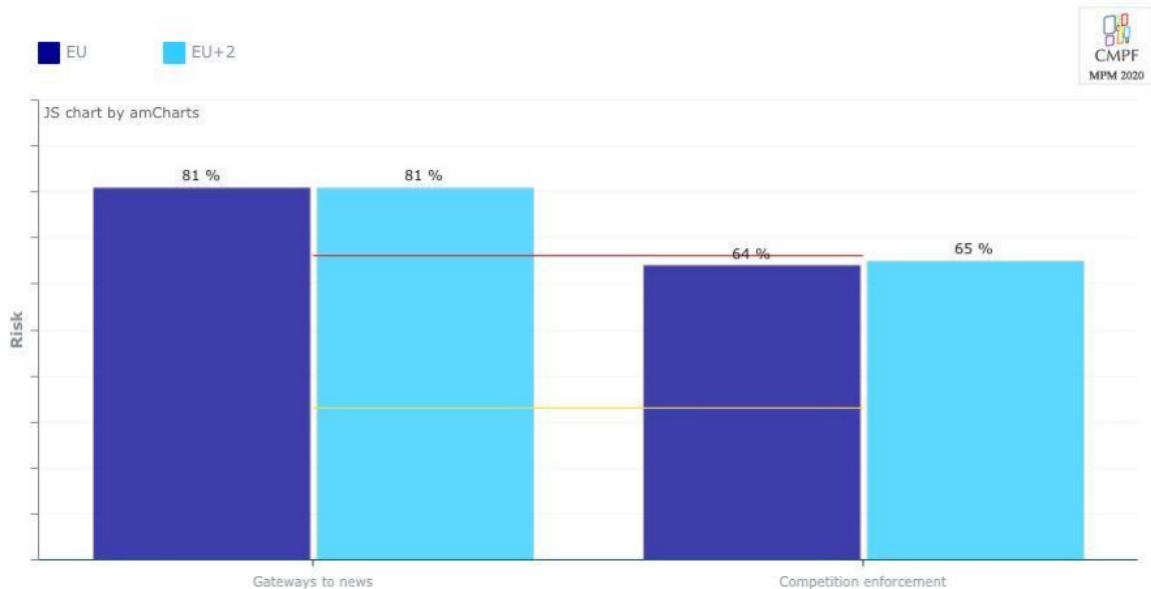


As can be seen in the map, no country records a low risk in this indicator. 23 countries register high risk while 7 register medium risk. The countries displaying medium risk are Denmark, Estonia, Germany, Ireland, the Netherlands, Sweden and the United Kingdom. For these countries, the relatively lower risk may result from the predominance of direct access to online news - i.e. the majority of people who access news online go directly to news websites - and/or from an evolution of the national legal/regulatory framework to enforce competition in the digital environment (the elements that have been considered for this assessment are: reforms or draft reforms, antitrust or court cases and inquiries, regulation by media and data protection authorities). The variable which specifically measures market concentration indicates high risk in all 30 countries (see Chapter 4.2).

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39 Tambini and Labo (2015); Parcu (2019).

The sub-indicator on Gateways to news scores high risk (81%, both for EU and EU+2), whereas the sub-indicator on Competition enforcement scores medium risk (64% for EU, 65% for EU+2).

**Fig. 3.2.3.b. Indicator on Online platforms and competition enforcement – Averages per sub-indicator**



In the sub-indicator on **Gateways to news**, 22 countries score high risk, while only 8 countries score medium risk (Denmark, Estonia, Finland, Lithuania, Luxembourg, the Netherlands, Sweden, the United Kingdom). As this measurement has been introduced in MPM for the first time, it must be considered a first attempt to assess the risks to Market Plurality that are related to the role of digital platforms as intermediaries in the new ecosystem of the news. A fine-tuning of the tool, and (hopefully) the availability of more and more standardised data, will be needed in the future. However, the high risk assessed by MPM2020 for this sub-indicator shows that the intermediaries' market is highly concentrated, across EU+2, without any exceptions.

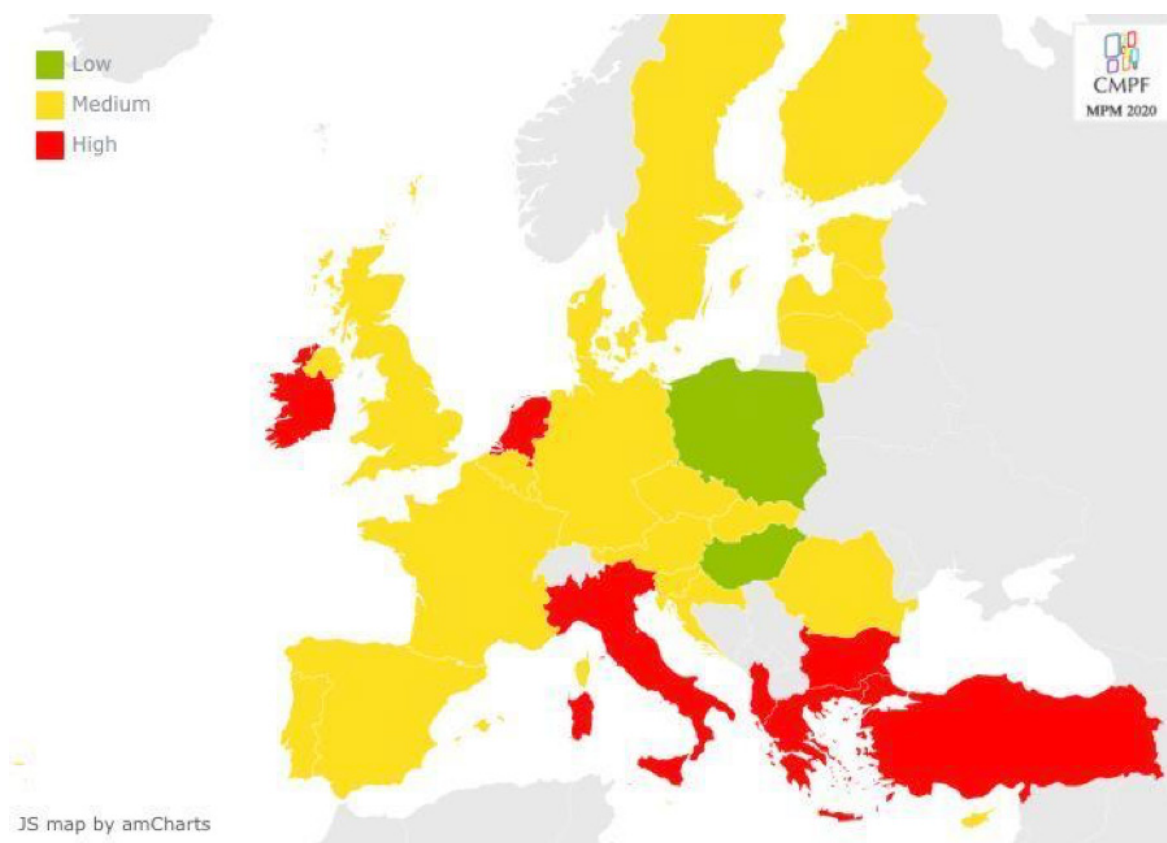
The sub-indicator on **Competition enforcement** is, on average, at medium risk (64% for EU, 65% for EU + 2). For this sub-indicator, only one country is at low risk (Denmark), 14 are at medium risk (Austria, Belgium, Croatia, France, Germany, Greece, Ireland, Italy, Latvia, the Netherlands, Slovakia, Spain, Sweden and the United Kingdom), and the remaining 15 are at high risk. To assess the risk in this sub-indicator, the country teams evaluated whether the evolution in the media landscape had been taken into account in the legal and regulatory framework, and by the competition and media authorities. In other words, whether there has been an evolution in competition enforcement to cope with the digital challenges, and whether its effectiveness has been substantive. The most important example, in this regard, is the case of Germany, and its ongoing reform of its competition laws while in certain other countries (namely France, Italy, Spain and the United Kingdom) the competition authorities are trying to fill the gaps (For more details please see Chapter 4.2, with a focus on the Online platforms and competition enforcement indicator).

### 3.2.4. Media viability

*This indicator aims to assess the effect of digital transformation on media viability, measuring market revenues and journalistic employment trends, the evolution of the online advertising market, the development of new models for media sustainability, and the role of regulatory incentives. Revenue and employment trends are examined separately in five different sectors, namely, audiovisual, radio, newspapers, digital native, local media (the measurement of local media viability being a new observation, due to the growing concern about the effects on media pluralism at regional and local level of a declining trend in the local information industry). The other sub-indicators aim to measure the trends of total advertisement resources that go to media production, to assess the resilience of the sector (alternative business models to finance news production), and to include the potential role of regulatory incentives, such as direct public support and/or fiscal provisions (with a focus on the Digital service tax (DST), given the impact that a reform of the fiscal treatment of digital platforms may have in terms of even treatment in the market, and some disputed proposals to use some of the DST revenues to support media pluralism).*

The news media business models have gone through massive challenges and transformations. The transition is far from over, as can be seen from the MPM2020 results. The average risk for the indicator on Media viability in EU+2 is 56%, at medium risk (55% in the EU). In MPM2017, the indicator on Media viability scored low risk: even if some difference may be due to new variables that have been included (so that the two assessments are not perfectly comparable), the shift from low to medium risk increasingly shows tough market conditions for the media industry.

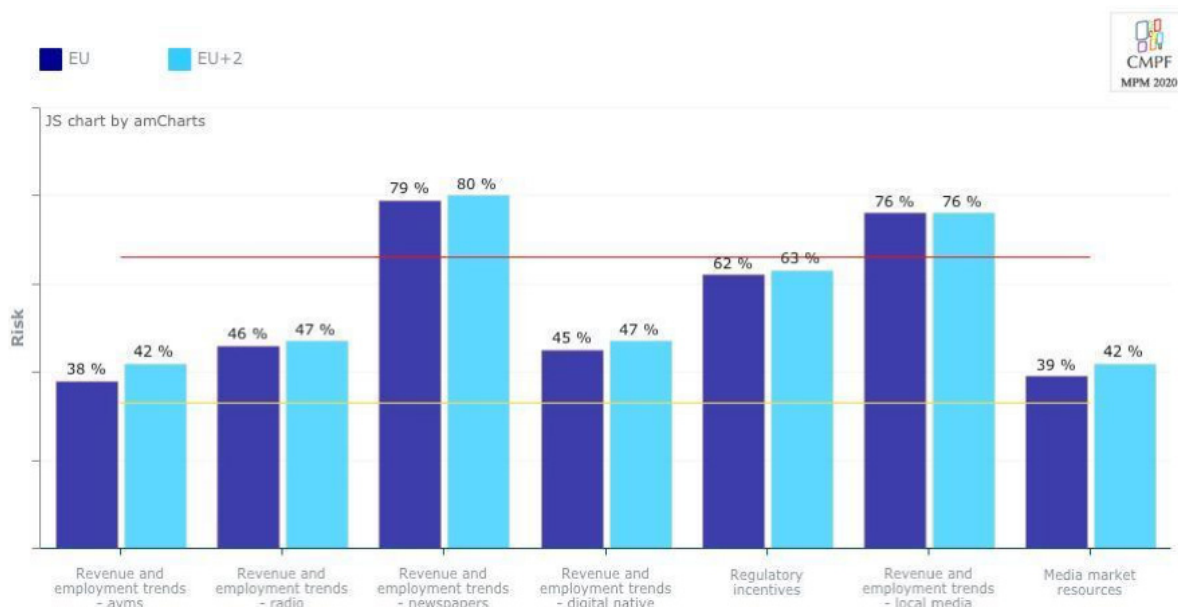
**Fig. 3.2.4.a. Indicator on Media viability – Map of risks per country**



7 countries score a high risk (Albania, Bulgaria, Greece, Ireland, Italy, the Netherlands and Turkey) in this indicator. Most countries (21) fall within the medium risk category. Only two countries score a low risk, Poland and Hungary. In Hungary, the low risk score is largely due to significant state advertising.<sup>40</sup> The role of this type of state advertising (direct or indirect, as it is often provided via state-controlled companies, or even via private companies that are influenced by political pressure), must be distinguished from transparent public support to the media. The holistic approach of the MPM is valuable, since it permits us to read this result in combination with the high risk shown under the indicator on **State regulation of resources and support to the media sector**, which assesses how state advertising is an instrument for media capture in Hungary. In Poland, the low risk score under this indicator is due to the healthy economic situation, which, in turn, has brought a sustained growth in commercial advertising expenditure for news media. The role of government and state-owned companies advertising, and its relevance, is relevant in Poland too as does the development of alternative sources of revenue for the media in the country.<sup>41</sup>

None of the sub-indicators on Media viability record a low risk. As can be seen in the following figure, the maximum risks emerge in two specific media sectors: newspapers and local media. AVMS, radio and digital native perform better, at medium risk; and so do the sub-indicator on Media market resources, which reflect the extent in which news media providers are seeking to develop innovative and alternative business models.

**Fig. 3.2.4.b. Indicator on Media viability – Averages per sub-indicator**



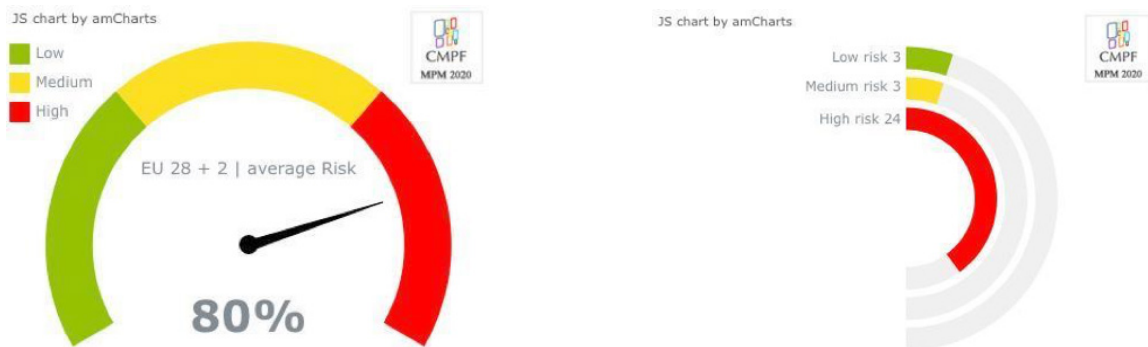
40 “The reason behind the growth is not that commercial advertisers spend more on advertising, but the enormous amount of public money spent by the government on self-advertising and propaganda (...). This alarming quantity of money is used not only for financing pro-government media, but also for controlling the independent media. (...). Not only do the pro-government media build their entire business model on state advertising, but some independents, and critical outlets too”. (Batorfy et al, 2020)

41 The real GDP growth rate in Poland was + 5.1% in 2018, and + 4.1% in 2019 (Eurostat). As for government advertising, the data show that the growing advertising expenditures of state-owned companies in the last three years have been distributed asymmetrically, and along political lines. [With regard to] the viability of alternative business models: according to DNR, 16% of news users in Poland pay for online news (Klimkiewicz 2020).

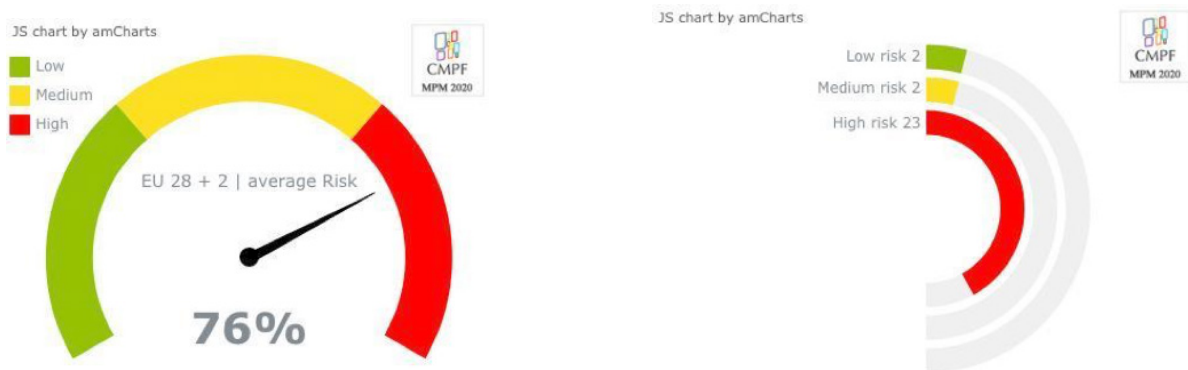
In the sub-indicators on **Revenue and employment trends**, the MPM evaluates the growth of, or the decline in, the sector-specific revenues and journalistic employment rates in the past two years in relation to the GDP trends in the same period. In the MPM assessment, a decrease is evaluated as being a high risk, an increase as a low risk; if economic trends are stationary; this is registered as a medium risk.

No sector in the news media industry registered an increase in the past two years (no sector is therefore at low risk); the sectors at medium risk (stationary revenues and employment) are AVMS (42%), radio (47%) and digital native (47%). The sub-indicator on newspapers (aggregate in which the press industry is considered, including the resources coming from the digital version of printed copies) scores a high risk rating of 80%: in 24 of the countries monitored by MPM, newspapers' revenues and employment trends have actually decreased in the past two years. Similar trends can be seen in the **Local media**; this sub-indicator covers all kinds of local outlets (newspapers, audiovisual, radio, digital), which historically had a relevant role in informing small communities, fostering their democratic participation, and monitoring the local powers. The average score is 76%, with a high risk in 23 countries.

**Fig. 3.2.4.c. – Newspapers viability**



**Fig. 3.2.4.d. – Local media viability**



The data collection for the variables on **journalistic employment** has been difficult to assess, as in several countries there is no data disaggregated for sectors, and sometimes no data at all on working journalists. To quote Romania's country report, "this is an obstacle not just to assessment, but also to evidence-based policy development" (Popescu et al. 2020).

The sub-indicator on **Media market resources** specifically assesses the conditions of the advertising market and the development of alternative business models to counteract the decrease in sales for legacy media. Country teams evaluated the trends in advertising resources, both offline and online; as for online, the assessment is specifically focused on advertising revenue that goes to media content production (a general increase of online resources, which has been noted over all EU+2 countries, may not benefit the media industry if it is harvested only by digital intermediaries). Moreover the MPM2020 assesses to what extent news media organisations in the country are developing sources of revenues other than traditional revenue streams (e.g. paywalls, crowdfunding, membership, charities, or others). The average score for this sub-indicator is 42%, with 13 countries scoring low risk, 8 medium risk (Austria, Belgium, Latvia, Malta, the Netherlands, Slovakia, Slovenia and the United Kingdom) and 9 high risk (Albania, Croatia, Finland, France, Greece, Ireland, Italy, Spain and Turkey). Among the countries with the lowest risk level is worth mentioning the case of Sweden, where the propensity to pay for news online is high and publishers accelerated their efforts to increase revenues from digital readers.<sup>42</sup> In the United Kingdom, where Media viability fell just short of high risk (65%), by 2018, The Guardian's online revenues began to outstrip its offline ones.<sup>43</sup>

Finally, the sub-indicator on **Regulatory incentives** estimates the role of public policies in sustaining Media viability, both with public support schemes and fiscal incentives. A specific question has been introduced to map the unilateral initiative in some EU countries for a digital service tax (DST). A DST has been introduced in 8 countries (Austria, the Czech Republic, France, Italy, Slovenia, Spain, the United Kingdom and Turkey), but it was not yet effective at the time of MPM implementation. In EU+2 average this sub-indicator marks a medium risk (63%), highlighting that the role of regulatory incentives in supporting the media industry is scant.

### 3.2.5. Commercial & owner influence over editorial content

*This indicator seeks to assess the risks to media pluralism that arise from the qualitative dimension of ownership concentration, that is, commercial/ownership influence over editorial content. To this end, MPM variables evaluate a given media landscape in the light of a number of practices that may undermine editorial freedom. More particularly, the*

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42 see Färdigh (2020), p. 10.

43 The Cairncross Review (2019) recommended specific measures to ameliorate media viability, including extending zero-rating to digital newspapers; the introduction of codes of conduct governing relations between platforms and publishers; and direct funding for local interest news. See Craufurd Smith (2020).

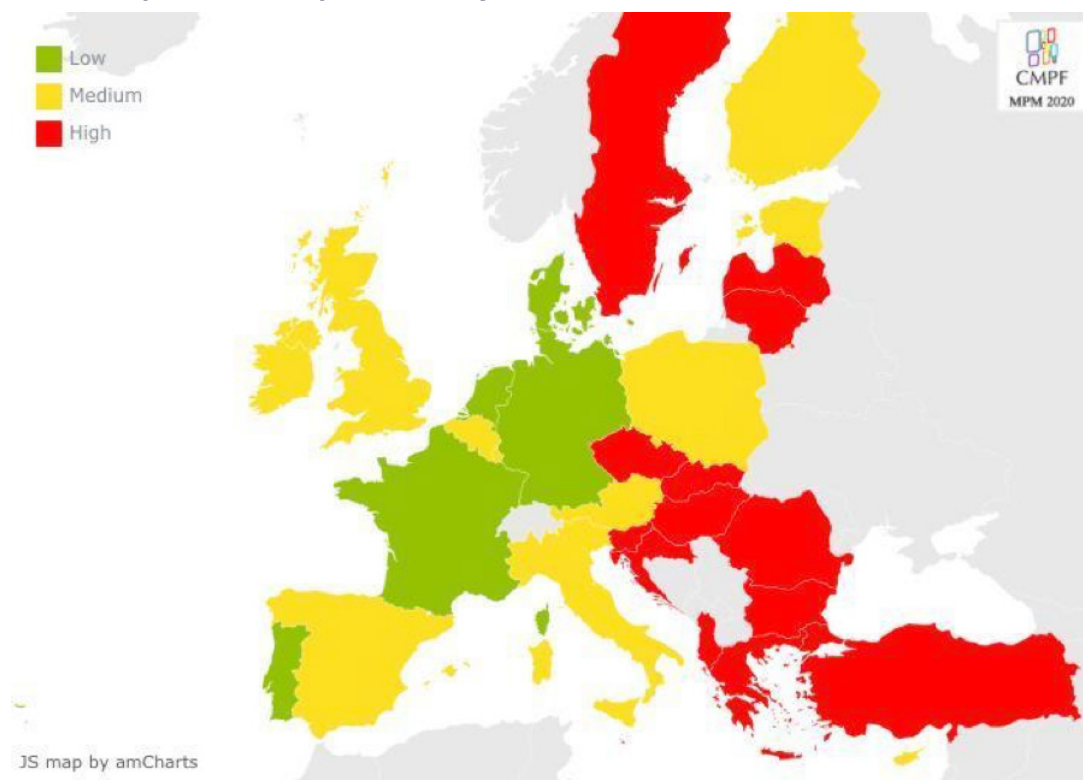


*indicator includes variables that assess, inter alia, the mechanisms granting social protection to journalists in cases where ownership and/or the editorial line change, rules and/or self-regulation provisions on appointments and dismissals of the editors-in-chief, laws prohibiting advertorials, regulations stipulating the obligation of journalists and/or media outlets not to be influenced by commercial interests and, more generally, whether the media in the landscape concerned are governed by practices through which commercial interests dictate editorial decisions. In the MPM2020 implementation, additional variables have been introduced to assess the extension and effectiveness of the same safeguards to the online environment.*

*This indicator is composed of two sub-indicators: **Appointments and dismissals**, and **Editorial decision-making**.*

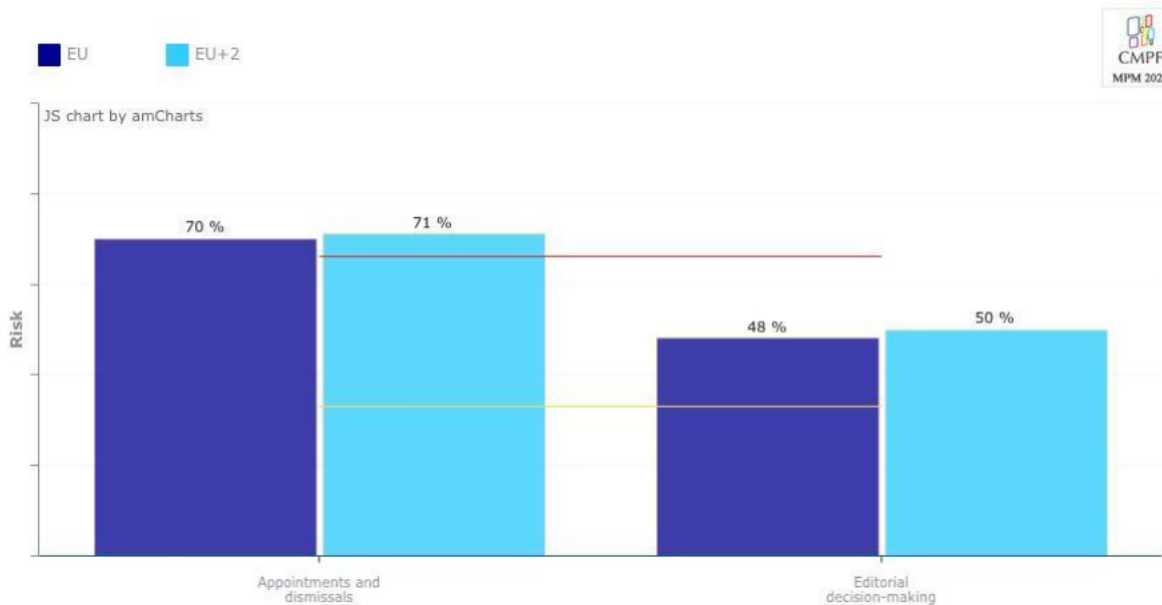
On average, this indicator scores medium risk (60% in EU+2, 59% in EU). The risks related to businesses' influence on editorial content have increased, in comparison with MPM2017 (when this indicator scored 55%). This increase, according to the analysis of the results, is not due to the new digital variables - in other words, rules and safeguards issued to protect journalists against commercial and owner influence are not generally different for the digital media. The rising risks in this indicator seem rather related to the effectiveness of those rules and safeguards and must be read together with the results of the other indicators of the Market plurality area. In particular, the worsening conditions of Media viability - together with the growth of precarious employment among journalists - may have contributed to the rising risk levels in this indicator.

**Figure 3.2.5.a. Indicator on Commercial & owner influence over editorial content – Map of risks per country**



As can be seen in the map above, only 5 countries score low risk (Denmark, France, Germany, the Netherlands and Portugal) while 11 countries score medium risk (Austria, Belgium, Cyprus, Estonia, Finland, Ireland, Italy, Luxembourg, Poland, Spain and the United Kingdom).

**Figure 3.2.5.b. Indicator on Commercial & owner influence over editorial content – Averages per sub-indicator**

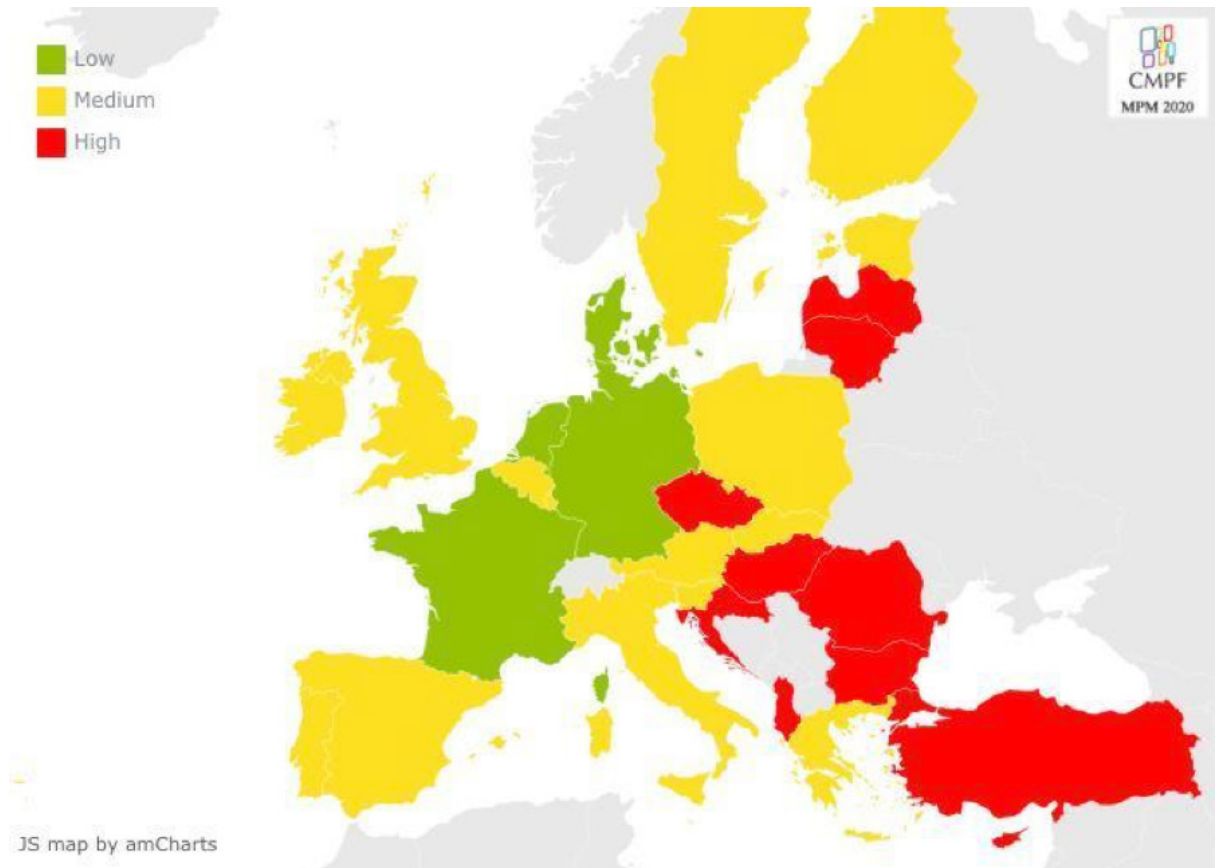


The **Appointments and Dismissals** (of journalists, in general, and of editors-in-chief, in particular) sub-indicator scores the higher risk of the two (71% for EU+2, with 4 countries at low risk, 5 at medium risk, and 21 countries at high risk). This is mostly related to the lack (or poor implementation) of legal mechanisms granting social protection to journalists in case of changes in ownership or editorial line, as well as to the absence of regulatory safeguards, including self-regulatory instruments, which seek to ensure that decisions regarding the appointments and dismissals of editors-in-chief are not influenced by the commercial interests of the media owners.

The sub-indicator on **Editorial decision-making** scores, on average, a medium risk (50% for EU+2), with 8 countries at low risk, 13 at medium, and 9 at high risk. The risks related to the independence of the media from commercial influence are evaluated by analysing the legal and regulatory framework, as well as its effectiveness. Even when regulation and safeguards do exist, problems and risks arise from their effectiveness, as noticed in most of the countries' reports. This phenomenon is shown by the answer to a single variable which looks into whether editorial content is independent from commercial influence in practice, (this question is a reality-check, to assess the effectiveness of the legal provisions; being a qualitative assessment, it has been submitted to the peer

review of the Group of Experts in each country). The average score for this variable in EU+2 is 60%, with only 4 countries scoring a low risk (Denmark, France, Germany and the Netherlands). The map below shows the risk score in EU+2 for this specific variable.

**Figure 3.2.5.c. Commercial & owner influence over editorial content – Is editorial content independent from commercial influence in practice? (Variable)**



Specific surveys in some countries show evidence of this phenomenon. In Austria, more than 80% of journalists perceive that there is an increase in economic pressure on editorial work, and more than 70% say the same about advertising pressure; in Spain, the 2018 annual report on the Journalistic profession stated that the pressures came in four areas (political powers, economic powers, owners and press offices), and it reports that 75% of respondents gave in to the pressures. Commercial and owners interests amount, respectively, to 31% and 45% of all of the pressures.<sup>44</sup>

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44 Seethaler (2020); Masip et al. (2020)

# 3.3.

# Political Independence

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*The area of Political Independence examines the existence and effectiveness of regulatory safeguards against political control over media outlets and news agencies as well as political bias and misconduct in media and online platforms. The indicators also look into the existence and effectiveness of self-regulation in ensuring editorial independence and seek to evaluate the influence of the state (and, more generally, of political power) on the functioning of the media market. Finally they look into the independence of public service media.*

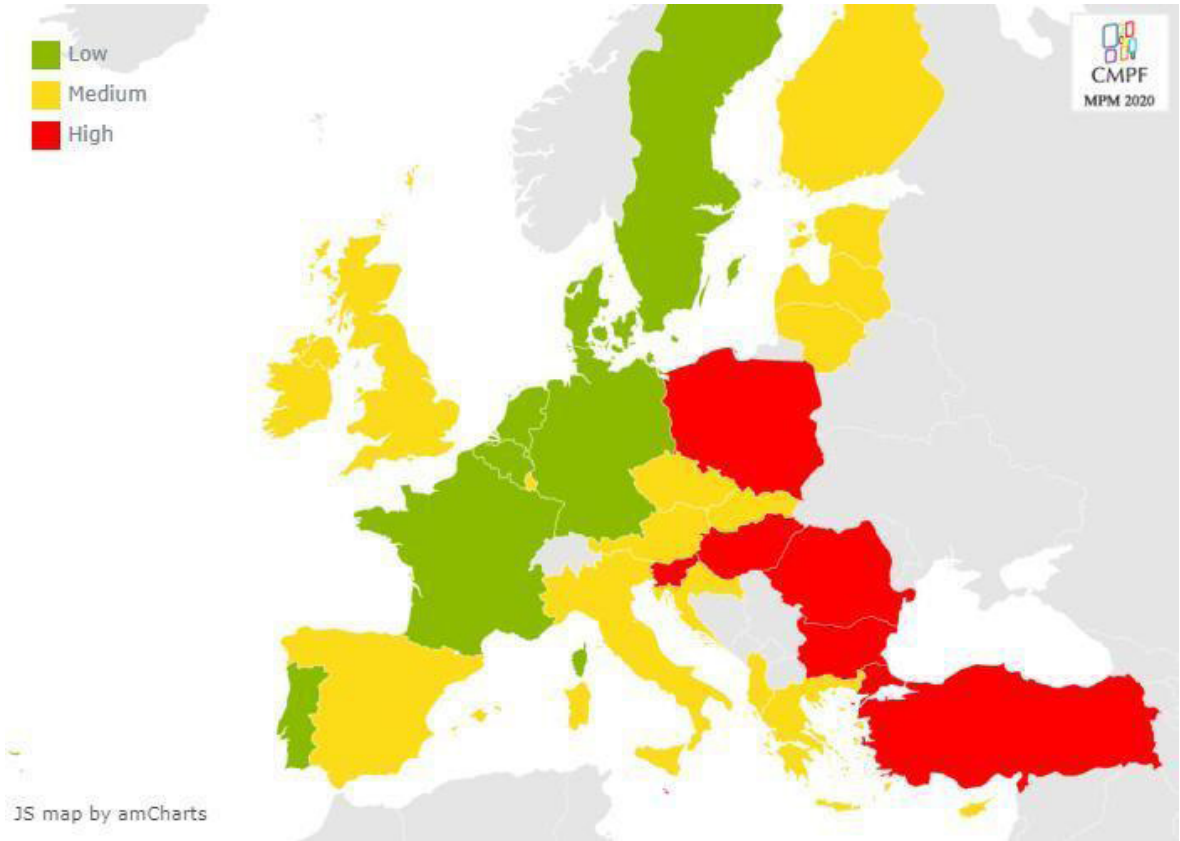
*The five indicators related to Political Independence are:*

- *Political independence of the media*
- *Editorial autonomy*
- *Audiovisual media, online platforms and elections*
- *State regulation of resources and support to the media sector*
- *Independence of public service media governance and funding.*

Political pluralism continues to be an area of particular concern as it contains some of the highest scoring indicators of the MPM. This is in line with the previous round of the MPM implementation, which suggests that no significant progress has been achieved. In fact, the risk has increased, in some cases, in particular, this is due to the introduction of new elements into the assessment (such as the transparency of online political advertising).

As shown in Figure 3.3.a. the Political Independence area scores high risk in 7 countries (Bulgaria, Hungary, Malta, Poland, Romania, Slovenia, and Turkey). The same number of countries are found to be at low risk (Belgium, Denmark, France, Germany, the Netherlands, Portugal, and Sweden). The majority of countries, namely, 16, including a candidate country, Albania, in which the MPM was implemented for the first time in 2018-2019, register medium risk.

Figure 3.3.a. Political Independence area – Map of risks per country



Most higher risk scores are related to the lack of effective safeguards for editorial autonomy, and to the shortcomings in the prevention of conflict of interest between holding government office and media ownership, especially at the local level. While the conditions vary from state to state, on average, it is the performance of indicators on Editorial autonomy, the Political independence of the media, and the Independence of public service media governance and funding, that draw attention with higher scores in the upper medium risk band. Similar results were found in the MPM2017, indicating again that there has been no progress in these key media freedom indicators.

Figure 3.3.b. Political Independence area – Averages per indicator

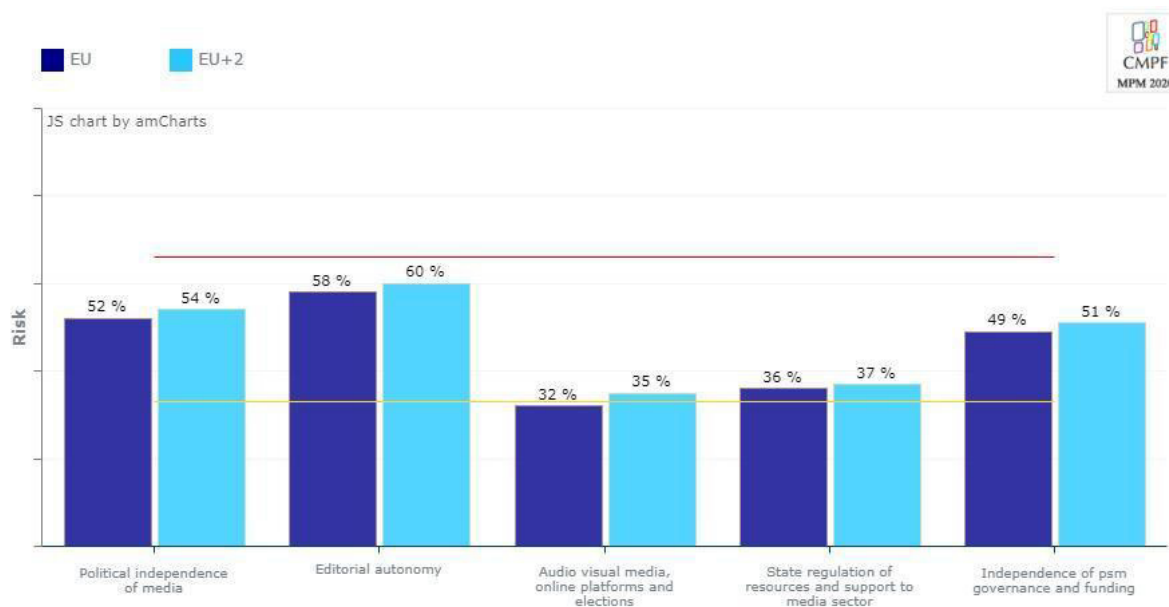


Figure 3.3.b. shows that all indicators reach higher risk levels when the two candidate countries, Albania and Turkey, are taken into account, if compared to when only EU member states are considered. The comparability of results between the MPM2020 and previous rounds of the MPM implementation in this area is limited, due to amendments introduced to indicators in order to better grasp the digital realities. However, it is clear that risk levels have either remained the same or have increased as a result of the new (digital-related) considerations.

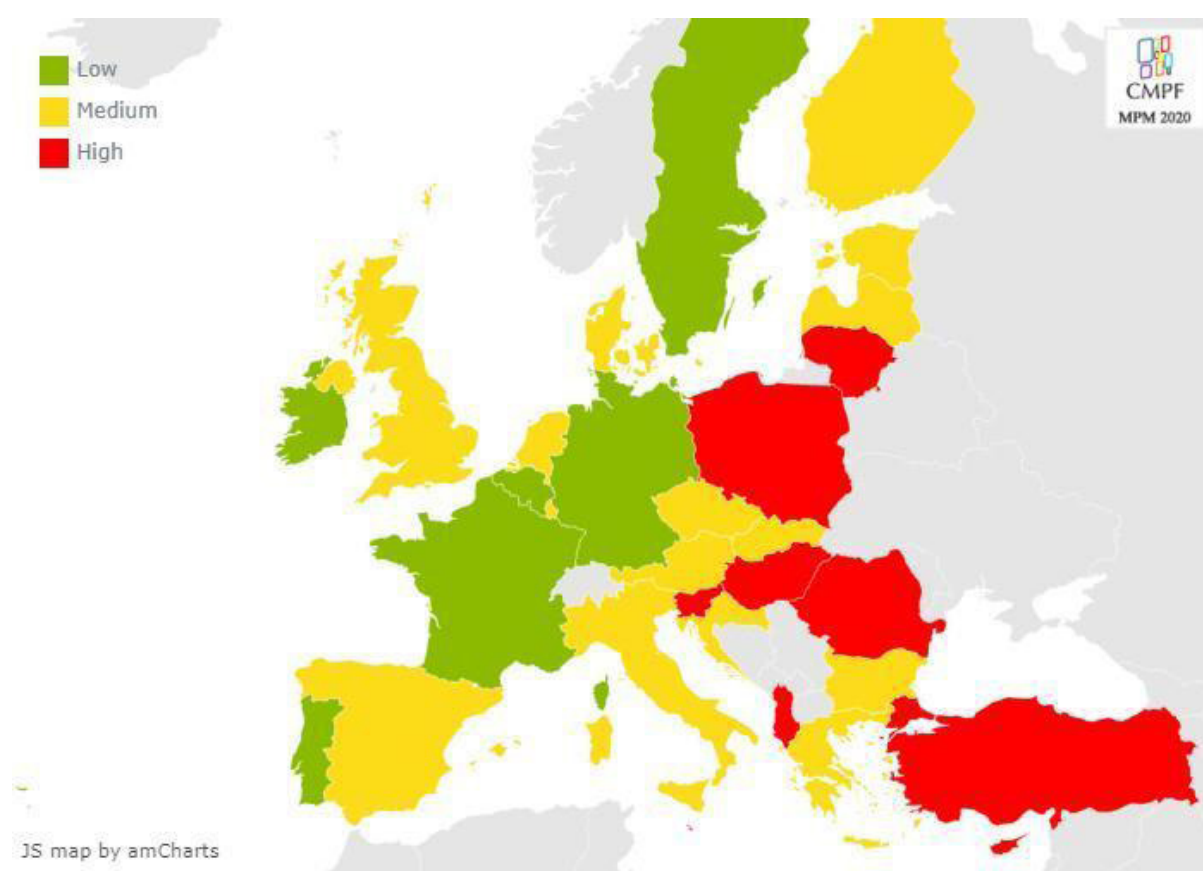
### 3.3.1. Political independence of the media

*This indicator assesses the availability and effective implementation of regulatory safeguards against conflicts of interest and control (both direct and indirect) over different types of media by politicians, taking into consideration the diversity of European media systems and the cultural differences among the countries examined. The indicator consists of three sub-indicators: the first relates to the **General rules on conflict of interests**; the second aims to capture **Political control over audiovisual media, radio, newspapers, and digital native media**; and the third evaluates **Political control over news agencies**. Here, control is understood as being broader than ownership, as it includes both direct ownership and any form of indirect control. Indirect control implies that parties, partisan groups or politicians are not directly involved in the ownership structure, but that they exercise power through intermediaries (e.g., family members or friendly businessmen). Conflict of interests is defined as being an incompatibility between holding government office and owning media (Dajnkov et al. 2003). The MPM, therefore, takes into consideration the existence, and effectiveness, of rules that prohibit media proprietors from holding government office, as well as the situation in practice. Transparency of media ownership and*

*the availability of information on the political affiliation of media owners are therefore key preconditions for assessing the extent of the politicisation of control over media.*

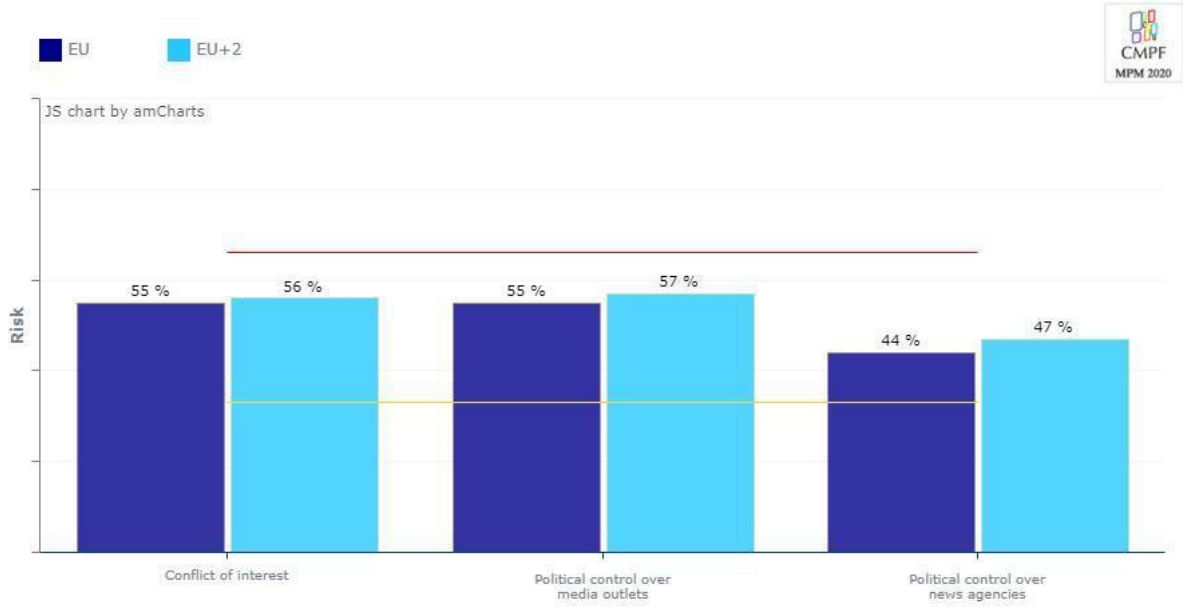
The **Political independence of the media** indicator is at high risk in 9 countries, including 2 EU candidates: Cyprus, Hungary, Lithuania, Malta, Poland, Romania, Slovenia, Albania and Turkey. Six countries are found to be at low risk: Belgium, France, Germany, Ireland, Portugal, and Sweden. The remaining 15 countries perform within a medium risk band, Luxembourg being on the border with high risk, and the Czech Republic also being very close to high risk.

**Figure 3.3.1.a. Indicator on Political independence of media – Map of risks per country**



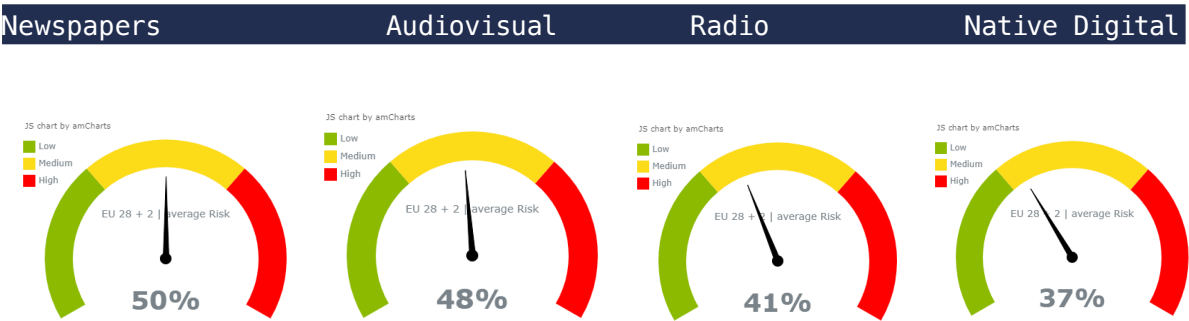
The indicator is composed of three sub-indicators: **Conflict of interest**, **Political control over media outlets**, and **Political control over news agencies**. For all three sub-indicators the risks are slightly higher when candidate countries are taken into account, than when only EU member states are considered. While there are no significant differences in the risk level between the sub-indicators, Conflict of interest and Political control over media outlets register vulnerabilities in more countries than political control over news agencies.

**Figure 3.3.1.b. Indicator on Political independence of media – Averages per sub-indicator**



Malta - where no law exists preventing conflict of interest and the two major parties are among the key players in the country’s media market scores the highest risk in this indicator. In other high-risk performing countries, even when there is a law to prevent conflict of interest, it is usually either inadequate for a media specific field, or it is not effectively implemented. Therefore, what mostly contributes to the risk score is the situation in practice. Legacy media, in particular newspapers and audiovisual media, are evaluated as being at medium or high risk of political control in 18 countries. The high risk of political control over newspapers has been recorded in 12 countries, and for audiovisual media in 11 countries. Notably lower risks of political control in the form of direct or indirect ownership have been recorded with regard to radio and, in particular, to native digital media.

**Figure 3.3.1.c. Political control over different types of media – Average risk score**





Politicisation over native digital media seems to be an issue of concern in Albania, Turkey, Slovenia, Romania, and Hungary. While digital native media are often considered a beacon of hope for journalism in countries where the legacy media has been captured, the MPM data collection shows that this is not always the case. In fact, in the above-mentioned states (2 candidate countries and 3 EU Member States) the digital natives with the highest audience tend to be mainstream in style and organisation, and it is not uncommon for their owners to be closely connected to political figures. Another problem has been observed with regard to the transparency of native digital media ownership and editorials. In Greece, for instance, the country team reports that no ownership data is available on the native digital media's websites to assess whether any of these are owned or controlled by political parties.

Recently the Czech Republic adopted legislative amendments in the area of conflict of interest, especially as regards media ownership by politicians. The Conflict of Interests Act has been amended as a direct reaction to the unprecedented collusion of political and media power in the hands of Prime Minister Andrej Babiš (Stetka & Hajek 2020). The 2017 amendment explicitly prohibits politicians (including local ones) from owning stakes in the media. However, this applies only to the traditional media, not online media. Furthermore, the efficiency of its implementation, as pointed out by the Czech researchers, has been frequently questioned.

Another dimension of this indicator is the **Political control over news agencies** sub-indicator. In line with the previous MPM results, the MPM2020 shows that, especially when there is one (public) news agency in a country, legal safeguards are often non-existent or insufficient to prevent it from being dependent on political groupings in terms of ownership, the affiliation of key personnel or editorial policy. The risk is highest in 4 countries: Albania, Greece, Hungary, and Slovenia. Greece's only news agency, ANA-MPA, is public, and the political independence of its board is not fully ensured, as the president is selected by the minister who is responsible for the media (Psychogiopoulou & Kandyla 2020). In Slovenia, the state is the owner of the leading news agency and it has witnessed some political affiliations in the past, though there is no evidence of (direct) influence in recent years (Milosavljevic & Biljak Gerjevic 2020).

### 3.3.2. Editorial autonomy

*The indicator on Editorial autonomy is designed to assess the existence and effectiveness of regulatory and self-regulatory measures that guarantee freedom from political interference in editorial decisions and content. In order to exercise their social role as the watchdog of society and as a provider of information that serves the public interest and debate, journalists have to be able to act independently of undue influences. In this regard, effective self-regulation, in the form of codes of conduct, codes of ethics or editorial statutes, is of particular importance, as are the appointment and the dismissal procedures of editors in chief.*

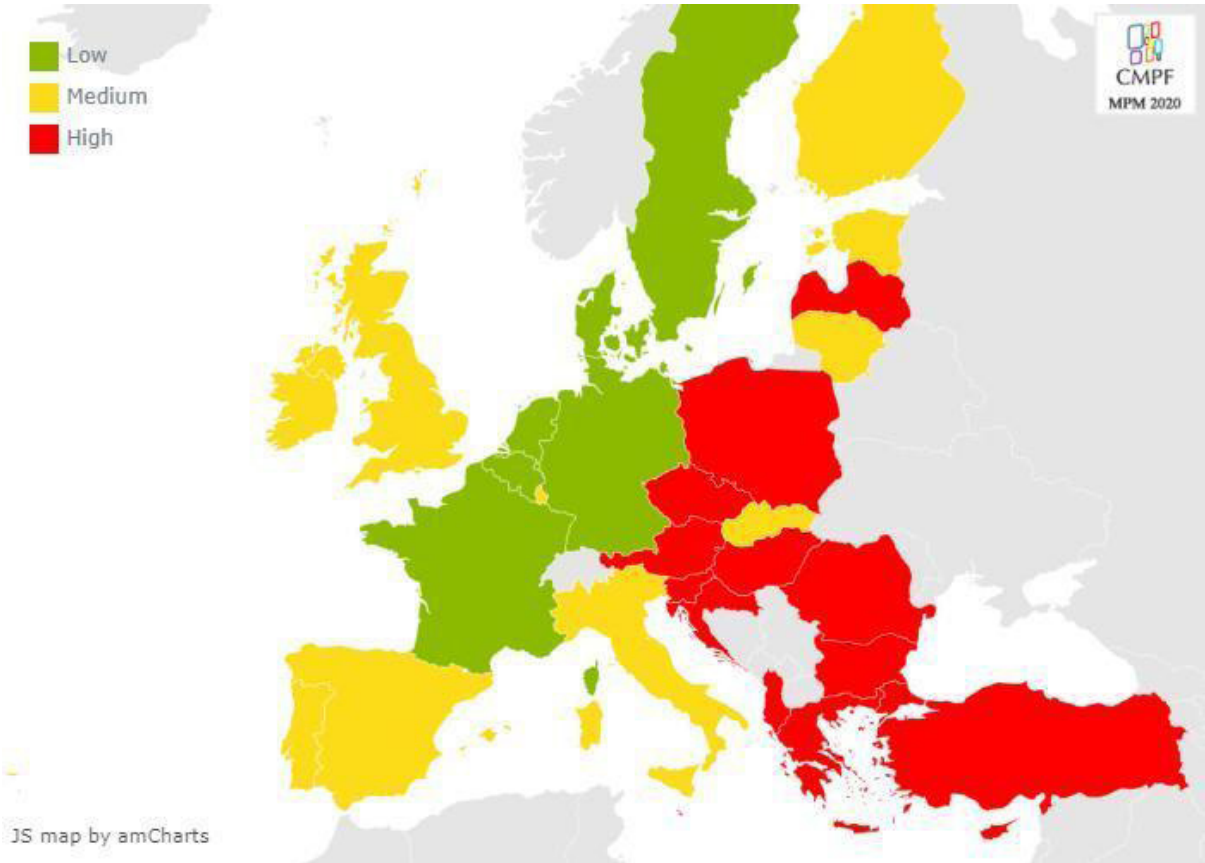
*The importance of co- and self-regulation, as a complement to legislative, judicial and administrative mechanisms, is emphasised in the Audiovisual Media Services Directive (2018). The pluralism of the media itself is insufficient to ensure freedom of information if the independence of the practice of journalism is not guaranteed. The Council of Europe's Recommendation on Media Pluralism and the Diversity of Media Content (CM/Rec(2018)1) highlights that, while encouraging the media to supply the public with diverse and inclusive media content, member states should also respect the principle of editorial independence.*

The freedom of journalists and editors to make decisions without interference from the owners of a publication, their political leanings, or outside political pressures, should be a paramount condition for a free and plural media environment. According to MPM2020's results, this is not the case in 24 of the 30 countries under examination: 10 countries score medium risk, of which 4 were very close to the border of high (Italy, Lithuania, Spain, and the United Kingdom) while editorial autonomy is at high risk in 14 countries (Albania, Austria, Bulgaria, Croatia, Cyprus, the Czech Republic, Greece, Hungary, Latvia, Malta, Poland, Romania, Slovenia, and Turkey). The six countries in which editorial autonomy scores low risk are Belgium, Denmark, France, Germany, the Netherlands, and Sweden. In these countries, journalistic self-regulation is evaluated as being effective, and there have been no cases reported in which a certain appointment or dismissal of an editor-in-chief was considered to have been politically influenced.

The results are largely in line with the MPM2017. Croatia and Turkey continue to be the highest scoring countries for this indicator, closely followed by Hungary. Croatia is an illustrative example of a country in which there are systematic cases of political interference in the appointment and dismissal of editors-in-chief, in particular with regard to the public broadcaster (HRT), and there are neither efficient regulatory safeguards nor efficient self-regulation to prevent this interference (Bilic et al. 2020).

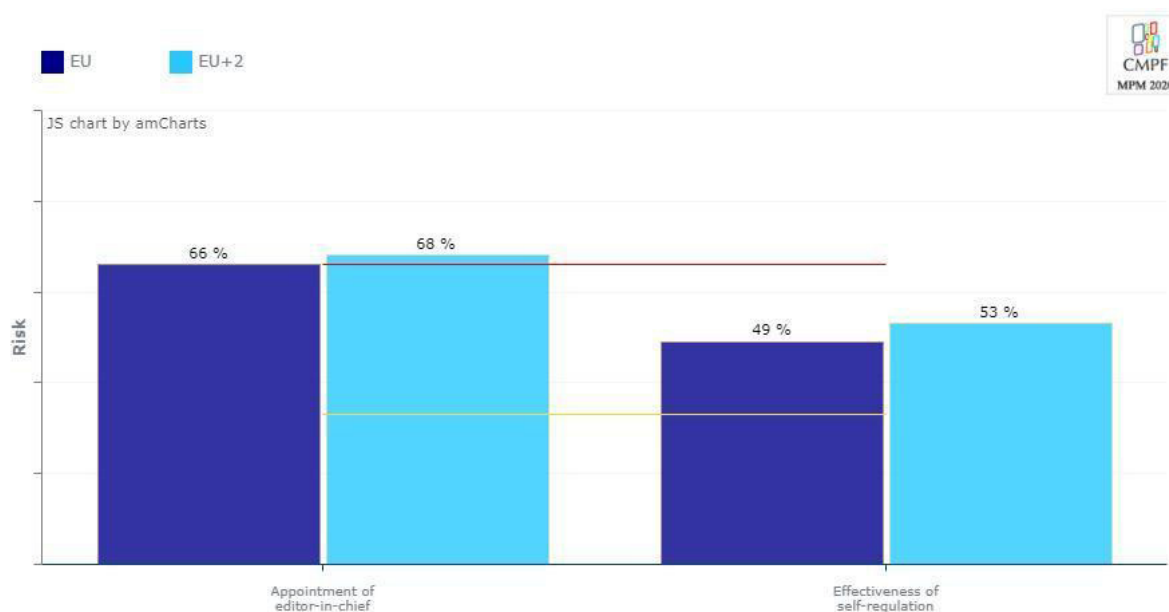
In Turkey, the situation is so severe that it is hardly comparable to any other monitored country. The *Cumhuriyet* newspaper trial demonstrates how stark the situation is. 17 journalists and executives from the daily were on trial, five of whom were jailed for months while the paper's editor-in-chief was released after 495 days under arrest, on charges of aiding a terrorist organisation via news content and opinion columns. In the indictment against *Cumhuriyet*, accusations included "changing the paper's editorial policy" (Inceoglu et al. 2020). In Hungary, the creation of the pro-government media conglomerate, KESMA, has exacerbated the already very high risk levels related to this indicator (Batorfy 2020, Brogi et al. 2019).

Figure 3.3.2.a. Indicator on Editorial autonomy – Map of risks per country



The indicator on **Editorial autonomy** is composed of two sub-indicators: one focusing on **specific safeguards and practices related to the appointment and dismissal of editors-in-chief**; and the other capturing the **existence and effectiveness of self-regulatory measures**, such as journalistic codes and codes of ethics, that stipulate editorial independence in both traditional and online news media. On average, the sub-indicator on Editors-in-chief is more at risk (see Figure 3.3.2.b.) than that on Self-regulation. While a vast majority of countries have no common regulatory safeguards with which to guarantee autonomy when appointing and dismissing editors-in-chief, leading news media in most of the countries observed do have some form of self-regulation that emphasises editorial independence. However, lack of effective implementation of self-regulation remains a problem.

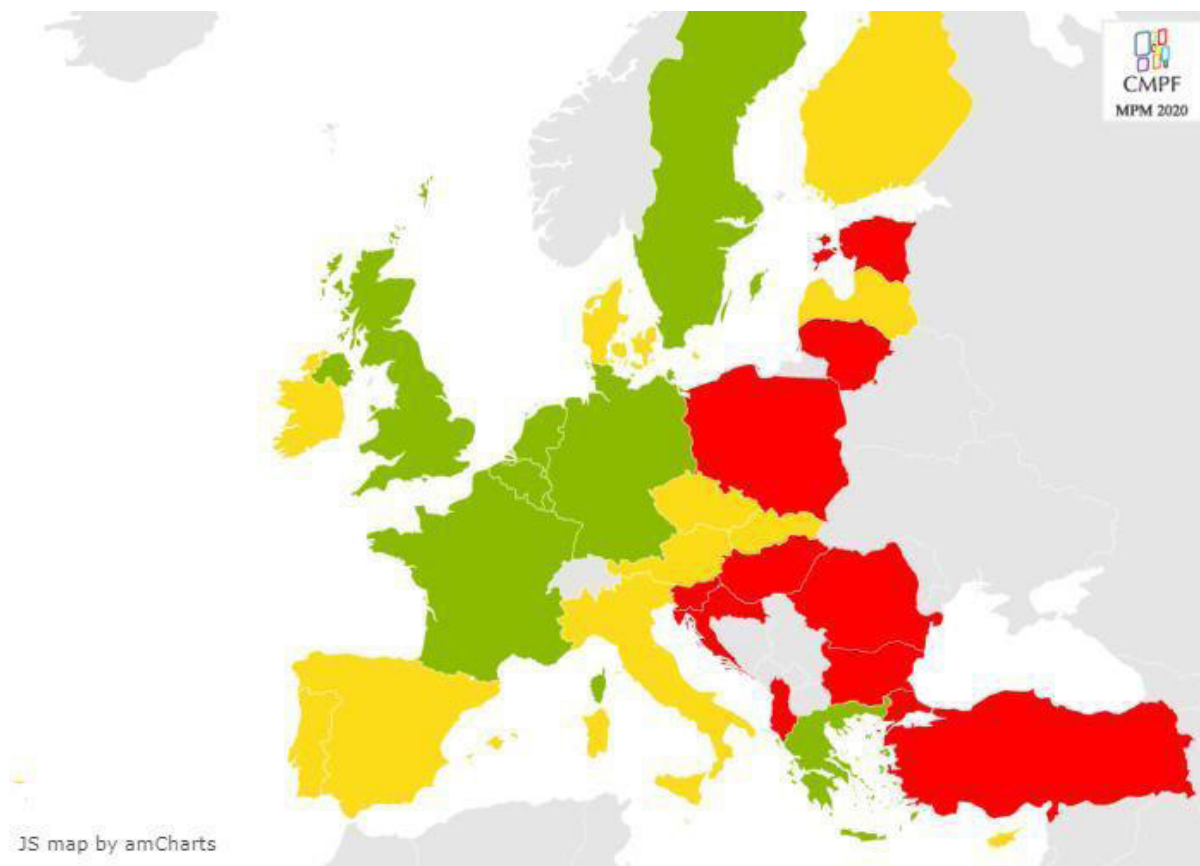
**Figure 3.3.2.b. Indicator on Editorial autonomy – Averages per sub-indicator**



A novelty under this indicator in MPM2020 was the introduction of a specific variable geared at assessing the availability and adequacy of specific codes of conduct, or of guidelines for the use of social media by journalists. An increasing number of journalists and news organisations make use of social media platforms, such as Facebook and Twitter, to research, break, distribute and discuss the news, and to (self)promote (Lasorsa et al. 2012, Noguera Vivo 2013, Holton & Molyneux 2015). This may result in tension between journalistic objectivity (non-partisanship) and transparency (journalists more freely commenting on social media and revealing more about their political views - which might affect their own reputation and the reputation of their media organisation). Furthermore, it often results in tensions between the personal and professional use of social media. Social media guidelines are being issued with an increasing frequency by news organisations that want to indicate to journalists what is, and what is not, permitted on these platforms. The aim of this new variable was to collect initial information on the extent of the availability of guidelines so as to be able to evaluate whether they are developing as a proper self-regulation of journalists' activity on social media or are being imposed on journalists (e.g., by marketing units), and may even limit their expression.

The MPM2020 results show that in 22 countries social media guidelines for journalists are either non-existent or are, in some parts, problematic, for example when limiting journalists' expression. The guidelines, especially when designed within commercial media, are often not made public and, hence, are impossible to assess. In 8 countries these guidelines exist on a larger scale and do not seem to be problematic. An example is Germany, where all public broadcasters have guidelines for dealing with social media.

Figure 3.3.2.c. Social media guidelines for journalists – Map of risks per country (variable)



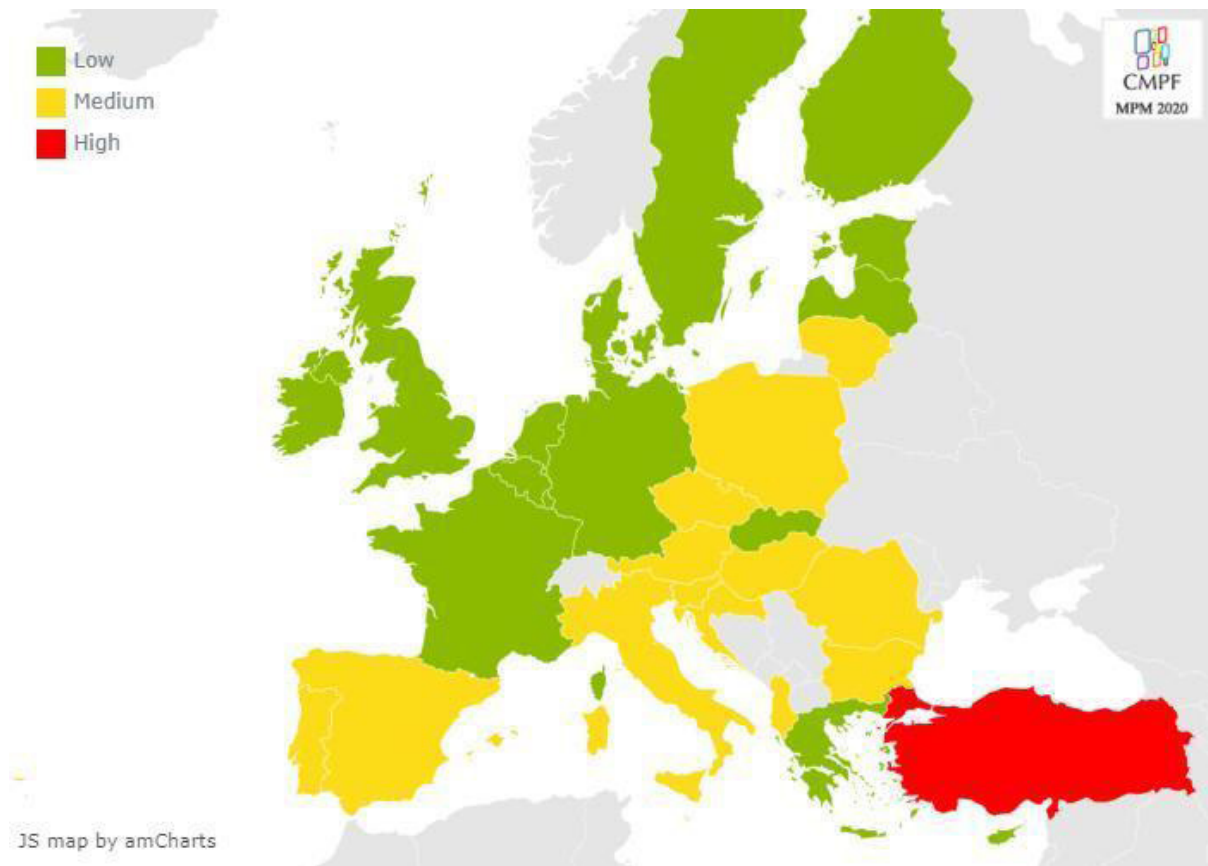
### 3.3.3. Audiovisual media, online platforms and elections

*The indicator on Audiovisual media, online platforms and elections assesses the existence and implementation of a regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints on public service media (PSM) and private channels, especially during electoral campaigns. The indicator also takes into consideration the regulation of political advertising in audiovisual media, and regulation and self-regulation to ensure the transparency of political advertising online. The focus is on the risks from bias in the audiovisual media, since television remains the main source of news for citizens in the EU (Standard Eurobarometer 90). However, the continuous rise of online sources and platforms as resources for news (SE 90), and as channels for more direct and less controlled political marketing, call for a deeper examination of the related practice and the regulation that is available.*

Half of the countries covered by MPM2020 score low risk on the indicator on **Audiovisual media, online platforms and elections**. The result is ascribed to the general availability of rules to ensure the impartiality of media reporting and equal (or proportionate) opportunities for political actors to access the media, in particular, during election cam-

paings. The reporting of public service media in the electoral period is often monitored by regulators, which puts additional pressure on such media to provide fair representation of political actors and political viewpoints. Despite the long tradition of regulation and regulatory monitoring in this field, 14 countries score as being at medium risk (Albania, Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Italy, Lithuania, Malta, Poland, Portugal, Romania, Slovenia, Spain). Turkey is the only country that registers high risk, while Hungary is very close to the high risk threshold.

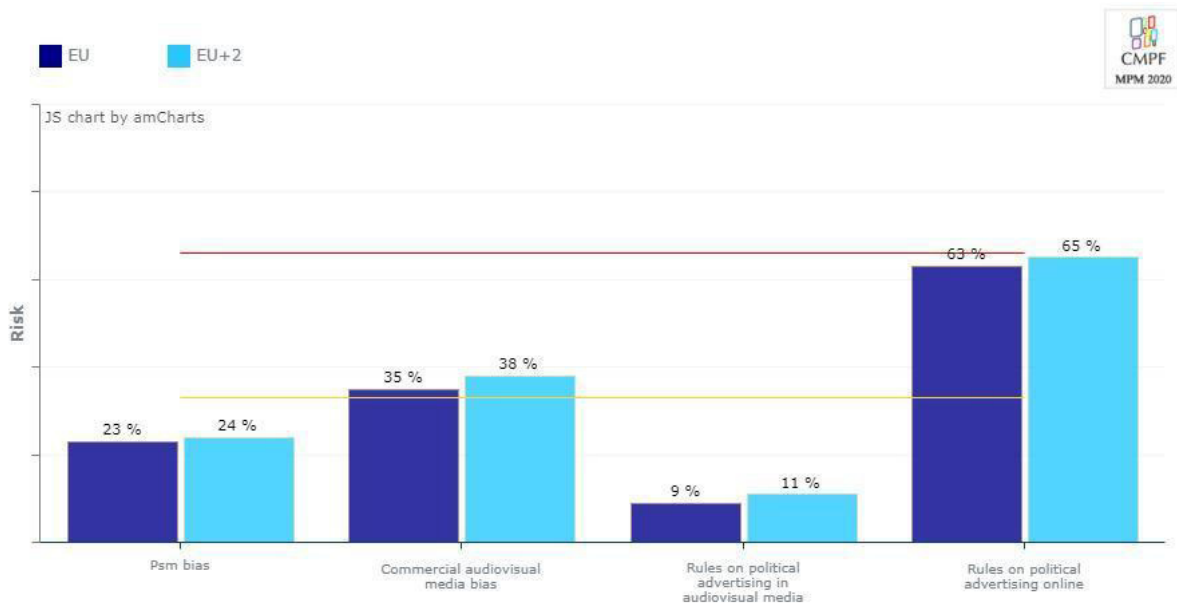
**Figure 3.3.3.a. Indicator on Audiovisual media, online platforms and elections – Map of risks per country**



The indicator is composed of four sub-indicators: **Commercial audiovisual media bias**; **Public service media bias**; **Rules on political advertising in audiovisual media**; and the new indicator on **Rules on political advertising online**. Concerns about political bias, preferential treatment and manipulative political advertising increase during periods of electoral campaigning. This was the case with the legacy media and perhaps is even more of a concern now, when political communication and advertising are shifting to the realm of online platforms and are taking on the new techniques that are enabled by the online and platform environments. In the traditional media systems, legal provisions are in place to ensure that the public media act in a non-discriminatory way

and provide for equal treatment, that parties and candidates have access to media, and that citizens are given access to a variety of voices during election campaigns (Venice Commission, 2010: para 148). For the online dimension, clear standards, transparency and the pluralistic rules of the game are still widely lacking.

**Figure 3.3.2.b. Indicator on Audiovisual media, online platforms and elections – Averages per sub-indicator**



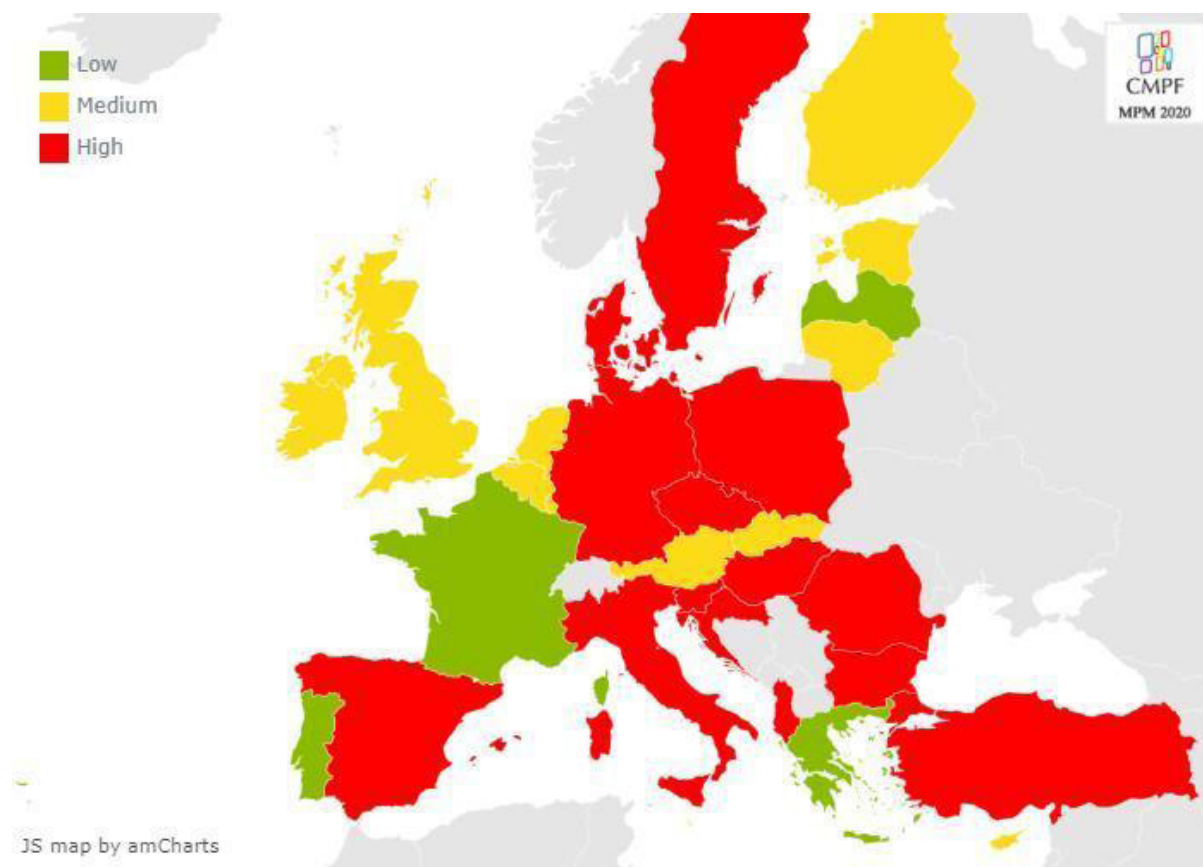
As was the case in previous MPM reports, on aggregate level, Audiovisual media, online platforms and elections is the indicator for which the lowest risk is recorded in the area of Political Independence. However, in MPM2020, the risk is significantly higher than in previous years mainly due to the new sub-indicator on Rules on political advertising online. The larger component of the indicator remains that dedicated to audiovisual media, as television remains the most common news source in Europe. However, online, and especially algorithm driven platforms, are increasingly gaining prominence as a general source of news and as a source of political information before elections.

For the first time MPM2020, includes a set of variables that aim to assess: (i) the existence of legislation that seeks to safeguard democracy and prevent certain political actors from capturing online political communication by buying and targeting online political advertising in a non-transparent manner; (ii) the availability of rules for political parties to disclose campaign spending on online platforms (e.g. on Facebook and Google) in a transparent way; (iii) the effectiveness of the Code of Practice on Disinformation in a specific national context; and (iv) the activities of the data protection authority in monitoring the use of personal data by political parties for electoral campaign purposes.

The results show that the vast majority of countries, (24 out of 30), have no, or insufficient rules to ensure transparency and a level playing field in campaigning on online

platforms. Only 6 countries (Finland, France, Greece, Latvia, Lithuania, Portugal) have a regulation that seeks to provide equal opportunities and the transparency of online political advertising during the campaign period. In 23 countries, there are no rules for political parties and candidates running in elections to report on campaign spending on online platforms in a transparent manner. In 28 countries candidates and parties are not fully transparent about the spending and methods used in their social media promotion. In 18 countries, some issues were noted in relation to the implementation of the Code of Practice on Disinformation with regard to the clear labelling and registering of political and issue-based advertising, and in terms of indicating who paid for it. In 20 countries, the data protection authority does not take sufficient account and/or monitor the use of personal data by political parties for electoral campaigning purposes.

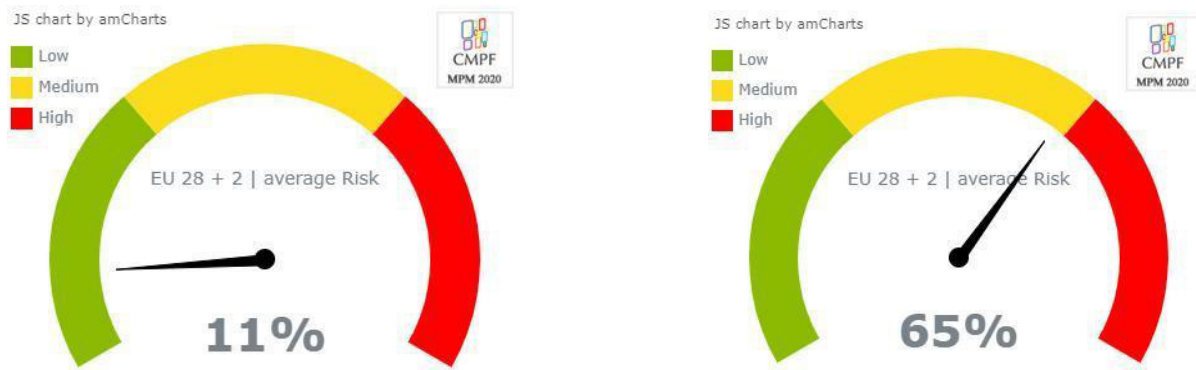
**Figure 3.3.3.c. Sub-indicator on Rules on political advertising online – Map of risks per country**





There exists very little regulation of political advertising online largely due to a lack of understanding of the criteria used by online platforms in content moderation and recommendation systems' design. At the same time, the audiovisual media, especially public service media, are strongly regulated. The MPM results show that all EU countries have put in place rules to ensure the fair representation of political viewpoints in news and informative programmes on public service media. Political advertising is often prohibited, or at least restricted, in order to prevent the financially stronger political actor from acquiring a disproportionate amount of airtime, and/or to prevent political groups with fewer financial resources from being partially or wholly excluded from the media channels. Since the greater portion of this indicator is still dedicated to the audiovisual media, the overall results for the majority of countries remain within the low risk band. Nevertheless, the results suggest that much more should be done to regulate the online dimension.

**Figure 3.3.3.d. Comparison between sub-indicators: Rules on political advertising in audiovisual media (left) and Rules on political advertising online (right) – Average risk score**



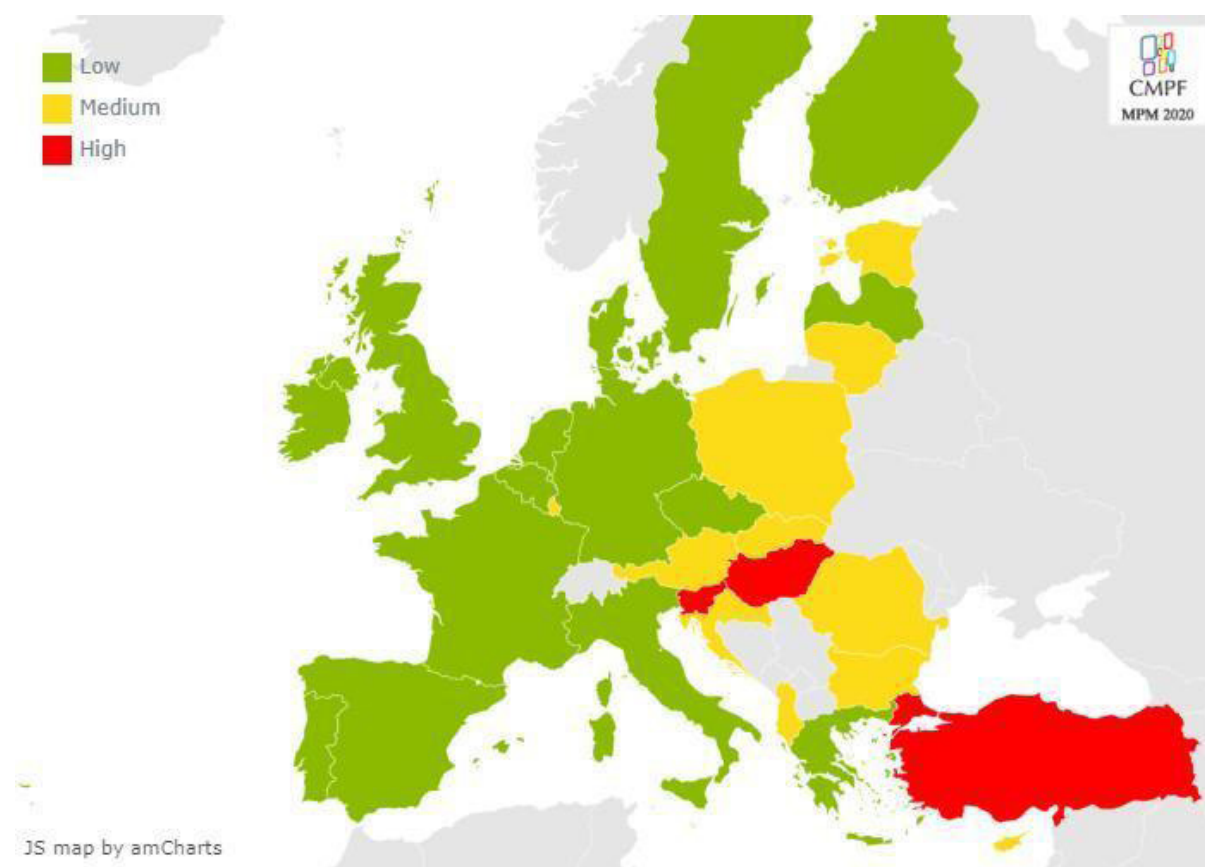
### 3.3.4. State regulation of resources and support to the media sector

*This indicator assesses the legal and practical situation in relation to the distribution of state managed resources for the media. In a situation in which media organisations face economic difficulties that are caused by the recent economic crises and ongoing technological disruption, financial support from the state can be crucial, especially for non-profit, community media and other less commercial forms of journalism. It is therefore of particular importance that fair and transparent rules on the distribution of state resources and support are in place, as well as their being effectively implemented. The lack of clear and transparent rules may be conducive to favouritism. The lack of available data on allocation, in practice, is also seen to be a potential risk, since the lack of transparency can conceal the practice of channelling money to specific media outlets in a biased manner.*

Across this indicator, 3 countries score high risk: Hungary, Slovenia, and Turkey. Slovenia possesses a regulation on spectrum frequency allocation but, according to the country team, the provisions of the law do not ensure transparent allocation, nor is the process transparent in practice. Direct subsidies to the media in Slovenia are very limited and there is no clear set of rules regarding the distribution of state advertising. In Hungary, there have been several legal procedures against the media authority alleging unfair and non-transparent frequency allocations. State subsidies are distributed to the media by the Media Council and the MTVA (PSM) for local, regional and community media and programmes, via the Hungarian Media Fund, but no reports are available to scrutinise who the beneficiaries are. In the last few years, the state (including the government, state-owned companies, institutions, ministries, local government) has become one of the biggest advertisers in Hungary, in the absence of regulation on this matter that would ensure fair and transparent allocation that is free of political interests (Batorfy et al. 2020). In Turkey, the Directorate General of Press Advertisement (BİK) has been questioned on its legitimacy, function, and lack of autonomy ever since it was founded. During the observed period, BİK has been blocking state advertisements of the opposition dailies, *Evrensel* and *BirGün*, in a move that journalists describe as an attempt to silence critical media (Inceoglu et al. 2020).

12 countries rank in the medium risk band on this indicator, while 15 countries score as being at low risk. These results correspond to MPM2017.

**Figure 3.3.4.a. Indicator on State regulation of resources and support to the media sector – Map of risks per country**

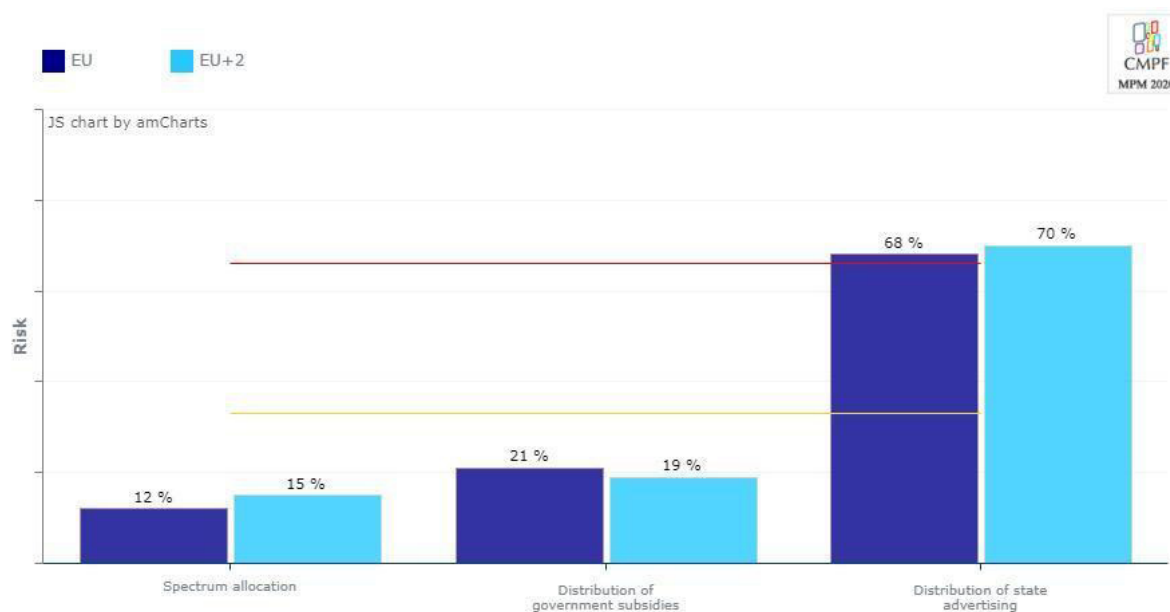


This indicator is composed of three sub-indicators: **Spectrum allocation**, **Government subsidies (direct and indirect)**, and **Rules on state advertising**. The sub-indicator on Spectrum allocation, which assesses the existence and implementation of the legal framework that enacts the general regulatory principles and policy objectives of the Radio Spectrum Policy Programme (2012), continues to be at low risk for the vast majority of countries. Most have effective regulation, and no major disputes have recently been recorded on this matter.

In 12 countries there are no direct state subsidies to the media (Albania, Bulgaria, the Czech Republic, Estonia, Germany, Greece, Ireland, Malta, Portugal, Romania, Slovakia and Turkey). In Cyprus, Hungary and Poland, these are available, but the criteria regarding the distribution of direct state subsidies to media outlets are either not clearly set out, or the practice is not fully transparent. Indirect subsidies, largely in the form of tax exemptions, are available in two thirds of the countries under examination, and they are mostly fairly distributed.

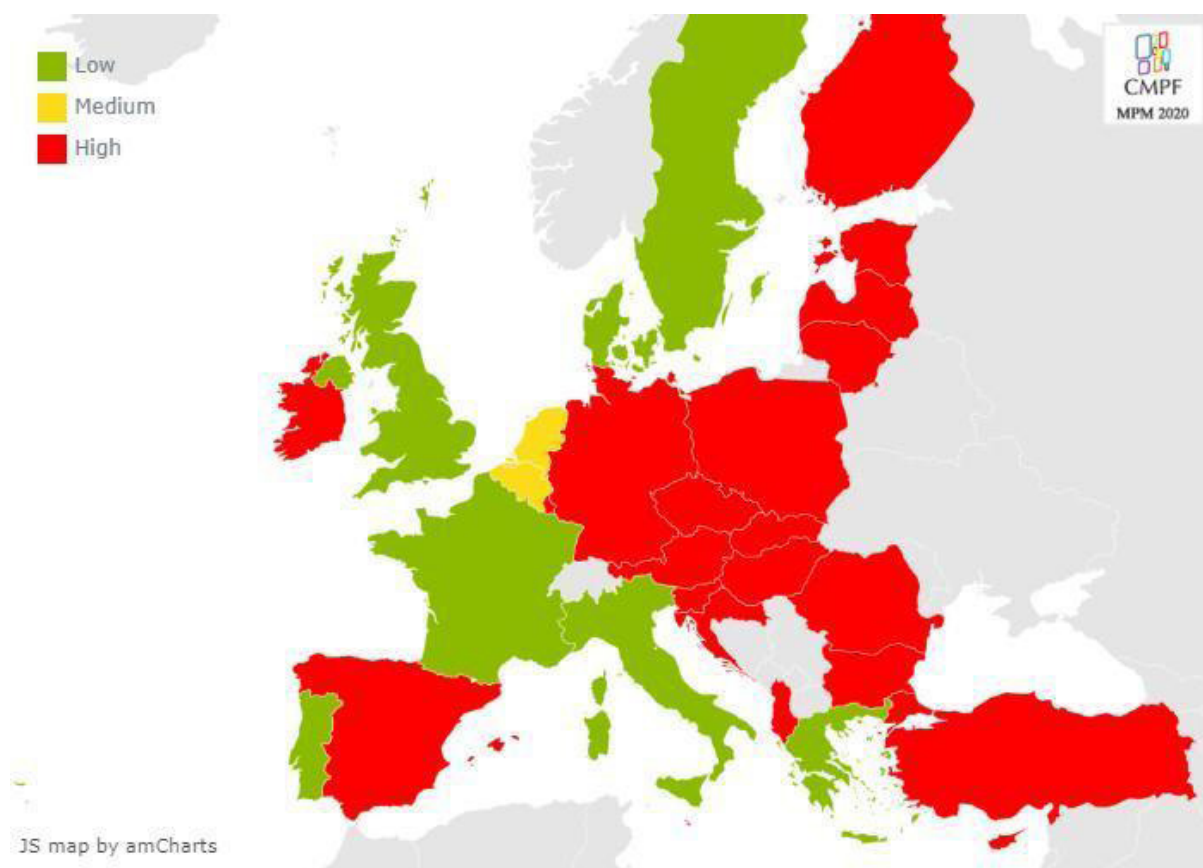
In the COVID-19 pandemic, news organisations, as the key suppliers of credible and timely information, have recorded a remarkable increase in audiences, but have not been spared of economic consequences, strong drop in advertising revenue and follow up newsroom cuts (UNESCO Brief, 2020). Journalists associations have urgently called states to include the media in recovery plans and provide financial support to professional journalism. From the perspective of preserving pluralism, it is crucial that these mechanisms are timely, comprehensive and allocated in a transparent way based on the clear and fair criteria.

**Figure 3.3.4.b. Indicator on State regulation of resources and support to the media sector – Averages per sub-indicator**



The third sub-indicator relates to the Distribution of state advertising. As in the previous round of monitoring, state advertising persists in being the most problematic issue for most countries, and it is the highest scoring component of this indicator (Figure 3.3.4.b.). State advertising is described as being any advertising that is paid for by governments (national, regional, local) and state-owned institutions and companies, to the media. The majority of countries (21) scored high risk because they lack the legislation to ensure fair and transparent rules on the distribution of state advertising to media outlets, and this is also reflected in practice through low transparency in relation to the distribution criteria, the amounts allocated, and the beneficiaries. In fact, the risk level is the highest possible in 13 out of these 21 countries: Albania, Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Ireland, Lithuania, Malta, Poland, Romania, Slovakia, and Turkey. This list confirms that risks related to state advertising continue to be present to a greater extent in Central-Eastern European countries, and in the candidate countries, than in the other members of the EU. Ireland might look like an outlier here. According to the information provided by the country team, any public body seeking to place an advert in the Irish print media must do so via an intermediary who is appointed via a public tendering process. Although the public procurement is an open (and heavily rule-bound) tendering process, once that tender has been won, the rules on the placement of individual advertisements are completely unclear.

**Figure 3.3.4.c. Sub-indicator on Distribution of state advertising – Map of risks per country**

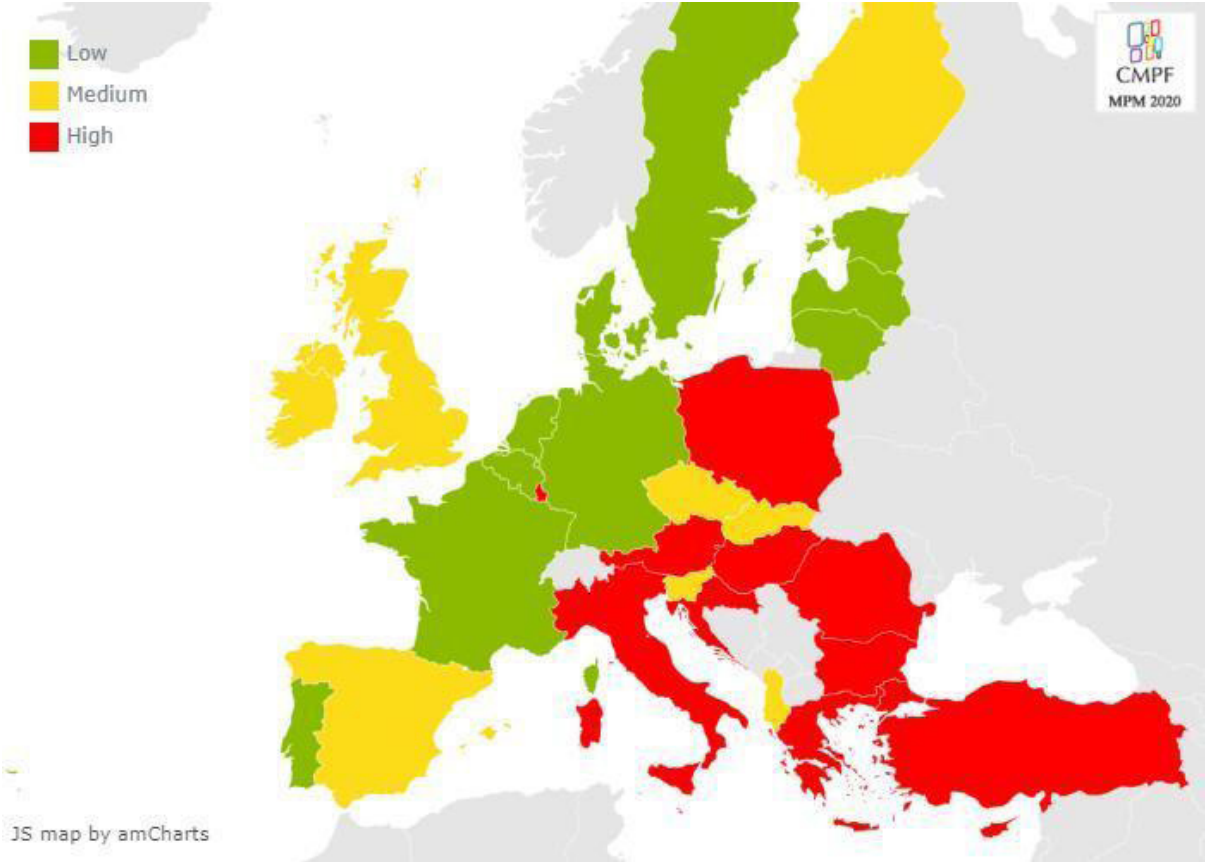


### 3.3.5. Independence of public service media governance and funding

*The **Independence of public service media (PSM) governance and funding** indicator is designed to measure the risks which stem from appointments procedures for top management positions in the public service media, and the risks arising from the PSM funding mechanisms and procedures. The reasons behind giving a special focus on PSM are two-fold, and they emerge from its perceived special role in society and its relationship with the state (CMPF 2016). PSM systems are usually established by the state, which, in some cases, still maintain influence over them. Given that the PSM are thought of as being media that are both owned by the public and are responsible to it, that are characterised by nationwide access, and that produce content for all communities (Smith 2012), it is feared that the PSM that are under political influence will no longer fulfil the above-mentioned roles. Specifically, it is feared that this will produce biased content and reduce the ability of citizens to make informed choices. In order to secure their independence, it has frequently been suggested that the state should have only a minimal ability to interfere with the appointment procedures to their boards and to exert influence by funding (Bardoel & Haensen 2008, Benson & Powers 2011, Council of Europe 2012, Hanretty 2009, Papatheodorou & Machin 2003).*

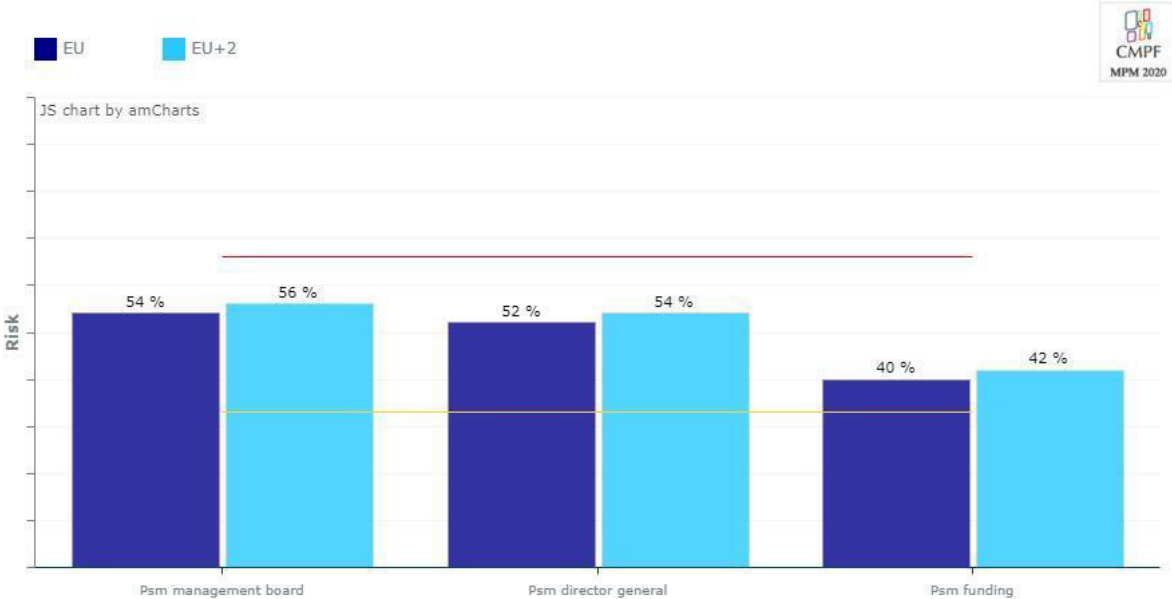
For this indicator, MPM continuously shows a relatively clear division between Northern and Western Europe, on one hand, and Central, Eastern and Southern Europe, on the other. Among the lowest risk scoring countries are those located in Western Europe: the Netherlands, Sweden, Denmark, France, Germany, and Belgium, together with the Baltic countries Estonia, Latvia and Lithuania, and Portugal. Medium risk scoring countries are Albania, the Czech Republic, Finland, Slovakia, Slovenia, Spain, Ireland and the United Kingdom. The indicator registers high risk in 12 countries: Austria, Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Luxembourg, Malta, Poland, Romania, and Turkey.

**Figure 3.3.5.a. Indicator on Independence of public service media governance and funding – Map of risks per country**



This indicator consists of three sub-indicators: one looking at the risks arising from **PSM funding**, and two assessing the risks stemming from both **appointments to the PSM management boards** and the **appointment of the Director General**. As shown in the figure below (Figure 3.3.5.b.), generally, risks are more related to the appointment procedures than to PSM financing. In the majority of countries, appointment procedures for the management of PSM lack proper safeguards and remain vulnerable to political influence. While selection and appointment procedures are often run by special committees, or media authorities, the final approval is, in many cases, given by parliamentary vote or by the government (a competent Minister).

**Figure 3.3.5.b. Indicator on Independence of public service media governance and funding – Averages per sub-indicator**



The highest scoring countries under this indicator are Bulgaria, Romania, and Turkey. In Bulgaria, the formal legal procedures for the appointment of Directors General and management boards of the PSM do not provide adequate guarantees for their independence from government or other political influence. The appointment of the current Director General of the public service media, BNT, has triggered strong criticism by experts and professional organisations due to his previous engagements in politics and his experience with politically controlled media (Spasov et al., 2020). In Romania, built-in legislative flaws prevent politically independent appointment procedures. In particular, the procedures allow for the dismissal of members of the PSM executive board, including the president, based on the political vote and without due consideration of their performance (Popescu et al. 2020).

The lowest risk scoring countries are the Netherlands and Sweden. While the appointment procedures of the PSM management there are also not entirely depoliticized, there has been no indication of political interference in the appointments and dismissals of managers and board members of PSM. In Sweden, the appointment procedures are well defined in law and provide for the independence of the PSM boards and management, while also allowing for political oversight. The PSM boards are appointed by the PSM Management Foundation (Förvaltningsstiftelsen), which, in turn, is appointed by the government following a proposal from the political parties in the Swedish parliament (Färdigh 2020). As detailed in the country report for Sweden, to avoid the general election having an immediate impact on the PSM Management Foundation’s composition, it has been agreed that the Chairperson and six other members are appointed by the government in the year that follows a general election: the Chairperson for four years, and the members for eight years. This prevents a newly appointed government completely changing the board’s composition.

# 3.4.

# Social Inclusiveness

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*The Social Inclusiveness area examines the access to the media by various social and cultural groups, such as minorities, local/regional communities, people with disabilities, and women. The access of different social groups to the media is a key aspect of a participatory media system and it is a core element of media pluralism. In addition, the Monitor considers media literacy to be a precondition for using the media effectively.*

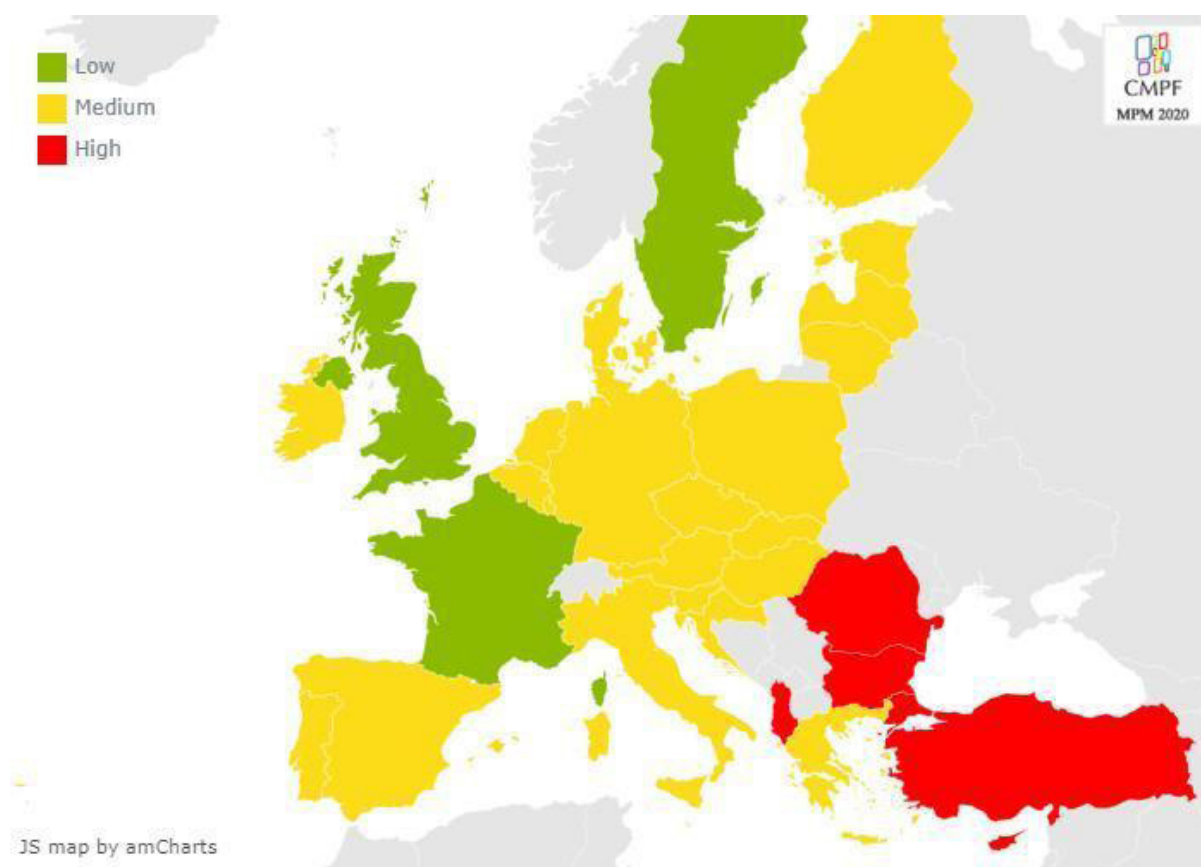
*The area covers the following indicators:*

- *Access to media for minorities*
- *Access to media for local/regional communities and community media*
- *Access to media for people with disabilities*
- *Access to media for women*
- *Media literacy*

In the area of Social Inclusiveness, more than two thirds of the countries (22) are in the medium risk band; 5 countries scored high risk (Albania, Bulgaria, Cyprus, Romania, and Turkey) and 3 countries are in the low risk band (Sweden, France, and the United Kingdom). These results to a large degree correspond to MPM2017.



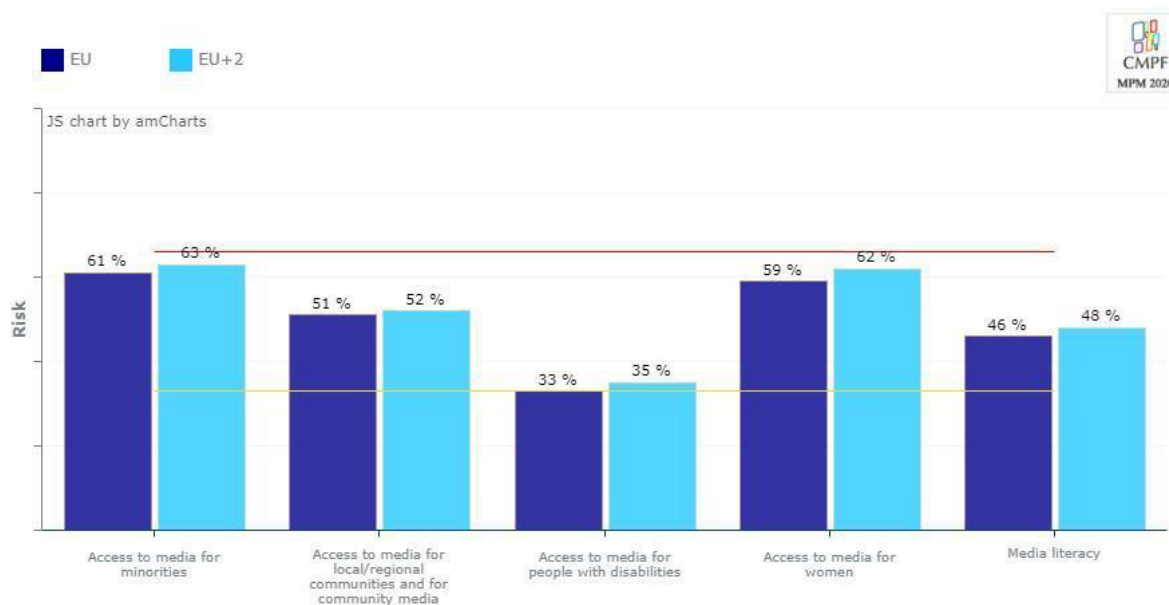
Figure 3.4.a. Social Inclusiveness area – Map of risks per country



As shown in Figure 3.4.b. **Access to media for minorities** and **Access to media for women** are the two highest risk scoring indicators in this area. In most countries with legally recognised minorities, there is also a law that aims to guarantee access to airtime on PSM to those minorities. It is not always effectively implemented in practice, but more than half of the countries score as being at low risk on access to public service media for legally recognised minorities. The risk is more prevalent with regard to those minorities which are not recognised by law. In 16 countries most minorities do not have access to airtime, or their access is not proportional to the size of their population within the country.

Women continue to be heavily underrepresented in the managerial and top executive positions of both public service and commercial media. Systematically, male experts are more often invited to comment in political programmes and articles than are the female experts. No country recorded low risk on this matter.

Figure 3.4.b. Social Inclusiveness area – Averages per indicator



While most indicators in the area have maintained their composition, the **Media literacy** indicator has been expanded to include the risks related to hate speech, especially online. Media literacy can educate and empower individuals and provide them with the skills that they need to properly identify both harmful as well as illegal online speech and to respond to it rapidly. Media literacy initiatives can also aim to inform individuals about the reach and potential impact of such speech, as well as about legal frameworks and consequences for different forms of speech, in order to raise awareness and to improve the culture of communication and expression online.

### 3.4.1. Access to media for minorities

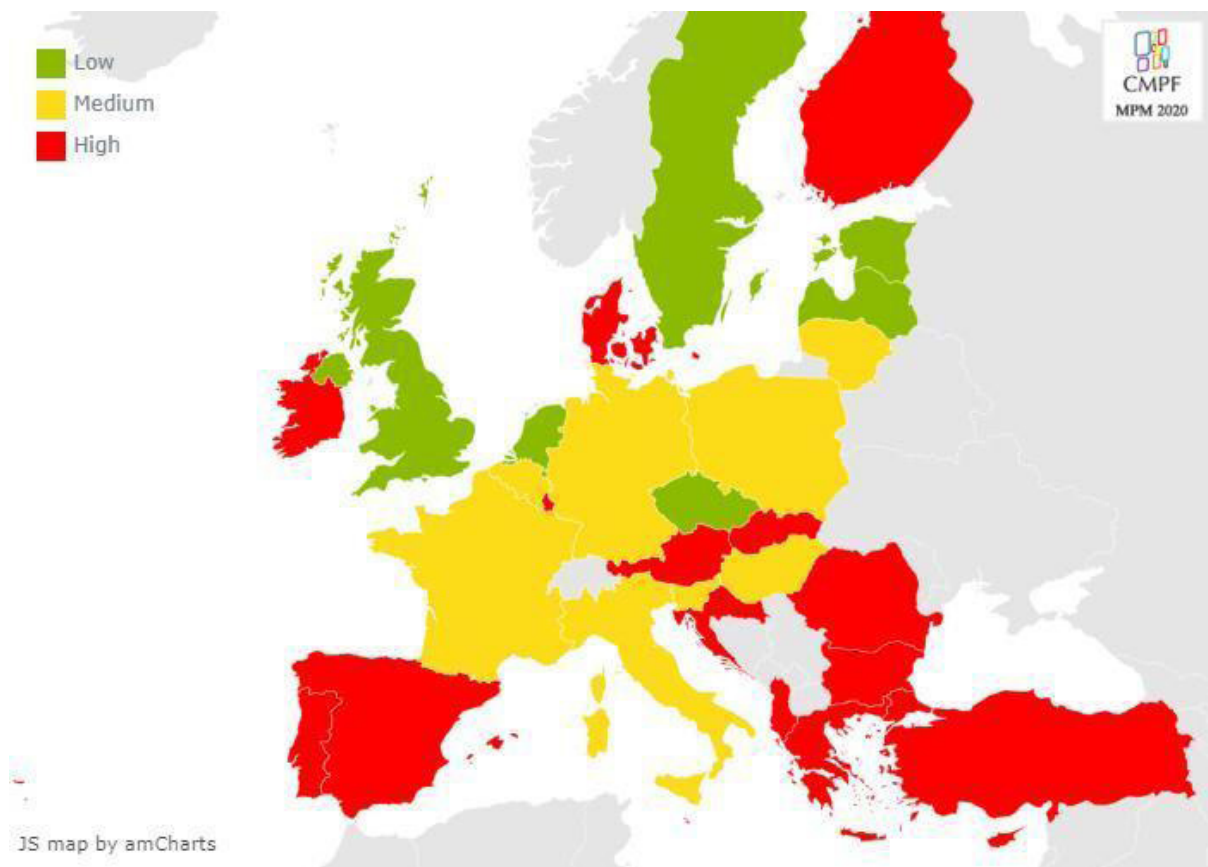
*The Monitor assesses minorities' access to airtime on public service media, both in terms of legal safeguards and in practice. It further assesses whether the minorities have access to airtime on private TV and radio, and it takes into account both those minorities that are legally recognised and those that are not. Variables have been elaborated on the basis of Council of Europe (CoE) and OSCE documents. The OSCE's Oslo Recommendations (p. 6) state: "Persons belonging to national minorities should have access to broadcast time in their own language on publicly funded media. At national, regional and local levels the amount and quality of time allocated to broadcasting in the language of a given minority should be commensurate with the numerical size and concentration of the national minority and appropriate to its situation and needs." The Council of Europe's European Charter for Regional or Minority Languages (Council of Europe 1992, Article 11) and its Framework Convention for the Protection of National Minorities emphasise that the Convention Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against but are facilitated in their access to the media (Council of Europe, 1995, Article 9).*

For the purpose of the MPM, a ‘minority’ is defined as a cultural or social group that is:

- numerically inferior to the rest of the population of a state,
- smaller than the majority group in the respective country;
- in a non-dominant position,
- whose members possess ethnic, religious or linguistic characteristics differing from those of the rest of the population.

In the majority of countries (16) minorities seem not to have adequate access to airtime, which results in their scoring a high risk score; 8 countries score as being at a medium risk (Belgium, Germany, France, Hungary, Italy, Lithuania, Poland, and Slovenia), and only 6 acquire a low risk level: the Czech Republic, Estonia, Latvia, the Netherlands, Sweden, and the United Kingdom, with the latter two being on the border with the medium risk level. These low risks represent the assessments of local experts, according to which most minorities have adequate access to airtime on both the PSM and private channels in those countries.

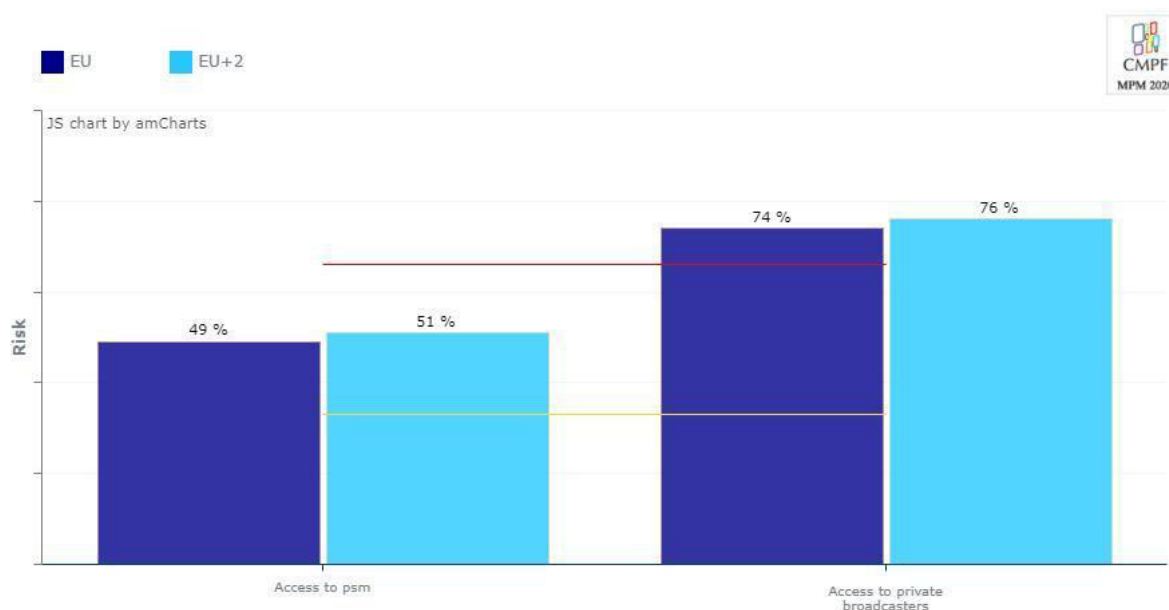
**Figure 3.4.1.a. Indicator on Access to media for minorities – Map of risks per country**



The indicator on the Access to media for minorities contains two sub-indicators: one examines whether minorities (both those legally recognised and those not recognised by the law) have access to private TV and radio channels; while the other assesses the situation in relation to public service media: whether the law guarantees access to airtime on the PSM channels to legally recognised minorities, and whether minorities (both those legally recognised and those minorities not recognised by the law) have access to them in practice. Significantly higher risk scores are related to insufficient access to private broadcasters for minorities. In 9 countries there are no legally recognised minorities (Belgium, Bulgaria, Denmark, France, Ireland, Luxembourg, Malta, Portugal, and Spain), or, as is the case in Bulgaria, the law does not differentiate between ‘recognised’ and ‘not recognised’ minorities. Of 21 countries that do give special legal recognition to minorities, only in 3 (Estonia, Latvia, and the Netherlands) do minorities have access to airtime on commercial broadcasters, and the access is largely proportional to the size of their populations in the country.

It is, however, of even higher concern that many of the public service media perform with a medium risk level, considering their remit and role in society. In 13 countries (further to the 9 that have no legally recognised minorities), most legally recognised minorities do not have access to airtime on PSM, or the access that they are granted is not proportional to the size of their population. In 7 countries (Croatia, Cyprus, Denmark, Luxembourg, Poland, Portugal, and Romania), national news on PSM is not available in any of the minority languages. Only in 3 countries (the Czech Republic, Estonia, and the Netherlands), according to the data collected by the country teams, do minorities which are not recognised by law have access to the PSM, without any significant exception.

**Figure 3.4.1.b. Indicator on Access to media for minorities – Averages per sub-indicator**



The Netherlands scores a very low 4% risk on the indicator Access to the media for minorities. The Frisian minority has its own Frisian-language regional broadcaster: Omrop Fryslân, and the different broadcasting associations and special-task public service broadcasters, NOS and NTR, ensure the representation of social, cultural, and religious diversity. The NPO (national public broadcasting service), in general, also strives for the proportional representation of non-western groups, monitoring its progress since 2010 (Rossini 2020). On the other end is Denmark, where this indicator acquires the highest risk of all MPM2020 indicators (88%). The high risk assessment is mainly based on research suggesting that minorities are under-represented in the media, which is particularly pronounced for immigrants. Furthermore, the Danish public service media, DR, has stopped producing news in immigrant languages, such as Arabic and Somali (Borberg 2020).

### 3.4.2. Access to media for local/regional communities and for community media

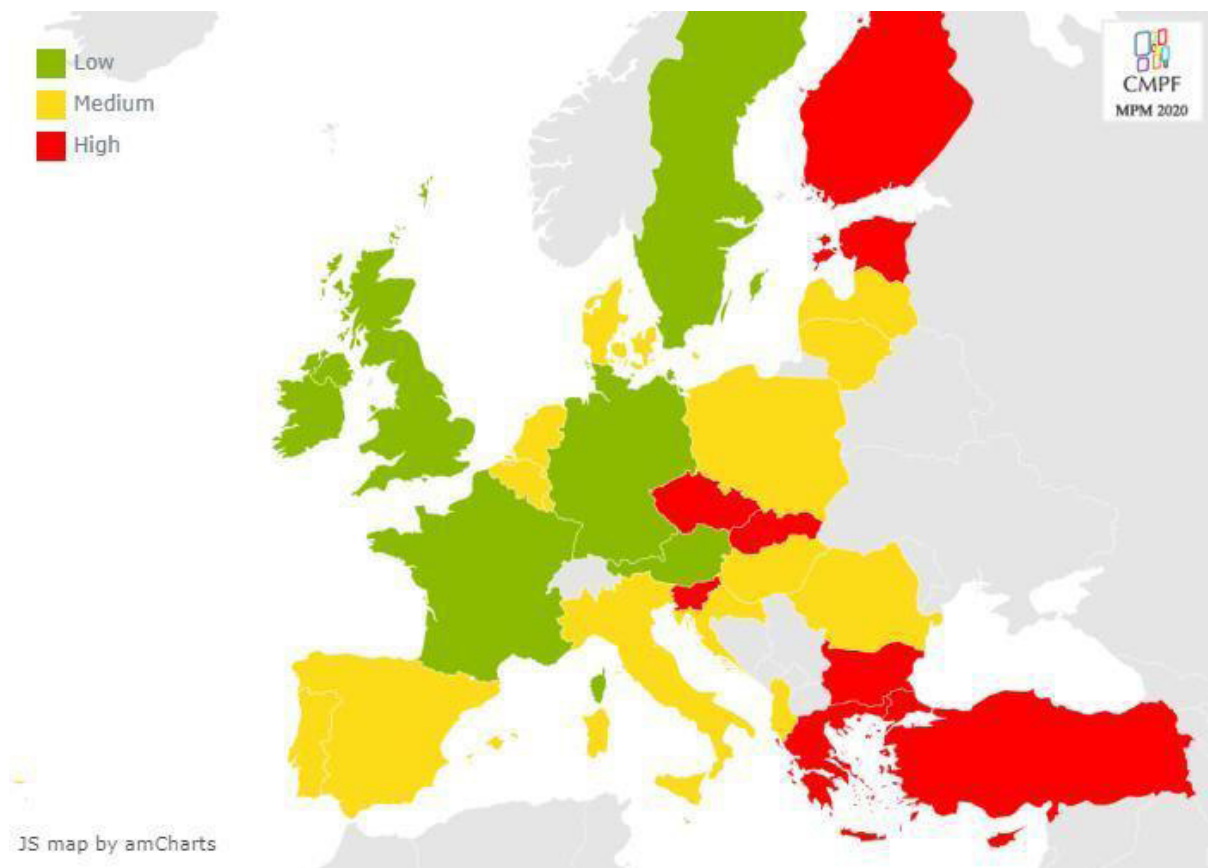
*Media at the regional and local level are particularly important for democracy, since their relationship with local audiences tends to be closer if compared to the national media. That proximity is confirmed by both the user statistics and by the level of the participation of users in the media. Regional and local media can also serve as alternative spaces for discussion for those identities and languages that are marginalised by the national media. A solid regulatory framework and support measures can help regional media in their democratic mission (Cappello et al. 2016). This is becoming increasingly important now, when more and more local and regional newspapers and broadcasters are struggling to survive. Community media are also critical in ensuring media pluralism, and they are an indicator of a sound democratic society. They tend to focus on local issues, and they can contribute to facilitating local discussions (UNESCO 2017). In the MPM, the community media are defined as being those media that are non-profit and that are accountable to the community that they seek to serve. They are open to participation by the members of the community for the creation of content. As such, they are a distinct group within the media sector, alongside commercial and public media. Community media are addressed at specific target groups and social benefit is their primary concern. This MPM indicator assesses whether local and regional communities are guaranteed access to the media, both in terms of legal safeguards and of policy or financial support. It also covers community media, both from the point of view of the legal and practical guarantees of access to media platforms and independence, as well as in terms of policy measures.*

More than two thirds of the countries (23) scored in the medium or high risk band (see Figure 3.4.2.a.), and as many as 9 scored as being at high risk (Bulgaria, Cyprus, the Czech Republic, Estonia, Finland, Greece, Slovakia, Slovenia, and Turkey), on Access to media for local/regional communities and community media. Turkey scored the highest possible risk. As reported by the country team, community newspapers cannot get official advertising revenue and they are conditioned to publish in Turkish so as to be considered for subsidies. Online news outlets that classify as community media are constantly targeted and blocked by the Information and Communication Technologies

Authority (BTK). On the other side of the spectrum are Austria, Germany, Malta, Sweden, France, Ireland, and the UK, where there is a low risk on the Access to media for local/regional communities and community media.

In Albania, the risk is medium. The law does grant regional and local media access to platforms after the digitisation process is completed. However, some local broadcasters have complained that hosting costs are too high for Albania, particularly as the Albanian law does not provide any subsidies for the media. Community media are exempted from the licensing fee, but still have to apply for permission, which may be rejected, and they are not allowed to air for-profit advertisements (Voko et al. 2020). In the country at the moment there are only 4 community radio stations which are licensed, all linked to religious organisations.

**Figure 3.4.2.a. Indicator on Access to media for local/regional communities and for community media – Map of risks per country**



As the very name indicates, this indicator is composed of two sub-indicators: **Access to media for local/regional communities** and **Access to media for community media**. In line with the previous MPMs, in MPM2020, the sub-indicator on community media scores as being at a higher risk level than that focusing on local and regional

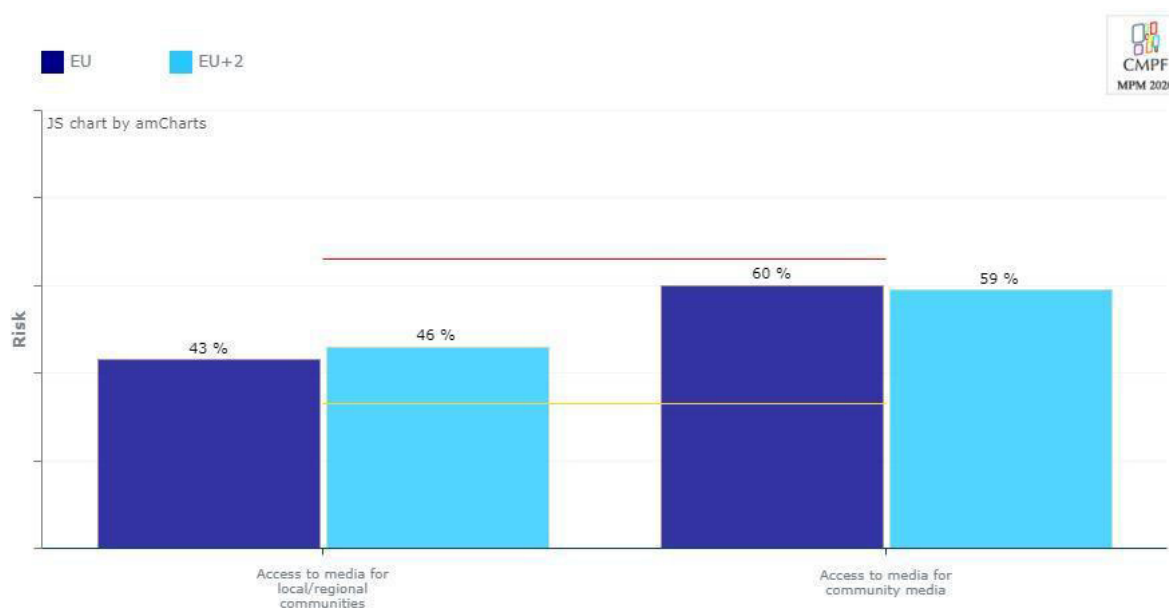
communities (see Figure 3.4.2.b.). It assesses whether the community media are guaranteed access to media platforms (e.g., by the reservation of TV or radio frequencies for community media, or guarantees of access to networks via must-carry rules), whether the community media's independence is safeguarded, and whether these media benefit from state support, subsidies or targeted policy measures. 13 countries (Bulgaria, Croatia, Cyprus, the Czech Republic, Finland, Latvia, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Spain, and Turkey) scored a high risk on this sub-indicator. The risk is medium for 9 countries: Denmark, Estonia, France, Greece, Hungary, Italy, Lithuania, Slovenia, and Romania; and 8 countries acquire a low risk score: Albania, Austria, Belgium, Germany, Ireland, Malta, Sweden, and the UK. In the majority of countries, the community media are not recognised as a unique category by media law, and their independence is often guarded only by general requirements for media independence. In Malta, the Broadcasting Act gives special recognition to the 'community radio service', which is defined as 'a radio service designed to cater for the needs of a particular community or locality and having a limited range of reception'. There are a handful of community radio stations that are village/town based and that serve to cover cultural aspects, like religious feasts or specific locally based events. In view of Malta's size, local/regional media is not a viable concept.

The second sub-indicator examines whether there are legal safeguards for access to the media for local and regional communities, and whether the state supports local and regional media through subsidies or policy measures. The MPM assesses whether the law contains specific provisions granting access to the media platforms for regional or local media, and whether these provisions are implemented. Moreover, it assesses whether the PSM are obliged to keep their own local/ regional correspondents or branches, and if they have obligations to broadcast national news in regional and minority languages. The overall results drawn from this sub-indicator show that more than half of the countries (18) fall into the medium or high risk band, and 12 scored at the low risk level, with France and Spain being at the minimal possible risk level. In one third of the countries (Bulgaria, Cyprus, the Czech Republic, Estonia, Finland, Greece, Romania, Slovakia, Albania, and Turkey) the state does not support regional/local media with subsidies. In a further 11 countries, these subsidies are limited, and in 8 countries they only seem to be adequate as financial support (Austria, Belgium, Croatia, Denmark, France, Hungary, Portugal, Spain).<sup>45</sup> However, it should be taken into account, here, that, as per the results in the area of Political independence, in Austria and Belgium the direct state subsidies are distributed to media based on a set of criteria, but it is unclear whether they are fair, and in Croatia and Hungary there are no clear criteria regarding the distribution of direct state subsidies to the media, which may result in channelling money only to those media that are supportive of the government.

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45 Due to the size of the country, availability of this kind of subsidy in Malta was assessed as Not Applicable.

**Figure 3.4.2.b. Indicator on Access to media for local/regional communities and for community media – Averages per sub-indicator**



### 3.4.3. Access to media for people with disabilities

*All citizens have the right to access the media, and persons with disabilities need this access in order to live independently and to participate fully in all aspects of life (European Blind Union 2016). This is an issue for a large number of people, since there are circa 30 million who are visually impaired<sup>46</sup> and 50 million who are deaf or hard of hearing Europeans<sup>47</sup>, which together constitutes about 10% of the total EU population.<sup>48</sup> The UN Convention on the Rights of Persons with Disabilities, which has been ratified by over 170 states, and by all of the EU countries (European Commission 2016), stresses that states should encourage the media, including providers of information through the Internet, to make their services accessible to persons with disabilities; and that they should promote the use of sign languages (Article 21). The Convention also asserts that states shall take all appropriate measures to ensure that persons with disabilities enjoy access to television programmes in accessible formats (Article 30). “Denying access to TV and on-demand content means discrimination on the basis of Article 30 of that Convention.”<sup>49</sup> At the European level, the Audiovisual Media Services Directive (AVMSD, 2018, Whereas 22) states that “Member*

46 EBU (European Blind Union) Position paper (April 2018): <http://www.euroblind.org/publications-and-resources/position-papers>

47 European Federation of Hard of Hearing People (2011). State of subtitling accessing EU: <https://www.efhoh.org/accessibility/tv-subtitling/>

48 Eurostat: EU population (2019) <https://ec.europa.eu/eurostat/documents/2995521/9967985/3-10072019-BP-EN.pdf/e152399b-cb9e-4a42-a155-c5de6dfe25d1>

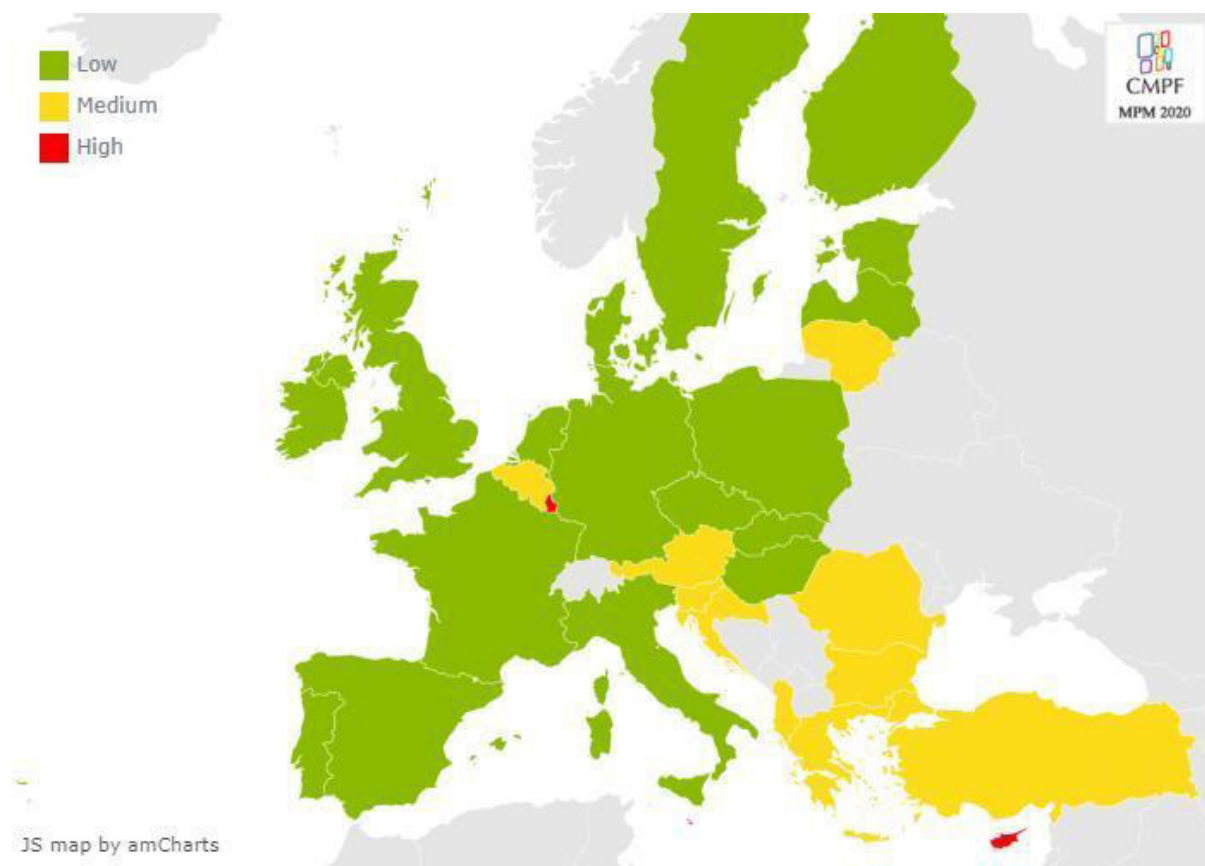
49 <http://www.euroblind.org/convention/article-30>



*States should, without undue delay, ensure that media service providers under their jurisdiction actively seek to make content accessible to persons with disabilities, in particular with a visual or hearing impairment. Accessibility requirements should be met through a progressive and continuous process, while taking into account the practical and unavoidable constraints that could prevent full accessibility, such as programmes or events broadcast in real time”. The Directive further contains a requirement to measure the progress based on the regular reports provided by media service providers. The MPM indicator assesses the regulatory framework, including the policies and laws on access to media content for people with disabilities, and the availability of support services for people with hearing and visual impairments. In the framework of the MPM, people with disabilities are defined as those who are blind, partially sighted, deaf and hard of hearing.*

This indicator continuously acquires the lowest risk in the Social Inclusiveness area. On an aggregate level, the risk is 35 percent, which amounts to a medium risk. The largest number of countries (17) scored as a low risk, 10 are at a medium risk, and 3 (Cyprus, Malta, and Luxembourg) acquired a high risk. The highest risk scoring country is Luxembourg, as in previous MPMs, and the lowest scoring are the Czech Republic, Denmark, France, Poland, Slovakia, and Sweden.

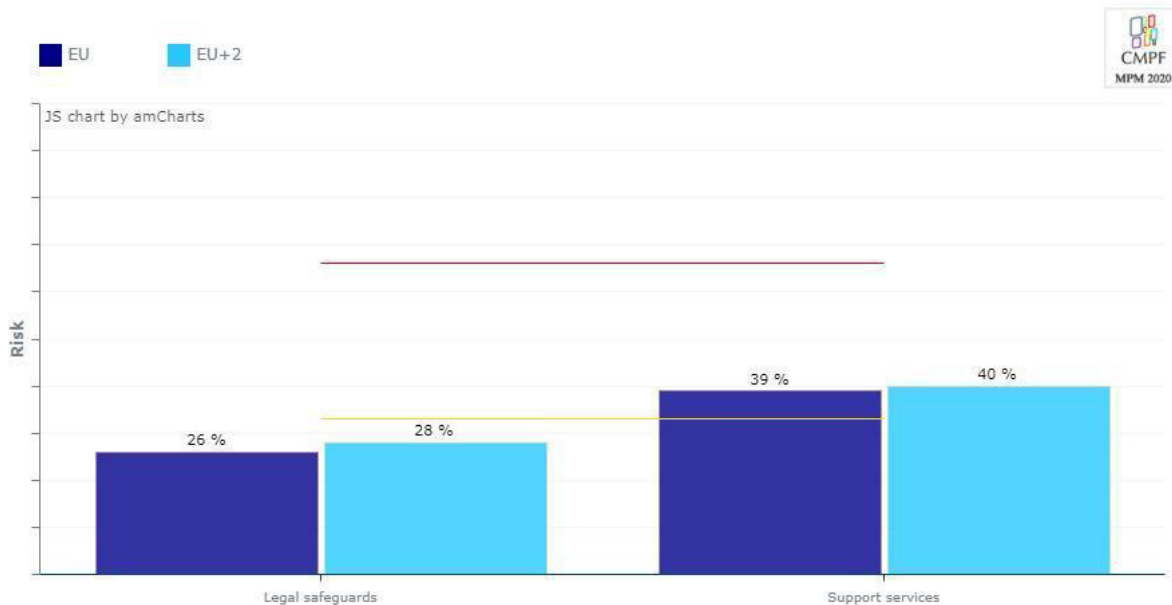
**Figure 3.4.3.a. Indicator on Access to media for people with disabilities – Map of risks per country**



All countries, with the exception of Luxembourg, have legislation in place that requires access services for people with disabilities. In Luxembourg, there is the national law that ratifies the United Nations Convention on the Rights of Persons with Disabilities, but there is no specific law implementing this convention for promoting access services to the media for people with disabilities. Instead, the government has decided to implement the convention through several action plans in order to gradually achieve the objectives of the Convention by introducing targeted measures. In general, for all countries, the support for people with hearing impairments, in the form of subtitles, signing and sound descriptions, are more often available than the audio description for blind people.

In practice, in more than half of the countries (16), subtitles, signing and sound descriptions in the audiovisual media for people with hearing impairment are available only on an irregular basis, or in the less popular scheduling windows (medium risk). As regards the levels of audio description available for blind people, 13 countries scored a medium risk, and 9 fall into the high risk band, since no audio descriptions for blind people are made available there.

**Figure 3.4.3.b. Indicator on Access to media for people with disabilities – Averages per sub-indicator**



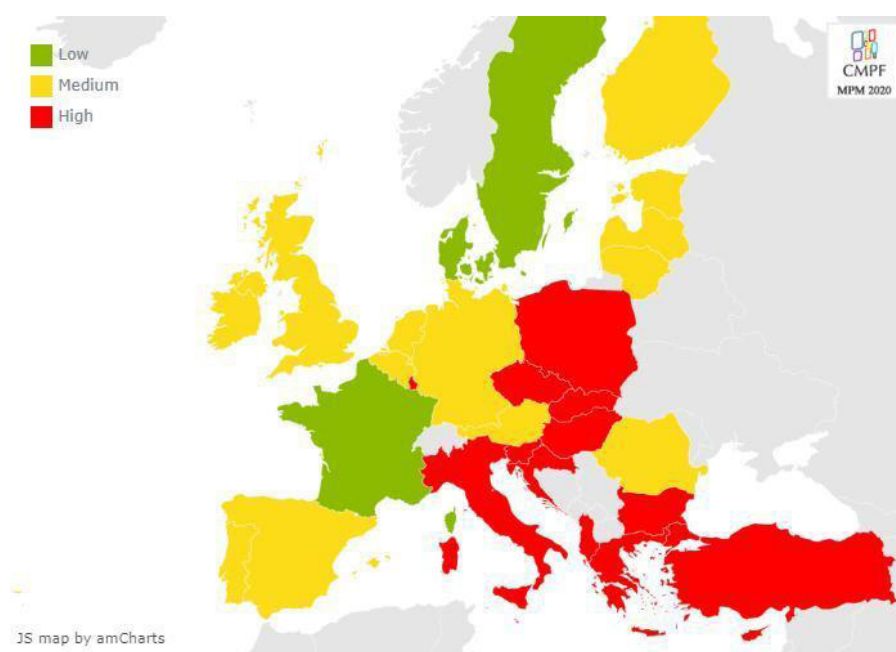
#### 4.4.4. Access to media for women

*Gender equality is a fundamental value (Treaty on European Union 2008) and is a strategic objective of the EU (European Commission 2015). The Council of Europe considers gender equality to be an integral part of human rights, inter-related with media freedom,*

*including editorial freedom, and hand-in-hand with freedom of expression (Council of Europe Recommendation 2013). However, gender gaps are still a reality in the media sector. The EU-wide study, conducted by the European Institute for Gender Equality (EIGE 2013, p. 59), stresses that significant inequalities, including under-representation and career barriers, remain entrenched in the media sector. Part of the EIGE conclusions are confirmed by the results of this indicator in previous implementations of the MPM (Nenadic and Ostling 2017). The indicator Access to media for women, evaluates the availability, comprehensiveness and implementation of gender equality policies within the public service media; as well as the proportion of women at the level of management, and in political and news content.*

Access to the media for women is the second highest scoring indicator in the Social inclusiveness area. As shown in the map, in Figure 3.4.4.a., 14 countries scored as being at high risk on this indicator, 13 countries are found to be at medium risk, and only 3 (Denmark, France and Sweden) scored as being at a low risk level. Two candidate countries, Albania and Turkey, acquire the highest risk scores, 90 and 97 percent respectively. In Albania, the PSM does not have a comprehensive gender equality policy, and only one member of 11 in the administrative council of the PSM is a woman. The situation is not much better in the leading national private TV stations, as only one station has a woman on the supervisory board. The share of women among editors-in-chief in the leading news media in the country is also rated as being at risk, as only one radio station has an editor in chief who is a woman. The rest of the media have men as their chief editors. In Turkey, there is not a single woman on the PSM’s Board of Directors.

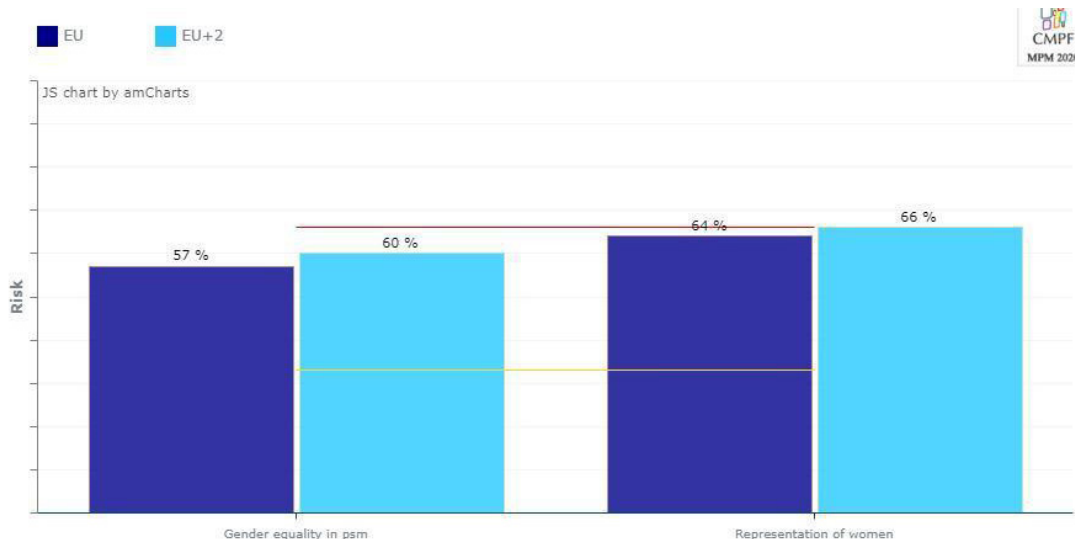
**Figure 3.4.4.a. Indicator on Access to media for women – Map of risks per country**



A similar problem with the under-representation of women on management boards and in top executive positions has been observed across the EU. In 7 countries (Denmark, Finland, France, Ireland, Latvia, Luxembourg, Sweden), women are equally represented on PSM management boards, while, in 9 countries, the share of women is between 30 and 39 percent (medium risk), and, in the case of PSM boards in 13 countries, women make up less than 30 percent, which accounts for a high risk score. The situation is even worse when looking at commercial audiovisual media: only 2 countries (Estonia and Sweden) have gender balanced management boards of two private TV companies with the largest audience share.

In 28 countries, with the exception of Albania and Estonia, women are, in some cases, or in some media, under-represented in news and current affairs broadcasting, or are largely depicted in a stereotyped way. In none of the countries are female experts invited to comment in informative and political programmes and articles to the same extent as male experts. Male experts are evidently more often invited by the media to comment on political and other relevant matters and events than are female experts.

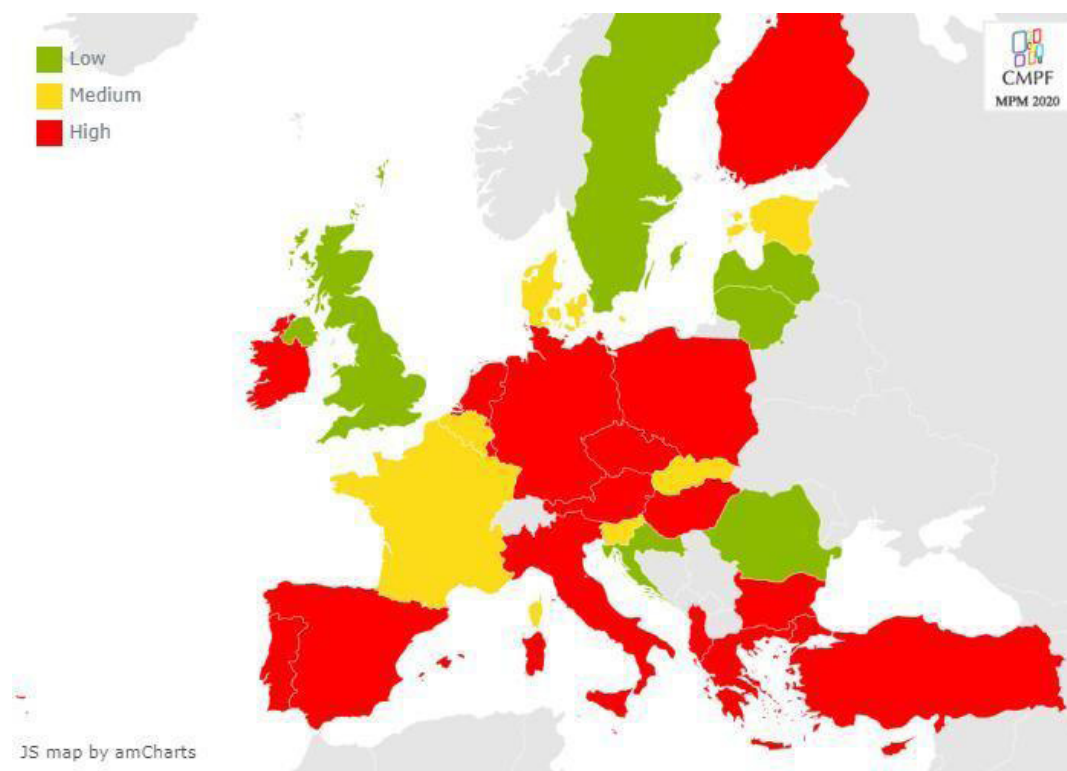
**Figure 3.4.4.b. Indicator on Access to media for women – Averages per sub-indicator**



Country teams were asked to calculate the share of women among the editors-in-chief in the leading news media<sup>50</sup> in each of the countries covered. The results (see Figure 3.4.4.c) show that in 17 countries, women are heavily under-represented in top editorial roles. Croatia, Latvia, Lithuania, Romania, Sweden, and the UK are the countries in which a gender balance has been achieved in this field.

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 50 2 most relevant news media per type (audiovisual, radio, newspapers, digital native). In total 8 media per country. Leading based on readership and/or impact.

**Figure 3.4.4.c. The share of women among editors-in-chief in the leading news media in the country – Map of risks per country (variable)**



### 3.4.5. Media literacy

*Media literacy is a fundamental prerequisite of an accessible media system, and a core element of media pluralism. People need to master media literacy skills so as to fully enjoy fundamental rights, such as freedom of expression and access to information (UNESCO 2013). The European Commission considers the promotion of media literacy as one of the key follow-up actions of the Annual Colloquium on Fundamental Rights in 2016.<sup>51</sup> Moreover, the Audiovisual Media Services Directive (AVMSD 2018) requires both the development of media literacy in all sections of society, and the measurement of its progress.<sup>52</sup> The Monitor bases its definition of media literacy on both the AVMSD’s text and the European Association for Viewers Interests’ (EAVI) media literacy study, which was carried out in 2009: “Media literacy is an individual’s capacity to interpret autonomously and critically the flow, substance, value and consequence of media in all its many forms” (EAVI 2009). “Media literacy’ refers to skills, knowledge and understanding that allow citizens to use media effectively and safely. In order to enable citizens to access information and to use, critically assess and create media content responsibly and safely, citizens need to possess advanced media literacy skills. Media literacy should not be limited to learning about tools and technologies, but should aim to equip citizens with the critical thinking skills required*

51 [https://ec.europa.eu/newsroom/just/item-detail.cfm?item\\_id=31198](https://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=31198)

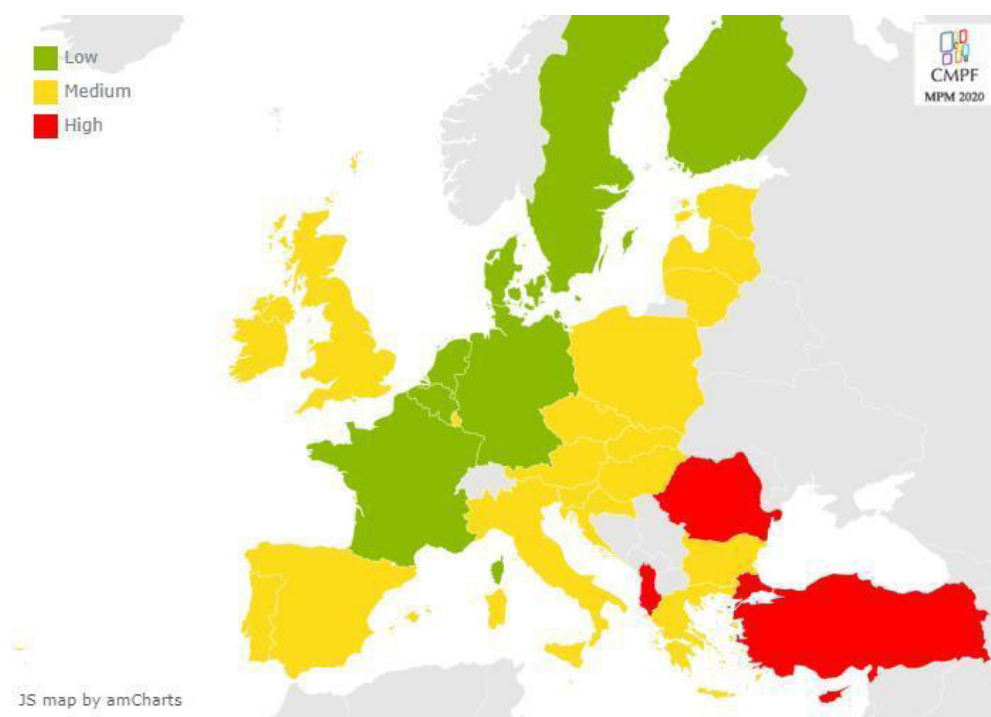
52 <https://eur-lex.europa.eu/eli/dir/2018/1808/oj>

*to exercise judgment, analyse complex realities and recognise the difference between opinion and fact” (AVMSD 2018, 59). The MPM indicator covers two major dimensions of media literacy: environmental factors, and individual competencies, which follow the logic of the categorisation used by EAVI (2009: 5). EAVI defines environmental factors as being a set of contextual factors that have an impact upon the broad span of media literacy, including informational availability, media policy, education and the roles and responsibilities of stakeholders in the media community. Individual competencies are defined as an individual’s capacity to exercise certain skills (including inter alia cognitive processing, analysis, communication). These competencies draw on a broad range of capabilities, and embrace increasing levels of awareness, the capacity for critical thought and the ability to produce and communicate a message (EAVI 2009). A new sub-indicator was added to this indicator for the MPM2020 in order to assess the effectiveness of regulation and of other activities that seek to combat or prevent hate speech, especially online and against vulnerable groups, such as minorities, people with disabilities, and women.*

Under the Media literacy indicator almost two thirds of countries (19) register a medium risk while 7 countries score a low risk (Belgium, Denmark, France, Finland, Germany, the Netherlands, and Sweden), and 4 countries are found to be at high risk (Albania, Cyprus, Romania, and Turkey).

Albania has no proper policy on media literacy, and the law on pre-university education, bylaws, and strategies, do not specify media literacy as part of the education process in elementary, basic, or secondary schools (Voko et al. 2020). Cyprus also has no media literacy policy framework, as this has been pending since 2012, and consequently the matter is not addressed in the education curriculum (Christophorou & Karides 2020). The situation is similar in Romania, with the lack of a coherent approach in terms of policies on media literacy (Popescu et al. 2020). In all these countries, most efforts, including teachers training, come from civil society, but they are not sufficient, systematic or systemic.

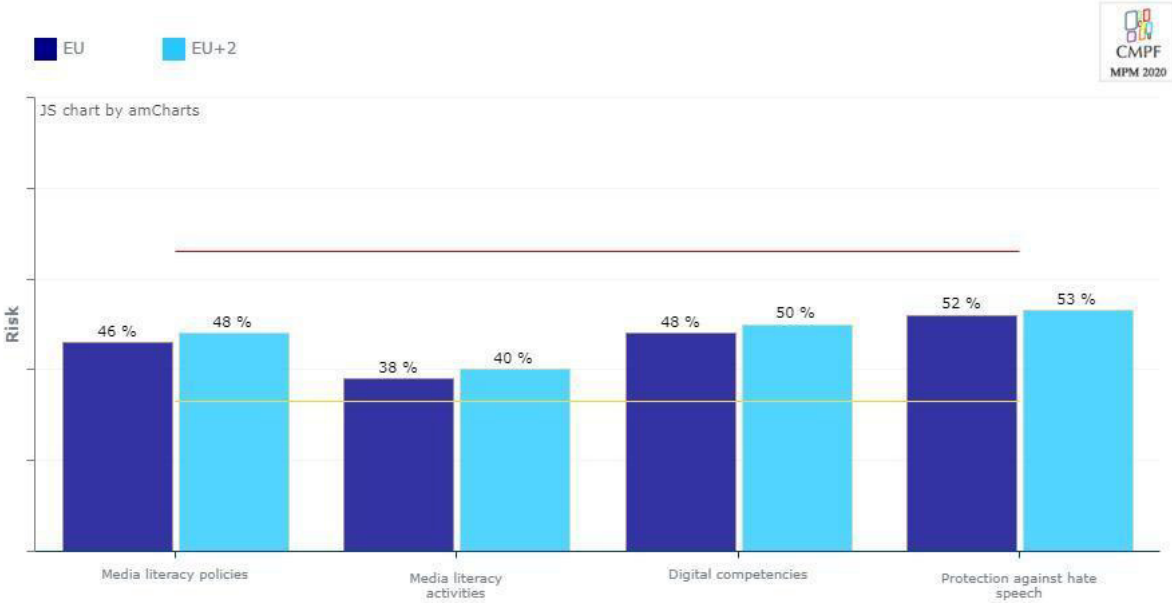
Figure 3.4.5.a. Indicator on Media literacy – Map of risks per country



Media literacy policies are evaluated as being comprehensive in 6 countries (Belgium, Finland, France, Germany, the Netherlands, and Sweden). In the vast majority of countries, namely, 19, media literacy policies are available but are not comprehensive, and 5 countries still have no media literacy policy at all (Albania, Croatia, Cyprus, Hungary, and Romania). In 21 countries, media literacy is present in the compulsory education curriculum only to a limited extent, or it is completely absent. A well-developed and comprehensive training programme in media literacy for teachers is provided in 6 countries only (Denmark, France, Germany, Luxembourg, the Netherlands, and Sweden). Media literacy activities are growing and are available in all of the countries to different degrees, except in Turkey, where activities on media literacy are hardly ever conducted.

Another dimension taken into account for this indicator's assessment are the digital competencies of individuals. The assessment is based on Eurostat data on the percentage of the population that has basic, or above basic, overall digital skills in a given country. Six countries, where more than 68 percent of the population has basic or above basic overall digital skills perform with a low risk (Denmark, Finland, Germany, Sweden, the Netherlands, and the United Kingdom). A majority of countries (16) score medium risk as between 48 and 67 percent of people there have the required level of digital skills.

Figure 3.4.5.b. Indicator on Media literacy – Averages per sub-indicator



Protection against hate speech is a new sub-indicator in the MPM2020. The Protection against hate speech sub-indicator aims to assess whether there is a (self)regulatory framework to counter hate speech online and whether it has been efficient in removing hate speech towards ethnic or religious minorities, people with disabilities and women, from online platforms, while not presenting any risk to the freedom of expression. It further takes note about whether there are any media literacy or other educational initiatives in a country that aim to prevent or counteract hate speech. The Protection against hate speech sub-indicator has been added to the Media literacy assessment as it is deemed that the more media literate people are, the more resilient they should be to hate speech, and they should also resist spreading it online by understanding better the potential consequences (including legal, social and individual ones). The competencies within media literacy can educate and empower individuals and provide them with the skills they need to respond to perceived hate speech both rapidly and as it appears. Media literacy initiatives can also aim to inform individuals about the reach and potential impact of unlawful or harmful speech online, as well as about legal frameworks and consequences for that kind of speech, in order to raise awareness and the culture of communication and expression online. The definition of hate speech used here is based on the case law of the European Court of Human Rights: it is a form of expression that spreads, incites, promotes or justifies hatred based on intolerance.<sup>53</sup>

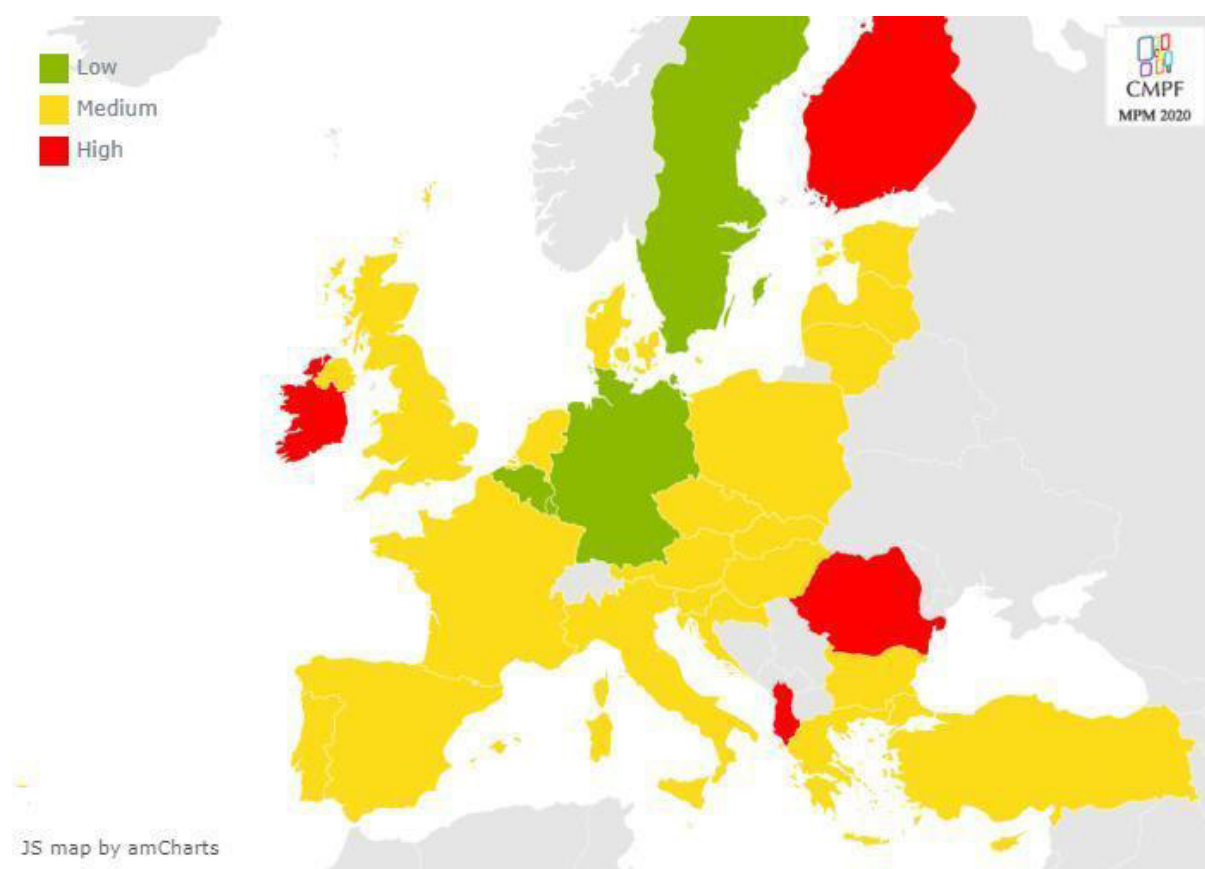
The MPM2020 results show that 4 countries only (Belgium, Germany, Luxembourg, and Sweden) have regulatory frameworks that are perceived as being effective in countering hate speech hate speech online, in particular against vulnerable social groups, such as minorities, people with disabilities and women. In many countries, there is still

53 [https://www.echr.coe.int/Documents/FS\\_Hate\\_speech\\_ENG.pdf](https://www.echr.coe.int/Documents/FS_Hate_speech_ENG.pdf)



insufficient research into the extent and form of hate speech against these and other groups or individuals in the online sphere, but indications are that this is taking place and represents a severe problem. Efforts to counter hate speech towards ethnic or religious minorities, or towards women, from social media have not been effective, or there have been no such efforts in a vast majority of countries (28). Slightly lower risks are recorded with regard to people with disabilities, but only because it seems that they are not as targeted as women and minorities.

**Figure 3.4.5.c. Sub-indicator on Protection against hate speech – Map of risks per country**



# 4. Media Pluralism in a digital environment

In recent years, significant changes have occurred in the news ecosystem, including the ways in which the news has been produced, disseminated and consumed. Technological advancements have created new opportunities to support media freedom and media pluralism, but have also prompted new sources of risk, including, but not limited to: the increasing importance of private technological companies in governing communication online; the lack of transparency in algorithm driven news recommenders; the spread and impact of disinformation; the polarisation of the public debate; and the decreasing sustainability of legacy news media and journalism.

These issues are largely perceived to have had an impact on the public sphere, pluralism, and the health of democracy and feature prominently on the agenda of public discussions and of policy making, both in the EU and worldwide. However, there is still an insufficient understanding of the *extent* of these challenges, both on the transnational and national level, especially taking into account the varieties in media systems. There is also a lack of agreement on what should be the right approach to ensure that the standards set to protect freedom of expression and media pluralism in traditional media systems are also respected online, and whether new standards are needed.

MPM2020 introduces new topics and variables that aim to closely evaluate the conditions for media pluralism online, and, in particular, with regard to online platforms that distribute content. In this endeavour, the CMPF had to (re)define the object of the MPM, bearing in mind an evolving definition of the media and of the relevant (new) players in news processes. Accordingly, the focus is no longer solely on the media, but is extended to include all relevant actors that offer news and current affairs content to the public and, in the end, contribute to the shaping of “public opinion”.

Based on thorough research and consultations with experts and stakeholders, each of the areas of the monitor was revised to take better account of the digital-related risks to media pluralism. The key step in this process has been to understand the role played, and the power held, by online platforms in the news market in filtering, framing and delivering relevant (news) content to individual users. Although many new considerations were added to the MPM questionnaire, the list is not exhaustive, as some of the topics (for example algorithmic bias or the existence and relevance of “filter bubbles”) were excluded, due to the lack of reliable cross-country data and studies covering all the MPM countries that would allow for adequate assessment. The project applies a comprehensive interdisciplinary questionnaire of 200 variables in 30 countries, and, as such, significantly relies on the availability of relevant and comparable data sources at the country level. The purpose of the MPM project is, therefore, also to identify the gaps in data availability and to urge relevant institutions, including media authorities, to start collecting data that is relevant to understanding contemporary news environments.

Furthermore, while it is important to follow the new trends, the ‘old’ sources of risk should not be neglected. With this in mind, the MPM aims to provide a holistic assessment of the state of play of media pluralism in a given country, while extracting a specific digital-related risk scoring. This has been a challenging task which required fine balancing between traditional and digital sources of risk, striving not to overemphasise

one dimension or understate another. Recent applications of the MPM have shown that ‘traditional’ risks for media pluralism persist in many countries, while new risks are evolving as well. The sections below present the digital-related sources of risk to media pluralism, as captured by the MPM2020.

The risk scores of the digital component of each area are, in general and on average, higher than the overall scores, with the exception of Market Plurality. The reasons of the increase of risks may depend on the lack of data when assessing specific phenomena that are typical of the online environment, linked to the opacity of relevant stakeholders in providing such data; the introduction in the MPM questionnaire of normative standards that are based on regulatory trends that are not evenly implemented, so far, by all the countries (e.g. the obligations of transparency for political parties and candidates about the spendings and techniques used in social media political campaigns; the self-regulatory measures of the EU Code of Practice on Disinformation).

In the Market Plurality area the lower score for the digital variables does not come from a higher competition, but reflects the better economic trends of digital news media, in comparison with the traditional news media

Based on the MPM data collection, and considering the average of the risk scores in the four areas, overall the digital variables in the MPM2020 questionnaire raised the risk in all the countries, except in Austria, the Czech Republic, Finland, Greece, Luxembourg, Malta, the Netherlands, and Slovakia. In the UK the two scores are equal.

The MPM is not the correct instrument to answer to the academic and political debate if in the digital era there is more or less access to information or plurality of news, but, on the basis of the 2018-2019 data, the present inquiry allows to conclude that in the EU and in the EU+2 the risk for pluralism has generally increased.

# 4.1. Basic Protection – digital

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*Under this area several topics have been included to evaluate emerging or evolving digital-specific risks to media pluralism, namely:*

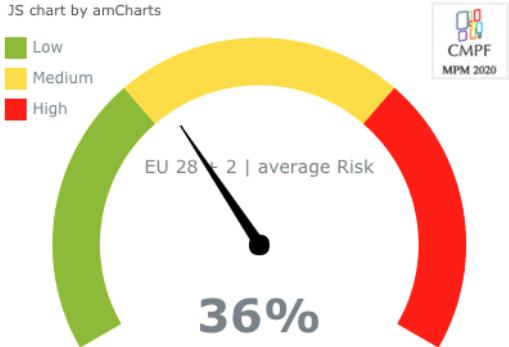
- *Guarantees for Freedom of Expression online (6 variables);*
- *(Journalists’) Working Conditions (1 variable);*
- *(Journalists’) Digital safety (2 variables);*
- *Journalism and data protection (3 variables);*
- *Broadband coverage (1 variable);*
- *Internet access (2 variables);*
- *Net neutrality (3 variables).*

*These are organised under three indicators of the Basic Protection area: Protection of the freedom of expression; Journalistic profession, standards and protection and Universal reach of traditional media and access to the Internet. In total, there are 18 (eighteen) digital-specific variables (questions), which are also taken into account in the general assessment of the Basic Protection area.*

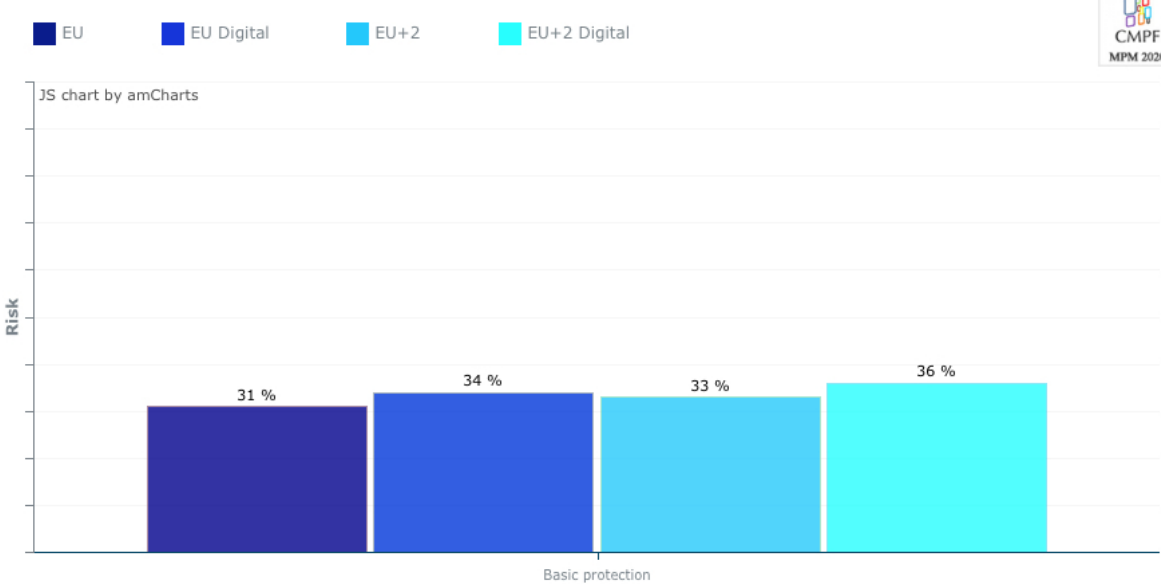
The average of the “digital” variables (36%, medium risk) in the Basic Protection Area scores higher than the general average for the same area (33%, at the limit of low risk), and, therefore, results in a medium risk. In absolute numbers, the digital dimension of Basic protection is somehow comparable to the overall score of this domain, but it presents some specific elements that contribute additional risks.

In the Basic Protection area, the digital score resulted lower than the overall score for the area in the Czech Republic, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Slovakia and Spain.

**Figure 4.1.a Average score of the digital variables in the Basic Protection Area**



**Figure 4.1.b. Digital vs overall score in Basic Protection**



The higher scores are explained by higher risks in the “digital score” of the indicators on Journalistic profession, standards and protection (digital score 38%) and the Universal reach of traditional media and access to the Internet (digital score 41%).

Within the **Protection of freedom of expression** indicator, the MPM analyses whether freedom of expression online is formally guaranteed and respected in practice (sub-indicator: Guarantees for freedom of expression online). This specific focus is interesting, since it gives an overview of how different countries guarantee freedom of expression online, in particular, when it comes to moderation of content online and, therefore, the role of web intermediaries. While the Internet enables individuals to seek, receive and impart information across national borders, unlike any other medium, there are new issues to be considered given the new challenges posed in terms of ensuring that any potential interference with freedom of expression is, indeed, legitimate. For the pur-

poses of the MPM, this means assessing whether the general standards guaranteeing freedom of expression, or specific laws for the online environment that touch upon freedom of expression online, including self-regulatory measures, can be considered to be in line with the rule of law and the standards of ECHR, Art 10, as applicable in the online environment. In general, except for the case of the Network Enforcement Act in Germany (the so called NetzDG)<sup>54</sup>, national laws are not specifically drafted to establish procedures for the removal/blocking of content online. According to international standards, online expression can only be limited on the same grounds and extent as offline expression, so, usually, the same general laws apply, posing problems when it comes to the effectiveness of enforcement.

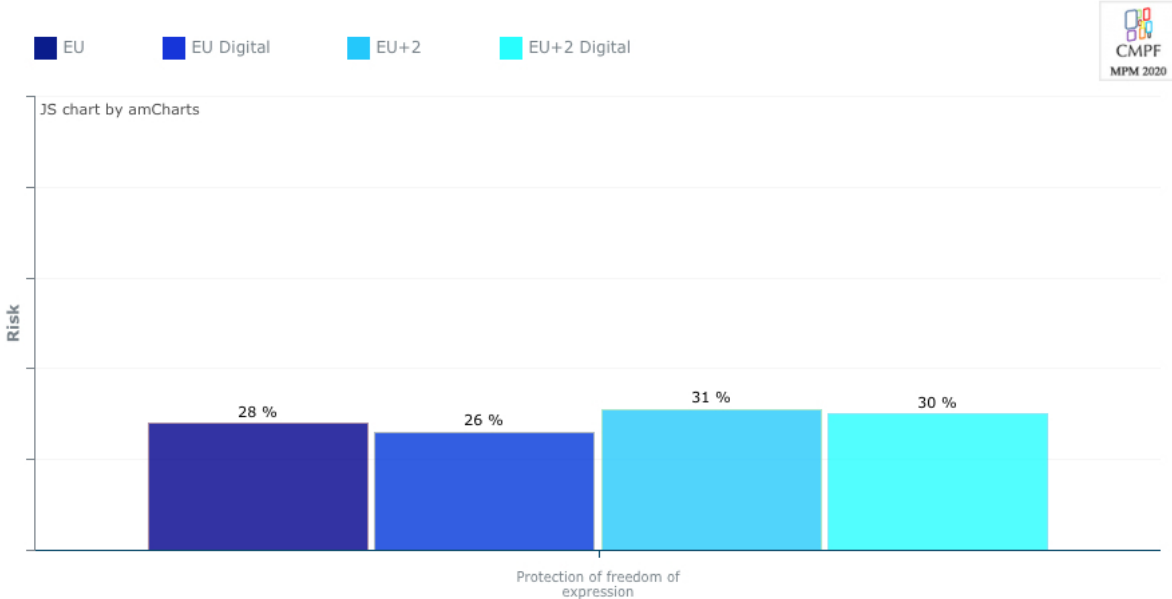
The sub-indicator on the **Guarantees of Freedom of Expression online** aims to address the self-regulatory practices of web platforms and social media. It seeks to analyse whether any restrictive measure, such as blocking, filtering and removing online content, comply with the three conditions that are set by Article 10(2) ECHR, namely, that limitations on the freedom of expression are prescribed by law, pursue a legitimate aim that is foreseen in Article 10(2) ECHR, and that they are necessary in a democratic society, according to the case-law of the ECtHR.<sup>55</sup> Another aim of the sub-indicator is to collect information on, and to assess the risks stemming from, the blocking and filtering practices of governments and online intermediaries, and to acknowledge whether content moderation practices and data gathering practices are reported in a transparent way: it assesses the transparency and accountability of the online platforms when removing online content, based on their terms of reference or on obligations stemming from legislation, co-regulation and self-regulation.

The sub-indicator on the Guarantees of Freedom of Expression online scored an average 29% (26% if we consider just EU28), still in the low risk range but at its upper level, with 10 countries scoring medium risk (Croatia, Estonia, Romania, Slovenia, the United Kingdom, Greece, Poland, Hungary, Ireland and Albania) and 1 at high risk (Turkey).

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54 See also the proposal of the French so-called "Loi Avia", which requires online platforms to remove terrorist or child pornography content following a simple request from the police. In the case of refusal on the part of the platform, the latter are liable to one year of imprisonment and a fine of up to €250,000 in the case of a natural person and €1,250,000 in the case of a legal person.

55 <https://www.coe.int/en/web/freedom-expression/freedom-of-expression-and-information-explanatory-memo>

**Figure 4.1.c. Digital vs overall score in Protection of freedom of expression**



State authorities themselves generally seem to refrain from filtering and/or monitoring and/or blocking and/or removing online content. A few cases have been reported in Bulgaria, Ireland, Spain, the UK and Albania. In Turkey, state authorities practice systematic arbitrary blocking, filtering, and direct requests for the removal of content (e.g. the case of Wikipedia, now settled) and online platforms and social media passively execute their orders to avoid further consequences.

MPM2020 data collection shows that ISPs and online platforms sometimes moderate content online in a way that can be considered arbitrary<sup>56</sup> (Ireland, the Netherlands, Poland, Spain, the UK). Belgium, Croatia, Italy and Albania report a high number of such cases.

Most of the country teams in the MPM2020 report that there is a lack of transparency and ISPs and online platforms do not effectively report on practices and cases of content moderation, based on their terms of reference or on obligations coming from the legislation.

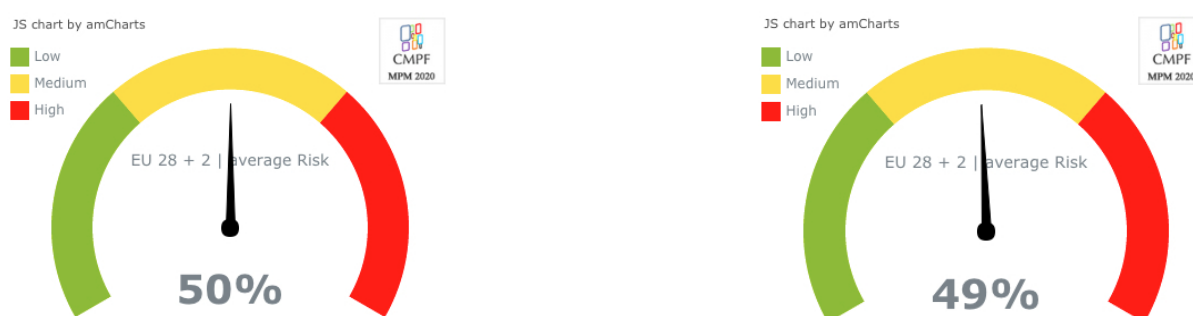
Under the **Digital safety of journalists** sub-indicator MPM2020 has collected information on the existence of threats to the digital safety of journalists, including through the illegitimate surveillance of their searches and online activities, their email

56 The MPM methodology considers a removal arbitrary in a broad sense, when the online platform does not follow its terms of reference or self- or co- regulatory measures that are deployed at state or EU level or whether it is not compliant with legal obligations in the country asking for the removal of illegal or harmful content. This evaluation includes also an assessment on whether the traditional appeal mechanisms are effective for the user and/or whether self-regulatory measures used by the platforms are effective in guaranteeing a prompt reaction to an infringement to freedom of expression. The MPM also aims to assess the transparency and accountability of the online platforms when removing online content, based on their terms of reference or on obligations coming from the legislation. A report is deemed to be transparent when the legal rationale of the online content removal/filtering/blocking is clear, when the cases of removal/filtering/blocking are aggregated based on the logic of the removal. A full repository of the cases should be available.

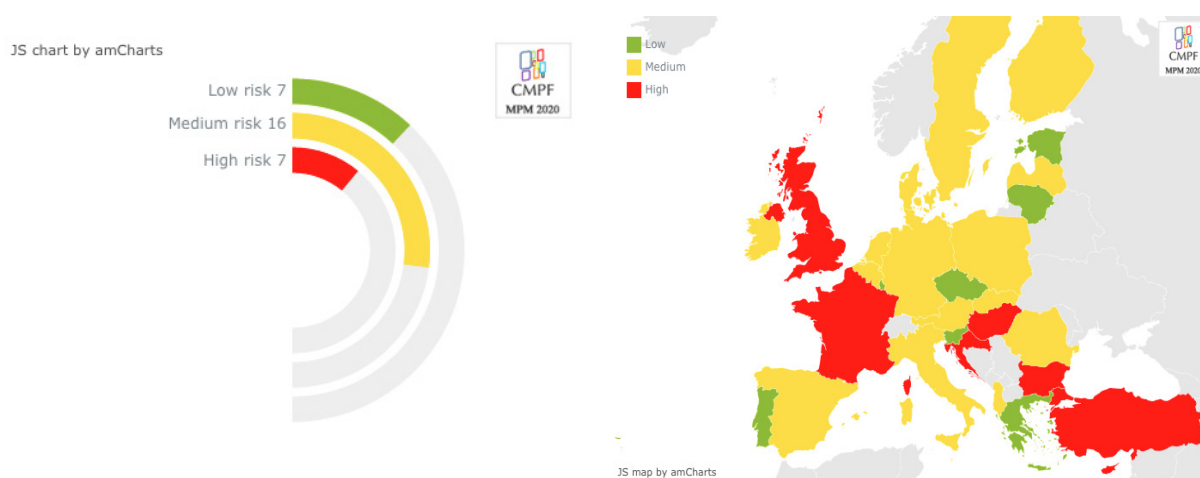


or social media profiles, hacking, and other attacks by state or non-state actors. Threats of violence, typically made online, have become increasingly common in recent years, and MPM2020 confirms the trend as the sub-indicator acquires an average risk of 50% (medium risk). As public figures, journalists are often targeted. The data shows that online threats are faced by journalists in 23 of 30 countries. Journalists are often subject to hate speech, and are also implicitly or explicitly threatened with violence, are subject to surveillance, email hacking, DoS attacks, cyberbullying, publicly on social media platforms or via private email and messages. In some cases, the attacks against journalists appear to be organised: individual journalists are singled out online and, in some cases, repeatedly attacked over an extended period, also by means of violent tags and bots. A quantitatively large portion of the abuse is connected to politics. Countries that score low risk may not be immune from this kind of threat to journalists. The MPM methodology considers the number of threats as an indicator of risk. Female journalists are reported to receive more digital threats than male journalists in most of the analysed countries.

**Figure 4.1.d. Digital safety of journalists(left) vs Physical safety of journalists(right)**



**Figure 4.1.e. Digital safety of journalists**



# 4.2. Market plurality – digital

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*Under this area several topics have been included to evaluate emerging or evolving digital-specific risks to media pluralism, namely:*

- *Ownership transparency of digital news media (4 variables);*
- *Ownership concentration of digital news media (8 variables);*
- *The role of digital intermediaries as gateways to news (4 variables);*
- *Competition enforcement in the digital environment (4 variables)*
- *Viability of digital news media (8 variables)*
- *Commercial & owner influence on digital news media (3 variables).*

*In total, this amounts to 31 digital-specific variables, divided into three types: legal (15), economic (12), and socio-political (4). These are organised under the five indicators of the Market Plurality area: Transparency of media ownership; News media concentration; Online platforms and competition enforcement; Media viability and Commercial & owner influence over editorial content.*

*Even if the impact of the new digital markets is reflected in the overall results of the Market plurality area, the extraction of the digital variables allows to better evaluate the digital-specific risks. For example, in the indicator on **News media concentration**: the trends towards further ownership concentration of legacy media may be an effect of the new digital competition of resources (as a defensive move to reinforce traditional news media), and they are measured in the overall risk score; whereas the digital variables in the indicator on News media concentration reflects the ownership concentration of digital news media. Similarly, the overall score in the indicator on Media viability depends on the digital disruption of the media business model; whereas the specific digital variables measure the opportunities and risks of the online advertising market, the economic trends of digital news media and the developments of alternative business models.*

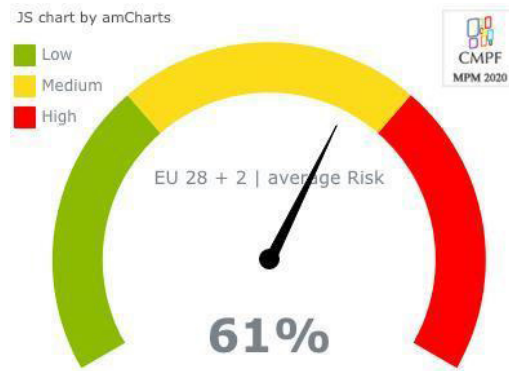
*The indicator on **Online platform concentration and competition enforcement** is completely shaped on the digital environment, and it is organized in two sub-indicators:*

**Gateways to news** (which assesses the risks related to the way in which people access the news online and the concentration of the online advertising market) and **Competition enforcement** (which assesses the evolution of the competition framework to face the digital challenges).

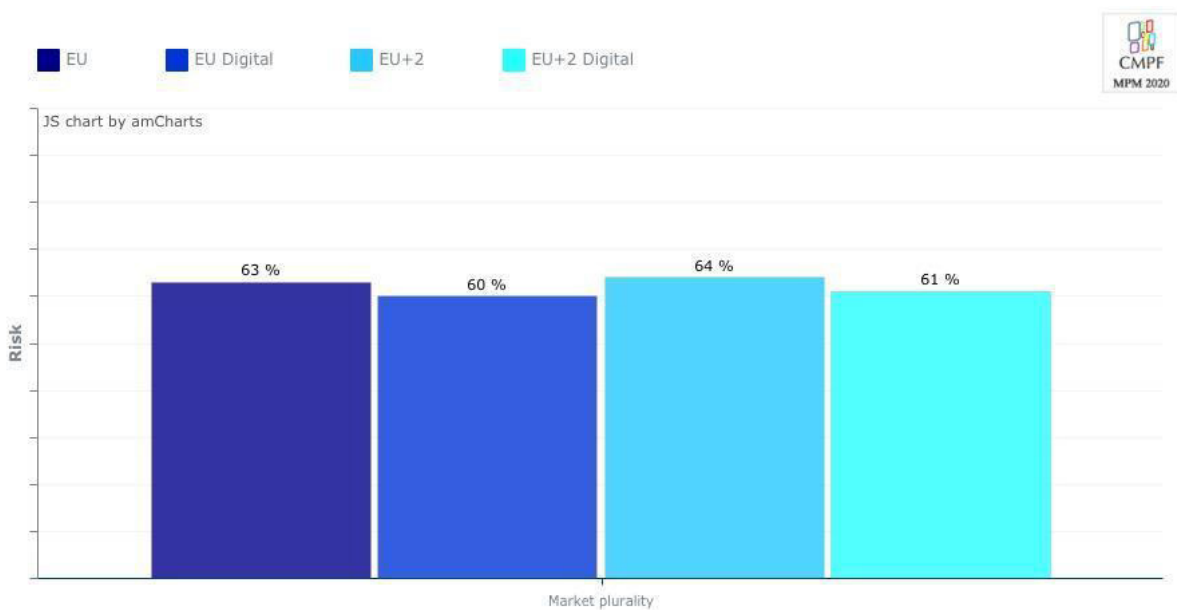
The average score of the digital variables for the Market Plurality area is 61%, i.e. medium risk, on average slightly lower in comparison to the overall risk (64%). The lower digital score is mostly due to the Media viability indicator; while for market concentration the digital risks are at the same or higher level than the overall risk.

In the Market Plurality area, the digital score resulted higher than the overall score per the area in Cyprus, Hungary, Portugal, Romania, Spain and Turkey, equal in Latvia.

**Figure 4.2.a. Average score of the digital variables in the Market Plurality Area**



**Figure 4.2.b. Digital vs overall score in the Market plurality area**



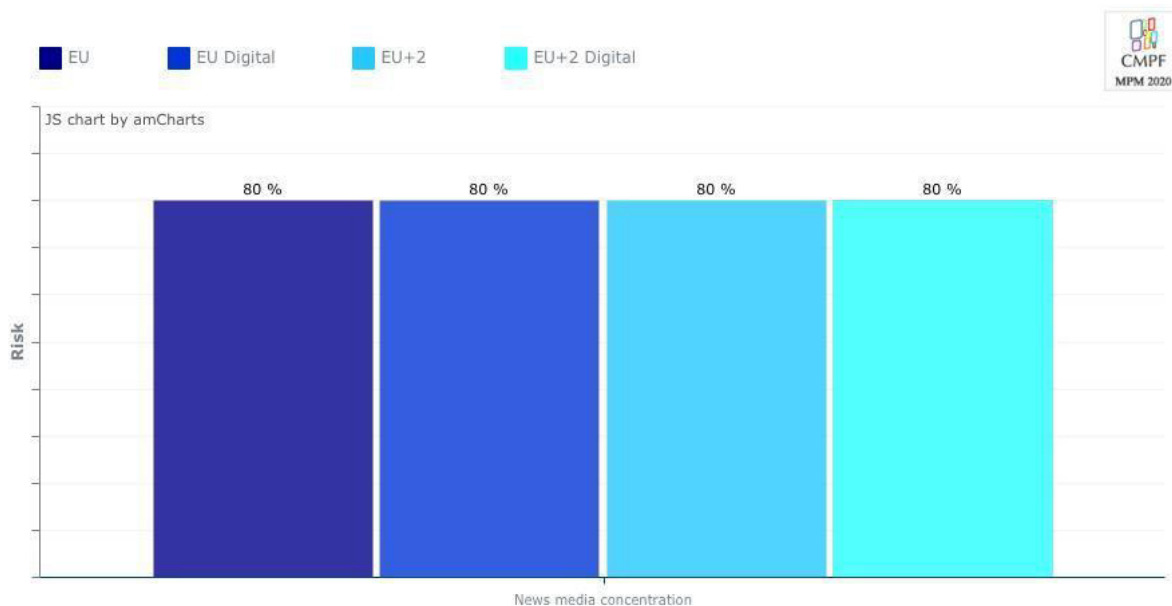
In each of the five indicators of the Market plurality area, the digital score is in the same risk band as the overall score, but with different percentage scores.

For **Transparency of media ownership**, digital variables score a medium risk of 48% while the overall score is at medium risk too, but higher, at 52%. In most of the countries covered by the MPM implementation, legal and regulatory provisions do not differentiate between legacy and digital media; though some concern has been raised about ownership transparency for the cross-border digital news media.<sup>57</sup>

For **Commercial and Owner influence on editorial content**, digital variables score a medium risk (52% for EU+2), but at a lower level if compared with the overall assessment (60% for EU+2).

The indicators on market concentration and on media viability need closer analysis, being the areas in which the effects of digitalization are fully displayed, both in the production and consumption of news.

**Figure 4.2.c. Indicator on News media concentration – All vs digital**



The table above shows that in terms of news media concentration there is no difference in the risks assessed overall and the risks assessed for digital variables. This result should be read in the light of the following:

- 1) The risk of horizontal concentration measured for the digital news media sector

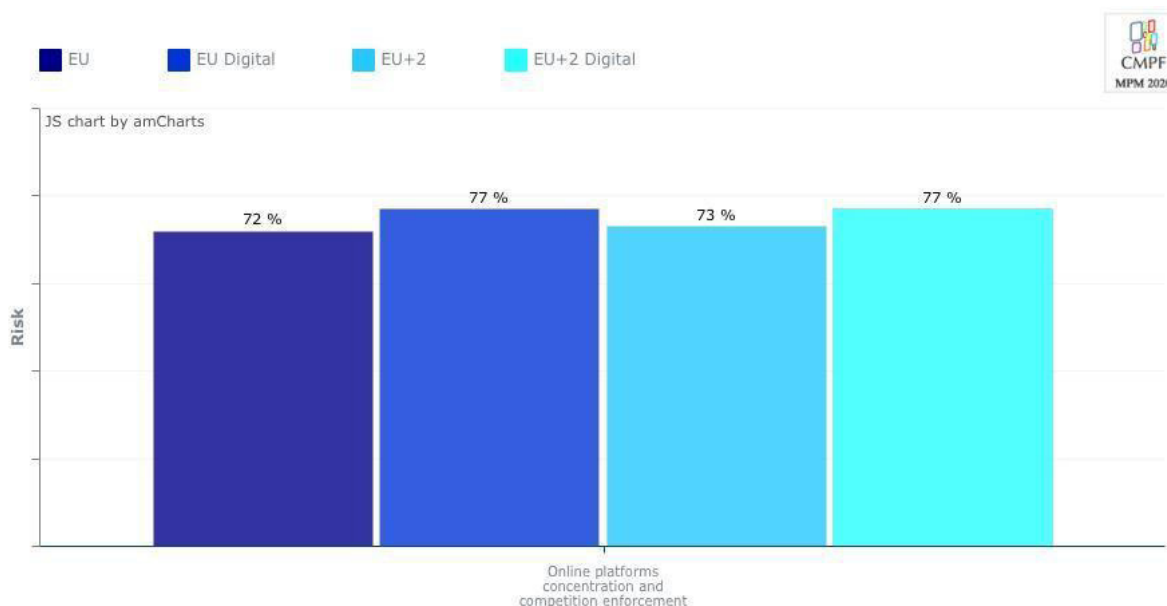
57 For example, in the Czech Republic, even if the general media law does not provide specific rules on the disclosure of ownership, the ownership structure of traditional media is generally known; but digital media often escape the attention and scrutiny that is devoted to traditional media houses. The lack of public information about ownership structures (as well as about sources of financing) has therefore allowed various disinformation websites to flourish in the last couple of years, despite strong suspicions about some of them being linked to the Russian government (Stetka et al. 2020)

is only slightly lower than that registered for the legacy media (81% for digital with audiovisual at 97%, radio at 89% and newspapers at 86%, see Figure 3.2.2.b). Therefore, the first evidence is that digitalisation did not substantially lower the news media market's concentration. The assessment has been conducted considering separately the digital native news media and the digital outlets of legacy media. Data for digital native news media has to be carefully evaluated, being the sector in which innovation models and technological development might have opened the market's entrance and positively contributed to media pluralism. However, market and audience data on the digital native media are very difficult to collect, due to the fragmentation of the sector and to the absence of an objective and standardised measurement across the EU media market. As a consequence, the implementation of MPM2020 registers a widespread lack of data in the digital native sector (see fig. 4.2.c), whereas more information is available on the whole aggregate of online news media, often dominated by the digital outlets of the legacy media - which are traditionally more concentrated.). As the national reports explain, even with the relevant differences among the countries monitored by the MPM, the landscape of the digital news media is almost everywhere characterised by the strong presence of digital outlets owned by legacy media and a long tail of small operators. Therefore, the average level of risk for online news media's horizontal concentration may be overestimated, due to the risk assigned to the lack of data in itself and to the dominance of the digital activities of the legacy media. With these caveats, it should be noted that the sub-indicator of digital news media concentration is at high risk in 22 countries, and medium risk in 8 countries, namely Austria, the Czech Republic, France, Germany, Greece, Ireland, Italy and Romania.

2) The digital variables impact also on the sub-indicator on cross-media concentration, in which the digital impact is better measured, being built to cover different markets. In this case, there is no difference between the general assessment and the digital-specific risk, both at 78%.

3) The Legal questions in this indicator often score a higher risk for digital variables, because the national regulatory frame has not always been updated to monitor and limit digital news media concentration.

**Figure n. 4.2.d. Indicator on Online platforms and competition enforcement – All vs digital**



Under the Online platforms and competition enforcement indicator all the variables are digital except one, which assesses the risk to competition related to illegal or disproportionate state aid to public service media (PSM). As the variable dedicated to state aid to PSMs is generally assessed as being at a low or medium risk (except for 7 countries in which it is at high risk), the extraction of the digital variables show a higher risk than the average.

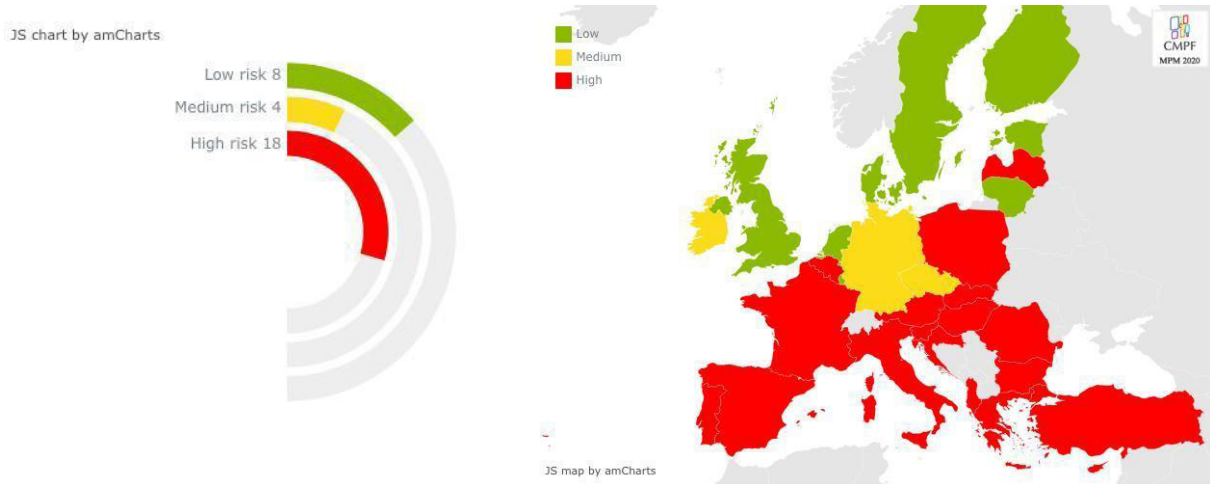
As the measurement of risk in **Gateways to news** is implemented in MPM2020 for the first time, it is worth analysing it briefly. Risks to market pluralism deriving from gateways to news are evaluated by using three variables: 1) the way in which people access news online; 2) the market share of the Top4 operators in online advertising; 3) the audience share of the Top 4 operators online.

As for the first variable, the last standardised and general survey, covering all EU countries, has not been updated in the years of the this analysis.<sup>58</sup> CMPF asked the country teams to report data released by the national media authorities and, when such data is not available, to use any other reliable source, starting with Reuters Institute Digital News Report (DNR 2019), which provides this information for most EU countries. If the access to news online is mainly direct, the score is low risk; when it is equivalent (that means, around half of the online consumers access the news directly), the variable is scored as medium risk; the prevalence of side-door access (which means through

58 Eurobarometer (2016)

an algorithmic source: search engines, social media, aggregators)<sup>59</sup> is scored high risk Figure 4.2.e shows the results of the MPM2020 implementation for the variable on the way in which people access news online.

**Figure 4.2.e. Access to the news online (variable)**



The **concentration of the online advertising market** has been assessed using data on market revenues and audiences. MPM2020 used the Top4 index for this assessment, in parallel with the method of measurement used for news media concentration. But it must be noted that, when available, data on market concentration showed that the threshold of 50% has been surmounted by the first two players in this market, Google and Facebook. Data on audience concentration is often difficult to collect and to compare, due to different metrics, and, in many countries, to the lack of independent monitoring. Figure 4.2.f shows the results of the MPM2020 implementation for the variable on the advertising market’s concentration: it is at high risk in all of the countries for which data is available.

59 The exposure to algorithmic sources of news is evaluated here as a risk not following a judgment or hypothesis about the content selected, but just considering the lack of transparency and control in the selection criteria. See *The Cairncross Review* (2019), p. 71 “It is an algorithm - a careful specification of how to perform a task or solve a problem - that determines how prominently a news story appears on a screen. But news publishers often feel left in the dark about how algorithms operate”.

**Figure 4.2.f. Online advertising concentration (variable)**



Even if market dominance, which is highlighted by concentration measures in this market, has a worldwide dimension, and an EU approach is the main way to address the digital challenges to competition, the results from MPM2020 may help to track the different national contexts, and the degree to which some countries are using the existing tools in their competition and regulation legal frameworks, or are trying to update them to cope with the new environment. In this regard, it is worth analysing the results of the sub-indicator on competition enforcement, in which the country teams were asked to evaluate whether the legal and regulatory framework, as well as the competition and media authorities, had updated their tools with which to address the digital challenges.

The clearest example is **Germany**, in the Federal Cartel Office’s case against Facebook<sup>60</sup>, followed by the upcoming 10th Amendment to the Gesetz gegen Wettbewerbsbeschränkungen (Act against Restraints on Competition), which is based on the findings of the Commission “Competition Law 4.0”, geared at adapting competition law to the increasing digitisation of the market and which aims to help competition enforcement to become more effective in regulating the platform economy<sup>61</sup>. In **Denmark**, the Danish Competition and Consumer Authority has, within its organisation, established the Center of Digital Platforms to supervise the area and specifically enforce competition law in this area (Borberg, 2020). In **Italy**, the competition and regulatory authorities joined forces to implement a survey on Big Data (Brogi and Carlini, 2020). In **France**, Google was fined € 1.49 billion for abusive online advertising practices (García Graña, 2020). In several countries, the competition authorities opened inquiries

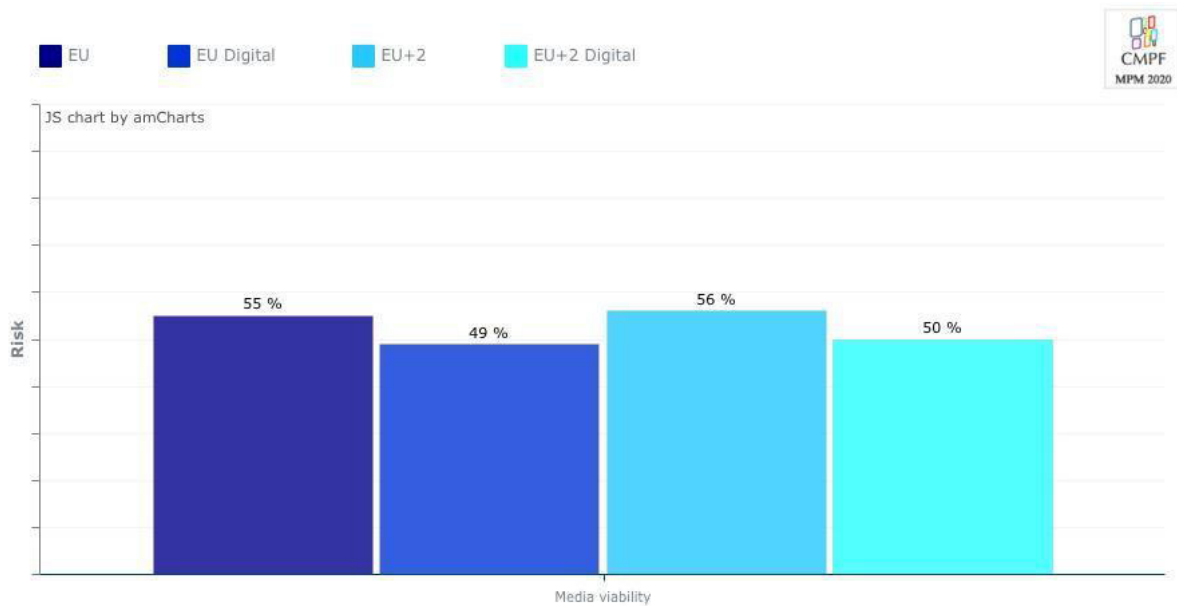
60 In 2019, the Federal Cartel Office classified Facebook as a dominant company in the social network market and considered that it had committed an abuse of inappropriate data processing, and as a consequence prohibited Facebook from merging data from Facebook and Whatsapp. This decision was temporarily overturned by the Higher Regional Court. (Holznagel et al., 2020)

61 The reform is intended to take better account of network and scale effects, which can lead to market concentration, as well as access to competition-relevant data and the behaviour of users. It has been clarified that a relevant market under anti-trust law may exist, even if no money flows between the parties that are involved; and that if a dominant company refuses to grant another company access to its data, such conduct may be considered to be abusive. (Holznagel et al., 2020)



on unfair market practices by digital platforms. In the **UK**, where concentration is considerable (with Facebook and Google attracting 35% of visitors to their websites and generating 61% of online advertising revenues), the CMA initiated an investigation into platforms and digital advertising. Its report was due in mid-2020 (Craufurd Smith 2020).

**Figure 4.2.g. Indicator on media viability – all vs digital**

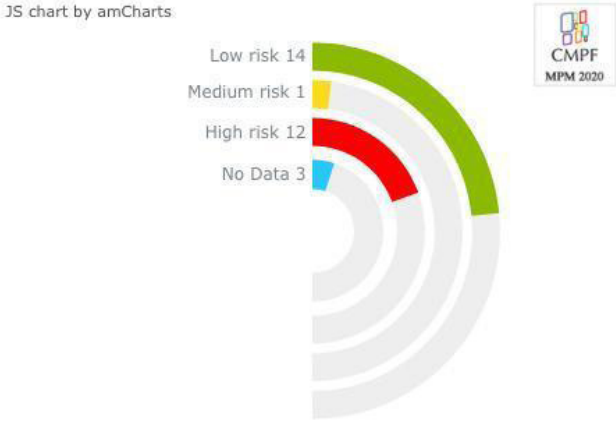


In the indicator on **Media viability**, the average score of the digital variables is lower if compared with the overall score: 50% for EU+2, 49% for EU. In the digital extraction, 6 countries scored low risk, 18 medium risk, 6 at high risk.

This assessment can be evaluated, considering three different factors (assessed in the sub-indicators, see Chapter 3.2.4):

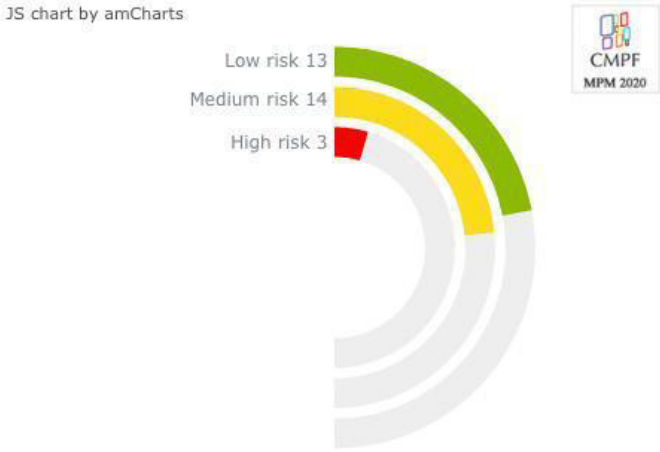
- 1) Revenue and employment trends: the digital news media score a medium risk, which means that in the EU+2 average their economic results are stationary, like audiovisual and radio, while newspapers and local media are the two sectors at high risk in Media viability.
- 2) Media market resources: the country teams were asked to evaluate whether revenue from online advertising which go to the news media has increased, decreased or stayed stationary in the past two years. The average result for this variable marks a medium risk in the EU+2 (39%): Figure 4.2.h shows that, in most countries, online advertising has increased, thus contributing to media viability.

**Figure 4.2.h. Online advertising for news media (variable)**



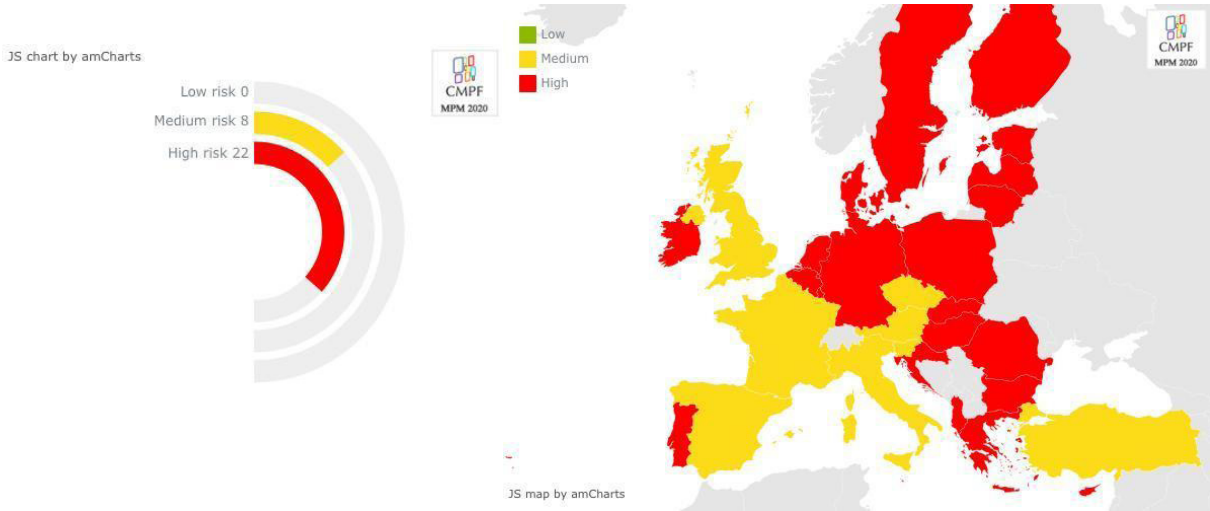
3) The development of alternative business models: the country teams were asked to evaluate the extent to which the media are developing new sources of revenue, other than the traditional ones. The average result for this variable marks a low risk (33%). (Figure 4.2.i)

**Figure 4.2.i. Development of alternative business models for news media (variable)**



The indicator on Media viability shows, simultaneously, the disruption of digital competitors on the traditional media market and some signs of resilience of the latter. One new variable focuses on the potential role of fiscal policy, asking whether the country has implemented some form of Digital Service Tax (DST), viewed as a way to help develop a level playing field in the market (a second step might be the use of the revenues from the DST to support news media production).

**Figure 4.2.1 Has your country introduced or scheduled some form of taxation of digital services, and is it effective? (variable)**



At the time of the MPM data collection, 8 countries had introduced a form of Digital Service Tax, but in none of them the DST tax has already been implemented. The use of the revenues from DST to support news media production has been discussed in many of the preliminary debates, but it is actually contemplated only in the Austrian case.<sup>62</sup> It has not proved to be effective in any of them.

62 Seethaler (2020), p. 18.

# 4.3. Political Independence – digital

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*In the area of Political Independence the following variables have been added to evaluate emerging and evolving digital-specific risks to media pluralism:*

- *Political independence of digital native media (1 variable);*
- *Editorial autonomy in self-regulating the social media use (1 variable);*
- *Political advertising online (5 variables);*
- *Funding for the online mission of the public service media (1 variable).*

*These variables are organised under the four indicators of the Political Independence area: Political independence of media; Editorial autonomy; Audiovisual media, online platforms and elections; and the Independence of PSM governance and funding. In total, this amounts to eight digital-specific variables (questions) of two types: legal (aiming to assess regulatory measures) and socio-political (aiming to evaluate the situation in practice).*

*The only indicator of the area that, at the moment, has no specific digital considerations is that relating to State regulation of resources and support to the media sector. One of the topics covered by this indicator is the availability and distribution of state subsidies to the media, without undue political influence. For a few countries, it was noted that the risk stems from the fact that these subsidies are still largely directed at the traditional media, and very little, if any, funds are available for digital native media initiatives. However, framed in this way, the issue has already been covered by the Market Plurality area, more specifically under the Media viability indicator.*

As shown in Figure 4.3.a., the average score of digital variables in the Political Independence area is at 51% , which is higher than the overall risk score in this area (47%).

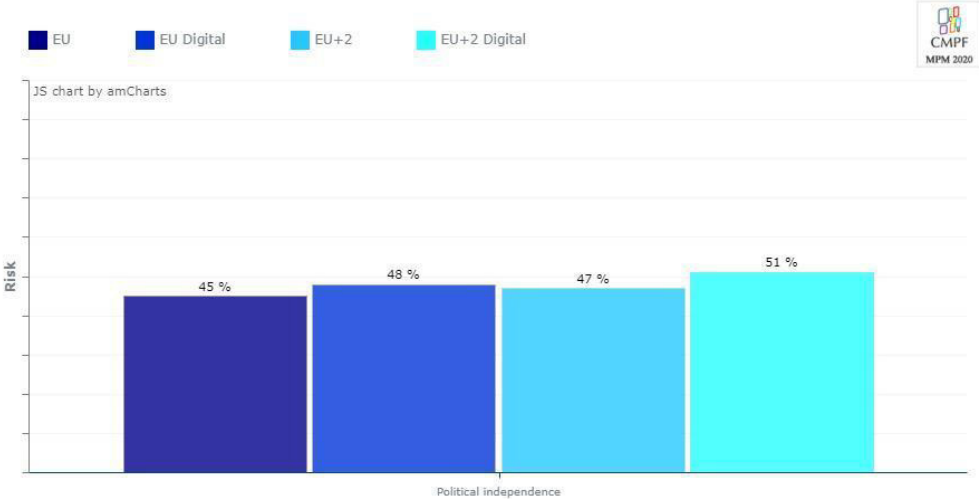
In the Political Independence area, the digital score resulted higher than the overall score for the area in Albania, Belgium, Bulgaria, Denmark, Germany, Hungary, Lithuania, Poland, Romania, Slovenia, Spain, Sweden, and Turkey. In Croatia and Estonia the results are equal.

**Figure 4.3.a. Average score of the digital variables in the Political Independence area**



The extracted digital risk score is higher than the overall risk recorded in both cases: when the two candidate countries (Albania and Turkey) are considered along with the EU member states, and when they are excluded from the calculation. This is visible from the Figure below (4.3.b.), and should be interpreted with regard to the specific issues tackled in the digital part of the Political independence area. The specific digital risk largely reflects the situation with regard to political advertising online, and the state of play is that there are almost no rules to ensure transparency and political pluralism in the online sphere during election campaigns. Of eight ‘digital’ variables, five belong to the indicator Audiovisual media, online platforms and elections. The other three indicators have one ‘digital’ variable each: Political independence of media now also evaluates the presence of political control over the digital native media. Editorial autonomy seeks to assess specific codes of conduct or guidelines for the use of social media by journalists while the Independence of PSM governance and funding now contains a variable that examines whether a law provides for funding that adequately covers the online public service missions of the PSM without distorting competition in relation to private media actors.

**Figure 4.3.b. Digital vs overall score in Political Independence area**

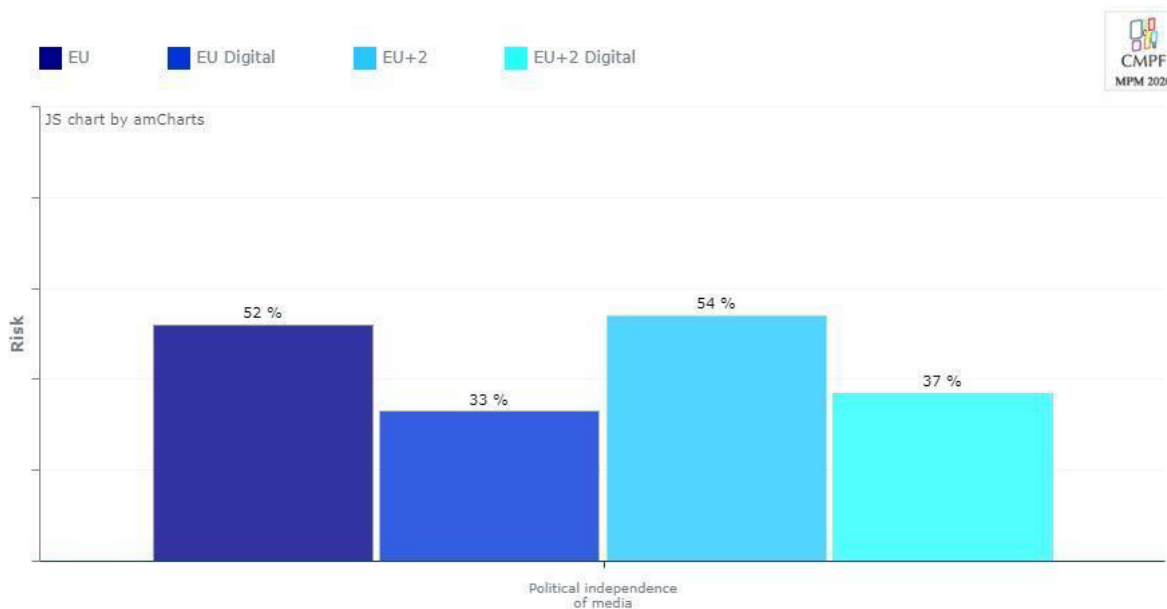


## Political independence of digital native media

The indicator on the Political independence of media, which aims to assess the existence and effectiveness of the implementation of regulatory safeguards against direct or indirect control of the media by governments and politicians, and the extent of political control over the media in practice, now also considers political control over digital native media. The results show that the risk is lower for the digital (native) dimension than for the traditional media. Notably, lower risks of political control in the form of direct or indirect ownership have been recorded in relation to native digital media, than for the audiovisual media and newspapers.

While digital native media are often considered to be a beacon of hope for journalism in countries where the legacy media are captured, the MPM data collection shows that this is not always the case. In fact, in the 2 candidate countries: Albania and Turkey, and in 3 EU countries (Slovenia, Romania, and Hungary), the digital natives with the highest audience tend to be mainstream in style and organisation, and it is not uncommon for their owners to be closely connected to political figures. Another problem has been observed with regard to the transparency of native digital media ownership and editorials. Rarely is there comprehensive data on the digital native media market, which makes it impossible to tell which companies are the market leaders, and whether their owners have political links.

Figure 4.3.d. Indicator on the Political independence of media – All vs digital

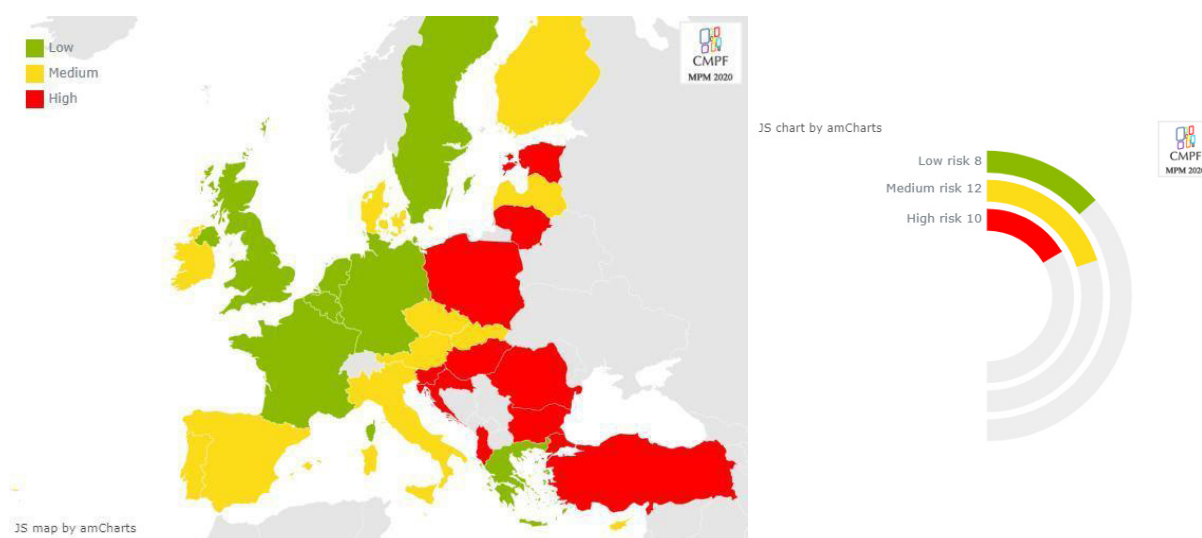


## Editorial autonomy in self-regulating social media use

Effective protection of editorial autonomy (mainly through self-regulation) has been shown to be one of the weakest links in ensuring political pluralism in traditional media environments. MPM2020 aimed to assess the potential to establish editorial autonomy in self-regulating journalists' behaviour on social media, where professional activity is often blurred with personal use, and the core professional standards, such as objectivity and detachment, may be put in doubt. MPM2020 included, therefore, a question about the availability of specific codes of conduct or guidelines for the use of social media by journalists. Social media guidelines are being issued with increasing frequency by news organizations that want to indicate to journalists what is, and what is not, permitted on these platforms. What is not clear is the extent to which journalists themselves are involved in the creation of these guidelines. The aim of this new variable was to collect initial information on the extent of the availability of the guidelines in the private and the public media in the EU, and to evaluate whether they are developing as proper self-regulation of journalists' activities on social media, or whether they are being imposed on journalists (e.g., by marketing units). This can serve as an indication of the extent to which journalists are autonomous and effective in self-regulating their professional standards and activities in the face of new opportunities and challenges.

The MPM2020 results show that, in 22 countries, social media guidelines for journalists are either non-existent or are, in part, problematic, for example, when limiting journalists' expression. The guidelines, especially when designed within the commercial media, are often not made public and they are thus impossible to assess. In 8 countries, these guidelines exist on a larger scale and do not seem to be problematic. An example is Germany, where all public broadcasters have guidelines for dealing with social media.

**Figure 4.3.e. Variable on the availability of social media guidelines for journalists**



## Political advertising online

The reliability and pluralism of political information in the periods prior to elections is one of the key preconditions for the legitimacy of the democratic process, and for democracy itself. Bearing in mind that online platforms play an increasingly important role in the distribution of political information - be it paid for or organic - it is important to evaluate whether there are any safeguards in place to ensure that platforms' affordances are not misused by some political actors. Accordingly, the 'digital' part of the indicator on Audiovisual media, online platforms and elections, evaluates the existence of legislation that seeks to safeguard democracy and prevent certain political actors from capturing online political communication by buying and targeting online political advertising in a non-transparent manner. The sub-indicator on **Rules for political advertising online** seeks to understand the extent to which countries comply with the standards proposed at the EU level (European Commission Communication on Tackling online disinformation: a European Approach, COM(2018) 236; and the General Data Protection Regulation, Regulation (EU) 2016/679), and to what extent the implementation of platforms' commitments, as laid down in the Code of Practice on Disinformation (2018), is effective in different countries. The Commission's guidance on the application of GDPR in the electoral context (European Commission, COM(2018) 638) particularly emphasises the strengthened powers of authorities, and calls for them to use these sanctioning powers, especially in cases of infringement in the electoral context. Whether the data protection authorities take this more (pro)active stance has been assessed in the MPM2020, especially considering that European data protection authorities (DPAs) have historically been very reluctant to regulate political parties.

The results clearly show that the online dimension is almost totally unregulated when it comes to political advertising. The vast majority of countries (24 out of 30) have no, or insufficient, rules to ensure transparency and fair play in campaigning on online platforms. Only 6 countries (Finland, France, Greece, Latvia, Lithuania and Portugal) possess regulation that seeks to provide equal opportunities and the transparency of online political advertising during the campaign period. In **Finland**, legislation on electoral campaigning and political advertisements extends to online media, and all political advertisements must be clearly marked as such, and must identify their funders (Manninen 2020). In **France**, Article L. 52-1 of the Electoral Code prohibits, during the six months prior to an election, "the use, for the purpose of election propaganda, of any commercial advertising in the press or any means of audiovisual communication". This includes political advertising online, and on social media (García Graña et al. 2020). The implementation of the Anti- Fake News Law (Law No. 2018-1202 of 22 December 2018 Regarding the Fight Against Information Manipulation) puts in place further regulation for transparency in electoral periods. Online platforms (such as Facebook, Twitter, etc.) are subject to transparency obligations when they distribute content for remuneration according to the law.

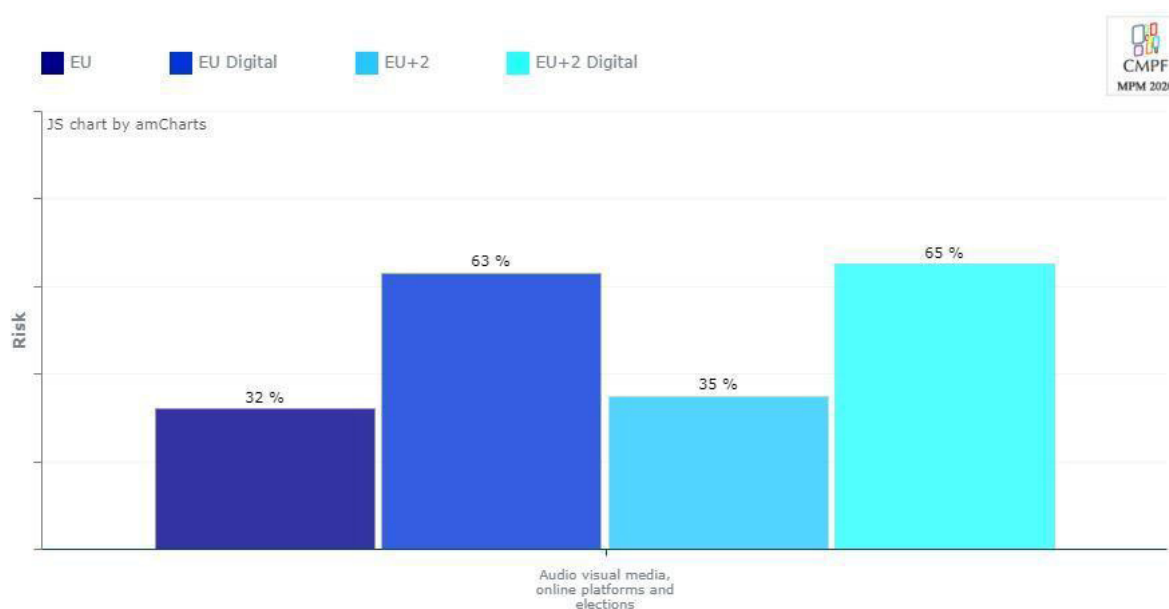
In 14 countries, including the two candidate countries, the rules for political parties, and candidates competing in elections, to report on campaign spending on online platforms in a transparent manner, are completely lacking (Austria, Bulgaria, Croatia, Denmark,



Germany, Hungary, Italy, Luxembourg, the Netherlands, Romania, Slovenia, Sweden, Albania, and Turkey). In 9 countries, the rules are in place, but they are not effectively implemented (Cyprus, the Czech Republic, Finland, Ireland, Lithuania, Malta, Poland, Slovakia, and Spain). In most cases, this means that a law demands a superficial level of transparency in the disclosure of the overall expenditure during elections, but without detailing the expenditures per platform. The analysis shows that only some political parties have been open and transparent about their online advertising spending, as well as about their social media strategies. In 28 countries, candidates and parties are not fully transparent about their spending and the techniques employed in their social media promotion.

In 18 countries, some issues were noted in the implementation of the Code of Practice on Disinformation as regards clearly labelling and registering political and issue-based advertising as such, and indicating who paid for it. Even though the GDPR has strengthened the powers of the data protection authorities, and the European Commission (COM(2018) 638) has called them to use the new sanctioning powers, especially in cases of infringement in the electoral context, the MPM data suggests that in 17 countries the data protection authorities do not take sufficient account of the use of personal data by political parties. In a further 3 countries (Denmark, Ireland, Slovenia), the risk reflects the lack of data on what exactly data protection authorities are doing in this regard.

**Figure 4.3.c. Indicator on Audiovisual media, online platforms and elections – All vs digital**

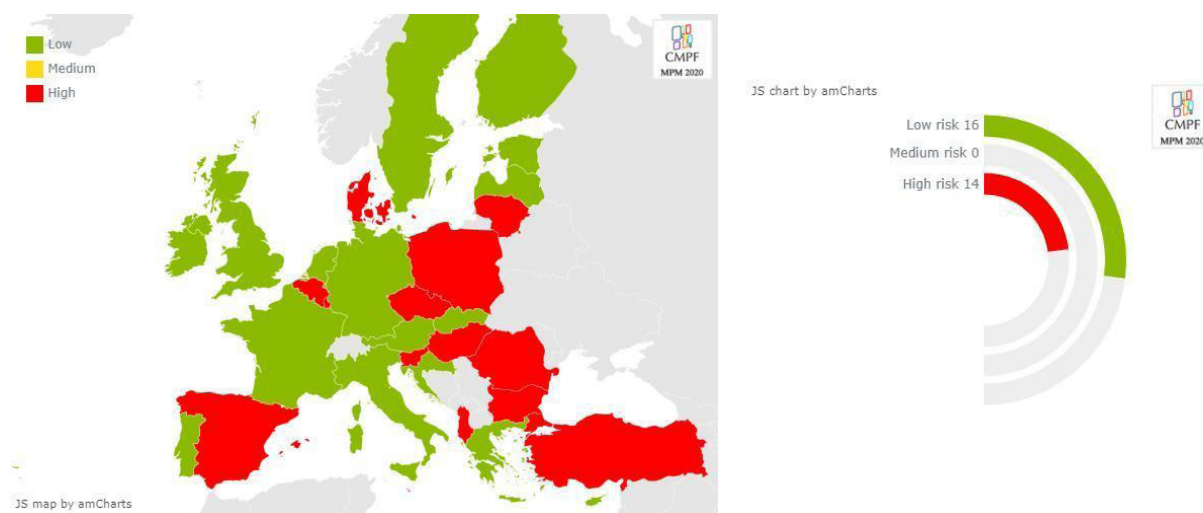


## Funding for the online mission of the public service media

The Independence of PSM governance and funding indicator now assesses whether a law provides for funding that adequately covers the online public service missions of the PSM, without distorting competition with regard to private media actors. The financing of PSM is strictly connected to the definition of their remit according to EU state aid rules and the interpretative indications given by the European Commission as to their application. Yet, if it is to remain relevant in the online sphere and contribute to the democratic sphere, "every PSM needs some kind of mechanism allowing it to launch innovative new media services outside the scope of its formal remit in a timely manner, whilst at the same time ensuring that the market is informed and not disproportionately distorted as a result" (AMO, 2015: 87).

This is a binary (yes-no) legal question, and the MPM2020 results indicate that, in 14 countries, including the two candidate countries, there is no law that provides for funding that adequately covers the online public service missions of the PSM, or it does so, but without considering the potential implications for commercial media actors (Belgium, Bulgaria, the Czech Republic, Denmark, Hungary, Lithuania, Luxembourg, Malta, Poland, Romania, Slovenia, Spain, Albania, and Turkey).

**Figure 4.3.f. Variable on funding for the online mission of the PSM (variable)**



# 4.4. Social Inclusiveness – digital

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*In the area of Social Inclusiveness there are several topics included to evaluate emerging or evolving digital-specific risks to media pluralism, namely:*

- *Digital skills of individuals (2 variables);*
- *Protection against hate speech online (4 variables);*
- *Women in ICT (1 variable).*

*These topics are assessed within the two indicators of the Social Inclusiveness area: Media literacy, and Access to media for women. All seven digital-specific variables (questions) in this area are socio-political (aiming to evaluate the situation in practice).*

There are seven digital-specific variables in the area of Social Inclusiveness, all of the socio-political type (which aim to evaluate the situation in practice). The majority of these variables (6) are in the indicator on Media literacy, introduced to assess the digital skills of individuals in a given country, based on Eurostat datasets, and to evaluate the extent and efficiency of the efforts taken to remove hate speech against vulnerable social groups on social media. One ‘digital’ variable is in the indicator on Access to media for women, examining the percentage of women trained for (and employed in) jobs with specialist ICT skills. Both greater and broader participation in the media market is key to gender parity in and around the media. The same logic applies to online platforms and the tech sector more broadly. The data used for this evaluation is derived from the European Commission's study *Women in Digital (2019)*<sup>63</sup> scoreboard, and represents the weighted average of 3 indicators: 3.1 STEM graduates (33.3%), 3.2 ICT specialists (33.3%), 3.3 Gender pay gap (33.3%).

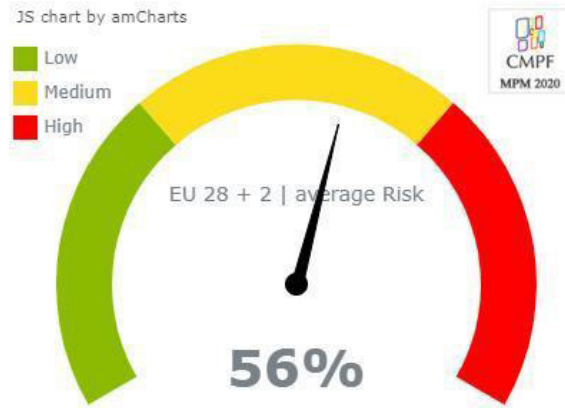
As shown in Figure 4.4.a., the average score of only the digital variables in the Social Inclusiveness area stands at 56% , which is higher than the overall risk score in this area (52%).

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63 <https://ec.europa.eu/digital-single-market/en/women-ict>

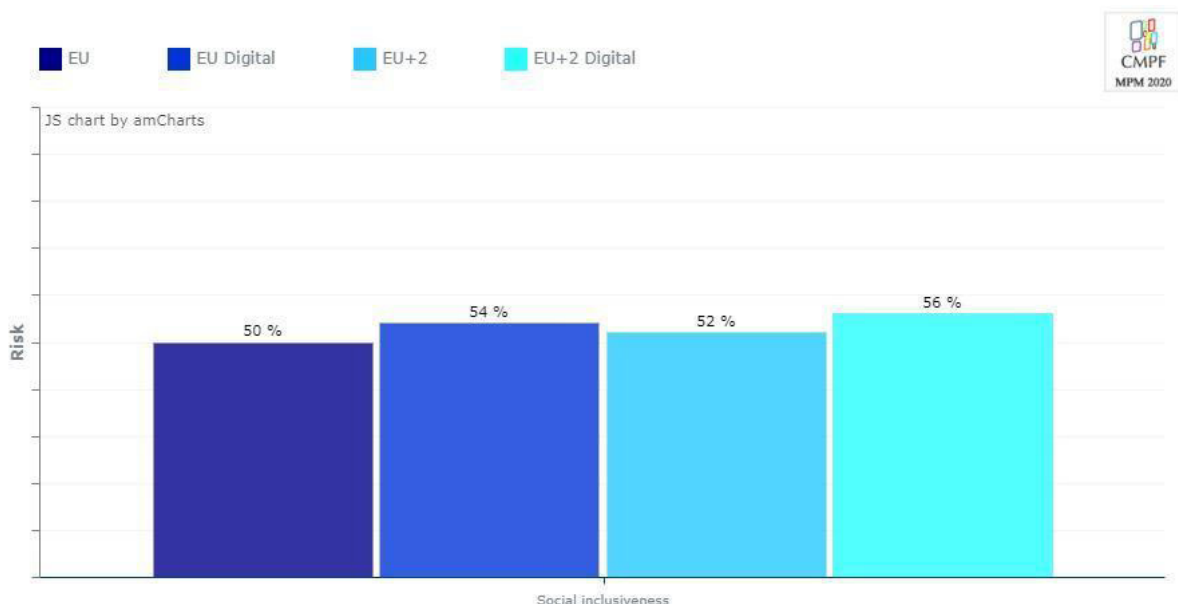
In the Social Inclusiveness area, the digital score resulted lower than the overall score for the area in Belgium, Croatia, Finland, Germany, Greece, Luxembourg, Malta, the Netherlands, Portugal, Slovakia, Slovenia and equal in Czech Republic and Denmark.

**Figure 4.4.a. Average score of the digital variables in the Social Inclusiveness area**



The extracted digital risk score is higher than the overall risk that is recorded in both cases: when the two candidate countries (Albania and Turkey) are considered along with the EU member states, and when they are excluded from the calculation. This is visible from the Figure below (4.4.b.), and should be interpreted with regard to the specific issues that are tackled in the digital part of the Social Inclusiveness area, i.e. Digital competencies of individuals; Protection against hate speech (especially against vulnerable social groups online); and the proportion of women trained for (and employed in) jobs with specialist ICT skills.

**Figure 4.4.b. Digital vs overall score in Social inclusiveness area**



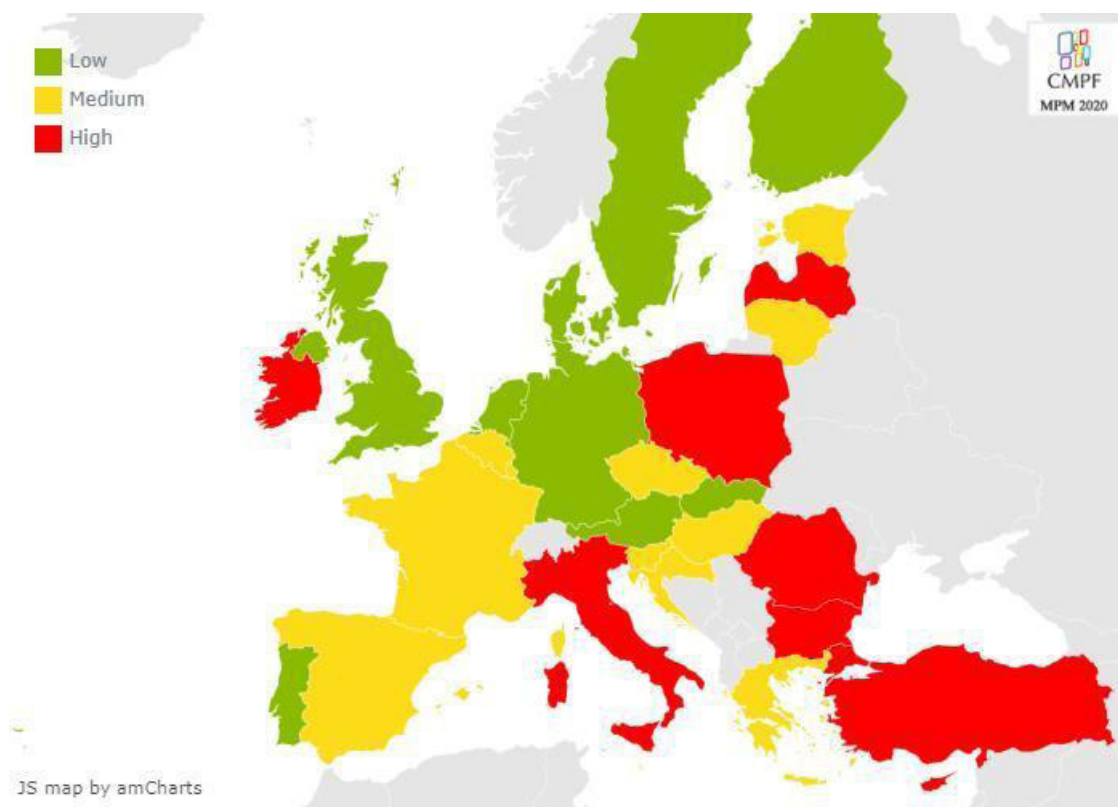
## Digital skills of individuals

The Media literacy indicator is one of the most complex and constantly evolving ones. It is difficult to adequately measure the media literacy skills of individuals due to the complex set of skills that are required, and because of the inadequacy of existing methods to evaluate, for instance, the critical thinking skills of individuals. In the AVMSD's (2018) definition, media literacy refers to “skills, knowledge and understanding that allow citizens to use media effectively and safely”. Furthermore, it says that “in order to enable citizens to access information and to use, critically assess and create media content responsibly and safely, citizens need to possess advanced media literacy skills” and it “should not be limited to learning about tools and technologies, but should aim to equip citizens with the critical thinking skills required to exercise judgment, analyse complex realities and recognise the difference between opinion and fact”. In the MPM2020, the indicator Media literacy, assesses the comprehensiveness and implementation of media literacy policies; the availability of media literacy activities; the presence of media literacy in education; and the training of teachers on media literacy - as environmental factors. Individual factors are assessed through the digital competencies of individuals that serve as a precondition for the use of online media and platforms, both effectively and safely. This mapping provides valuable information from a comparative perspective, moreover, as, at present, there are no reliable and cross-country comparative data sources available with which to assess the critical thinking skills of people in Europe.

The sub-indicator on Digital competencies is based on Eurostat data on Individuals' level of digital skills (for 2019), and two components are used for the MPM2020 evaluation: the percentage of the population that has basic, or above basic, overall digital skills in the country (as a positive indication), and the percentage of the population that has low overall digital skills in the country, which is not a desirable state of play. The thresholds to establishing the risk level were calculated percentiles that were based on the available country scores. The thresholds were as follows: high risk: 0-47%; medium risk: 48-67%; low risk: 68-100% of the population has basic, or above basic, overall digital skills. In the case of low overall digital skills the thresholds were: low risk: 0-23%; medium risk: 24-32%; high risk: 33-100%.

The MPM2020 results show that 8 countries score high risk on Digital competencies (Bulgaria, Cyprus, Ireland, Italy, Latvia, Poland, Romania, and Turkey), 12 countries are in the medium risk band (Belgium, Croatia, the Czech Republic, Estonia, France, Greece, Hungary, Lithuania, Luxembourg, Malta, Slovenia, and Spain), and 9 countries are found to be at low risk level (Finland, Germany, the Netherlands, the UK, Austria, Denmark, Portugal, Slovakia, and Sweden).

**Figure 4.4.c. Sub-indicator of Media literacy on the Digital competencies of individuals – Map of risks per country**



## Protection against hate speech online

Protection against hate speech is another sub-indicator of the Media literacy indicator. As explained in Part 4.4.5. of this report, Protection against hate speech is a new sub-indicator in the MPM2020, and its focus is on the protection of vulnerable social groups against hate speech online, including on social media. The sub-indicator aims to assess whether there is a (self)regulatory framework to counter hate speech online and whether it has been efficient in removing hate speech towards ethnic or religious minorities, people with disabilities and women, from online platforms, while not presenting any risk to the freedom of expression. It further takes note of whether there are any media literacy or other educational initiatives in a country that aim to prevent or counteract hate speech. The Protection against hate speech sub-indicator has been included in the Media literacy assessment as it is deemed that the more media literate people are, the more resilient they should be to hate speech, and should also resist spreading it online by understanding better the potential consequences (including legal, social and individual ones). The definition of hate speech used here is based on the case law of the European Court of Human Rights: it is a form of expression that spreads, incites, promotes or justifies hatred based on intolerance.

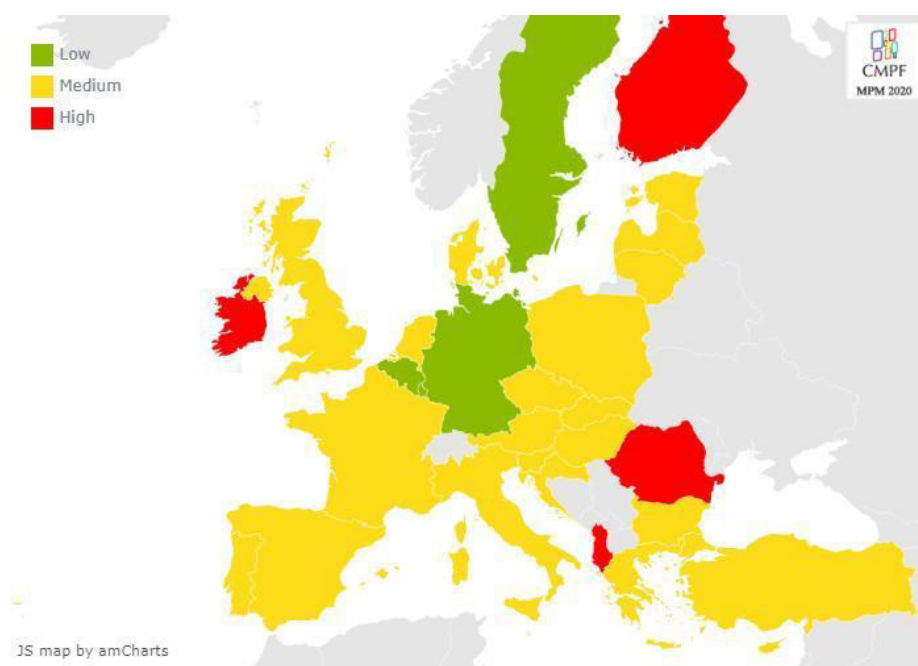
The MPM2020 results show that only 4 countries (Belgium, Germany, Luxembourg, and Sweden) have regulatory frameworks that are perceived to be effective in counter-

ing online hate speech against vulnerable social groups, such as minorities, people with disabilities and women. In Belgium, UNIA, a public institution which combats discrimination, reported in 2019 that hate speech on social media is effectively prosecuted and punished, alongside increased efforts to combat hate speech against minority groups (Valcke & Lambrecht 2020). In Germany, the Network Enforcement Act has been in force since 2018. Its purpose is to ensure that online platforms counter hate speech by obliging them to delete “illegal content” within a legally defined time. The law has not proven to have an impact on the freedom of expression (Holznagel & Kalbhenn 2020), but should see some improvements in the near future to, for instance, allow users to take action against platforms’ decisions more easily and to make platforms more transparent about which groups are particularly affected by hate speech (Roßman 2020).

In countries that score higher risks on the effectiveness of the regulatory framework to counter hate speech online, the problem is usually related to the fact that relevant protections against hate speech can be found in a range of laws. That contributes to the confusion about who should be acting upon it, and how. Furthermore, a criminal law that is predominantly applied in this matter, when extensively applied online, may result in a lack of compliance with international standards on freedom of expression.

In many countries, there is still insufficient research into the extent and form of hate speech against these and other groups or individuals in the online sphere, but indications are that hate speech against ethnic minorities and against women is commonplace in many countries. Efforts to remove hate speech directed at ethnic or religious minorities, or towards women, from the social media have not been effective, or no such efforts have been made in the vast majority of countries (28). Slightly lower risks are recorded with regard to people with disabilities, but only because it seems that they are not as targeted as women and minorities.

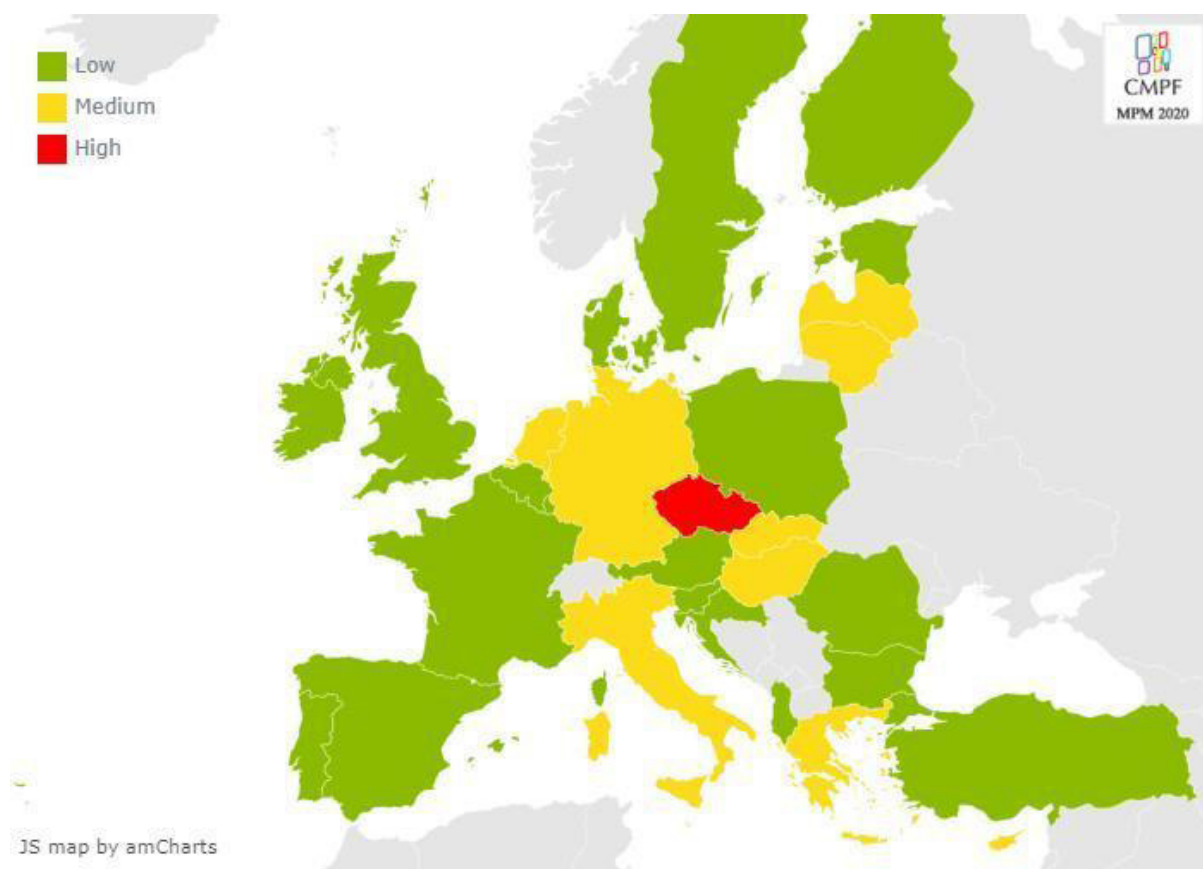
**Figure 4.4.d. Sub-indicator of Media literacy on the Protection against hate speech – Map of risks per country**



## Women in ICT

The percentage of women trained for (and employed in) jobs with specialist ICT skills is a variable that, on average, scores as being at low risk (21%). This indicates that in the majority of countries (19), the digital sector is more gender balanced than the traditional media sector. The Czech Republic is the only country that scores a high risk on this variable, which is based on the *Women in Digital 2019* scoreboard.

**Figure 4.4.e. Percentage of women trained for (and employed in) jobs with specialist ICT skills – Map of risks per country (variable)**







**5.**

# **Methodology**

# 5.1.

## The research design

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The Media Pluralism Monitor categorises risks to media pluralism in four main areas: Basic Protection, Market Plurality, Political Independence and Social Inclusiveness. This categorisation allows for an assessment that encompasses the different components and meanings of “media pluralism”. These areas are assessed according to the scoring of 20 indicators and 200 variables, in total. The research design of the MPM is based on a questionnaire compiled by the national country teams which consist of experts in media pluralism and media freedom. The questionnaire is composed of legal, economic and socio-political questions, in order to allow an assessment of media pluralism risks in any given country, taking into account the legal framework, its implementation, and the effective conditions of the media landscape. Legal and socio-political questions are closed, while economic questions ask for a numerical value that is formally translated into a level of risk. In MPM2020, variables that refer specifically to the online environment are marked as digital, to allow an extraction of a specific digital-related score.

For a number of particularly sensitive and complex variables, the MPM employs an external peer review system, called the Group of Experts. This group of experts, which includes national stakeholders and experts in the area, conducts a review of the answers to questions that require a qualitative type of measurement and/or that cannot be based on measurable and easily verifiable data.

Data for the MPM2020 was gathered through a structured questionnaire with closed questions (except for the economic questions, where benchmarks are set in order to translate them into qualitative answers – please see the ‘User Guide’ in Appendix I for details). This method allowed for the gathering of both quantitative and qualitative data, which proved to be crucial in assessing the risks to media pluralism in the EU. Additionally, this method allowed the quantitative analysis of answers, and the production of a numerical risk assessment, which is essential in order to obtain comparable results across countries.

The data was collected using an online platform that was developed by the CMPF. The CMPF checks and supervises the quality and consistency of the data collected, and of the methodology used.

The final assessment per area of risk is carried out using a standardised formula developed by the CMPF. Each variable is assessed by a question and receives a score from 0 to 1, according to the specific answer. The questions with a yes/no reply are rated 0 or 1. The other variables (three-option replies) are rated 0/0.5/1, according to the band into which the reply falls. The overall result is obtained by the average of the average of variables of the same question type.

The MPM is a holistic tool that is designed to identify the potential risks to media pluralism in Member States. The research design of the MPM was developed and tested during the two pilot implementations of the Monitor in 2014 and 2015. It mostly focuses its analysis on news and current affairs. However, it must be noted that, as in previous MPMs (2014, 2015, 2016 and 2017), “all indicators that assess the general universality of media coverage and the outreach of the diffusion of information” (CMPF, 2015, 2016 and 2017) are included in the MPM. “They are considered to be basic indicators that are relevant to the infrastructure and universality principles as a whole” (CMPF, 2015, 2016 and 2017). In particular, indicators on access to the media for minorities, people with disabilities, and media literacy, are preserved as part of this holistic principle. In order to meet the challenges emerging from this periodic large scale comparative analysis, the MPM2020 is mostly informed by secondary data, collected through a questionnaire, and it is supplemented with primary data gathered through interviews and document analyses (e.g., of legal and academic texts), together with the group of experts’ evaluation of the variables that are more difficult to measure and/or that require a qualitative type of measurement, and/or showed a lack of measurable and easily verifiable data. As was already discovered from the first MPM’s pilot-test implementation (2014), there are many reliable, available materials which can be used as primary and secondary sources, e.g., national laws, case law, decision practice, governmental documents, NGO reports, official statistics, and academic research. The secondary data analysis, with the cited integrations, has therefore proven to be a useful and effective approach in order to ensure reliable and valid findings in the context of this project.

## 5.2. Research and fine-tuning of the questionnaire

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The MPM2020 is an update of the MPM2017 tool. As was the practice in previous years, the CMPF updated and fine-tuned the questionnaire of the previous implementation, in this case MPM2017, based on the evaluation of the tool after its implementation, the results of the previous data collection and newly available data. In MPM2020, a major transformation has been implemented, to update the MPM tool to digital developments in the field of media. Moreover, variables on law existence and implementation were, in many cases, merged and transformed into questions with choices of three answers, in order to allow more nuanced assessments for the country teams and to open space in which to introduce new (digital) variables. Below is a description of the main changes to the MPM2020 questionnaire.

The main changes in the area of Basic Protection were the inclusion of new variables and a new sub-indicator that was used to address the potential challenges to freedom of expression online. In the indicator: Protection of freedom of expression, five new variables were added in the sub-indicator on Guarantees for freedom of expression online, to better describe and assess whether restrictive measures of blocking, removing and filtering online content comply with Art. 10 of the ECHR and the three conditions set by Article 10(2) ECHR (namely, that limitations on freedom of expression are prescribed by law, pursue a legitimate aim, and are necessary in a democratic society); whether practices in relation to removing online content are proportionate and transparent; and whether there are legal remedies against arbitrary content moderation. The indicator on Journalistic profession, standards and protection has been revised, adding a new sub-indicator - with a new set of variables -, to assess the risks to the proportionate balance between Freedom of Expression and Data Protection; moreover, the other sub-indicators have been revised, in order to separately assess: Working conditions, Physical safety, Life safety (considered jointly in the previous MPM implementation), Digital safety, Positive obligations to protect journalists, Protection of sources, with a new variable that aims to assess the implementation and effectiveness of data retention obligations for Electronic Telecommunications Operators and Internet Service Providers. In the indicator on Universal reach of traditional media and access to the internet, a new variable was added on Net neutrality, in order to evaluate whether Internet Service Providers are effectively adopting net neutrality practices.

The Market plurality area has been considerably revised to take into account the impact of digitalisation in the new ecosystem of news. In comparison with MPM2017, a new indicator has been included (Online platforms and competition enforcement); two indicators have been merged and revised (Horizontal concentration and cross-media concentration); the other indicators have been updated with the introduction of new variables. As a result, the MPM2020 market area has the following structure: 1) Transparency of media ownership: the MPM2017 variables have been merged and reorganised, and new variables were added so as to assess ownership transparency for the digital news media (digital outlet for the legacy media and native digital media); 2) News media concentration: indicator about horizontal and cross media concentration in the supply of news. The legal variables (about the existence and effectiveness of a media-specific law to limit ownership concentration) have been merged across the different sectors; while the evaluation of the concentration index is carried out for each sector (avms, radio, newspapers, digital only); 3) Online platform concentration and competition enforcement: the new indicator includes a new sub-indicator (Gateway to news), whose variables aim to measure the way in which people access the news online, and market dominance in the advertising market; and the sub-indicator on Competition enforcement (shifted and revised if compared to MPM2017); 4) Media viability: new variables have been added, to also consider employment trends in the media industry, and to assess the viability of the digital native media market; in the sub-indicator on regulatory incentives a variable on the Digital Service Tax has been added; 5) Commercial & owner influence on editorial content: the indicator has not changed, but new variables and specifications have been added to assess whether, and how, old rules and safeguards do apply to digital news media.

In the Political independence area, most of the risks of political interference that were identified in the previous rounds of the MPM implementation remain (e.g., political control over media via direct and indirect ownership; state advertising and state subsidies to the media; lack of editorial autonomy; and politicisation of the appointment procedure for the management of the public service media). To assess the new challenges and sources of risks, the following changes were introduced to the area of Political Independence: the assessment of political control over online media (digital natives); the assessment of the existence and adequacy of the social media guidelines for journalists; the consideration of the conditions in which (political) information is being provided to citizens online (and, in particular, on social media) in electoral periods; and whether the public service media funding adequately covers the online public service missions without distorting competition with private media actors. In addition, a sub-indicator on distribution networks has been moved to the Market Plurality area as, with the rise of online platforms as content intermediaries, the distribution becomes concentrated in the hands of a few big tech companies. Political biases in the algorithmic sorting of news and other relevant content, or the polarisation that results, are still difficult to measure on this scale, due to the lack of available data (secondary sources) and the lack of online platforms' transparency in regard to the sorting criteria that are being employed.

As in the other areas of the Monitor, variables on law existence and implementation were merged to allow more nuanced assessments by the country teams and to open up

space for introducing new (digital) variables. The Political Independence area, thus, continues to be composed of five indicators: (1) Political independence of media; (2) Editorial autonomy; (3) Audiovisual media, online platforms and elections; (4) State regulation of resources and support to media sector; (5) Independence of PSM governance and funding. Only one indicator has changed its name, compared to previous MPMs (No. 3, from Media and democratic electoral process) as it now encompasses not only (audiovisual) media, but also online platforms, in an attempt to evaluate whether there is transparency and fair play in online campaigning.

The Social Inclusiveness area has maintained its focus and the five main indicators: (1) Access to media for local/regional communities and for community media; (2) Access to media for minorities; (3) Access to media for people with disabilities; (4) Access to media for women; and (5) Media literacy. Similarly to other areas, certain variables on the law's existence and implementation were merged to allow more nuanced assessments by the country teams, and to open up space for the introduction of new (digital) variables. The indicator on Access to media for women had to be revised, as the results from the Global Media Monitoring Project (included in MPM2017) were not available at the time of our data collection (the GMMP has not been updated since 2015, and new data collection is scheduled only for 2020). Instead, four variables were added, asking about the proportion of women among editors-in-chief in the leading news media in the country; whether women are represented in news and current affairs broadcasting in a way that is proportionate and free from stereotypes; whether the female experts are invited to comment in the media on informative and political programmes and in articles to the same extent as male experts; the percentage of women training for (and employed in) jobs with specialist ICT skills.

The most significant update in this area has occurred in the indicator Media literacy, which was amended to include the sub-indicator on the 'Protection against hate speech'. It is deemed that if people are more media literate they will understand better the consequences of hate speech and any other harmful or illegal speech online. Furthermore, in order to assess the digital competencies of individuals in a given country, it is not only basic digital skills that are considered (as was the case before), but also the percentage of the population that has above basic digital skills.

# 5.3. MPM2020 structure and calibration

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All of the questions in the MPM questionnaire are classified as variables. Variables are grouped into sub-indicators, and sub-indicators into indicators, which are integral parts of each MPM area. In addition, each question in the questionnaire has been classified as belonging to one of the four question types: Legal (L) questions, which are focused on whether or not a particular provision exists in a country's legal framework, and whether due process is in place to ensure the effectiveness of the legal safeguard; Socio-political (S) questions, which examine the actual practice (i.e., a reality check); while economic (E) questions were designed to assess the risk, based on the economic data that are related and that affect media pluralism (e.g., market revenues, audience shares). In order to determine the risk for each variable, sub-indicator and indicator, a standardised formula has been applied to the entire MPM questionnaire. The formula was designed by drawing from previous studies in which the indices were based on a list of questions/indicators where answers were calibrated on a scale from 0 to 1 (e.g., Giar-di, 2002; Hanretty, 2009). In other words, in the process of calibration, quantitative and qualitative answers of both a dichotomous (e.g., yes - no) and a polychotomous (e.g., low, medium, high risk) nature have been transformed into a scale ranging from 0 to 1 in assigning values to the answers of the Monitor. Each variable received a score from 0 to 1, according to the answer to the specific question, with scores closer to 0 pointing to a low risk assessment, and those closer to 1 pointing to a high risk assessment. Specifically, answers whose response type was yes/no, were coded as 0 or 1. Questions with a three-option reply (low, medium, high risk) were coded as 0, 0.5 or 1, according to their risk assessment. The same calibration was applied to most of the Economic questions (E), whose answers were firstly transformed into qualitative replies (low, medium, high risk), based on pre-set benchmarks.

The MPM allows the possibility to answer by using the options 'not applicable' and 'no data' for all of the questions. The option 'not applicable' was introduced in MPM2015 to better capture the specificities of the national contexts and to allow for the exclusion of questions which are irrelevant to, or that are totally inapplicable to, a country's media system. For example, if a country does not have any state subsidy for the media, the questions relating to the existence and implementation of the legislation to ensure fair and transparent allocation were coded as 'not applicable'. This reply option was also used with logically dependent variables. For example, if the variable question asks whether there is a law that aims to protect the freedom of expression, and the answer to this question is 'no', then the following variable which asks about the effectiveness of the law, is coded as 'not applicable'. All the questions coded as 'not applicable' are excluded from the final calculation.

# 5.4. Assessing the risk of lack of data

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As the previous implementations have shown, some of the data - mostly those relating to economic factors- are missing across many of the EU Member States, and in order to better capture this information, the Monitor allows the option of a 'no data' answer. Following the choice of this answer, the country teams were asked to evaluate whether the lack of data represents a transparency problem within their national context, i.e., to evaluate whether the lack of data should be seen as being problematic in their country. In this way, the specific characteristics of the national context were accounted for, since there may be a variety of reasons why certain data are not available/accessible across EU Member States and Candidate Countries, and not all of these reasons may be causes for concern. In order to ensure that all 'no data' answers have contributed to national risk assessments in the same way, a standardised procedure to assign values to the 'no data' answers was developed by the CMPF. According to this procedure, each 'no data' answer was coded and assigned one of the following five possible values: 1) Very Low Risk: a value of 0.00; 2) Low Risk: a value of 0.25; 3) High Risk: a value of 0.75; 4) Very High Risk: a value of 1; 5) Missing data was interpreted as a 'not applicable' and was excluded from the analysis.

Compared to the methodology of MPM2017, the range of possible values was extended, introducing two more options: Very Low Risk and Very High Risk. CMPF introduced these additional options to take into better account the widespread problem of market data collection, particularly in digital businesses. Their absence can be derived from technical issues (i.e., metrics of measurement which do not allow the assessment of concentration, or of extreme fragmentation of the market), by lack of institutional commitment (delays by the Media and Competition authorities in updating their monitoring to digital markets), by a lack of transparency, or by the growing role of cross-border companies. If not due to technical reasons, the lack of data in market indicators on revenues and audiences can be coded as a Very High Risk.

The number of the 'missing data' values was limited, as much as possible, and was adopted only as a residual category in cases where comments that evaluated the reason behind the lack of data were missing, incomplete, or were impossible to interpret. In normal cases, the following procedure was applied: firstly, if a local team took a position



in the answer, indicating that a high risk was present, or, in contrast, that the lack of data was not problematic, the CMPF followed this suggestion and coded it accordingly as 'no data', with either a low or a high risk value. In cases where the answer was vague, or where its meaning had to be deduced, the following criteria were considered: a) taking into account the local context: if the data are not collected because they are considered to be of limited interest, e.g., because the country is too small to collect detailed information, because a particular medium has a very limited reach, etc., a 'low risk' value was assigned; b) if there was an evasion of a legal requirement to collect the lacking data, a 'high risk' value was assigned.

In the implementation of MPM2020, the lack of data in the Market area emerged as a growing phenomenon. The evaluation of the lack of data in this area has therefore been updated, introducing the "very high risk" option (see above), and the following criteria:

a) for questions requiring the audience data and the revenue/market share data: • if the country presents data on audience, but not on revenues/market share, and vice versa: the 'No data' answer is given a 'missing data' value, meaning that the findings are based on the available variable alone. In other words, the missing data is considered to be optional, being as the audience measurement, or the revenue measurement alone, are sufficient to assess the concentration and trends in the market. • if the country produces neither data on the audience, nor on the market share: the lack of market shares' data is coded as being "very high risk", and the lack of audience share data as being 'missing data'. • the same criteria apply to digital variables on the market and the audience, unless the lack of data is due to technical reasons (see above).

b) for questions requiring the revenue and employment data in Media Viability: data on revenues indicate the viability of the market, data on employment indicate the state of the profession and the viability of the labour market for journalists. • if the country presents data on revenues, but not on employment, and vice versa: the 'No data' answer is given a "missing data" value, meaning that the findings are based on the available variable. • if the country presents neither data on revenues nor on employment: the lack of revenue trends data is coded as high risk, the other as being "missing data"; • for local media trends: the same method is applied, unless the country teams assess that, considering historical, geographical and political features, the local media are not relevant in the country. In this case, 'No data' answers have been coded as 'Missing data' for both Revenues and Employment).

c) for questions asking about advertising resources' data in Media viability: MPM2020 aims to assess the advertising expenditure which goes to the news media, considering it relevant for Media Viability, both in traditional and digital environments; their reliable availability is also a condition of transparency and contendibility of the market. The lack of data on online and/or offline advertising (variables 101 and 102) is therefore marked as High Risk. The final variable (103, total advertising for news media, online + offline) is a result of the first two, therefore, in the case of a lack of data of one or both, it is marked as 'Missing data' (to avoid marking the risk twice).

All 'no data' assigned values have been double coded by CMPF, meaning that two independent coders assigned one of the three values to each 'no data' answer. In cases where the coders disagreed, a discussion was held between the coders until a consensus on the final value was achieved.

# 5.5. MPM2020 aggregation method

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The aggregation method relied on approaches used in previous studies (for an overview, see Hanretty and Koop, 2012), but taking into account the traditions and logic of the Media Pluralism Monitor project. Specifically, the method is based on the mean of the item scores, used as the most common aggregation method in calculating indices, and was updated to take into account the logic of the MPM, which has traditionally relied on the groupings of legal, socio-political and economic variables. Consequently, the procedure for establishing the risk assessment of an Indicator was as follows: 1) calculate the mean of L variables within the sub-indicator; 2) calculate the mean of E variables within the sub-indicator; 3) calculate the mean of S variables within the sub-indicator; 4) calculate the mean of 1), 2) and 3). This is the result of the sub-indicator. 5) the value of the indicator is calculated as the mean of all its sub-indicators. Finally, the risk assessment of the area is calculated as the mean of all its indicators (five per area). It should be noted that all values were presented as percentages for ease of use and interpretation (e.g., a score of 0.46 is presented as a risk of 46%). The results for each area and indicator are presented on a scale from 0% to 100%. Scores between 0 and 33% are considered to be low risk, 34 to 66% are considered to be a medium risk, while those between 67 and 100% are thought of as high risk. On the level of indicators, scores of 0 were rated as 3%, and scores of 100 were rated as 97%, by default, in order to avoid an assessment of a total absence or certainty of risk, concepts that are in contrast with the natural logic of the MPM tool. This trimming of the extreme values, as a methodological novelty that was introduced in MPM2016, was developed in collaboration with Gianni Betti, Professor of Statistics at the University of Siena.

The procedure for determining the risk assessment of variables, sub-indicators, indicators and areas, detailed above, allowed the MPM to benefit from a standardised formula for all levels of the Monitor. This enhanced the comparability of results among the different levels of the Monitor, decreased the arbitrariness in assessing the risk assessments of the various indicators, and, overall, this increased the validity and reliability of the findings. Furthermore, this formula also contributed to establishing a better balance between the evaluation of the legal framework (L variables) with the evaluation of the actual practice, captured by socio-political and economic variables. Finally, the MPM formula also enabled the establishment of risk assessments which are better tailored to the specificities of the national contexts (through the introduction of the ‘not applicable’ and ‘no data’ answers). In this way, the differences between the Member States were better captured and reflected in the risk scores.

# 5.6. Data collection and research network

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Given that the MPM's research design rests on two main methods - a questionnaire and a group of experts' evaluation - two main types of data were collected during its implementation - answers to the questionnaire, and comments from the experts who were engaged in the evaluation of the answers.

The MPM2020 research network was mostly confirmed from 2017, in an effort, as much as it was possible, to ensure continuity, and therefore comparability. The questionnaire was answered by national teams that were composed of renowned experts in media pluralism and media freedom in each of the countries analysed. In Italy, the data collection was carried out directly by the CMPF team. As in previous implementations, cooperation with national teams of experts proved to be essential during the implementation of the MPM2020. Firstly, due to the necessity of relying on secondary data, which is often in the native language, it was essential to have local experts who were able to collect these data, but also to evaluate their reliability and validity. Another benefit of using a local team to implement the Monitor was the ability to build on their access to their local networks, particularly access to the local stakeholders. Given that one of the objectives of this project is to establish and maintain contacts with the relevant stakeholders, local teams' input in growing the network of informed stakeholders who join in the discussions on media pluralism, has proven to be invaluable. Finally, local teams are fundamental in providing answers to socio-political questions. In answering some of these questions, local teams have to provide their expert evaluation, since objective ways of measurement are sometimes missing. Hence, having a reliable and independent local team, which consists of renowned experts in this field, was crucial for the implementation of this project.

Figure 6.6.a. MPM2020 Country teams

Country	Affiliation	Name
Austria	Institute for Comparative Media and Communication Studies (CMC)	Josef Seethaler, Maren Beaufort
Belgium	KU Leuven	Peggy Valcke, Ingrid Lambrecht
Bulgaria	Foundation Media Democracy	Orlin Spassov, Nelly Ognyanova, Nikoleta Daskalova
Croatia	Institute for Development and International Relations (IRMO)	Paško Bilić
Cyprus	Media consultants	Christophoros Christophorou, Nikolas Karides
The Czech Republic	Loughborough University	Vaclav Stetka, Roman Hajek
Denmark	Danish school of Media and Journalism (TBC)	Vibeke Borberg
Estonia	Media consultant	Andres Kõnno
Finland	University of Jyväskylä	Ville Manninen
France	Science Po	Thierry Vedel, Geisel Garcia Grana, Marjorie Grasser
Germany	University of Münster	Bernd Holznagel, Jan Kalbhenn
Greece	ELIAMEP	Evangelia Psychogiopoulou, Anna Kandyla
Hungary	Eötvös Loránd University	Batorfy Attila, Hammer Ferenc, Galambosi Eszter
Ireland	Dublin City University	Roddy Flynn
Italy	CMPF	Elda Brogi, Roberta Carlini
Latvia	Riga Stradins University	Anda Rozukalne
Lithuania	Vytautas Magnus University	Aukse Balcytiene, Kristina Juraite
Luxembourg	University of Luxembourg	Raphael Kies, Mohamed Hamdi

The Netherlands	University of Leuven	Mara Rossini
Malta	University of Malta	Louiselle Vassallo
Poland	Jagiellonian University, Kraków	Beata Klimkiewicz
Portugal	Universidade Nova de Lisboa	Francisco Rui Nunes Cádima
Romania	Median Research Centre	Marina Popescu, Roxana Bodea, Raluca Toma
Slovakia	Media consultant	Zeljko Martin Sampor
Slovenia	University of Ljubljana	Marko Milosavljevic
Spain	Universitat Ramon Llull	Pere Masip, Carlos Ruiz Caballero, Jaume Suau
Sweden	University of Gothenburg	Mathias A. Färdigh
United Kingdom	University of Edinburgh	Rachael Craufurd Smith, Paolo Cavaliere
Turkey	Galatasaray University and Bahcesehir University	Yasemin Inceoglu, Ceren Sozeri, Tirse Erbaysal Filibeli
Albania	BIRN Albania	Kristina Voko, Besar Likmeta

# 6. Conclusions and recommendations

The results of the 2020 Media Pluralism Monitor are in line with the main findings of the previous rounds of the MPM's implementation and confirm the fact that, based on a holistic analysis none of the analysed countries are free from risks to media pluralism. The results are not mitigated by the wider focus that the MPM2020 devotes to the risks and opportunities for media pluralism in the digital environment, as the findings show either a substantial stagnation or a deterioration in all of four major areas that are covered by the MPM.

Even though the two MPM exercises (MPM2017 and MPM2020) are not fully comparable because of the changes in the MPM questionnaires and the different candidate countries analysed, it is interesting to see that the trends are similar. The introduction of a specific analysis on digital platforms in the Market Plurality area has substantially raised the risk score of this area.

Detailed results for each of the 30 countries analysed in the MPM2020 can be found in the country narrative reports, which are produced by the country teams, as listed in Section 6.6 of this report.

Below, we provide a brief summary of the main findings of the MPM2020 and some recommendations that are based on the analysis.

# Basic Protection

In the MPM2020 round of implementation, **Protection of freedom of expression** shows a worsening trend when compared to MPM2017. While freedom of expression is, in general, well protected, in terms of constitutional and legal safeguards that are formally compliant with international standards, freedom of expression is sometimes challenged. The following challenges have been flagged: the criminalisation of defamation, given that imprisonment or exorbitant fines are potentially disproportionate measures and the consequent chilling effect on journalists; the use of strategic lawsuits against public participation (SLAPPs) often employed to intimidate journalists; high damages requests; the dubious efficiency of the judiciary, or its political capture.

In the online sphere, both public and non-public actors have a key role to play in ensuring that freedom of expression is not undermined. With regard to public actors, most of the states do not limit freedom of expression online through general blocking or filtering measures. The MPM analysis shows that content moderation with regard to freedom of expression online is an element of concern, as online platforms and social media are usually not transparent in relation to their content moderation practices,

and do not provide sufficient data to evaluate their filtering/removal/blocking of online content practices and, consequently, their impacts on freedom of expression online. The European Union has developed and fostered a set of measures that constitute a first attempt to tackle, for instance, hate speech and online disinformation in a multi-dimensional and holistic way, bearing in mind the democratic values that are at the core of the EU, including the integrity of electoral processes.

Transparency of public administration is still not fully guaranteed in the countries that are analysed in the MPM2020, as the indicator on **Protection of right to information** reports a medium risk within the Basic Protection area. Poor implementation of legislation on freedom of information and minimal or inexistent protection for whistle-blowers, result in a risk for many EU member states.

The murders of Ján Kuciak and Marina Kušnírova in Slovakia, in 2018, and the killing of Lyra Catherine McKee in Northern Ireland, in 2019, have sadly confirmed that the safety of journalists is an issue in Europe. The investigations into the murder of Daphne Caruana Galizia, in 2017 in Malta, only resulted in the identification of the suspected mastermind of the crime in 2019. The increasing risk for the indicator on the **Journalistic profession standards and protection** is justified by the rising number of cases of attacks and threats to journalists as a consequence of their work, threats that occur both on- and offline, by the deteriorating working conditions for journalists, by the lack of initiatives on behalf of the state to guarantee an enabling environment for journalists to work in without fear. Governments are, instead, sometimes actually hindering conditions for journalism, and some of them do not seem to do enough to bring the perpetrators to justice. Recent EU-funded projects (A Europe-wide response mechanism for violation of press and media freedom<sup>64</sup>) and the Council of Europe Platform to promote the protection of journalism<sup>65</sup> and the safety of journalists, are remarkable initiatives for the protection of journalists and for countering impunity.

This indicator also shows that, despite the 2014 decision of the Court of Justice of the European Union (Digital Rights Ireland, and Seitlinger and Others<sup>66</sup>), in which the Court repealed the Data Retention Directive, half of the EU Member States still have national laws that establish data retention obligations for Electronic Telecommunications Operators and Internet Service Providers which are not fully in line with the guidance provided by the CJEU. The same logic applies to the need for Member States' law "to reconcile the rules governing freedom of expression and information, including journalistic [...] with the right to the protection of personal data"<sup>67</sup>; although, in this case, most EU Member States have already transposed such rules into their national

64 <https://ec.europa.eu/digital-single-market/en/news/pilot-project-europe-wide-response-mechanism-violation-press-and-media-freedom>

65 <https://www.coe.int/en/web/media-freedom>

66 Court of Justice of the European Union. Joined Cases C-293/12 and C-594/12 (Digital Rights Ireland and Seitlinger and Others)

67 Recital 153 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)



laws, implementing and transposing, respectively, the provisions of the GDPR<sup>68</sup> and of Directive (EU) 2016/680,<sup>69</sup> a few EU Member States still have to properly address this issue in their national legislation.

Media authorities are increasingly becoming key actors in regulating media, including online, in Europe. Competition and data protection authorities can also play a role in this regard. Regulators can play a crucial role in defining the standards for media policies in a media environment that is being dramatically and constantly changed by new digital markets and services. Their independence from economic and political interests should, therefore, be guaranteed. The indicator on **Independence and the effectiveness of the media authority** highlights, instead, that not all the authorities can be considered to be free from influences, both due to the manner of appointment of their boards and when implementing their remit.

The Indicator on **Universal reach of traditional media and access to the internet** reflects the increasingly high standards of coverage and connectivity in the European Union, and the importance of access to the internet and good connectivity allowing access to quality content on the web. It addresses some geographical inequalities.

## Recommendations

The results of MPM2020 in the area of Basic Protection confirm the trends of previous MPM implementations, namely a gradual deterioration of principles and pre-conditions of a plural and democratic media system:

- States have a **positive obligation to guarantee an enabling environment for journalists**, as expressed by the European Court of Human Rights in its case-law.
- States also have a duty to deploy all means to avoid impunity for crimes that are linked to journalism.
- The governments must not only refrain from any unjustified interference with individuals' freedom of expression, but must also proactively protect the individual's right to freedom of expression in the case of any kind of intimidation.
- **Anti-SLAPP laws** may be useful regulatory tools that can boost a favourable environment for participation in public debate by all citizens, enabling them to express and impart opinions and ideas without fear.

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68 Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

69 Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA

As far as self-regulatory policy solutions to limit the dissemination of disinformation and hate speech online have been fostered at the EU level,

- It is of utmost importance that **online platforms are transparent and accountable** for the measures they deploy to limit some specific content, the reasoning behind content moderation and the effective outcome of these efforts.
- It must be stressed that the effectiveness of the self-regulatory instruments that are in place rely upon the good will and practices of the signatories.
- The assessment of content moderation should be better structured and based on common reporting standards and measurements, in order to overcome the diversity of reporting in terms of speed and scope, as well as differences across platforms and operators. On top of this, reporting activities should allow easier comparisons and should also be checked through non-biased data repositories.
- It is also essential that **national regulatory authorities** are involved, preferably within a multi-stakeholder governance that involves all relevant actors, in the process of analysing and monitoring platforms' practices, and that they can equally rely on reporting practices that follow similar standards across Europe.

It is a matter of fact that, amongst media authorities, some are less equipped to study and evaluate the data and dynamics of the online media sphere.

- ERGA should work as a means through which to share best practices and to support a common standard to be used to monitor the implementation of the self-regulatory codes on online content moderation.
- **The Independence of the media authorities** is of paramount importance in the new digital environment and it must be fostered, firstly, at the national level, but also through formal or informal peer review systems at the EU level.
- Media authorities also should be able to co-ordinate with other independent authorities that are relevant in the governance of the online media sector, such as communication authorities, competition authorities and data protection authorities. A **closer institutional cooperation** between these bodies is recommended, as the media sector is increasingly intertwined with data protection regulation, essential facilities regulations and competition policies.

# Market Plurality

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**Transparency of media ownership** is an essential pre-condition for any reliable analysis on the plurality of a given media market; it is necessary not only to conduct informed regulatory, competition and policy processes, but also to enable the public to evaluate the information and opinions that are disseminated by the media.<sup>70</sup> The results of MPM2020 show that, in EU+2, transparency of media ownership is at medium risk (52%). Only 4 countries are at low risk and 5 score a high risk. This outcome is due to the lack of effectiveness of legal provisions and/or to the fact that information is provided to public bodies, but not to the public. The higher risks come from the lack of transparency on ultimate ownership. Another source of concern is the opacity of media ownership when it comes to cross-border media, whose reach is enlarged in the digital environment.

**News media concentration** threatens media pluralism, as the coexistence of a plurality of independent news providers, competing in an even playing field, is essential for the external pluralism on the supply side. The MPM2020 assessment confirms that the media market in EU+2 is structurally highly concentrated. The risks are related to the horizontal concentration (which measures market power in each sector), particularly in audiovisual and radio services, and to cross-media concentration. No country is at low risk. A comparison with the MPM2017 implementation shows that ownership concentration has increased; this trend may be due to a defensive move in order to face the digital disruption of the traditional business model of the media industry; on the other hand, the MPM2020 assessment highlights that the digital news media sector is only slightly less concentrated than the legacy one - with the digital outlets of the legacy media dominating the market almost everywhere.

In the digital ecosystem of the media, the threats to market plurality can arise not only on the production side, but also in the distribution of (and access to) information. The indicator on **Online platform concentration and competition enforcement** has been tested in the MPM2020 implementation for the first time. It scores a high risk (73%), with no country being at low risk among the 30 that are covered by the survey. The score of the sub-indicator on gateways to news is particularly alarming, with a high risk at 81%. The MPM assessment shows that, in EU+2, the access to news online is mostly indirect (in 18 countries), via a data-driven gateway, and that in the online advertising market 21 countries score as being at high risk, while in the other 9, there are no publicly available data on the market shares (see below).

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70 Council of Europe (2018), par. 4.1: “States should promote a regime of transparency of media ownership that ensures the public availability and accessibility of accurate, up-to-date data concerning direct and beneficial ownership of the media, as well as other interests that influence the strategic decision making of the media in question or its editorial line. This information is necessary for media regulatory and other relevant bodies to be able to conduct informed regulatory and decision-making processes. It also enables the public to analyse and evaluate the information, ideas and opinions disseminated by the media.”

The sub-indicator on competition enforcement aims to assess the extent to which the evolution of competition and the regulatory framework are coping with the digital platforms' market dominance. The average result is a medium risk, at 65%, reflecting the attempts of several national competition authorities and media regulators (and, in some cases, also media and competition policies) to update their tools to include the digital environment.

**Media viability** has worsened since MPM2017. The indicator considers market revenues and journalistic employment trends, the evolution of the online advertising market, the development of new models for media sustainability, and the role of regulatory incentives. It scores as a medium risk (56%), while it was at low risk in the previous implementation of the MPM. The risks come mostly from the difficulties of newspapers (80%) and the local media (76%). While the audiovisual, radio and digital sectors are coping with the double impact on the sector of the economic downturn and the digital challenge, the press industry and the local media are in a deep and almost generalised decline. Signals of resilience can be seen, in some countries, in the rise of online advertisement resources and in the development of alternative business models for the news media. The sub-indicator on media market resources scores, on average, a medium risk, at 42%. Public support schemes have not been strengthened to face the news media crisis: the sub-indicator on regulatory incentives scores as a medium risk, at 63%.

Risks to market plurality may arise also from business influences on editorial content. The indicator on **Commercial and owner influence over editorial content** is at medium risk (60%), reflecting mostly the absence (or poor effectiveness) of guarantees in the appointments and dismissals of the editor-in-chiefs, and journalists' protection in cases of changes of ownership and editorial line. In MPM2017, the risk for this indicator was at 55%. The worsening conditions of Media viability - together with the growth of the phenomenon of precarious employment among journalists - may have contributed to the rising risks in this indicator.

## Recommendations

The interaction of the high concentration in the news media and in news intermediaries' ownership with weak Media viability and strong commercial and owner's influences on editorial content may represent a severe source of risk to media pluralism. The score of all the indicators for the Market plurality area therefore requires a combined reading of the specific results.

The most alarming risks come from ownership concentration and media viability. On one hand, the news media industry has become more concentrated - the traditional high concentration in the legacy media, mostly audiovisual, is not being offset by digital news media competition; on the other hand, indicators on ownership concentration in the larger digital environment - where the role of intermediaries is at stake - show an even higher market dominance. This can, in turn, beget further concentration in the media industry.

In the digital environment, the threats to market plurality risk to outpace the opportunities of the new ecosystem of the media . This challenge has to be faced with the combined policies of competition enforcement, regulation framework and updated regulatory/fiscal tools to support professional and investigative journalism, using the advantages, in terms of production costs and the availability of news, which the digital revolution allows. We propose the following recommendations:

- **strengthen the transparency of media ownership and ultimate ownership**, updating the national law with media-specific provisions. Guarantee public access to the information retained by the public bodies; update laws and regulation for cross-border news media ownership at the EU level.
- **update the legal framework and the tools of the competition policy** regarding the media, at both the EU and the national level, to include the digital platforms in the competition enforcement; provide a new regulatory framework for the media system as a whole (information providers and digital intermediaries).
- **identify official and shared standards for data collection and independent sources of data**, at the EU level, on access to news, market and audience shares, media revenues and employment trends; harmonise national media authorities' data collection; use the co-regulation tools to collect these data from market players.
- **rethink regulatory incentives, which could help media viability**, and therefore media pluralism. These tools have to be carefully managed, as, in some contexts, they might be used by governments as a way to influence media content and editorial autonomy. From this perspective, a form of “**digital service tax**” (hopefully, harmonised at a supranational level) could help media pluralism in two ways: by reducing the disparity in the fiscal burden between industries which are players in the same market; and by earmarking a part of the DST's revenue to support media pluralism.
- By addressing the growing influence of non-editorial interests on information content: the effectiveness of legal and regulatory safeguards for journalists have to be strengthened, in the legacy as well as the digital media; law and regulation on advertorials have to be updated to cover the digital native advertising; and, from a more general perspective, **journalist's working conditions should be improved**, which would help their independence and the effectiveness of self-regulation on this matter.

# Political Independence

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The overall medium risk score for the indicator on the **Political independence of the media** warns about the political capture of the media being a widespread phenomenon across both the EU and the candidate countries. At the moment, the problem seems to be more prevalent with regard to the legacy media: newspapers and audiovisual media are evaluated as being at much higher risk of political control than the digital native media. The laws to prevent conflicts of interest are usually inadequate for a media specific field, are not applicable to online media ownership, or are not effectively implemented. In the online sphere, a problem of a lack of transparency of native digital media ownership and editorials has been noted. Political influence over commercial media continues to be exercised via informal networks and power alliances between owners and political actors.

**Editorial autonomy** continues to be the highest scoring indicator in the Political independence area of the Monitor. Effective protection of editorial autonomy (mainly through self-regulation) has been shown to be one of the weakest links in ensuring political pluralism in traditional media environments, and it does not show any improvement in the online sphere, as journalists seem to lack autonomy in self-regulating their professional standards and activities on the social media.

The indicator on **Audiovisual media, online platforms and elections** is the lowest risk scoring Indicator in this area, but its component on Rules on political advertising online is one of the most problematic sub-indicators in the MPM2020. While political advertising in the audiovisual media, especially public service media, is strongly regulated across Europe, the online sphere is almost totally unregulated. Two thirds of the countries do not require from political parties, candidates and lists competing in elections to report on campaign spending on online platforms in a transparent manner. In the majority of countries, serious issues were noted in the implementation of the *Code of Practice on Disinformation* as regards clearly labelling and registering political and issue-based advertising as such, and indicating who paid for it. In 20 of 30 countries, the data protection authorities do not take sufficient account of this and do not monitor the use of personal data on individuals by political parties for electoral campaigning purposes.

In a situation in which media organisations struggle to survive, the **State regulation of resources and support to the media sector** may be helpful, but may also be detrimental depending on the dynamics. In more than a third of the countries, there are no direct

subsidies for the media. The risk is that, when they exist, they become an instrument for political capture if the criteria for the distribution of direct and indirect subsidies are unclear, and if, in practice, they are not transparent. State advertising - any advertising paid for by governments (national, regional, local) and state-owned institutions and companies to the media - scores as a high risk in more than two thirds of countries, because they lack the legislation to ensure fair and transparent rules on the distribution of state advertising to media outlets, and, in practice, there is a lack of transparency in regard to the beneficiaries and the amounts spent.

The **Independence of public service media governance and funding** indicator is at medium or high risk in 20 countries. Appointment procedures for the management of the PSM lack proper safeguards and remain largely vulnerable to political influence.

## Recommendations

If political pluralism is to be achieved, mechanisms should be put in place and effectively implemented to prevent all political actors from undue interventions in the media market, and attempts to influence editorial decisions or public opinion more directly by using the affordances of online platforms. Political pluralism is especially important in the case of the public service media. The following actions are thus suggested:

- **Full transparency of media ownership, management and top editorial positions** should be ensured, including those in the digital native media. One of the key conditions in a healthy democracy is that the media are free, but also that the media are responsible. This information helps to distinguish credible media outlets from those spreading disinformation, hoaxes, and extremely partisan news. This can be achieved through effective self-regulation.
- In many countries in Europe, the media, especially local/regional and community media, can hardly ensure sustainability without the help of the state, in the form of subsidies. However, the distribution of these subsidies needs to be clearly regulated to ensure fair distribution and transparency. Furthermore, regular monitoring should be carried out by a supervisory board that is composed of different stakeholders (e.g., representatives of journalists' associations, unions, academics, etc.). In the same vein, the **state advertising needs to be regulated with clear criteria for distribution and transparent procedures**, including regular reporting on who the beneficiaries are, and what amounts were received.
- **Appointment procedures for the public service media require thorough revision** to ensure that these media do indeed serve the public and that they are not influenced by political interests. The debate that is aimed at proposing good models for the appointment procedures, could perhaps be initiated by the European Broadcasting Union and by associations of journalists, associations of users, and other stakeholders.

- As political communication and advertising are increasingly shifting to online platforms, and citizens are increasingly using these platforms as a source of news and (political) information, it is of **utmost importance that measures are put in place to ensure transparency of the actors, techniques, contents, and amounts spent on political advertising online**. Self-regulation of platforms seems not to be adequate, but very little has been done to ensure transparency by the political actors themselves. Furthermore, data protection authorities have been empowered by the GDPR to act proactively in this field and should use the given powers more. They should also establish functional cooperation with the media authorities.
- Journalists and their professional associations should engage more in creating effective self-regulation for an era in which journalism is increasingly produced and promoted outside traditional conventions and via online platforms.

# Social Inclusiveness

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Unlike the previous MPM implementations, when Access to the media for women was the indicator with the highest risk score in the Social inclusiveness area, in the MPM2020 **Access to media for minorities**, especially for minorities that are not recognised by law, acquires the highest risk. In more than half of the countries, most minorities do not have access to airtime, or the airtime provided is not proportional to the size of their populations in the country. Of high concern is that many of the public service media do not provide adequate access for minorities, considering their remit and role in society. This indicates that many ethnic and religious minorities are struggling for a voice and for just representation, which is of particular concern considering the influx of refugees and migrants to Europe in the last few years.

More than two thirds of the countries scored in the medium or high risk band on **Access to media for local/regional communities and community media**. In the majority of the countries, community media are not recognised as a unique category by media law, and their sustainability and independence, including access to subsidies, is often guarded only by the general provisions of a media law. In one third of the countries, the state does not support regional/local media with subsidies. Even in countries where subsidies are available, these can be misused to support only those media that are not critical of (local) governments if no clear criteria regarding the distribution of subsidies are put in place.



The indicator on **Access to media for people with disabilities** continuously acquires the lowest risk in the Social Inclusiveness area, yet falls within the medium risk band. Almost all countries have legislation in place that requires access services for people with disabilities. In practice, in more than half of the countries, subtitles, signing and sound descriptions in the audiovisual media for people with hearing impairment are available only on an irregular basis, or in the less popular scheduling windows (medium risk). Audio descriptions for blind people are still not made available in almost one third of the countries.

**Women** continue to be heavily underrepresented in the managerial and top executive positions of both the public service and commercial media, as well as in the roles of editors-in chief. In none of the countries are female experts invited to comment in informative and political programmes and in articles to the same extent as male experts are. Male experts are evidently more often invited by the media to comment on political and other relevant matters and events than are female experts.

In the vast majority of countries (19), **media literacy** policies are available, but they are not comprehensive. In two thirds of countries, media literacy is absent from the compulsory education curriculum, or it is available only to a limited extent. A well-developed and comprehensive training programme in media literacy for teachers is provided in 6 countries only. While most indicators in the area have maintained their composition, the Media literacy indicator has been expanded to include the risks related to hate speech online. The competencies within media literacy can educate and empower individuals to respond adequately to perceived hate speech. Furthermore, media literacy initiatives can also aim to inform individuals about legal frameworks and the consequences of that kind of speech, in order to raise awareness and improve the culture of communication online. Efforts to remove hate speech against ethnic or religious minorities, or women, from the social media have not been effective or there have been no such efforts in the vast majority of countries. Moreover, the research into this issue is still insufficient.

## Recommendations

If the media is to be truly inclusive and representative of society in its diversity, media organisations across Europe need to tackle the persistent lack of access to the media for minorities, and the gender imbalance in both executive positions and on-screen expert roles. Some of the suggested policy measures should include:

- Amending the contracts between governments and public service media in a country to include a **gender equality policy**, as a role model for other, commercial media.
- Ensuring better **representation of minority groups in the management and on the boards of public service media** (this can be achieved through revised appointment procedures).

- **Giving legal recognition and expanding funding opportunities for community media.** If introduced, “digital taxation” could provide funds for this subsidy. However, as already mentioned, the distribution of these subsidies needs to be clearly regulated to ensure fair distribution and transparency, and not used to become an instrument for political capture.
- **Media literacy strategies should be further developed in a comprehensive way and with measurable objectives.** This should include a systematic way to build media literacy skills through formal education, with regular monitoring of media use and observations of media users’ skills and competencies.
- The states and the EU should further support empirical research into the extent of hate speech against vulnerable groups online. The states should adopt a **protective scope of measures against hate speech** that is in line with international human rights principles.

The revision of the MPM tool to better capture the digital dimension of media pluralism and the data collection and analysis of the four areas of the MPM2020 across 30 countries show, also that primary data, which can be useful for better understanding and describing the new digital media ecosystem, are: scattered, collected by different and uncoordinated public institutions, or by authorities using different standards across European countries, not collected at all, or that are collected just for commercial and industrial purposes, and are not available to either the authorities or to citizens. A final recommendation of the MPM2020 is, therefore, for the EU, states, and media authorities, to effectively act to counter the opacity that seems to be a feature of the online sphere at many levels. It is recommended, therefore, that the member states, or the EU, **establish transparency obligations** for online platforms and social media, that might be helpful in defining the effective impact of online platforms on civil and political rights on the media economy, on political discourse and, in the end, on democracy.

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