

# MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

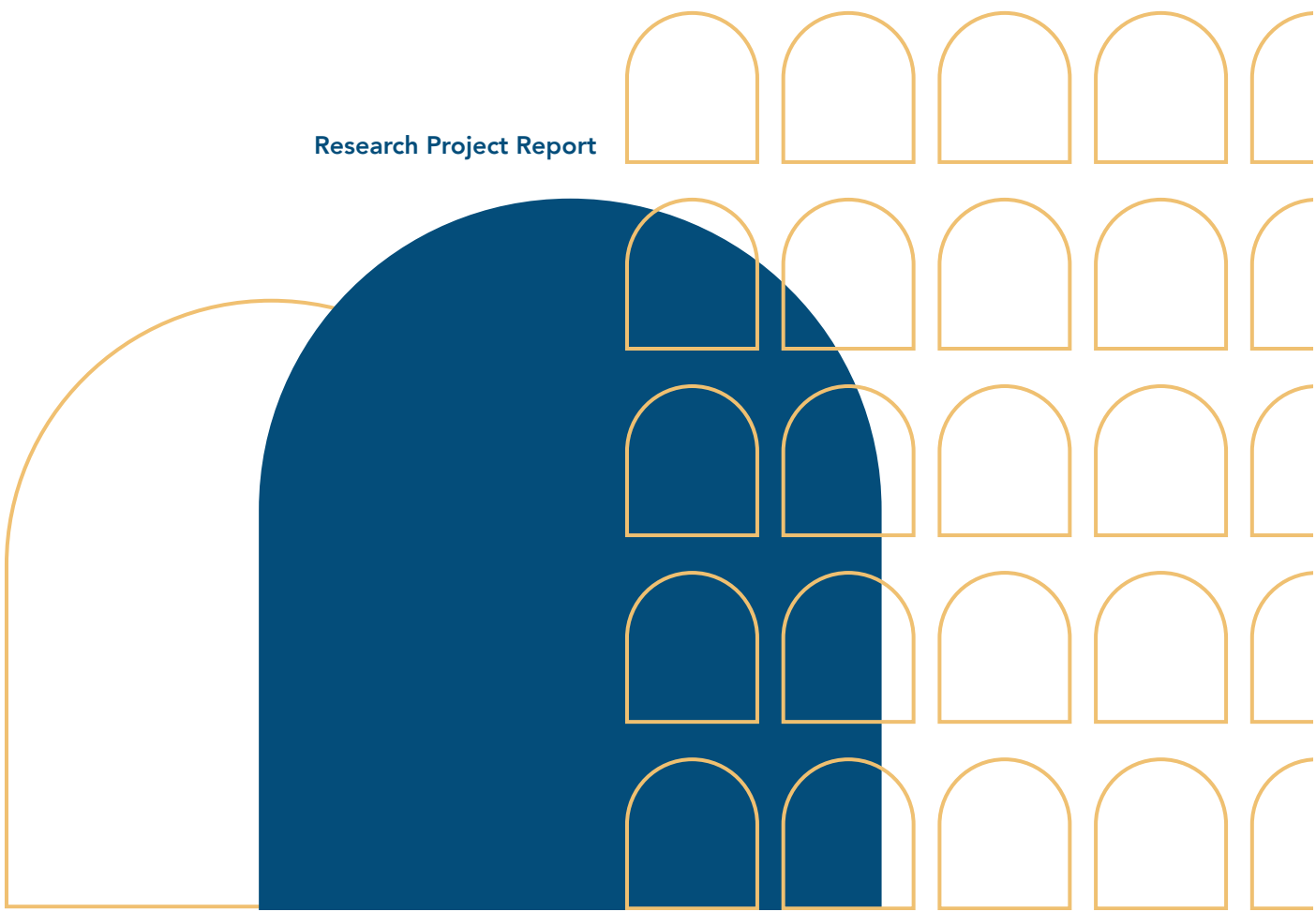
Media Pluralism in the Digital Era : Application of the Media Pluralism Monitor In the European Union, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the year 2022

Centre for Media Pluralism and Media Freedom

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Research Project Report



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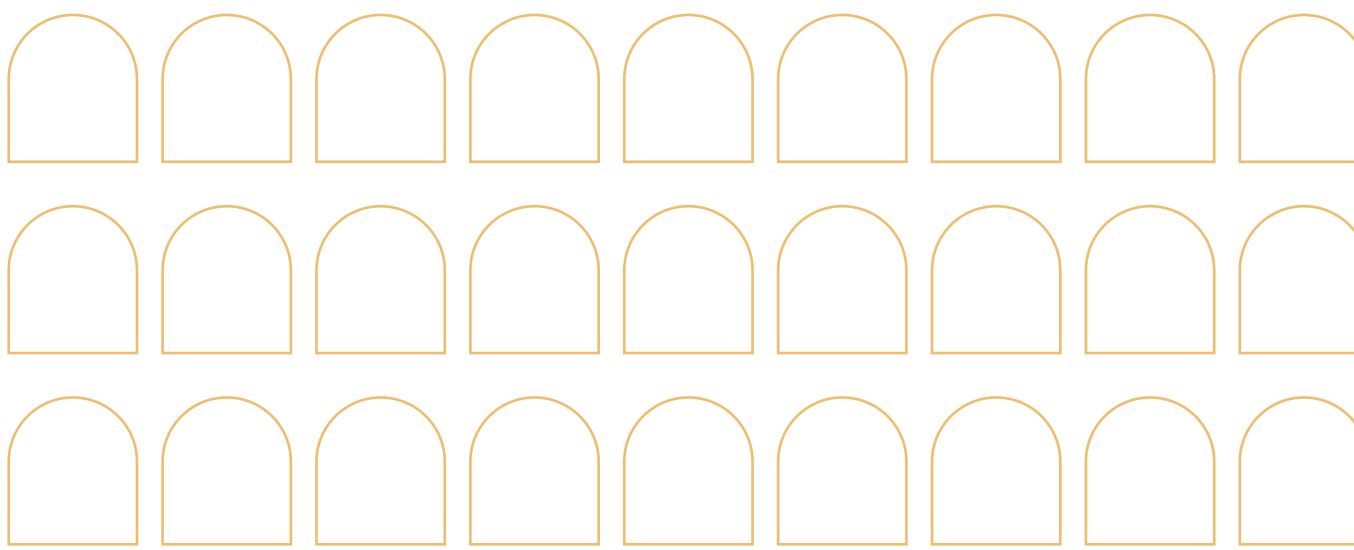
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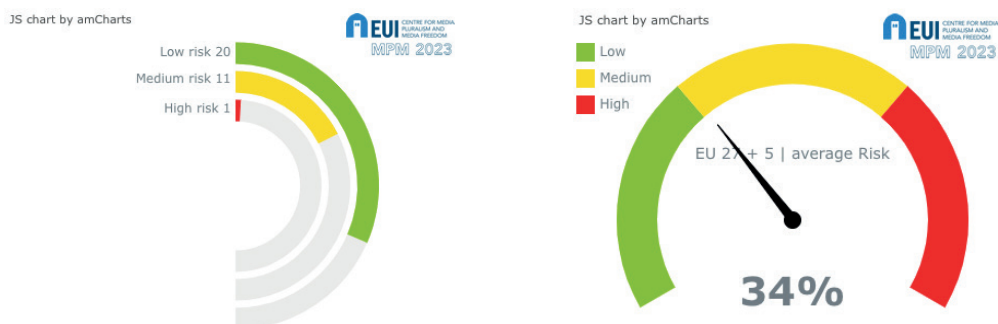
# 1. EXECUTIVE SUMMARY

*This report presents the results and the methodology of the Media Pluralism Monitor 2023, based on its implementation in 32 countries (27 EU member states and 5 candidate countries) for the year 2022. The Media Pluralism Monitor (MPM) is a tool that is geared to assessing the risks to media pluralism in both EU member states and in candidate countries. Since 2013/2014, it has been implemented on a regular basis by the Centre for Media Pluralism and Media Freedom, and on a yearly basis since 2020. This tool is based on a holistic perspective, taking into account the legal, political and economic variables that are relevant in analysing the levels of plurality in media systems in a democratic society.*

## **Fundamental Protection**

*The **Fundamental Protection** area of the MPM analyses the requirements for media pluralism and freedom, the existence of effective regulatory safeguards to protect freedom of expression and the right to seek, receive and impart information; favourable conditions for free and independent journalism; independent and effective media authorities; and the universal access to both traditional media and access to the Internet. The area also focuses on the challenges to the plurality of the media landscape that are posed by the specificities of the online environment. The MPM thus also assesses the protection of freedom of expression online, data protection online, the safety of journalists online, the levels of Internet connectivity, and the implementation of European net neutrality obligations.*

Figures 1a and b - Fundamental Protection - Risk Level



The general risk score for the **Fundamental Protection** area in the MPM2023 has decreased by one percentage point, from 35% to 34%, and it has remained in the medium-risk range, as in the MPM2022.

- From the 32 countries assessed in this edition, 20 scored as being at low risk: Austria, Belgium, Cyprus, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Portugal, Slovakia, Sweden, The Czech Republic, The Netherlands and The Republic of North Macedonia.
- France has moved from the medium-risk band to the low-risk one, primarily due to the strengthening of the legal protection of whistle-blowers.
- The risk level for Lithuania has also decreased by twelve percentage points, for The Netherlands by eight percentage points, and for Poland by eight percentage points.
- Eleven countries scored as being at medium risk: Albania, Bulgaria, Croatia, Greece, Hungary, Montenegro, Poland, Romania, Serbia, Slovenia and Spain.
- The only country that scored as being at high risk was Turkey, as in both the MPM2022 and MPM2021.

The situation in three of the five Indicators analysed under the **Fundamental Protection** area remained unchanged: **Protection of freedom of expression; Protection of the right to information; Journalistic profession, standards and protection.**

The indicator **Protection of freedom of expression** scored as being at medium risk, although just on the edge of being at low risk (34%). In 2022, some important developments concerning freedom of expression online happened at the EU level, with the most prominent being the EU sanctions imposed on the State-owned outlets RT/Russia Today and Sputnik, which were banned from broadcasting in the EU as a part of the broader

sanctions package against Russia following the invasion of Ukraine on 24 February 2022.

The indicator **Protection of the right to information** (42%) scored as being at medium risk. While the overall risk level has remained unchanged, if compared to the MPM2022, the situation in several of the EU member states and candidate countries has altered. In the MPM2023, 11 countries made it to the low-risk band, with Denmark and Sweden having retained their risk levels. In addition, Belgium, Finland, France, Germany, Latvia, Lithuania, Slovakia, The Czech Republic and The Netherlands have improved access to public-sector information, either de jure or de facto.

**Journalistic profession, standards and protection** (43%) also scored as being at medium risk. In 2022, one journalist was killed in the countries assessed, compared to three murders in 2021. Gngr Arslan, the publisher and chief editor of the local Turkish news portal *Ses Kocaeli*, died as a result of an armed attack in February 2022 (Filibeli et al., 2023). While life and physical safety has improved overall, mostly due to the fading COVID-19 pandemic and fewer protests linked to the attacks against journalists, online abuse has been continuously on the rise, often coming from the political elite, who should assist in creating safe and favourable conditions for independent journalism (Carlini et al., 2023; Christophorou & Karides, 2023). Working conditions also remained problematic in several of the countries assessed, with journalists being forced to become self-employed, although the nature of their work for the media outlets demonstrates all the elements of standard employment. With weak and unpopular journalistic associations (predominantly in Central and Eastern Europe), bargaining for better working conditions has proved difficult. In 2022, no country adopted a legal framework against strategic lawsuits against public participation (SLAPPs), despite an increasing number of SLAPPs being filed by the political and business elite to intimidate journalists and civic activists in many of the countries assessed (Bilic & Valecic, 2023; Milutinovic et al., 2023; Ouakrat & Laroche, 2023), with Poland being perceived to be the worst offender (Klimkiewicz, 2023).

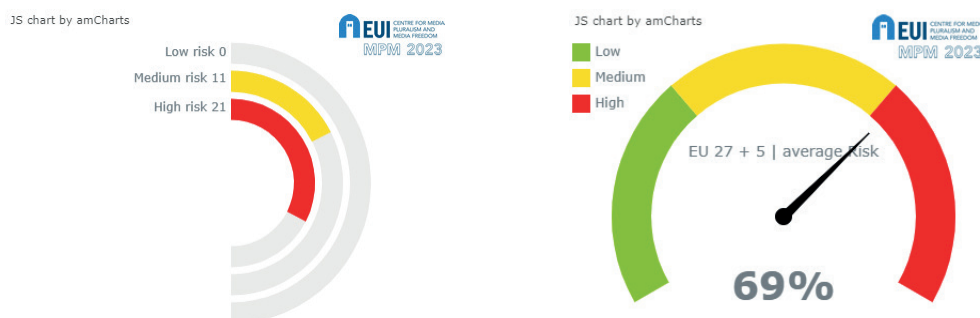
There was a minor deterioration in the indicator, **Independence and effectiveness of the media authority** (from 24% to 25% risk score). Except for Hungary, which scored a high risk, eight countries scored a medium risk (Albania, Bulgaria, Croatia, Greece, Poland, Serbia, Slovenia, and Turkey), and the vast majority (23 countries) were within the low-risk range. The sub-indicators demonstrating the highest risk under this indicator remained those relating to appointment procedures and the effective independence of the media authority.

A significant improvement was observed in the indicator **Universal reach of traditional media and access to the Internet** (from 32% to 26%) due to increased broadband coverage and the Internet access that occurred during and following the COVID-19 pandemic.



## Market Plurality

Figures 1c and d - Market Plurality - Risk Level



The **Market Plurality** area is designed to evaluate the risks arising from the economic context in which the media operate. It aims to assess the degree of external pluralism, understood not only in terms of the existence of different media providers that are in competition in the media market, but also taking into consideration the existence of the different and competitive offer(s) in the distribution of (and access to) the media; transparency of the media ownership; editorial integrity and the autonomy of journalists from business influence; economic sustainability of the media. This broad perspective requires the inclusion of in the assessment of this area all the actors that have a role in the media market, both in the production and in the distribution side: the media providers and the other actors in the media ecosystem, such as the online platforms and search engines.

In MPM2023, the risk associated with the Market Plurality area increases, and the average risk level reaches 69%, thus falling into the high-risk range. The main drivers of risk are related to the concentration of the markets, meaning by this the media ownership concentration with regard to the media providers, and the dominance of only a few platforms with regard to the digital intermediaries in the distribution of media content. This tendency had already been seen in past years, and it is shown to have continued in this year of assessment. In addition, the year 2022 has been characterised by a generalised economic downturn and high inflation, whose impact on media viability is visible in the results. It is worth noting that, in this area, the differences among the countries are less pronounced than in other areas: not only are there no countries that are at low risk, but several of them tend to crowd around the threshold that divides the medium band from the high risk one.

In the **Market Plurality** area, the implementation of the MPM2023 shows that:

- no country is at low risk;
- 11 countries are at medium risk: Croatia, Denmark, France, Germany, Italy, Latvia, Luxembourg, Portugal, Sweden, The Netherlands, The Republic of North Macedonia;
- the remaining 21 countries are at high risk.

This area presents the two indicators with the highest average score in the whole MPM exercise, and they are the indicators of market concentration: **Plurality of media providers** - which measures the horizontal and cross-sector concentration of media ownership - and **Plurality in digital markets** - which measures the degree of concentration of the other actors that are operating in the media market. The other three Indicators are at medium risk. In comparison with the previous implementation of the MPM, all the indicators show an increase in risk levels, except for **Transparency of media ownership**.

In the indicator on **Transparency of media ownership** (52%), six countries score at low risk, 17 countries at medium risk, and nine countries score as being at high risk. The risks are higher for digital media. Progress in **Transparency of media ownership** is related both to the new rules at the national and EU levels, and to the evolution of the situation on the ground. MPM2023 results signal that there is wide space for improvement, but also that the situation might worsen following the 2022 Decision of the Court of Justice of the European Union (CJEU) on Joined Cases C-37/20 and C-601/20 favouring privacy against public access to the information on ultimate ownership.

In the indicator **Plurality of media providers** (85%) no country is at low risk, and only four countries are at medium risk (Croatia, Germany, Greece and The Republic of North Macedonia). Whereas, in some countries, the existence of media-specific rules to prevent concentration in (some of the) media sectors lower the risk for this indicator, the results of the numeric variable show that the actual degree of ownership concentration is worryingly high almost everywhere.

In the indicator on **Plurality in digital markets** (83%), no country is at low risk, two countries are at medium risk (France and Spain), the other 30 countries are at high risk. As for the previous indicator, the cases in which the risk is lower are related to the regulatory environment and not to the economic results. Indeed, the sub-indicator on online platforms' concentration shows a very high level of risk.

In the indicator on **Media viability** (59%) three countries are at low risk (Latvia, Sweden and the Netherlands), 12 countries are at high risk (Albania, Austria, Bulgaria, Cyprus, Estonia, Greece, Hungary, Ireland, Italy, Slovakia, The Czech Republic and Turkey) and the other 17 countries are at medium risk. The increase in the risk level reflects the fact

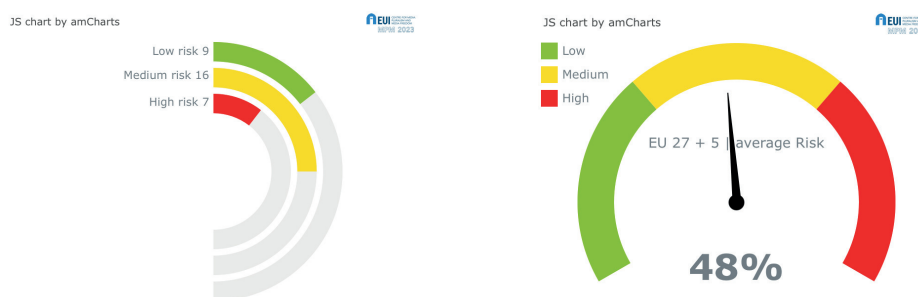
that, after the recovery of 2021, in 2022, the media industry suffered the impact of the economic downturn, which was caused by increased energy prices and high inflation. Together with the newspaper sector - whose decline is long-lasting - the audiovisual sector appears to have been particularly hit by the decrease in advertising expenditure. Employment and salary conditions of journalists deteriorated, particularly for those who are freelancers.

In the indicator on **Editorial independence from commercial and owner influence** (65%), four countries scored as being at low risk (Germany, Luxembourg, Portugal and The Netherlands), nine countries are at medium risk (Austria, Cyprus, Denmark, Estonia, Finland, France, Ireland, Italy and The Republic of North Macedonia), and the remaining countries are at high risk. The worrying level of risk in this indicator reflects the lack, or the shortcomings, of regulatory or self-regulatory safeguards, in the context of the increased economic vulnerability of the newsrooms.

## Political Independence

*The area of **Political Independence** is designed to evaluate the risks of the politicisation of media ownership, political influences in editorial autonomy, political interference with the public service media, and the politicisation of the distribution of State managed resources to the media. The area also concerns the role and regulation of both the audiovisual media and online platforms, especially during election campaigns. Political pluralism in the media enables the representation of diverse political perspectives, ensuring that citizens have the opportunity to engage with a broad range of ideas and ideologies. By encompassing various viewpoints within the political spectrum, political pluralism promotes inclusivity, encourages public discourse, and enables individuals to make informed decisions in the democratic process.*

Figures 1e and f - Political Independence - Risk Level



The **Political Independence area**, on average, continues to show a medium risk (48%). Half of the countries are in the medium risk range. Nine countries score as being at low risk (Belgium, Denmark, Estonia, Finland, Germany, Ireland, Portugal, Sweden and the Netherlands), and there are seven countries coloured red, indicating high risk levels for **Political Independence**: Hungary, Malta, Poland and Romania, as EU member states, and Albania, Serbia and Turkey, as EU Candidates.

The indicator **Political independence of the media** continues to score medium risk, on average (54%). Six countries record low risk: Austria, Belgium, Germany, Ireland, Portugal and Sweden. High risk is mostly manifested in Central and South-Eastern Europe, where the media, including digital natives, are most affected by political control exerted via ownership means.

The highest level of risk, on average, in the upper medium risk band (60%), was recorded in relation to the indicator on **Editorial autonomy**. The key guarantor of journalistic freedom continues to be the most fragile aspect of ensuring newsroom autonomy, political independence, and political pluralism in the media.

The indicator **Audiovisual media, online platforms and elections** continues to show the lowest risk score (34%) in this area. This is due to the general availability of the rules that are put in place for audiovisual media, and especially for public service media, in order to ensure the impartiality of reporting and of equal (or proportionate) access for political actors during election campaigns. Political advertising online, however, remains without adequate regulation or transparency obligations in most of the countries.

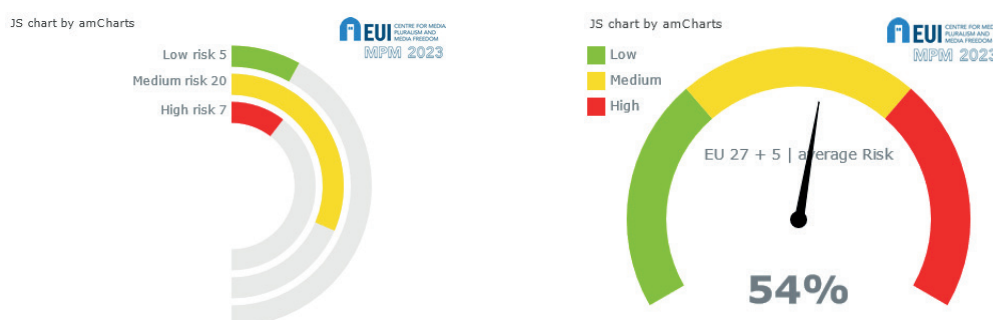
The indicator on **State regulation of resources and support to the media sector**, results in lower medium risk, on average, for all the countries (37%). The leading issue persists, and it is the **Distribution of state advertising**. In 26 countries, there are no rules on State advertising, or the existing rules are unable to provide for fairness and transparency in relation to its distribution to media outlets.

Inability to ensure the **Independence of public service** media in a significant number of EU member states, as well as in candidate countries, is one of the key problems in achieving the PSM mission and relevance for the contemporary information environment and as a means through which to tackle the information disorder. The indicator, **Independence of PSM**, scores as being at medium risk (52%), with 14 countries at high risk, seven at medium, and 11 countries scoring in the spectrum of low risk, with Germany, Lithuania, Sweden, and The Netherlands being at very low risk.

## Social Inclusiveness

The **Social Inclusiveness** area is designed to evaluate the representation in the media, both in terms of media production and media content, of diverse groups, including cultural, ethnic and linguistic minorities, local and regional communities, and women. It also includes media literacy, as a precondition to Inclusiveness and Protection against disinformation and hate speech, as a safe media environment is the key to inclusiveness.

Figures 1g and h - Social Inclusiveness - Risk Level



The risk associated with **Social Inclusiveness** remains stable, and is in the medium risk band, with 54%, if compared to last year.

From the 32 countries studied in this edition:

- Five countries score in the low-risk band: Denmark, France, Germany, The Netherlands and Sweden.
- 20 countries score in the medium risk band (Austria, Belgium, Croatia, Cyprus, The Czech Republic, Estonia, Finland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Republic of North Macedonia, Poland, Portugal, Serbia, Slovakia, Spain and Slovenia).
- Seven countries are associated with a high risk: Albania, Bulgaria, Greece, Hungary, Montenegro, Romania and Turkey.

The average risk has worsened for two indicators: **Gender Equality in the media** and **Media literacy**.

**Gender equality in the media** remains the most problematic indicator in this area, and the risk level is leaning towards high risk, with an average risk of 62% for EU member states and 64% for all the countries studied. Women are still under-represented in management positions in the public service media, as well as in commercial media. Their representation in the news tends to be less frequent than that of men and is often stere-

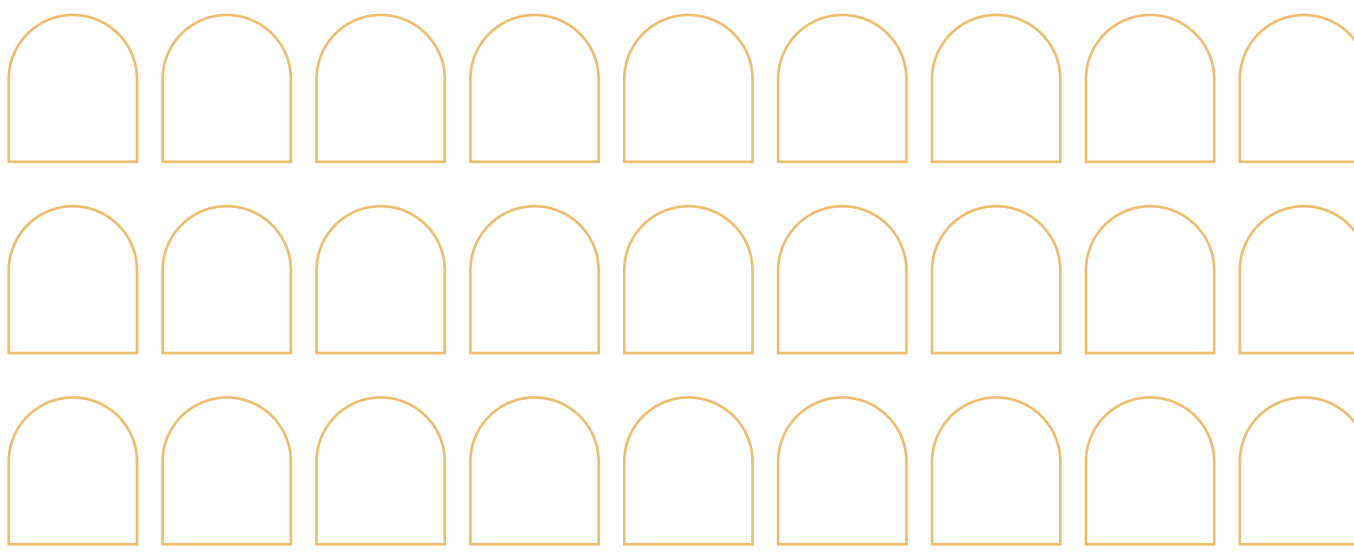
otypical.

The medium risk in **Media literacy** reflects the absence of innovative and comprehensive strategies to tackle evolving challenges in the field of media literacy. However, the increase of the risk level reflects a methodological change, rather than a concrete evolution on the ground (see Annexe 1)

**Local, regional and community media** confirms the positive trend observed last year, with a risk level that has been evaluated at 41% for EU member states and 44% for EU member states and candidate countries together. Some countries, including Lithuania and Slovakia, have adopted legal provisions to guarantee access to TV and radio frequencies for community media.

Finally, the indicator **Representation of minorities in the media** remains almost stable, 52%, compared to 53% last year, for the EU member states, and an unchanged 54% for all the countries studied. The representation of minorities has improved both in public service media and in commercial media, whereas media accessibility for people with disabilities, especially for blind people, is associated with an increased risk.

In the digital environment, the risk associated with **Protection against disinformation and hate speech** has decreased from 58% to 52% for EU member states and from 60% to 56% for EU member states and candidate countries together. Some efforts have been made to fight disinformation in most of the countries. However, there is often the lack of a comprehensive strategy to coordinate the actions of the different stakeholders involved.



## 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 particular country and to offer a comparative perspective among countries. It is based on 20 indicators that cover four of the main areas that define “media pluralism”, in its broad and holistic sense: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The design of the MPM has a normative approach: it aims to capture all of the possible variables and features that may represent a risk to media pluralism, including the lack of certain legal safeguards, media market concentration and socio-political shortcomings in the media and information ecosystem. The key expected result of the MPM analysis is not a ranking of those countries covered, nor is it a description of the actual state of media pluralism in any given country, but it is an assessment of the potential weaknesses in a national media system that may hinder media pluralism. The MPM, using a practical approach, focuses its analysis on news and current affairs. The CMPF has defined the object of the Media Pluralism Monitor by considering an evolving definition of media or, better, by including within the scope of the assessment all the various information channels, both on- and offline, that offer news and current affairs and that, in the end, contribute to the formation of a “public opinion”.

Table 2.a: Areas and Indicators of the Media Pluralism Monitor

<b>Fundamental 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	Representation of minorities in the media
Protection of the right to information	Plurality of media providers	Editorial autonomy	Local, regional and community media
Journalistic profession, standards and protection	Plurality in digital markets	Audiovisual media, online platforms and elections	Gender equality in the media
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Editorial independence from commercial and owners' influence	Independence of PSM	Protection against disinformation and hate speech

The MPM project is co-funded by the European Union. This report presents the results of the implementation of the Media Pluralism Monitor 2023 (MPM2023) in 32 countries, including the 27 EU member states and five of the candidate countries (Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey), for the year 2022.

Media freedom and pluralism, along with freedom of expression, constitute essential prerequisites for democratic societies. Access to public-interest information, as well as to free and independent journalism, is crucial for an informed citizenry and their participation in the democratic process. The European Union has acknowledged the importance of these principles in several documents. Media freedom and media pluralism are encompassed 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 member states and by the candidate countries that are assessed in the MPM.

The media landscape has substantially changed in recent years, fuelled by advances in information and communication technologies (ICTs) and changing consumer habits. While these advancements have brought numerous opportunities, they have not come without major risks. The initial optimism was fueled by the increased potential of new ICTs to create and distribute information rapidly and at reduced costs. However, the abundance of information is not in itself a guarantee of a pluralistic and diverse information; and the definition of media pluralism needs to be re-conceptualised for the



online environment (Irion et al., 2022a). The concentration of power in the very large online platforms (as now defined by the Digital Services Act), which act as gatekeepers for information online, has raised concerns about the diminishing pluralism of viewpoints in the digital environment and its repercussions for public discourse (Moore & Tambini, 2018), including the dissemination of disinformation and hate speech (Allcott & Gentzkow, 2017) and the polarisation of public discourse (Barberá et al., 2017; Pfetsch, 2018; Fletcher & Jenkins, 2019). The lack of transparency about how algorithms of very large online platforms select the news to recommend to their users is also a source of concern. Finally, the dominance of very large platforms in the online advertising market and the new habits in news consumption, have contributed to the decreasing sustainability of traditional business models in the media sector (Irion et al., 2022b; Parcu, 2019; Pickard, 2020; Cairncross, 2019).

In 2022, the European Commission has substantially moved forward in tackling these issues by adopting two regulations, the Digital Services Act (DSA)<sup>1</sup> and the Digital Markets Act (DMA)<sup>2</sup> as a part of the Digital Services Act Package. These two Acts purport to constitute a comprehensive legal and regulatory framework for digital services. They address concerns that are related to the market dominance of online platforms, content moderation, and user protection. The DSA aims to strengthen the protection of users' fundamental rights and interests in the online environment, including implementing measures for the timely and effective removal of illegal content and equipping of social media users with the means to flag problematic content. It also promotes transparency in online advertising practices (EUR-Lex, 2022a). The DSA came into force on 16 November 2022 and will be applicable in the EU member states from February 17th, 2024. The DMA came into force on 1 November 2022 and has been applied since May 2nd, 2023. The DMA defines the so-called gatekeepers as being those very large online platforms or hard-to-avoid platforms that provide a gateway between businesses and consumers, identifying economic subjects in a position that allows them to dominate and control the digital economy. The DMA aims to ensure fairness and contestability in digital markets. With this purpose, the DMA imposes on gatekeepers several obligations in regard to creating a fairer digital market, amongst others, by informing the EC of new acquisitions. Non-compliance with these rules could lead to fines of up to 10% of the company's worldwide turnover, and of up to 20% in the case of repeat offenders (EUR-Lex, 2022b). The next MPM edition - MPM2024 - will likely be able to offer some first hints on

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1 Official Journal of the European Union (19 October 2022). Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX%3A32022R2065>

2 Official Journal of the European Union (14 September 2022). Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R1925>

how these Acts have been implemented and enforced in practice.

In addition, on September 16th, 2022, the European Commission published a Proposal for a Regulation establishing a common framework for the media (The European Media Freedom Act)<sup>3</sup>, and amending Directive 2010/13 EU (The Audiovisual Media Services Directive), which is currently under discussion at the European Parliament and at the Council. The proposal aims to tackle several issues: the lack of transparency in relation to media ownership and of safeguards to editorial independence and autonomy, the impact of concentrations on media pluralism in the EU internal market, taking into account the specificities of the online environment; the governance of media policies by European and national regulatory authorities - and, most importantly, proposes to establish a new European Board for Media Services, which will replace the European Regulators Group for Audiovisual Media Services (ERGA); journalists' safety from disclosure of sources and surveillance through spywares; editorial independence; and the provision of a special procedure for very large online platforms to suspend the content produced by media service providers. Regardless of the act's adoption and its form, it has initiated a debate on how to ensure media freedom and pluralism at the EU level. Along with the European Media Freedom Act (EMFA), the European Commission also published The Recommendation on internal safeguards for editorial independence and ownership transparency in the media sector in all EU official languages.

The EU also initiated measures against strategic lawsuits against public participation in 2022. Following the establishment of an "Expert group against SLAPPs" in 2020 and funding civil society initiatives related to the safety of journalists and SLAPPs, such as the Media Freedom Rapid Response (MFRR) consortium and the Coalition Against SLAPPs in Europe (CASE Coalition), the EU Commission has also taken legislative measures. In April 2022, it published a proposal for the "Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation" (2022/0117(COD)))"<sup>4</sup>, which is currently under discussion at the European Parliament and Council. The proposal builds on the 2021 Recommendation on ensuring journalists' and other media professionals' protection, safety and empowerment<sup>5</sup>. While civil society has welcomed the proposal for the Directive, they

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3 Official Journal of the European Union (16 September 2022). Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0457>

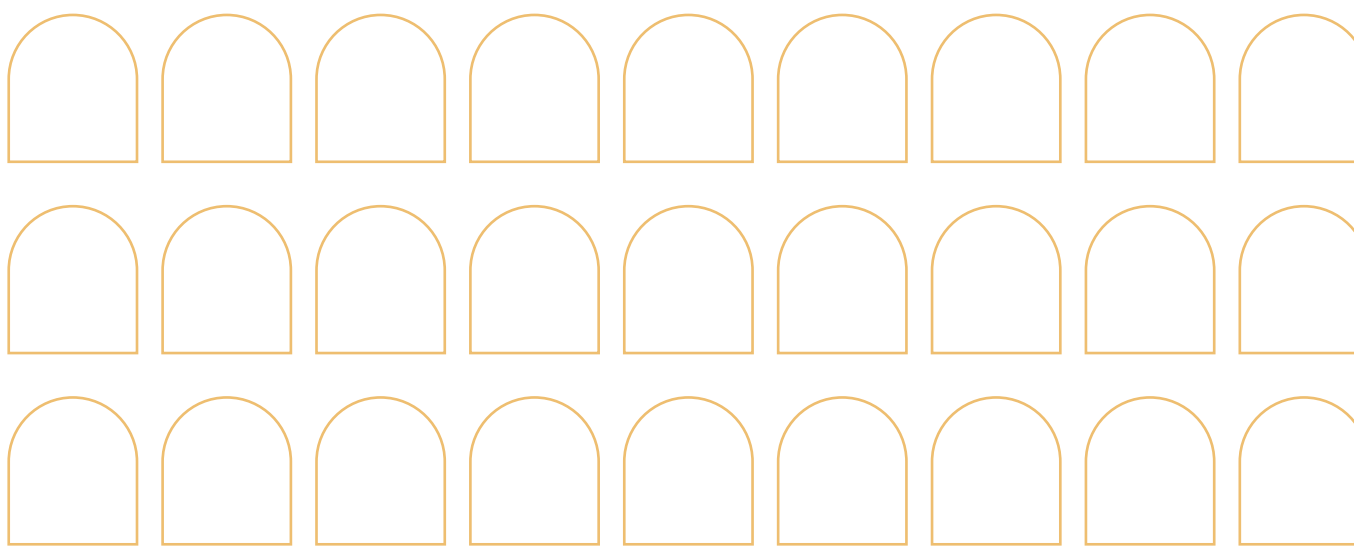
4 Official Journal of the European Union (24 April 2022). Proposal for a Directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ("Strategic lawsuits against public participation"), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0177>

5 Official Journal of the European Union (16 September 2021). Commission Recommendation (EU) 2021/1534 of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021H1534>

criticised amendments proposed by the Council of the EU in March 2023 as weakening fundamental mechanisms protecting defendants.

In 2022, the media environment was also substantially affected by the Russian war against Ukraine, which has led to a surge in news consumption across various news outlets (Newman et al., 2022). However, in early April, instances of selective news avoidance were observed even in those European countries that have been directly affected by the conflict, such as Poland (ibid). The war has also negatively affected the European economies. It has significantly contributed to the inflationary pressures, thus hampering the post-pandemic recovery and increasing consumer prices in the food and energy markets (Liadze et al., 2022). With increasing household expenses, news consumers claimed to have reconsidered their media subscriptions so as to tighten their household budgets (Newman et al., 2022). Interest and trust in the news has also observed a decline following an increase that occurred at the height of the COVID-19 pandemic (ibid). The Russian war against Ukraine also brought some important developments concerning the freedom of expression, with the most prominent being the EU sanctions imposed on the State-owned outlets, RT/Russia Today and Sputnik's broadcasting in the EU, as a part of the broader sanctions package against Russia. Although it is indisputable that both RT/Russia Today and Sputnik are under the permanent, direct or indirect, control of the Russian State authorities, and that they are instrumental in spreading war propaganda and disinformation, and in destabilising its neighbouring countries, this measure has not been taken without serious worries for the potential threat to the freedom of expression and information necessarily involved in any choice of limiting the operation of media.

All these events have affected the MPM assessment across all of its areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness.



### 3. FUNDAMENTAL PROTECTION

*Fundamental Protection Indicators are designed to describe and measure the preconditions for a pluralistic and democratic society. The first, and fundamental, Indicator that is assessed in this area is the level of the protection of freedom of expression, “the cornerstone of democracy and key to the enjoyment of other rights” (Council of Europe, 2022). Freedom of expression is guaranteed by Article 11 of the EU Charter of Fundamental Rights and Article 10 of the European Convention on Human Rights (ECHR) and encompasses not only the freedom to hold opinions and to receive and impart information and ideas without interference from the public authority, but also the freedom and pluralism of the media. It, therefore, “constitutes [an] essential foundation for democracy, the rule of law, peace, stability, sustainable, inclusive development and participation in public affairs” (Council of the European Union, 2014). In the MPM2023, as in the previous round of the Monitor, respect for the freedom of expression is also assessed as having a specific relationship to realising this fundamental right in the online environment. Along with the freedom of expression and stemming from it, the right of access to information is another fundamental precondition of democracy. It is of utmost importance that the effective transparency of public administration is guaranteed and that information that is in the public interest can be circulated so as to feed the political debate and, in the end, to strengthen democracy. For that reason, contemporary democracies should guarantee access to public information and documents, and they should also give whistle-blowers protection. A free and pluralistic media environment relies on the free conduct of the journalistic profession. This means that access to the profession should be open, and journalists should be able to enjoy decent working conditions and be able to work safely and without threats or harassment. States should guarantee an “enabling environment” (CoE, 2016; European Court of Human Rights (ECtHR) case *Dink v. Turkey*, 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, Judgment on 14 September 2010), ensuring that journalists and other media actors are able to express themselves freely and without fear of facing repercussions, and even when their opinions are contrary to those held by the authorities, or by the majority of public opinion. States should also ensure that journalists and other media actors receive protection when they are under threat; and that*

*those who have information on issues of public interest are able to communicate with journalists securely and confidentially (Council of Europe, 2022). The MPM therefore considers the safety of journalists, both physical and digital, as an important factor in assessing whether the basic conditions for a pluralistic media environment are fulfilled. The impartiality and independence of the institutions that oversee the media market are other fundamental elements of a pluralistic 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 directly impacts on market plurality and the political independence of the media environment. Finally, the Fundamental Protection area includes an assessment of the universal reach of traditional media and 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 how it is implemented in practice. In addition to this, the MPM assesses the effective socio-political conditions that, in practice, affect the specific area under investigation. The five Indicators examined under the Fundamental 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.*

The analysis of MPM2023's results in the Fundamental Protection area indicates that, in relation to the requirements for media freedom and pluralism, the situation has not significantly altered in the EU member states and candidate countries, if compared to the MPM's previous edition (MPM2022). The average risk for the area is 34%, which is a percentage point less than in the previous year, and which is on the border between low and medium risk, although this was already in the medium-risk band. In the MPM2023, 20 of the 32 assessed countries scored a low risk in this area: Austria, Belgium, Cyprus, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Portugal, Slovakia, Sweden, the Czech Republic, The Netherlands, and The Republic of North Macedonia. Eleven countries scored a medium risk: Albania, Bulgaria, Croatia, Greece, Hungary, Montenegro, Poland, Romania, Serbia, Slovenia, and Spain. Turkey was the only country scoring a high risk, as in the previous round of the MPM.

Most of the countries received a similar score to that of 2021. Compared to MPM2022, the level of risk has decreased in France, moving from the medium-risk to the low-risk band. Substantial improvement, nonetheless, without changing the risk band, could also be observed in Lithuania (by 12 percentage points), The Netherlands (by eight percentage points) and Poland (by eight percentage points).

In France, the legal protection of whistle-blowers has been reinforced by transposing the EU Whistle-blowing Directive<sup>6</sup> into Law n° 2022-401 (Ouakrat & Laroche, 2023). In The Netherlands, the legal protection of the right of access to information has been strengthened. On 1 May 2022, the new law on access to information, ‘Wet open overheid’ (WOO), came into force and substituted ‘Wet openbaarheid van bestuur’ (WOB). The main aim of the new law, which is to make the government more transparent, has been accompanied by legal provisions that are put in place to guarantee the proactive publication of some public-sector information and data categories and to increase the rights of the requesters<sup>7</sup>. While it is still early to fully assess how the WOO has been implemented and enforced so far, there are no indications of misapplication or misuse (De Swert et al., 2023). The sub-indicator, **Life safety**, has also contributed to the overall positive change. While, in 2021, an investigative journalist and crime reporter, Peter R. de Vries, was killed, luckily there was no murder of a journalist in 2022 in the 32 countries examined by the MPM2023. Finally, working conditions for journalists had improved in 2022, if compared to 2021. In July 2022, the Dutch Union of Journalists - Nederlandse Vereniging van Journalisten (NVJ) and DPG Media agreed on a new work code for freelance journalists<sup>8</sup>, which has improved their remuneration conditions. In Lithuania, a major improvement could be observed for the Indicator, **Universal reach of traditional media and access to the Internet**, due to the increased amount of broadband and public service media (PSM) coverage<sup>9</sup>. In addition, the legal protection of whistle-blowers has been strengthened, and the implementation of access to information legislation has improved. Poland has seen positive developments in several areas, if compared to 2021. Firstly, as a result of the more stable situation on the Polish-Belorussian border, access to information has improved. In 2021, the media were prevented from reporting from this area. Secondly, the physical safety of journalists has improved, and their working conditions have also stabilised following the period of insecurity and volatility experienced during the COVID-19 pandemic (Klimkiewicz, 2023).

6 European Union (23 October 2019). Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L1937>

7 Data collection by the researchers for The Netherlands: Knut De Swert, Andreas Schuck, Mark Boukes, Nikki Dekker, and Bieke Helwegen (16 May 2023).

8 Ibid.

9 Data collection by the researchers for Lithuania: Auksė Balčytienė, Deimantas Jastramskis, Kristina Juraitė, Ignas Kalpokas (16 May 2023).



On the contrary, in Hungary, the risk score has increased by 11 percentage points, from 45% to 56%. The previous MPM Hungarian Country Reports indicated that the risks had been growing in all of the MPM's areas. While there has not been a particular legislative change in 2022 that might have contributed to this deterioration, this year's assessment has benefited from a deeper legal analysis than that in previous rounds. This detailed assessment of the risks in legal variables has resulted in higher scores than those recorded in past years (Bleyer-Simon et al., 2023).

The situation in three of the five indicators that were analysed under the Fundamental Protection Area has remained unchanged: **Protection of freedom of expression; Protection of the right to information; Journalistic profession, standards, and protection.** The Indicator, **Protection of freedom of expression**, scored a medium risk, although this was on the border of the low-risk band (34%). In 2022, some important developments concerning freedom of expression online occurred at the EU level. Following the Russian invasion of Ukraine on 24 February 2022, the EU imposed sanctions on the State-owned outlets' (RT/Russia Today and Sputnik) broadcasting in the EU, as part of the broader sanctions package against Russia<sup>10</sup>. In some of the assessed countries, this decision has created controversy and has been perceived as limiting freedom of expression. The Pegasus spyware scandal (the use of the invasive spyware technology 'Pegasus' for monitoring journalists) is also worth mentioning. Hungary was the only EU country in which national authorities had used the Pegasus spyware against journalists and media owners, and the government has not since adopted any corrective measures.

The Indicator, **Protection of the right to information** (42%) scored as a medium risk. In 2022, some important developments occurred at the EU level in this area. A significant deterioration in access to information was brought by the judgment of the EU Court of Justice by its suspension of public access to beneficial ownership registries<sup>11</sup> on the basis of their interference with the rights to privacy and personal data protection under the EU Charter of Fundamental Rights. On the contrary, amongst the positive judicial developments that have affected all EU citizens is that Malta's Court of Appeal had ruled in favour of a Madrid-based civil society organisation: "Access Info", that the Maltese government was discriminatory and infringed the rights of EU citizens when it refused to register an information request by non-Maltese residents<sup>12</sup>. Finally, the EU Whistle-blow-

10 Official Journal of the European Union (2 March 2022). Council Regulation (EU) 2022/350 of 1 March 2022 amending Regulation (EU) No 833/2014 concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, and Council Decision (CFSP) 2022/351 of 1 March 2022 amending Decision 2014/512/CFSP concerning restrictive measures in view of Russia's actions destabilising the situation in Ukraine, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2022:065:TOC>

11 EU Court of Justice (22 November 2022). Judgement of the Court. <https://curia.europa.eu/juris/document/document.jsf?docid=268059&mode=req&pageIndex=1&dir=&occ=first&part=1&text=&doclang=EN&cid=9481>

12 Access Info (26 January 2023). Malta: Access Info wins Court of Appeal ruling that all EU citizens have a right to submit information requests <https://www.access-info.org/2023-01-26/malta-access-info-wins/>

ing Directive is yet to be transposed into national law by seven of the EU member states.

The Indicator, **Journalistic profession, standards and protection** (43%) also scored as being a medium risk. Some of the countries assessed observed improvements in journalists' physical safety that were related to a decreasing number of demonstrations against the COVID-19 pandemic policy responses. These protests previously were often accompanied by attacks on journalists (coming from crowds or police forces). While the physical safety of journalists has improved, the number of attacks in the online environment have been on the rise, and have also come from the political elite, who should instead be defending free journalism. Poor working conditions in some of the countries assessed persisted, and the low popularity of journalistic associations has made bargaining for better working conditions even more difficult.

There was a minor deterioration in the indicator, **Independence and effectiveness of the media authority** (which moved from 24% to a 25% risk score). The sub-indicators demonstrating the highest risk under this indicator remained those relating to appointment procedures and the effective independence of the media authority. This is due to the weakness of the mechanisms that may be able to push back against political and commercial influences and ensure the independence of the authorities through appropriate appointment procedures. A political appointment does not automatically mean that the authority will act in line with political pressure, but it clearly poses the risk of interference.

A major improvement was observed in the indicator, **Universal reach of traditional media and access to the Internet** (down from 32% to 26%), due to increased broadband coverage and Internet access that occurred both during and following the COVID-19 pandemic, which witnessed an increase in the take-up of information and communication technologies.

In addition to the indicator, **Universal reach of traditional media and access to the Internet**, which focuses almost exclusively on the digital environment (except for PSM coverage), other variables across the Indicators, **Protection of freedom of expression** and **Journalistic profession, standards, and protection**, capture the emerging or evolving digitally-specific risks to media pluralism. In absolute numbers, the digital dimension of **Fundamental protection** is comparable to the overall score of this domain, but it presents some specific elements that contribute to additional risks. The digital score was lower than the overall score for the area in Austria, Greece, Hungary, Luxembourg, Malta, Poland, Slovakia, Slovenia, Spain, the Czech Republic and The Netherlands, and it had not changed in Albania. The risk scores were higher in the digital environment for the indicators **Journalistic profession, standards and protection** (digital score 51%, compared to an overall score of 43%), **Universal reach of traditional media and access to the Internet** (digital score 27%, compared to an overall score of 26%).



Figure 3.a. Fundamental Protection area - Map of risks per country

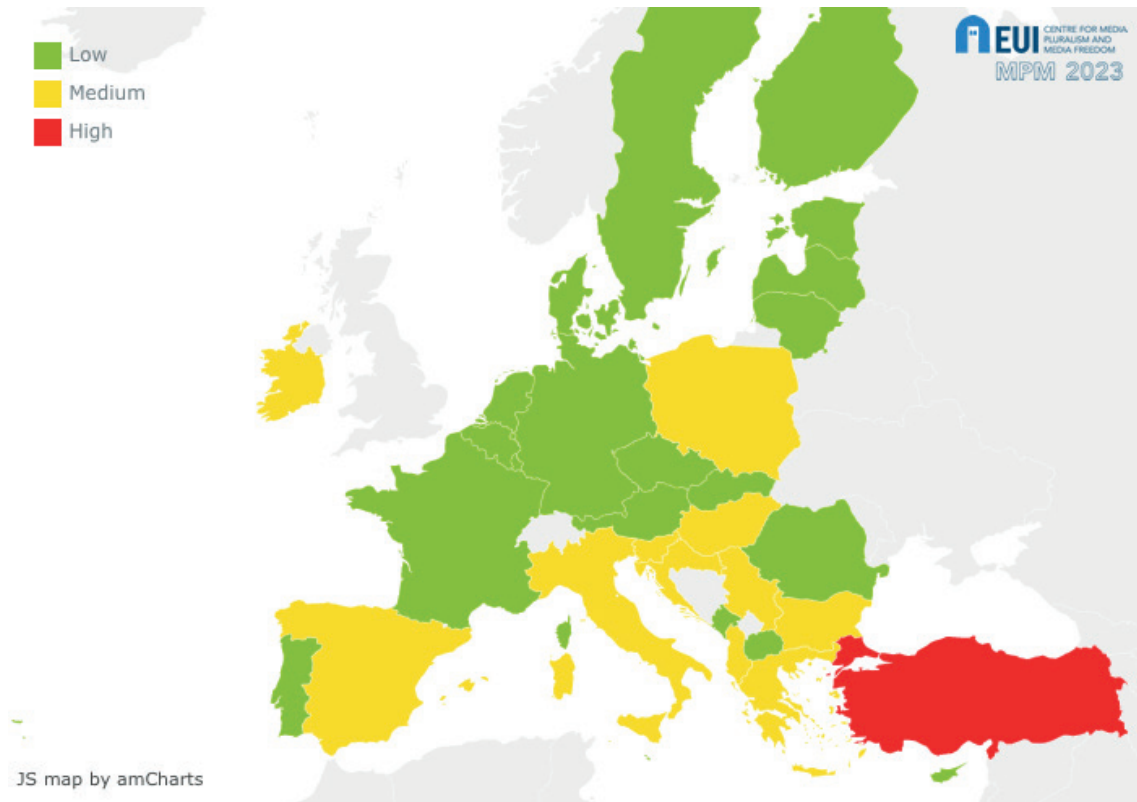
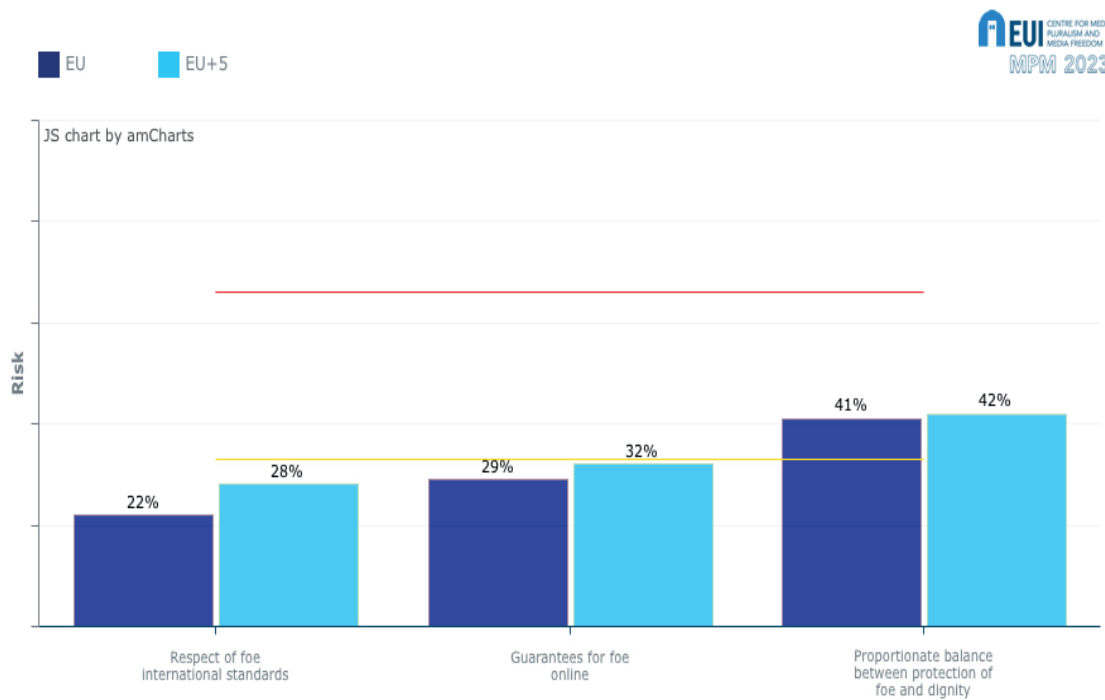


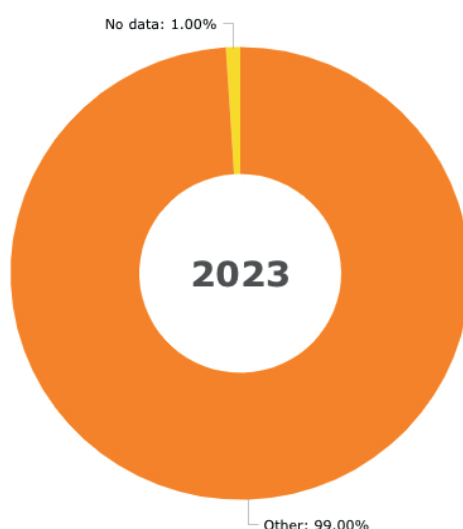
Figure 3.b. Fundamental Protection area - Averages per indicator



Lack of data does not seem to have a decisive impact on the overall score in the **Fundamental protection** area, as just 1% of all the variables in the 32 countries were coded as offering “no data”, and these were then assessed based on the MPM methodology on the lack of data (see Figure 3.c.). When it comes to the digital variables that have been assessed as offering “no data”, amongst all the digital variables, the percentage increases to 4%, thus reflecting a broader problem that is due to the lack of reliable data for the assessment of digitally related phenomena, and this is also seen in other areas of the MPM.

Figure 3.c. Fundamental Protection area Incidence of “No Data” (EU + 5)

JS chart by amCharts



### 3.1 Protection of freedom of expression

*Freedom of expression is considered to be the cornerstone of democracy. Freedom of the press, freedom of the media, and the right to access information - which all stem from the recognition of the freedom of expression - are necessary conditions for a public sphere dialogue, one which is based on the free exchange of information and opinions. Additionally, the freedom of expression also ‘enables’ other rights, namely, the right to assembly, the right to join a political party, and 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, the freedom of expression, since it is enshrined in Art. 11 of the EU Charter of Fundamental Rights and in Article 10 of the European Convention on Human Rights (ECHR), and because 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 et al., 2014). Under the MPM2023, the Indicator on the **Protection of freedom of expression** aims to assess the existence and effective implementation of the regulatory safeguards for freedom of expression in a given country. A country may have an adequate 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 that have been developed by the Council of Europe and the European Court of Human Rights (ECtHR) when interpreting Art. 10 of ECHR. Restrictive measures must have a legal basis in domestic law, and this should be accessible to the person concerned and should be foreseeable in its effects; any limitations must have a “legitimate aim” and be “necessary in a democratic society”. The ECtHR has interpreted the scope of the 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, have been crucial for the impact of Article 10 of the Convention on the protection of freedom of expression in Europe” (CoE, 2021a). This Indicator includes a sub-indicator that specifically relates to defamation laws. While defamation laws are important in protecting people from false statements that damage their reputations, 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 strategic lawsuits against public participation (SLAPPs) has exacerbated this phenomenon. Journalists should enjoy a position in which they can exercise their occupation without fear. Online violations of freedom of expression are growing in frequency and importance. Another element that is, therefore, taken into account in this Indicator is whether freedom of expression online should be limited on the same grounds as freedom of expression offline. In this regard, the Indicator takes into account whether Article 10 of the ECHR is respected and, in particular, whether restrictive measures resulting in the blocking, removal and filtering of online content comply with Article 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 for a democratic society). The Indicator also considers 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 the freedom of expression online.

Figure 3.1.a. Indicator on the Protection of freedom of expression - Map of risks per country

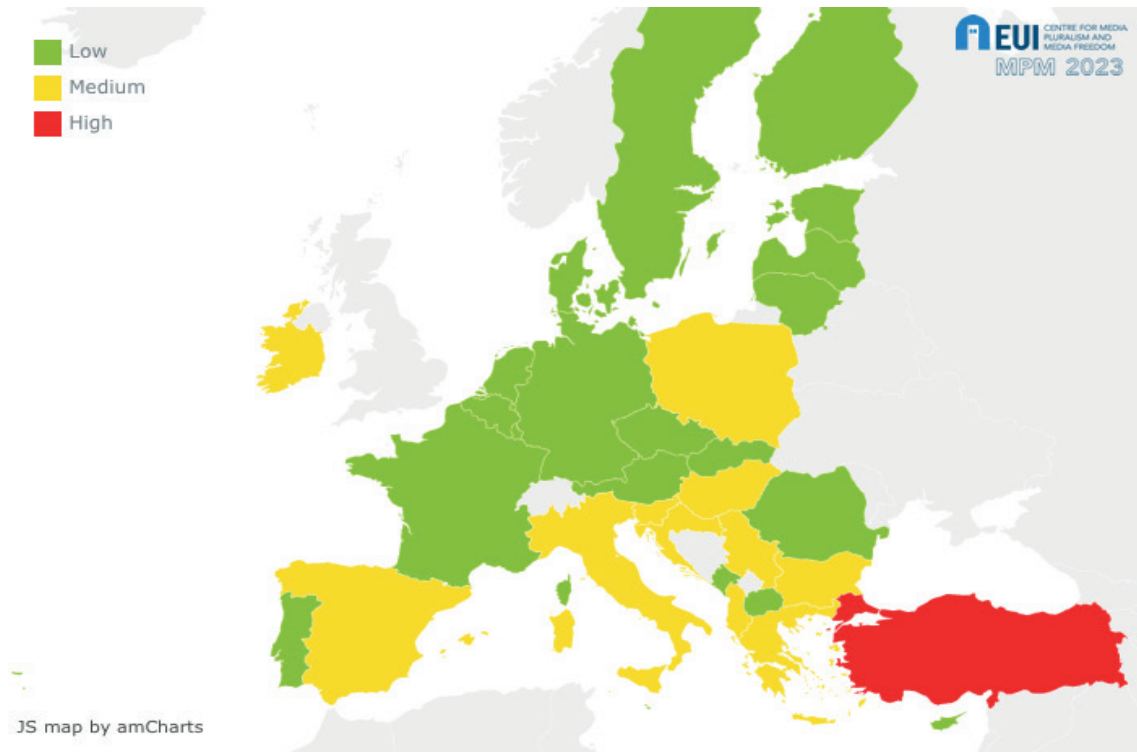
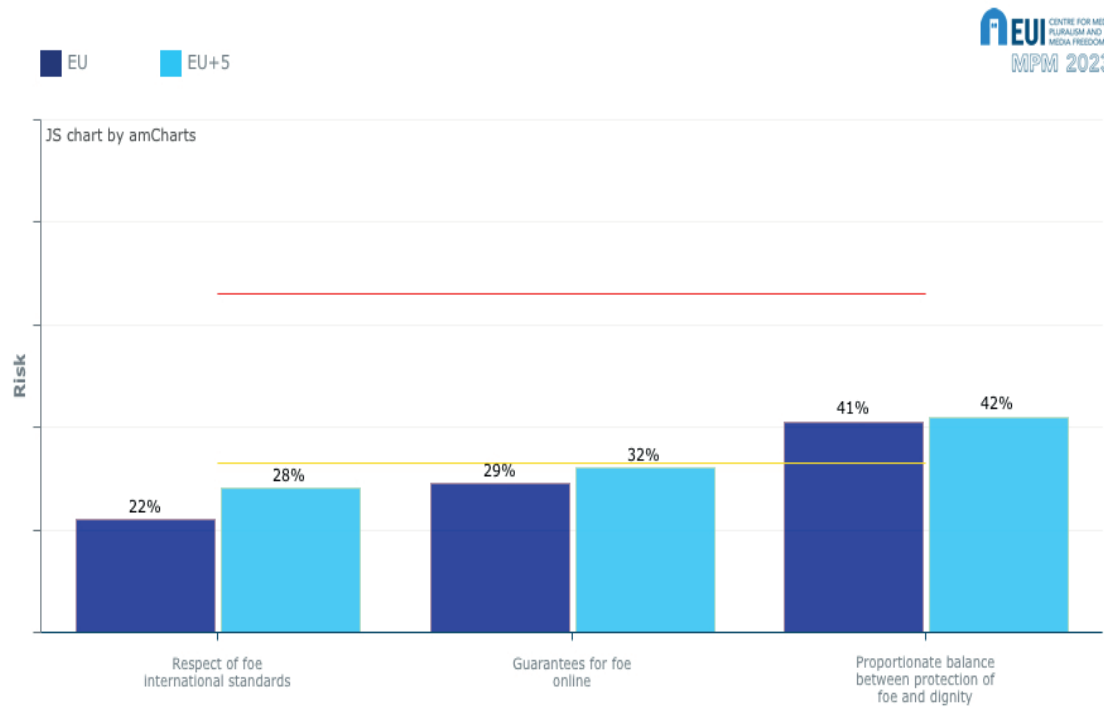


Figure 3.1.b Indicator on Protection of freedom of expression - Averages per sub-indicator



The average of the indicator, **Protection of freedom of expression**, remained at 34%, as in the MPM2022 and MPM2021, with 20 countries scoring as being in the low-risk band: Austria, Belgium, Cyprus, Denmark, Estonia, Finland, France, Germany, Latvia, Lithuania, Luxembourg, Malta, Montenegro, Portugal, Romania, Slovakia, Sweden, the Czech Republic, The Netherlands and The Republic of North Macedonia. The medium risk was observed in 11 countries: Albania, Bulgaria, Croatia, Greece, Hungary, Ireland, Italy, Poland, Serbia, Slovenia, and Spain. In 2022, Turkey was the only country to score as being at high risk. In comparison with the MPM2022, Austria and Poland have improved, with the former moving from the medium- to the low-risk band and with the latter moving from the high- to the medium-risk band. On the contrary, the situation has deteriorated in Italy, which scored as being at medium risk.

In Austria, the improvement in the **Protection of freedom of expression** standards can mainly be attributed to the fading COVID-19 pandemic. At its peak, the Austrian government restricted access to press conferences, with the exception of a few media outlets – the Austrian Broadcasting Corporation (ORF) and the Austrian Press Agency (APA). This opaque practice stopped once other pandemic restrictions were lifted<sup>13</sup> (Seethaler et al., 2023). In Poland, the reporting about the filtering and removal of online content has improved. However, other issues pertaining to freedom of expression remained problematic. One of the most concerning trends has been the disproportionate balance between the **protection of freedom of expression and dignity**, which results skewed towards the latter, especially in regard to the political elite. Article 212 of the 1997 Criminal Code is overused in order to silence critical voices. In 2022, several lawsuits against journalists were pending. When writing this report, a major news outlet, Gazeta Wyborcza, faced nearly 100 civil and penal lawsuits (Klimkiewicz, 2023). Defamation and strategic lawsuits against public participation (SLAPPs) against journalists have also been on the rise in Italy. Many of them are initiated by the political elite, including the Prime Minister, Giorgia Meloni, and the Deputy Prime Minister, Matteo Salvini. The ECtHR has, in the past, alerted the Italian government that the provisions of the Press Law (n. 47/1948, Art. 13) and of the Criminal Code (Art. 595(3)), which allow an imprisonment term for defamation, are unconstitutional.<sup>14</sup> Although the Constitutional Court has confirmed this legal opinion in its 2020 and 2021 decisions, no reform to correct this flaw has since taken place (Carlini et al., 2023).

The indicator, **Protection of freedom of expression**, consists of three sub-indicators: **Respect for freedom of expression - international standards**, **Proportionate balance between the protection of freedom of expression and dignity** and **Guarantees for freedom of expression online**.

<sup>13</sup> Data collection by the researchers for Austria, Josef Seethaler, Maren Beaufort, & Andreas Schulz-Tomančok (17 May 2023).

<sup>14</sup> European Court of Human Rights (17 May 2023), Italy, [https://echr.coe.int/Documents/CP\\_Italy\\_ENG.pdf](https://echr.coe.int/Documents/CP_Italy_ENG.pdf)

In the EU, the protection of freedom of expression benefits from an established tradition with regard to constitutional and legal safeguards, international standards and case law. Constitutional and legal protection for the freedom of expression is formally guaranteed in all the countries assessed. It is enshrined in their Constitutions and/or in their national laws, as the score for the sub-indicator on the **Respect for freedom of expression - international standards** demonstrates. This sub-indicator, on average, scored as a low risk (28%), as in the MPM2022 and MPM2021. As a general trend, the international human rights conventions that are relevant to freedom of expression standards, namely, the International Covenant on Civil and Political Rights (ICCPR, Article 19) and the European Convention on Human Rights (ECHR, Article 10), were ratified with no particular derogations. The main differences in this area among the various legal systems are to be found in the limitations to freedom of expression that are permitted under each constitution, in the legal order, or special laws, and in the proportionality of the specific limitations that are based on 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” (Article 10(2), ECHR). In 2022, Turkey was the only country that scored as being at high risk for this sub-indicator (85%). It had reservations about the provisions of both the ECHR and ICCPR. For instance, it had a reservation regarding the provisions of Article 27 of the ICCPR, i.e., the maintenance of the right to interpret and apply its provisions in accordance with the related provisions and the rules of the Constitution of The Republic of Turkey, some of which violate the freedom of expression international standard. Malta also had reservations concerning several Articles of the ICCPR. Ten countries scored as being at medium risk: Albania, Bulgaria, Croatia, Greece, Hungary, Montenegro, Poland, Serbia, Slovenia, and Spain. In most of these countries, the key issue is the gap between the letter of the law and its implementation and enforcement. While the legal and regulatory framework that aims to protect the freedom of expression is robust, in practice, violations of the exercise of freedom of expression are common.

Within the indicator, **Protection of freedom of expression**, the sub-indicator, **Proportionate balance between the protection of freedom of expression and dignity**, scored as being the highest risk (42%), increasing by one percentage point, if compared to 2021, and remaining in the medium-risk band. The ECtHR had issued several decisions that concluded that national courts had failed to balance the right to freedom of expression against the protection of reputation, in particular, when the plaintiff was a public figure (see, for instance, *Balaskas v. Greece* and *Narodni List D.D. v. Croatia*). In 2022, as in 2021, Poland and Turkey scored as being at high risk for this indicator. As mentioned above, the main issue in Poland remains the criminalisation of defamation and the increasing number of defamation lawsuits and SLAPPs against journalists (Klimkiewicz, 2023). In Turkey, insulting the President has been specifically legalized as a crime

by Article 299 of the Turkish Penal Code, and has been overused since the current President, Recep Tayyip Erdoğan, assumed the office in 2014. Since then, and until September 2022, investigations have been launched against over 194,000 individuals for ‘insulting the President’, and 44,675 of these cases remained open. During this period, 16,993 individuals were convicted, and 4,864 received terms of imprisonment<sup>15</sup>.

Eleven of the 32 countries assessed scored as being at medium risk. Six countries received the maximum score for medium risk (66%): Albania, Austria, Estonia, Slovakia, Slovenia and Spain. Another five - Bulgaria, Greece, Ireland, Italy, and Portugal - scored 50%. If compared to the MPM2022, the situation has worsened in Italy (as described above) and in Ireland. In Ireland, defamation damages are amongst the highest in Europe and have a chilling effect on journalists. In March 2022, the Irish Department of Justice published the Defamation Review Report, which recommended abolishing the use of juries in High Court defamation cases and leaving the final decision to the judge’s discretion, including the amounts of any damages (Flynn, 2023). Nineteen countries scored as being at low risk, 14 of which were in the maximum band for the low-risk range (33% - Belgium, Croatia, Finland, France, Germany, Hungary, Latvia, Lithuania, Luxembourg, Serbia, Sweden, the Czech Republic, The Netherlands). Five countries scored 17%, thus falling into the low-risk band (Denmark, Malta, Montenegro, Romania, and The Republic of North Macedonia), and only Cyprus scored 3%, the minimum in the low-risk band, as in the MPM2022.

There has been no change in relation to defamation decriminalisation, if compared to the MPM2022. Only six of the 32 countries assessed have decriminalised defamation: Cyprus, Ireland, Malta, Montenegro, Romania and Serbia. Of those which still retain defamation as a crime, 18 allow punishments by a term of imprisonment - Austria, Belgium, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Poland, Slovakia, Slovenia, Spain, Sweden, Republic, The Netherlands, and Turkey), whereas eight provide only for fines (Albania, Bulgaria, Croatia, Denmark, Estonia, Italy, Portugal and The Republic of North Macedonia).

Under the **Protection of freedom of expression**, the MPM also analyses whether freedom of expression online is formally guaranteed and respected, in practice. The MPM sub-indicator, **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, e.g., blocking, filtering and removing online content, complies 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 are necessary for a democratic society, according to

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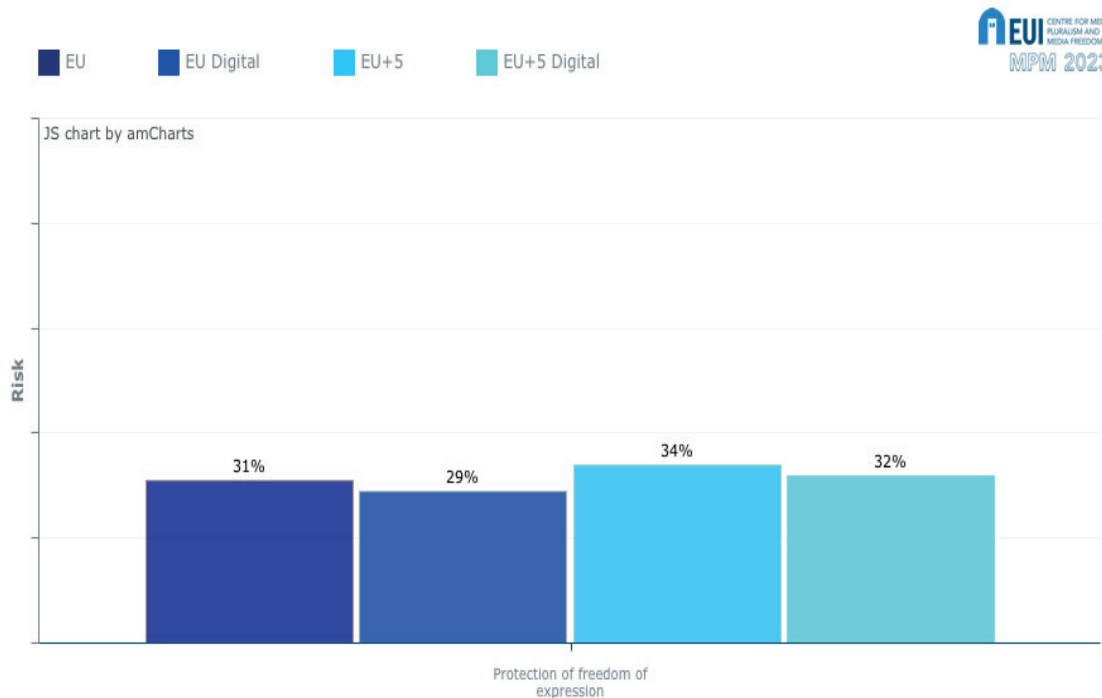
<sup>15</sup> Data collection by the researchers for Turkey: Tirse Erbaysal Filibeli, Can Ertuna, Yagmur Cenberli, and Yasemin Inceoglu. (17 May 2023).



the case-law of the ECtHR (CoE, 2014). Another aim of the sub-indicator is to collect information on, and 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 that is based on their terms of reference or on obligations that stem from legislation, co-regulation and self-regulation. The sub-indicator on the **Guarantees of freedom of expression online** scored as being at low risk (32%) for the EU+5 group, as well as in the EU27 (29%). In considering the whole group, there are 11 countries that scored as being at medium risk (Albania, Bulgaria, Cyprus, France, Greece, Hungary, Ireland, Luxembourg, Poland, Romania and Spain) and one that scored as being at high risk (Turkey).

State authorities themselves generally seem to refrain from filtering and/or monitoring, and/or blocking, and/or removing online content. There were, however, concerning examples from Montenegro, Cyprus and Turkey. The MPM2023 data collection shows that online platforms sometimes moderate content online in a way that can be considered arbitrary, as reported from countries such as Belgium, Italy, Luxembourg and Turkey. Similarly, as in the MPM2022, most of the country teams in the MPM2023 report that there is a lack of transparency, and online platforms do not effectively report on practices and cases of content moderation based on their terms of reference or on obligations that arise from the legislation.

Figure 3.1.c. Digital vs. overall score in Protection of freedom of expression





Finally, in 2022, some important developments concerning freedom of expression online happened at the EU level. Firstly, following the Russian invasion of Ukraine, on 24 February 2022, several European countries, including Bulgaria, Germany, Estonia, Lithuania, Latvia and Poland, have resorted to restrictive measures against Russian media broadcasting services on their territories, which were spreading propaganda and disinformation and which were perceived as being threats to their national security. Exploring the compatibility with the already existent EU regulation ('the Open Internet Regulation')<sup>16</sup>, which allows Internet Service Providers (ISPs) to take traffic measures to block specific illegal content, applications or services, the EU imposed sanctions on the state-owned outlets' (RT/Russia Today and Sputnik) broadcasting in the EU, as part of the broader sanctions package against Russia<sup>17</sup>. Although it is indisputable that both RT/Russia Today and Sputnik are under the permanent direct or indirect control of the Russian State authorities, and are instrumental in spreading war propaganda and disinformation, and in destabilising its neighbouring countries, this measure has not been taken without controversy. It has been perceived as being a threat to freedom of expression and information in several member states<sup>18</sup> (Färdigh, 2023; Flynn, 2023; Kies & Lukasik, 2023). The ban has created further questions in member states about its constitutionality, and whether it should be interpreted and applied to the national media's spreading of pro-Russian propaganda and disinformation, since many of those media are in receipt of public finances.

Secondly, the previous MPM Report has pointed to the use of the invasive spyware technology 'Pegasus' to monitor journalists. Pegasus spyware represents a threat, not only to journalists but also to society as a whole, since it is designed to secretly turn mobile phones into 24-hour surveillance devices, granting complete and unrestricted access to all the sensors and information in the targeted devices. As flagged up in the Hungary MPM Report, Hungary was the only EU country where the Pegasus spyware had been used by national authorities against journalists and media owners. Although The European Court of Human Rights had previously issued a decision confirming that Hungarian legislation did not provide sufficient guarantees against abusive surveillance (Szabó and Vissy v. Hungary 37138/14), the government has taken no corrective measures. In the

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16 European Commission (25 November 2015). Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on Universal Service and Users' Rights Relating to Electronic Communications Networks and Services, and Regulation (EU) No 531/2012 on Roaming on Public Mobile Communications Networks within the Union (Text with EEA relevance), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R2120>

17 Official Journal of the European Union (2 March 2022). Council Regulation (EU) 2022/350 of 1 March 2022 amending Regulation (EU) No 833/2014 Concerning Restrictive Measures in View of Russia's Actions Destabilising the Situation in Ukraine, and Council Decision (CFSP) 2022/351 of 1 March 2022. amending Decision 2014/512/CFSP Concerning Restrictive Measures in View of Russia's Actions Destabilising the Situation in Ukraine, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L:2022:065:TOC>

18 For instance, see Ireland and Sweden country reports.

Pegasus case, several public authorities failed to act: The Parliament's National Security Committee was at first boycotted by pro-government MPs and, later, the materials of the subsequent session were classified until 2050. The Commissioner for Fundamental Rights did not address the complaints received. The National Authority for Data Protection and Freedom of Information (NAIH) launched an investigation into the case but closed it, arguing that there was no breach of law (Bleyer-Simon et al., 2023).

### 3.2 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 investigative journalism. The Indicator, as in the previous MPM editions, focuses on the right to access to information that is held by public authorities and the State, the lawfulness of the limitations thereto, as well as the existence and effectiveness of appeal mechanisms, in cases where information is withheld. The Indicator is based on the principle that all public-sector information belongs to the public, with limited and qualified exceptions that must be justified by the authorities. The Indicator has also been enhanced by a sub-indicator on whistle-blowers' protection, which aims to understand whether, in each country assessed, legislation on the topic exists; whether the State systematically raises awareness in relation to the protection available to whistle-blowers and implements that legislation, 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 the 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". Whistle-blowing is fundamental to journalists in their work of 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 in order to be able to expose their cases without fear of retaliation. 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 (EU Whistleblowing Directive). According to Article 26 (1), member states were supposed to bring the laws, regulations, and administrative provisions into force that are necessary in order to comply with this Directive by 17th December 2021.*

Figure 3.2.a. Indicator on the Protection of the right to information – Map of risks per country

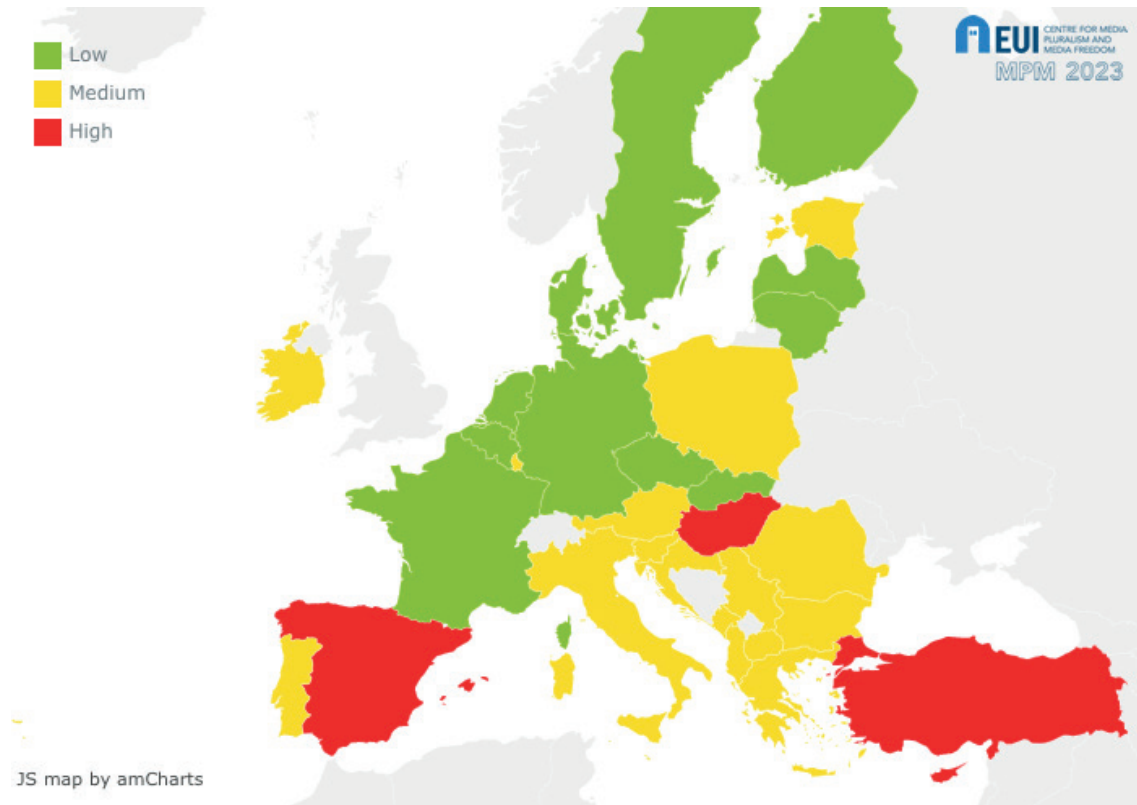
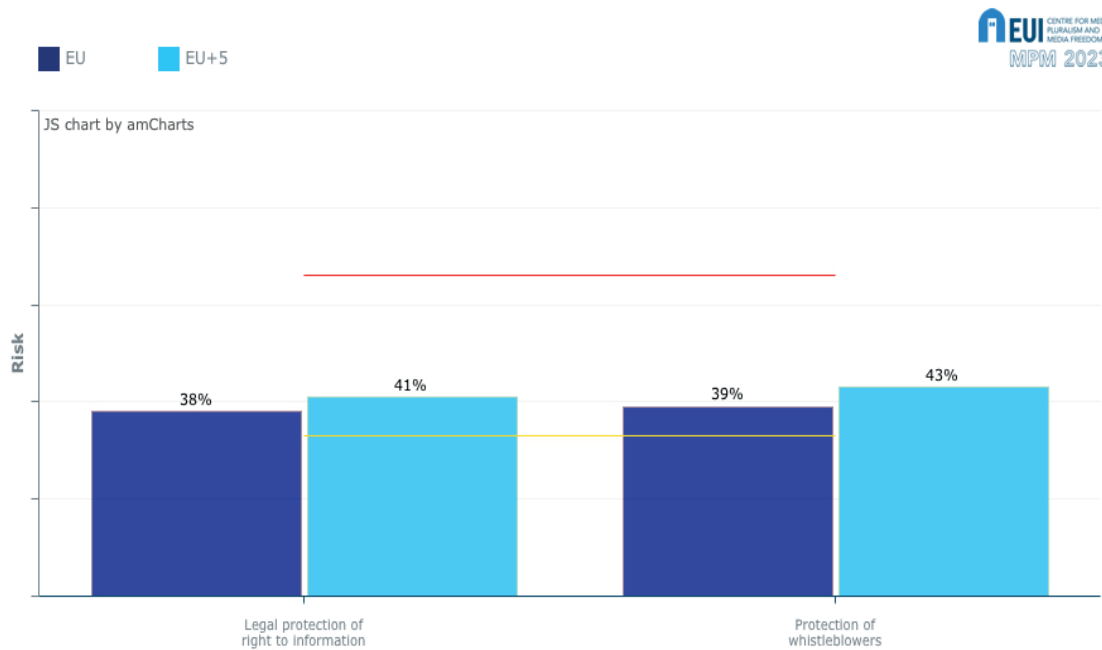


Figure 3.2.b. Indicator on the Protection of the right to information - Averages per sub-indicator



The indicator, **Protection of the right to information**, scored an average of 42%, the same as that in the MPM2022, which assessed the year 2021. However, while the overall risk level has remained unchanged, the situation in several EU member states and candidate countries has altered. In the MPM2022, only four countries scored as being at low risk. This year, 11 countries made it into this risk band, with Denmark and Sweden having confirmed their positions. In addition, Belgium, Finland, France, Germany, Latvia, Lithuania, Slovakia, the Czech Republic and The Netherlands have improved the access to public-sector information, either *de jure* or *de facto*. Seventeen countries scored as being at medium risk: Albania, Austria, Bulgaria, Croatia, Estonia, Greece, Ireland, Italy, Luxembourg, Malta, Montenegro, Poland, Portugal, Romania, Serbia, Slovenia and The Republic of North Macedonia. In 2021, only Spain and Turkey scored as being at high risk, in 2022, these were joined by Cyprus and Hungary.

The sub-indicator, **Legal protection of the right to information**, has deteriorated by two percentage points from 39% to 41%, which is within the medium-risk range. As in the MPM2022, in this sub-indicator, half of the countries assessed scored as being at low risk (16), 13 countries scored a medium risk (Albania, Bulgaria, Croatia, Cyprus, France, Ireland, Malta, Montenegro, Poland, Romania, Serbia, Slovenia and Spain), and three countries a high risk (Austria, Hungary and Turkey).

In 2022, some important developments occurred at the EU level. A significant deterioration of access to information was brought by the Judgment of the EU Court of Justice to suspend public access to beneficial ownership registries<sup>19</sup>, on the basis of their interference with rights to privacy and personal data protection under the EU Charter of Fundamental Rights. The courts' decision clashed with the 5th EU Anti-Money Laundering Directive<sup>20</sup>, which required member states to launch beneficial ownership registries and provide open data on beneficial owners to the public. Following the court's decision, some EU member states immediately took their registries offline (Austria, Germany, Ireland, Luxembourg and The Netherlands). Others decided to keep them open to the public. On the contrary, among those positive judicial developments that affected all EU citizens is that Malta's Court of Appeal ruled in favour of a Madrid-based civil society organisation, Access Info, ruling that the Maltese government was discriminatory and had infringed the rights of EU citizens when it refused to register an information request by non-Maltese residents.<sup>21</sup>

19 EU Court of Justice (22 November 2022). Judgement of the Court <https://curia.europa.eu/juris/document/document.jsf?docid=268059&mode=req&pageIndex=1&dir=&occ=first&part=1&text=&doclang=EN&cid=9481>

20 European Union (30 May 2018). Directive (EU) 2018/843 of the European Parliament and of the Council of 30 May 2018 amending Directive (EU) 2015/849 on the Prevention of the Use of the Financial System for the Purposes of Money Laundering or Terrorist Financing and Amending Directives 2009/138/EC and 2013/36/EU (Text with EEA relevance) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32018L0843>

21 Access Info (26 January 2023). Malta: Access Info wins Court of Appeal Ruling that all EU Citizens have a Right to Submit Information Requests <https://www.access-info.org/2023-01-26/malta-access-info-wins/>

The MPM data point repeatedly to three important phenomena: (1) differences among countries, in terms of the robustness of legal protection of the right of access to information, are substantial, (2) a robust law is not a guarantee of its exemplary implementation and enforcement, (3) a weak law does not mean that the public authorities use it to obstruct access to public-interest information. In 2022, the legislation has seen some improvements in Cyprus, Luxembourg and The Netherlands. However, the implementation and enforcement problems across countries largely remained the same.

The following examples illustrate the discrepancy between *de jure* and *de facto* access to information. Countries like Albania, Croatia, Serbia, and Slovenia have been in the top ten countries of the Global Right to Information Rating<sup>22</sup>, which assesses the quality of access to information legislation across the world. According to the MPM2023, in all these countries, the right to information is explicitly recognised in the Constitution and/or in national laws. Except for Albania, restrictions to access to information on the grounds of privacy protection, public order, and national security, are clearly defined and in line with international standards in these countries. Yet, variables analysing the implementation and enforcement of these laws point to serious flaws. In Croatia, the main problem remains administrative silence (when the public authority does not respond to information requests at all) and represents over half of the reported complaints to the Information Commissioner, who remains the key intermediary through whom citizens can exercise their right to seek and receive public-interest information from the State (Bilic & Valecic, 2023). In Serbia, the recent access to information legislation amendment, from 2021, limited the requesters' rights (Milutinovic et al., 2023). Journalists face authorities' refusals to disclose the requested information or, as in Croatia, there is administrative silence. In Slovenia, exemptions from disclosure are often misused (Milosavljevic & Biljak-Gerjevic, 2023). In 2022, other key issues that are related to the implementation and enforcement of access to information laws included: delays in responding to information requests, their frequent refusal on dubious grounds, time-consuming and ineffective appeal mechanisms, including piled-up complaints with oversight bodies (Spasov et al., 2023). At the same time, there are countries with no constitutional right of access to information, or with weaker access to information laws, such as Denmark, France, or Luxembourg, but that have reasonably good implementation and enforcement.

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<sup>22</sup> Access Info and Centre for Law and Democracy (2023). Global Right to Information Rating. <https://www.rti-rating.org/>

For the sub-indicator, **Protection of whistle-blowers**, the situation has improved, lowering the average year-to-year risk by one percentage point. from 44% in 2021 to 43% in 2022. Whistle-blowing is an essential societal practice and fulfills some of the media's primary roles - monitoring the actions of public and private actors, exposing them when they misuse their position of power, and defending the public interest. Similarly, as journalists, whistle-blowers substantially act as guardians of institutions (Lippmann, 1997). To serve these roles, they need to feel safe to come forward and to speak up when they observe law breaking. The necessity to protect whistle-blowers has recently been recognised in both the national and EU legislation through Directive no. 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the Protection of Persons who Report Breaches of Union Law (EU Whistle-blowing Directive)<sup>23</sup>.

The MPM variables on whistle-blowing examine the existence of legal protection for whistle-blowers, together with its effectiveness, public awareness of whistle-blowers' protection and cases of governments who arbitrarily sanction whistle-blowers. In the MPM2023, 11 countries scored as being at low risk for this sub-indicator: Austria, Belgium, Denmark, France, Germany, Latvia, Lithuania, Slovakia, Slovenia, Sweden and the Czech Republic. Seventeen countries scored as being at medium risk: Albania, Bulgaria, Croatia, Estonia, Finland, Greece, Ireland, Italy, Luxembourg, Malta, Montenegro, Poland, Portugal, Romania, Serbia, The Netherlands, and The Republic of North Macedonia. High-risk countries, in terms of whistle-blowers' protection, are Cyprus, Hungary, Spain, and Turkey.

With regard to legal protection, EU member states were expected to transpose the EU Whistleblowing Directive into national legislation by 17th December 2021. However, when this report was written (May 2023), seven EU member states still hadn't transposed the Directive into national law. These were Estonia, Germany, Hungary, Luxembourg, Poland, Slovakia, and The Czech Republic. Some of these countries have dedicated laws on whistle-blowers' protection. Nonetheless, even EU member states that do not have a dedicated law on the protection of whistle-blowers may offer some fragmented legal protection to whistle-blowers through other laws and regulations. For instance, in Hungary, it is regulated through the Act CLXV of 2013 on Complaints and Notifications of Public Interest. The Act covers the public sector only (Bleyer-Simon et al., 2023).

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23 European Union (23 October 2019). Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the Protection of Persons who Report Breaches of Union Law. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L1937>



In addition to insufficient legal protection, governments' inactivity in promoting and raising awareness about whistle-blowers' protection represents a problem. With low awareness, whistle-blowers may not know that they are protected, or how to file reports, which results in a low overall number of reports being submitted. In many countries assessed by the MPM, civil society organisations substitute for the State's role in this area and set the public debate on this topic, e.g., Bulgaria, France, Ireland, Romania and Poland. The experience from Slovakia shows that establishing a dedicated Independent Office for the Protection of Whistle-blowers can improve awareness. Its Slovak equivalent was contacted by several hundred people for help and advice in its first year of existence. In 2022, the Office ran an extensive communication campaign in collaboration with major media outlets (Urbaníková, 2023).

In 2022, only a few of the countries assessed reported cases of arbitrary sanctioning of whistle-blowers. Recently, several notable cases have been recorded in Cyprus, France, Greece, Luxembourg, Malta, Montenegro and Romania. However, as Carlini et al. (2023) warned in their national report on Italy, many cases may go unreported. This is mainly due to the limited human and financial resources of the National Anti-Corruption Authority (ANAC), the authority tasked with adopting specific regulations and guidelines, awareness-raising on the subject, handling whistleblowers' reports, and sanctioning (ibid).

### 3.3 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, thus, 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 journalists can act independently from political and commercial interests and rely on an “enabling environment” in which to carry out their job. In this regard, the European Court of Human Rights (ECtHR) sets the standards. 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” (CoE, 2016; ECtHR case *Dink v. Turkey*, 2668/07, 6102/08, 30079/08, 7072/09 et 7124/09).*

*This also means that the countries have a duty to guarantee a safe environment in which journalists, and other media actors, can exercise their watchdog function. The journalistic profession, standards and protection Indicator deals with a range of different aspects that touch upon journalists and journalism. The Indicator is composed of seven sub-indicators, which describe the risks resulting from (i) working conditions; (ii) physical safety; (iii) life safety; (iv) digital safety; (v) positive obligations to protect journalists from strategic lawsuits against public participation (SLAPPs), and other legal threats; (vi) the existence and levels of the implementation of those rules on the protection of journalistic sources; and, (vii) the existence and levels of the implementation of rules on privacy and data protection. MPM2023 also continues to assess the status of journalists based on a variable that considers arbitrary arrests and the imprisonment of journalists due to their exercising of their profession (whether there are, for instance, politically motivated arrests/detentions and imprisonments of journalists) and cases of severe threats to the lives of journalists, including physical threats, physical harm and assassination. MPM2023 also continues to provide an additional focus on threats to women journalists, both off- and online.*

Figure 3.3.a. Indicator on the Journalistic profession, standards, and protection - Map of risks per country

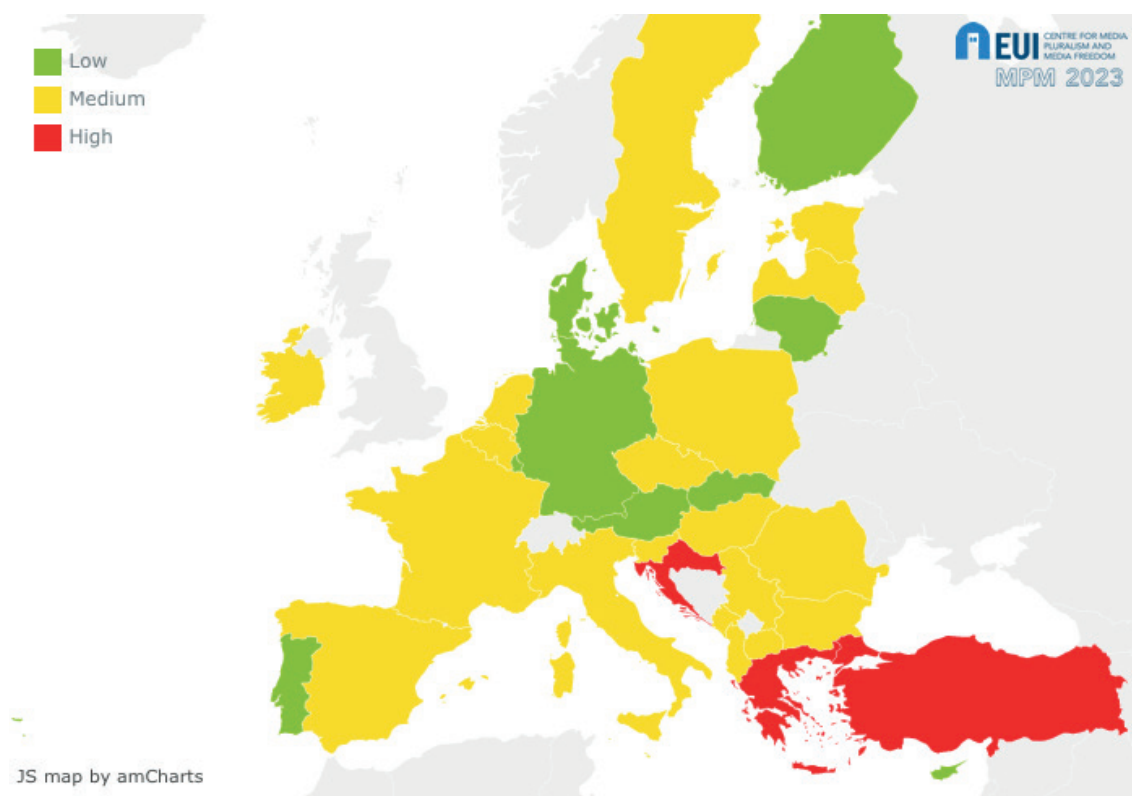
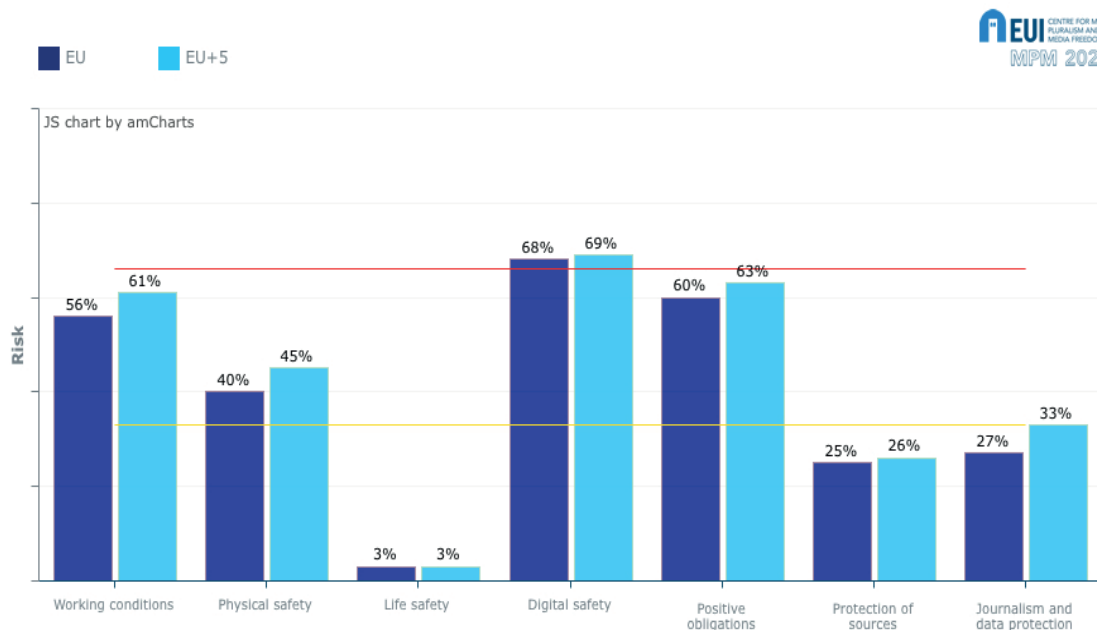




Figure 3.3.b. Indicator on the Journalistic Profession, standards and protection - Averages per sub-indicator



The indicator, **Journalistic profession, standards and protection**, defines the necessary conditions that must be safeguarded so that journalists are able to work freely, with dignity, and without fear. In 2022, it scored as a medium risk, at 43%, the same as it was in 2021. While the trend has gradually worsened throughout MPM iterations since the MPM2020, this year, the situation has stabilised. In some of the countries assessed, the improvements were related to the decreasing number of demonstrations against the COVID-19 pandemic policy responses. These protests were often accompanied by attacks on journalists (coming from crowds or police forces). In 2022, Turkey (83%), Greece (69%) and Croatia (68%), remained as high-risk countries. Only Montenegro (63%) improved its ranking from being a high-risk to being a medium-risk country. Nine countries were in the low-risk band: Austria, Cyprus, Denmark, Finland, Germany, Lithuania, Luxembourg, Portugal and Slovakia. Poor working conditions, attacks against journalists in the online environment, and governments not fulfilling their positive obligations towards the media, remain the most pressing issues within this Indicator.

On average, the sub-indicator, **Working conditions**, scored as a medium risk, at 61%, one percentage point lower than in 2021. Decent working conditions are essential, as they protect journalists from political and business influences and discourage censorship and self-censorship. Within this Indicator, only Denmark, Germany, Ireland and Sweden scored as low risk, while 16 of the countries assessed scored as being at the medium-risk level (Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Italy, Latvia, Luxembourg, Malta, Poland, Portugal, Slovakia, Slovenia, Spain and The Netherlands) and 12 scored as being at high risk (Albania, Austria, Croatia, Greece, Hungary, Lithuania, Montenegro, Romania, Serbia, the Czech Republic, The Republic of North Macedonia and Turkey). Amongst the countries that scored high risk, Croatia, Hungary, Montenegro and Romania scored 97%, the highest possible level of risk. The issues in high-risk countries are diverse. For instance, in Turkey, the Directorate of Communication of the Presidency, which issues official press cards to journalists, refuses to issue new press cards or they cancel those that exist on unclear and dubious grounds. In addition, many publishing houses force their journalists to work for them as self-employed, in order to avoid contributing health and social benefits, putting a higher financial burden on journalists and increasing their job insecurity since, in some countries, self-employed journalists cannot be union members (Inceoglu et al., 2023). The lack of social protection for journalists who do not enjoy the status of an employee is common in Croatia, Montenegro and Romania, but also in several other countries that scored as being at medium risk (Bilic & Valecic, 2023; Brkic, 2023; Toma et al., 2023). The low popularity of journalistic associations in post-communist EU member states and candidate countries makes bargaining for better working conditions more difficult.

**Life safety** is an MPM sub-indicator which assesses whether journalists were killed in relation to the exercise of their journalistic profession in a given year. It is a necessary condition for safeguarding the right to freedom of expression. When journalists' lives are in danger, it has severe repercussions for society. Available research suggests that the killings of journalists are associated with an increase in government repression and the deterioration of human rights (Gohdes & Carey, 2017), and corruption (Žuffová, 2020). The perceived risk of death linked to investigative reporting may discourage journalists from taking up investigations on corruption, which may then enable corruption to continue to thrive.

The database that is maintained by the Committee to Protect Journalists shows that, in the past ten years, 17 journalists have been killed in the EU member states. After the murders of the Maltese investigative journalist, Daphne Caruana Galizia, in 2017, the Slovak investigative journalist, Ján Kuciak, and his partner in 2018, the killing of Lyra McKee in Northern Ireland, in 2019, the murders of Giorgos Karaivaz in Greece, Peter R. de Vries in The Netherlands, and Hazım Özsü in Turkey, in 2021, one journalist was killed in Europe in 2022. Güngör Arslan, the publisher and chief editor of the local Turkish news portal Ses Kocaeli, who died as a result of an armed attack in February 2022.

**Physical safety** is another sub-indicator that is fundamental to the evaluation of pre-conditions for free journalism. The sub-indicator covers physical threats and arbitrary imprisonment. According to the Platform to Promote the Protection of Journalism and the Safety of Journalists of the Council of Europe, 173 cases of harassment and intimidation of journalists and the media were reported within the timeframe of the MPM2023 analysis.

If compared to MPM2022, the MPM2023 scored lower for this Indicator, but still scores in the medium-risk range. The risk has decreased by five percentage points, from 50% to 45%. Within this sub-indicator, 14 countries scored as being at low risk (Austria, Cyprus, Denmark, Estonia, Finland, Hungary, Ireland, Lithuania, Luxembourg, Portugal, Romania, Slovakia, the Czech Republic, and The Republic of North Macedonia). Thirteen countries scored as being at medium risk (Belgium, Bulgaria, Croatia, France, Germany, Italy, Latvia, Malta, Montenegro, Poland, Serbia, Slovenia and Spain), and five scored as being at high risk (Albania, Greece, Sweden, The Netherlands, and Turkey).

In addition to assessing the overall safety of journalists, the MPM accounts for the physical safety of women journalists through a separate variable. By doing so, the MPM acknowledges that violence against women journalists is a self-standing issue and needs to be assessed as such (Žuffová & Carlini, 2021). The nature of attacks against women journalists is different than that against their male colleagues, with women receiving more misogynistic and sexualised hate speech. While physical attacks against women journalists are not so common in the countries assessed, and the risk of them has decreased from last year by seven percentage points, from 55% to 48%, the threats and attacks in the online environment have been on the rise (the year-to-year increase was six percentage points, from 67% to 73%). Paradoxically, these attacks have often been fuelled by political actors, whose role should be to create and protect safe and favourable conditions for independent journalism. For example, in Slovakia, the Smer-SD Party Leader, Robert Fico and his party colleague, Ľuboš Blaha, incited threats to the radio presenter Marta Jančkárová for not allowing the uninvited Blaha to participate in her discussion programme. Jančkárová received phone calls and emails from their supporters threatening her with death, torture, rape, and physical harm to her family members (Žuffová et al., forthcoming). Cases like this discourage women journalists from covering politics,

or even from staying in the profession, and they have serious repercussions for journalism's practice and women's representation in the profession. The MPM data collection repeatedly points to national governments' failure to understand the extent of the issue so that they can tackle it, as they do not collect gender-disaggregated data on the attacks against journalists. In most cases, they do not collect any data on violence against journalists.

The sub-indicator, **Physical safety**, also assesses whether there were politically motivated arrests/detainments and imprisonment of journalists in the year being assessed. In 2022, such cases were registered in Albania, Bulgaria, Greece, Poland, Sweden, The Netherlands and Turkey.

The threats occurring in the online environment, including those that appear through the illegitimate surveillance of journalists' searches and online activities, their email or social media profiles, hacking and other attacks by State or non-State actors (see the Pegasus case in Hungary), are discussed under the sub-indicator, **Digital safety**.

Threats of violence, which are typically made online, have become increasingly common in recent years, and the MPM2023 confirms the trend, as the sub-indicator, **Digital safety**, scored as a high risk at 69% (increased by four percentage points, if compared to the MPM2022, shifting from the medium-risk to the high-risk band). As public figures, journalists are often targeted, or they are subjected to hate speech, implicitly or explicitly threatened with violence, and they are subjected to surveillance, email hacking, DoS attacks, cyberbullying, and public threats on social media platforms or via their 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, they are repeatedly attacked over an extended period, even by means such as violent tags and bots. A quantitatively large proportion of the abuse is connected to politics.

Online abuse against journalists has been on the rise in many of the countries assessed. Some do not collect disaggregated data on the issue, so it is difficult to assess its extent. However, those countries which collect and publish the data clearly show a negative trend. In Italy, in the first nine months of 2022, 24 of the 84 intimidating episodes committed against journalists, that were reported to the Police, happened in the online environment. However, the statistics collected by the civil society sector suggest that the number of journalists attacked is much higher (Carlini et al., 2023). Countries that score low risk (Luxembourg, Portugal and Romania) may not be immune to this kind of threat to journalists. In fact, a low-risk score does not necessarily mean that the risk to journalists' safety in the digital environment is not present. Online harassment often goes unreported and, thus, there is an underestimation of the extent of the issue. Similarly, as with the sub-indicator, **Physical safety**, the sub-indicator, **Digital safety**, considers the gendered nature of the threats. The results have shown that female journalists are reported to

receive more digital threats than male journalists in most of the countries analysed.

Figure 3.3.c. Digital safety of journalists (left) vs. Physical safety of journalists (right)

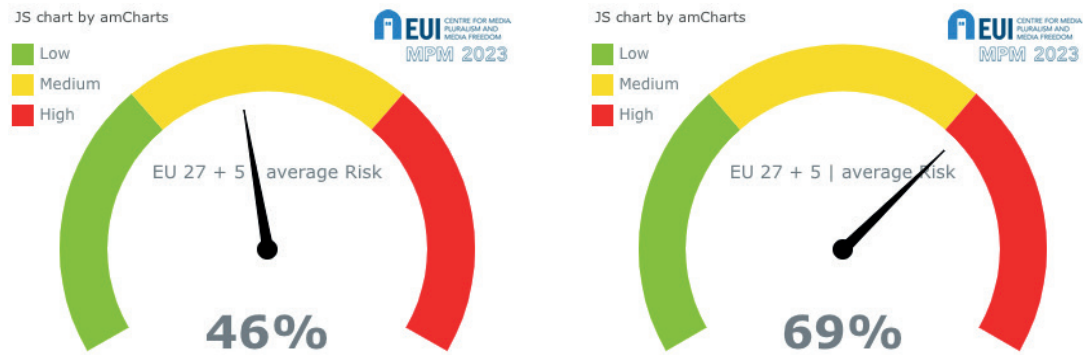
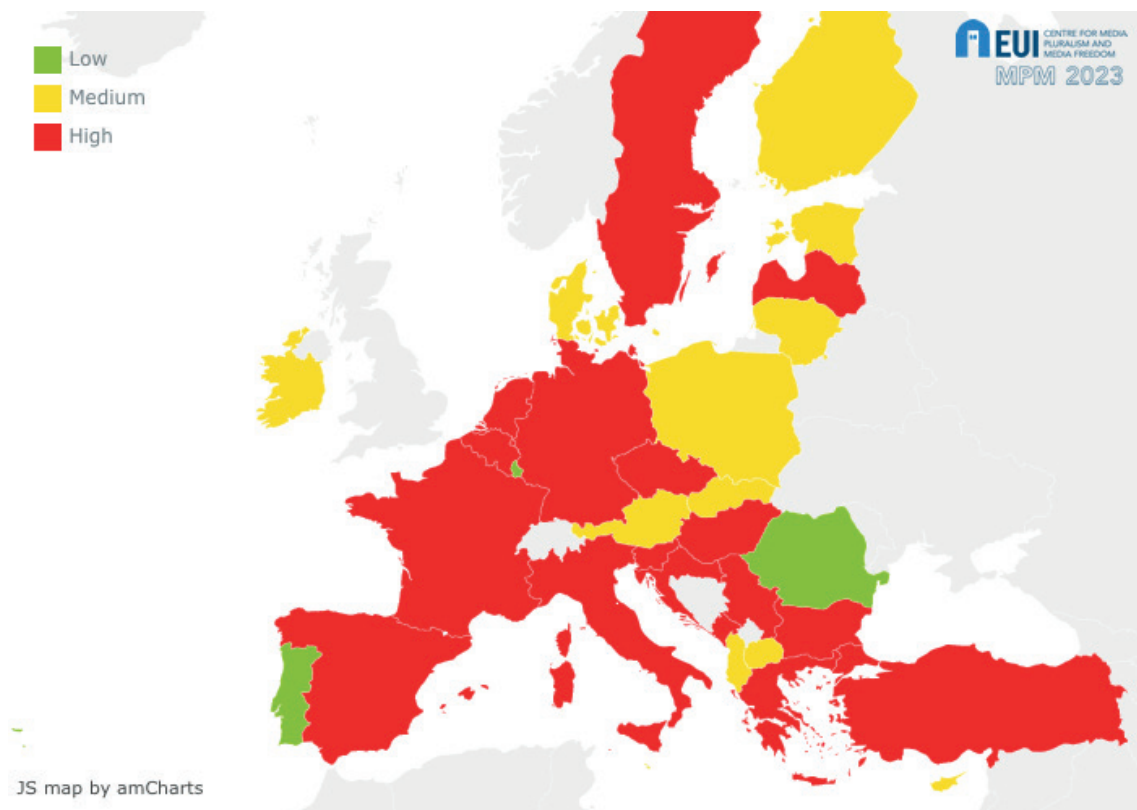


Figure 3.3.d. Digital safety of journalists



Under the sub-indicator on **Positive obligations**, the MPM2023 investigates whether the countries that have been assessed are putting in place all the necessary measures to guarantee an enabling environment for journalism that is based on the Council of Europe’s standards. In 2016, the Council of Europe adopted the Recommendation on the Protection of Journalism and the Safety of Journalists and Other Media Actors (CoE, 2016), which provides specific Guidelines for member states to act upon in the areas of prevention, protection, prosecution, promotion of information, education and awareness-raising. In 2020, the Recommendation was further operationalised by an Implementation Guide (CoE, 2020). In particular, the MPM2023 sub-indicator on **Positive obligations** assessed the extent of impunity (whether perpetrators of crimes against journalists are prosecuted), the existence of a legal framework against strategic lawsuits against public participation (SLAPPs), and the occurrence of SLAPP cases. SLAPPs are vexatious lawsuits set out with little or no chance of success and usually ask for a disproportionate amount of damages so as to intimidate and eventually silence journalists. In this regard, at the EU level, there have been recent initiatives that are aimed at creating a framework to prevent SLAPPs, such as the proposal for a Directive on Protecting Persons who Engage in Public Participation from Manifestly Unfounded or Abusive Court Proceedings (“Strategic Lawsuits Against Public Participation”)<sup>24</sup> from April 2022.

In the MPM2023, the sub-indicator, **Positive obligations**, scored as a medium risk (64%). Within this sub-indicator, 13 countries scored as being at high risk: Albania, Bulgaria, Croatia, Estonia, Greece, Hungary, Italy, Malta, Montenegro, Poland, Serbia, Slovenia and Turkey. Equally, 13 countries scored at medium risk, namely, Austria, Belgium, Cyprus, France, Ireland, Latvia, Romania, Slovakia, Spain, Sweden, the Czech Republic, The Netherlands, and The Republic of North Macedonia. Only six countries scored as being at low risk: Denmark, Finland, Germany, Lithuania, Luxembourg and Portugal. In 2022, there was no country that had already adopted an anti-SLAPP legal framework. However, some of the countries assessed have legal provisions that can prevent SLAPPs. For instance, the existing Danish and Finnish legislation is deemed sufficient to deal with SLAPPs if filed (Mäntyoja & Manninen, 2023; Simonsen, 2023). In the Slovak Criminal Act, its Article 345 states that “false accusation” i.e., “whoever falsely accuses another of a criminal offence with the intent to bring about his prosecution shall be punished by imprisonment for one to five years.” While such provisions can discourage SLAPP cases, they are generic and henceforth insufficient.

<sup>24</sup> European Commission (27 April 2022). Proposal for a Directive of the European Parliament and of the Council on Protecting Persons Who Engage in Public Participation from Manifestly Unfounded or Abusive Court Proceedings (“Strategic lawsuits against public participation”), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52022PC0177>

In 2022, SLAPPs were on the rise in many of the countries assessed. The Coalition against SLAPPs in Europe, a coalition of civil society organisations, launched the European SLAPP contest to point to the countries where SLAPPs are largely used to target political opponents, including media and civil society. In 2022, Poland made it to the top of the list. One of its renowned journalists was convicted without a court hearing (Szalai, n.d.). In Slovakia, the Ministry of Justice registered ten SLAPP cases against journalists (Urbaníková, 2023). In Serbia, 40 lawsuits with SLAPPs characteristics were recorded during 2021 and 2022 (Milutinovic et al., 2023). The main journalistic association in Croatia, Hrvatsko novinarsko društvo, stated that there were 951 active lawsuits as of March 2022, of which 928 related to defamation charges against publishers, editors or journalists (Bilic & Valecic, 2023). In many of the countries assessed, SLAPPs were strategically filed by the political and business elite, who use loopholes in the existing legislation (Bilic & Valecic, 2023; Bleyer-Simon et al., 2023; Carlini et al., 2023; Christophorou & Karides, 2023; Ouakrat & Larochelle, 2023). For instance, in France, SLAPPs are largely based on the July 30, 2018 Law (no. 2018-670) on the “Protection of Trade Secrets”, which states that information with a commercial value, which is deemed secret by companies, should be protected, and thus that any person obtaining, using or publishing it, may be prosecuted (Ouakrat & Larochelle, 2023).

The sub-indicator, **Protection of sources**, scored as a low risk (26%), similarly to the score in the previous MPM edition, with only ten countries scoring as being at medium risk (Albania, Bulgaria, Estonia, France, Ireland, Italy, Montenegro, Poland, Spain and The Netherlands) and only Greece scoring at high risk. In all of the other countries assessed, the protection of sources represented a low risk. In Greece, journalists are not expressly covered by Article 212 of the Code of Penal Procedure, which safeguards the professional confidence of a few professionals (doctors, lawyers, etc.). As witnesses in criminal proceedings, they thus do not have the right to refuse to answer questions that are related to information obtained during their work. This lack of legal protection, accompanied by cases of suspected surveillance of journalists, creates a high-risk environment for journalistic sources.<sup>25</sup>

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<sup>25</sup> E-mail conversation with the researcher for Greece, Lambrini Papadopoulou (12 May 2023).



The MPM2020 (assessing year 2019) introduced a new sub-indicator that aimed to tackle the impact of data protection and data retention rules on journalistic activity. The processing of personal data is a necessary step towards the proper exercise of the journalistic profession. Requiring journalists to comply with data protection rules and principles fully can have a real impact on their freedom of opinion and of expression. Examples might be, for instance, the requirement of the data subject's consent to publish 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. The need for the EU's 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"* is recognised in Recital 153 of the General Data Protection Regulation (GDPR).<sup>26</sup>

The sub-indicator, **Journalism and data protection**, scored an average of 33%, a five-percentage-point increase, if compared to last year. The majority of assessed countries (20) scored as being at low risk, eight countries scored a medium risk (Bulgaria, Cyprus, Estonia, Hungary, Italy, Poland, Romania and Serbia), and four scored as being at high risk (Albania, Croatia, Montenegro 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.

Within the countries which scored medium risk, five of them - Bulgaria, Cyprus, Estonia, Italy and Serbia - increased their risk score from low to medium if compared with the MPM 2022. This risk increase is associated mainly with events related to the protection of journalistic sources, journalists' data retention or the surveillance of journalists that took place in 2022. In Italy, for example, the civil society organisation Ossigeno per L'informazione reported that in 2022 public prosecutors from Rome decided to obtain the telephone records of two journalists from Report, a RAI investigative program (Carlini et al., 2023). In Cyprus, according to Christophorou and Karides (2023), there have been accusations of the existence of a hub for the export of intelligence and surveillance material and software to third countries, while at the same time, some incidents are indicative of possible illegal monitoring of citizens and journalists.

Within the countries which scored high risk, in 2022, Montenegro is new in this risk band. The increase, in this case, is due to a reassessment of the variables dealing with the protection of sources as, according to the trade union's report published in December 2022, there was one case of pressure over a journalist from Pobjeda newspaper, Nenad Zecevic, to reveal the identity of his source of information (Brkic, 2023).

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26 European Commission (27 April 2016). 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) (Text with EEA relevance) <https://eur-lex.europa.eu/eli/reg/2016/679/oj>.



The first variable in this sub-indicator aims to assess 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 decisions 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), 11 countries scored as being at medium risk (Cyprus, Estonia, Finland, France, Greece, Montenegro, Poland, Romania, Serbia, Spain and Sweden), and seven scored in the high-risk band for this variable (Albania, Bulgaria, Croatia, Germany, Ireland, Italy and Turkey).

The other two variables which make up this sub-indicator seek to evaluate whether the implementation or transposition of two EU instruments - GDPR and Directive 2016/680 – has been concluded in such a way that they ensure a proper balance between data protection and the freedom of expression. Regarding the implementation of Directive 2016/680 (or similar legislation for non-EU member states) at the national level, nine countries scored as being at medium risk (Austria, Bulgaria, France, Greece, Italy, Portugal, Romania, Serbia and Sweden). Seven scored as high risk (Croatia, Cyprus, Estonia, Hungary, Montenegro, Poland and Turkey). Concerning the last variable in this sub-indicator, which assesses the implementation of the specific rules of the GDPR, the majority of countries scored as being low risk.

### 3.4 Independence and effectiveness of the media authority

*Media authorities are key actors in regulating the media in Europe, and they 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, in practice, independent; whether the allocation of budgetary resources protects the authorities from coercive budgetary pressures and allows them to perform their functions freely; the types 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 (and which implements the Audio-visual Media Services Directive (AVMSD)) and/or oversees the media market. The MPM methodology considers and assesses the national authorities that form a part of the European Regulators' Group for Audio-Visual Media Services (ERGA) or of the European Platform of Regulatory Authorities (EPRA).*

Figure 3.4.a. Indicator on the Independence and effectiveness of the media authority - Map of risks per country

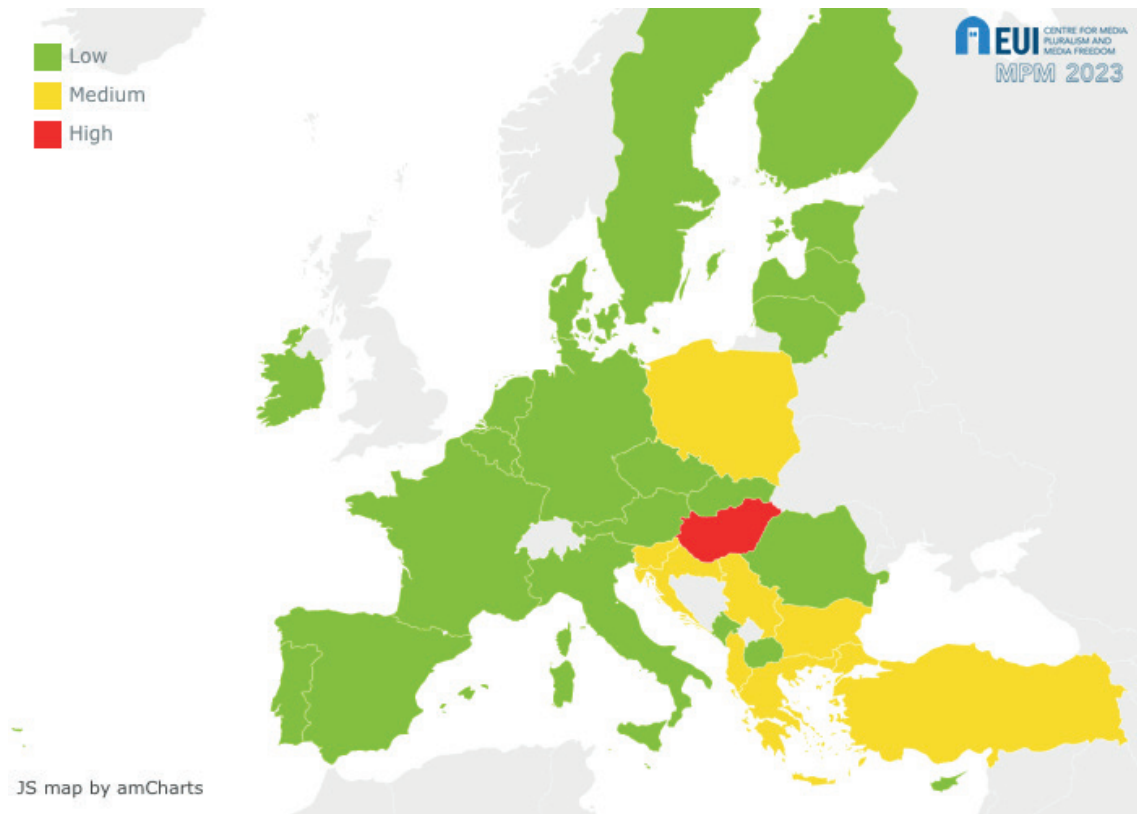
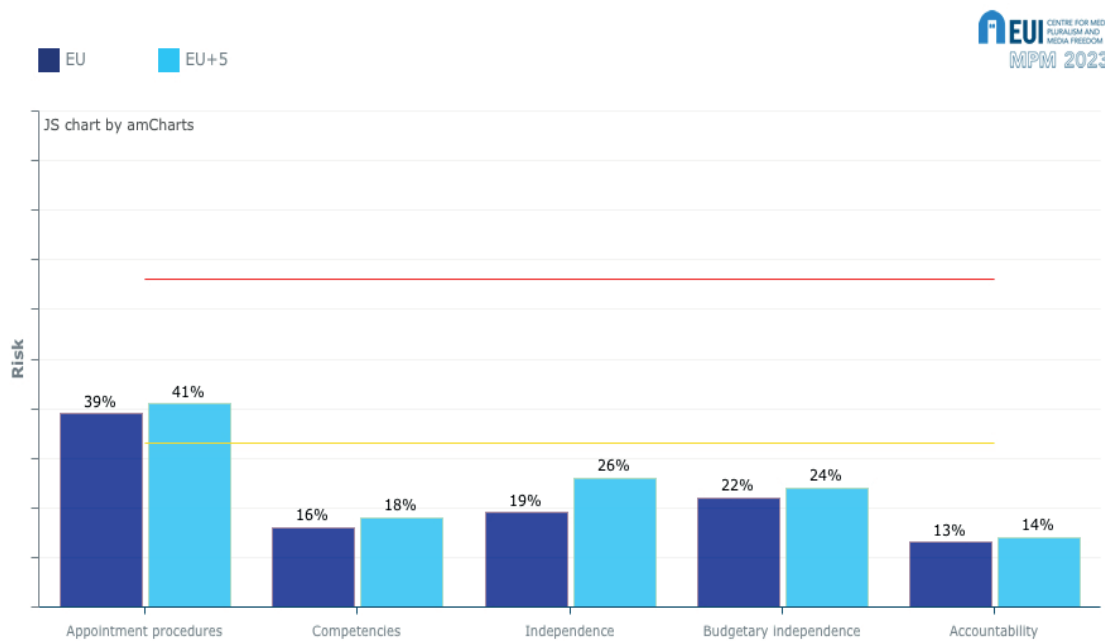


Figure 3.4.b. Indicator on the independence and effectiveness of the media authority - Averages per sub-indicator



Media authorities are increasingly becoming key actors in media regulation in Europe and, along with them, the 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 Audio-Visual Media Services Directive (AVMSD)<sup>27</sup> has introduced specific provisions defining the criteria that guarantee the independence of media authorities within the scope of the AVMSD, which is geared towards reinforcing their independence from political and commercial interests. In particular, the reform includes a requirement for member states to have independent regulatory authorities for audio-visual media services, authorities that should be legally distinct from the executive power and functionally independent of their respective governments, and of any other public or private body. Independent audio-visual media authorities should not be instructed by any other body in relation to the exercise of their tasks, and they should exercise their powers both independently 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 and with values of media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, internal market, and the promotion of fair competition.

The tasks and competencies of the audio-visual media authorities should be clearly defined in law, and authorities should have adequate resources and enforcement powers, including powers to sanction, in order to carry out their functions effectively. The member states shall lay down, in law, transparent procedures for the appointment and dismissal of the head of the 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.

Within the Fundamental Protection area, **the Independence and effectiveness of the media authority** Indicator was the only indicator in which the risk score has slightly worsened (by one percentage point, from 24% to 25%) if compared to the previous year. Except for Hungary, which scored as being at high risk, eight countries scored at medium risk (Albania, Bulgaria, Croatia, Greece, Poland, Serbia, Slovenia and Turkey), and the vast majority (23 countries) were within the low-risk range.

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27 European Commission (14 November 2018). 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 Audio-visual Media Services (Audiovisual Media Services Directive) in View of Changing Market Realities, <https://eur-lex.europa.eu/eli/dir/2018/1808/oj>.

The sub-indicators demonstrating the highest risk, under this Indicator, were still those relating to appointment procedures and the effective independence of the media authority. This is due to the weakness of the mechanisms that might be able to resist political and commercial influences and ensure the independence of the authorities through appropriate appointment procedures. The political appointment does not automatically mean that the authority will act in line with political pressure, but it clearly poses a risk of interference. The sub-indicator, **Appointment procedures**, scored at medium risk (41%), two percentage points more than in the previous MPM edition. Less than half of the countries assessed (14) scored within the low-risk band (Austria, Belgium, Denmark, Estonia, Finland, France, Germany, Ireland, Lithuania, Montenegro, Portugal, Sweden, The Netherlands and The Republic of North Macedonia). Nine countries scored at medium risk (Cyprus, Italy, Latvia, Luxembourg, Malta, Romania, Slovakia, Spain and The Czech Republic) and, equally, nine countries scored as being at high risk (Albania, Bulgaria, Croatia, Greece, Hungary, Poland, Serbia, Slovenia and Turkey). The sub-indicator, **The Independence of the media authority**, scored as low risk (26%), two percentage points less than in the previous MPM edition. Most of the countries assessed scored in the low-risk band (24 countries). Three countries scored at medium risk (Croatia, Greece, and Montenegro), and five countries scored as being at high risk (Albania, Hungary, Poland, Serbia and Turkey). In high-risk countries, high risk is not necessarily represented by direct interference, such as the authority's decisions being arbitrarily overruled, but it is more implicit. In fact, the effective independence of media authorities is closely intertwined with the appointment procedures, as can be demonstrated through the situation of some of the medium and high-risk countries.

For instance, in Hungary, the independence of the main regulatory agency - the Media Council - is severely limited, due to the selection and appointment procedures and its practices. The Media Act stipulates that an ad hoc parliamentary committee appoints four members. With each parliamentary party participating in the committee, this would be a standard procedure. However, with the governing party, Fidesz, having a two-thirds parliamentary majority, the party also has a two-thirds voting share on this committee. Electing politically independent Media Council members is thus practically impossible (Bleyer-Simon et al., 2023). In addition, the President of the Media Council is simultaneously head of the National Media and Infocommunications Authority (NMHH), the main media regulatory agency. He is appointed by the President of the Republic following a proposal by the Prime Minister. Although the professional organisations put forward nominees, the Prime Minister is not obliged to consider them. In 2021, the former President of NMHH stepped down, which allowed Fidesz to elect a new President before the 2022 election, when it was not clear whether they would still have a two-thirds majority in the next term (ibid).

A similar situation can be observed in Poland, where the majority of the National Broadcasting Council's (KRRiT) Members are perceived to be political nominees representing the interests of the government. In 2022, the Council was criticised for its lack of transparency (some of its meetings were closed to the public) and controversial decisions (e.g., sanctioning content critical of the Catholic Church and authorities that was aired) (Klimkiewicz, 2023). The composition of the media authorities remains problematic and prone to political influence due to the design and/or practice of the appointment procedures in other countries too, for instance, in Bulgaria, Croatia, Greece, and Serbia, to name a few. The selection of the Bulgarian Council for Electronic Media's (CEM) Members has also been seen as being based on political loyalties, rather than on expertise and experience (Spasov et al., 2023). In 2022, the CEM's authority was also undermined by its President's attacks on journalists and her anti-democratic rhetoric (ibid).

Across the 32 countries evaluated, the **Competencies** sub-indicator scored as low risk (18%), although this represents an increase of two percentage points, if compared with the MPM2022. This sub-indicator assesses whether the rights (including effective sanctioning powers) and the obligations of the media regulatory authority are comprehensively defined in the national legislation, and if the media can appeal against the authority's decisions. The competencies of the main media regulatory agencies are formally prescribed in the national legislation in all member states and candidate countries. Most of the countries assessed (28) were found to be in the low-risk band. Only four countries scored at medium risk: Greece, Hungary, Poland and Serbia. In Hungary, the print and non-audio-visual online news outlets are regulated by the Media Council, which may create disproportionate restrictions if its sanctioning proceedings are running in parallel with other courts or with the National Authority for Data Protection and Freedom of Information's (NAIH) proceedings (Bleyer-Simon et al., 2023). In 2022, the Greek National Council for Radio and Television (ESR) was also granted a new sanctioning power over the press, which was widely criticised as being unconstitutional. Another issue was created by the Council of State, which had overruled some of the administrative sanctions that the National Council for Radio and Television (ESR) had imposed (Papadopoulou & Angelou, 2023). Finally, it is important to note that this sub-indicator does not account for extreme cases, such as Turkey, where the media authorities seem to be effective, but use their sanctioning powers politically to silence media outlets that are critical of the government. In Turkey, in the first nine months of 2022, the Radio Television Supreme Council (RTÜK) issued 101 fines, amounting to 22,640,000 Turkish Lira (1,1 million EUR), to media outlets. However, most of them were inflicted on outlets well-known for their critical reporting. In addition, the Press Advertising Council (BIK) uses the allocation of state advertising to pressure independent newspapers (Inceoglu et al., 2023).

These budgetary pressures are captured through the sub-indicator on **Budgetary independence** which, on average, scored as low risk (24%), showing that regulatory safeguards for their funding allow the authorities to carry out their functions fully and independently and, usually, their budget is adequate to perform their functions. Despite the generally satisfactory situation, there are exemptions. Eleven countries scored at medium risk for this sub-indicator (Bulgaria, Estonia, Finland, Hungary, Malta, Portugal, Romania, Serbia, Spain, The Republic of North Macedonia and Turkey) and two countries scored as being at high risk: Greece and Slovenia. Both Greek and Slovenian media authorities are perceived to be underfinanced and understaffed, to the extent that this lack of resources may hamper their effectiveness (Milosavljevic & Biljak-Gerjevic, 2023; Papadopoulou & Angelou, 2023). While the financial independence of the regulator represents a concern in only some of the countries assessed, understaffing was also observed in low-risk countries, such as Luxembourg (Kies & Lukasik, 2023).

Authorities are generally assessed for their transparency about their activities and accountability to the public. Being transparent may include the publication of annual or ad hoc reports that are relevant to their work. These aspects are captured in the sub-indicator, **Accountability**, which scored 14% in the MPM2023. Twenty-four countries were assessed as being at low risk. Poland was the only country to score at the high-risk level. Croatia, Cyprus, Greece, Hungary, Serbia, Slovenia and Turkey scored as being at medium risk. If compared to the previous edition, the transparency and accountability of the media authorities and also the risk band have improved in Greece and deteriorated in Croatia, where the regulator does not provide data on the market structure for electronic media (Bilic & Valecic 2023). In Poland, the key issues remain the lack of monitoring of public service media's (PSM) performance and limited access to data on ownership, revenues, financing (from state advertising also), market shares, and connections to other media businesses<sup>28</sup>.

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<sup>28</sup> Data collection by the researcher for Poland, Beata Klimkiewicz (12 May 2023).

### 3.5 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 that stems from any excessively limited traditional TV and radio network coverage, broadband coverage, and access to the Internet. The Indicator also consists of variables on net neutrality.

Figure 3.5.a. Indicator on the Universal reach of traditional media and access to the Internet - Map of risks per country

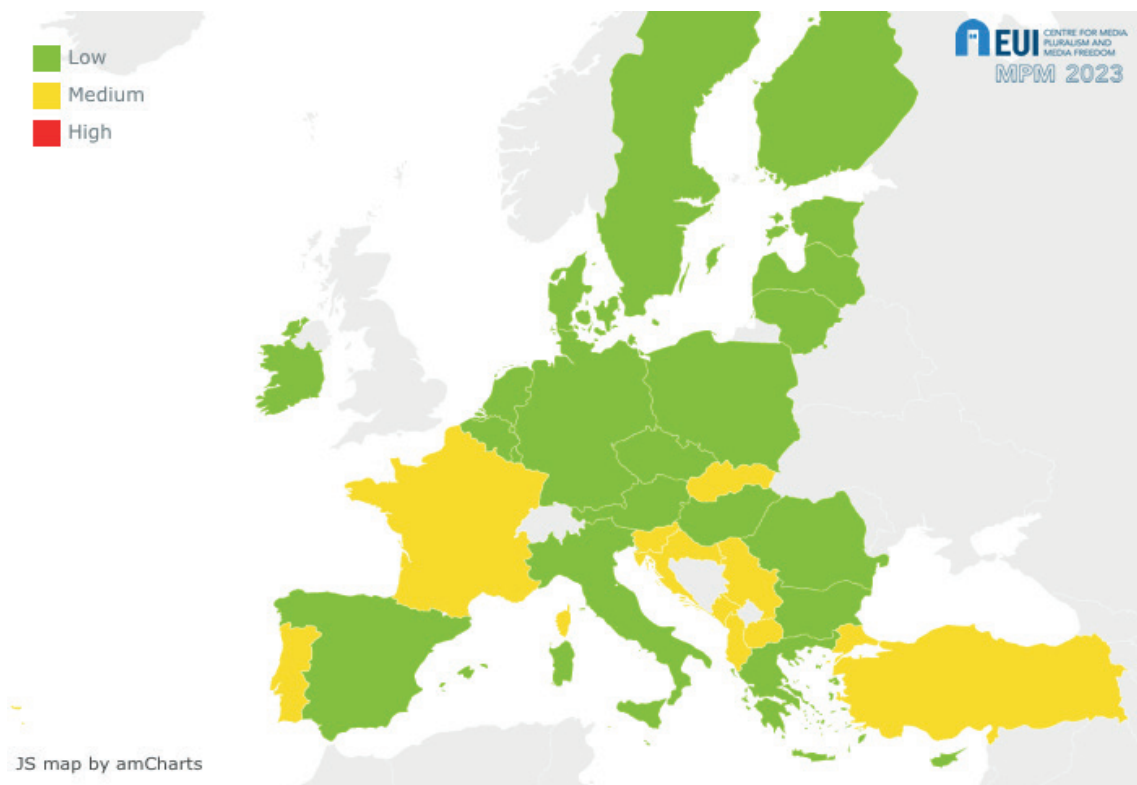
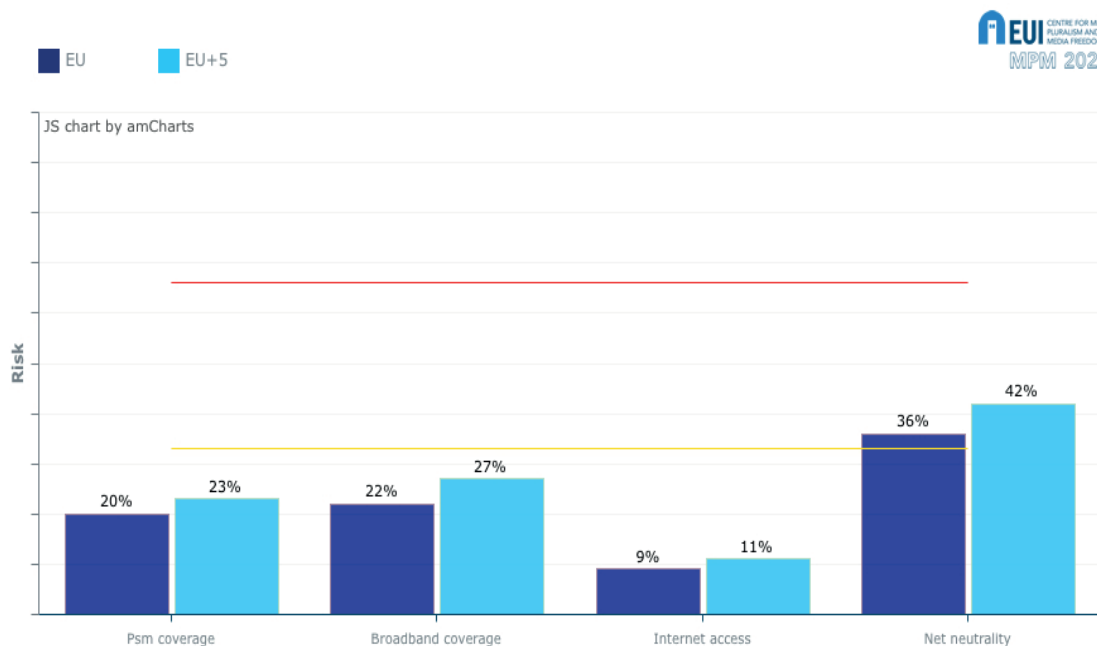




Figure 3.5.b Indicator on the Universal reach of traditional media and access to the Internet - Averages per sub-indicator



The indicator, **Universal reach of traditional media and access to the Internet**, scored as being at the low-risk level (26%), recording a six-percentage-point improvement, if compared to MPM2022, when this indicator scored 32%. Ten countries scored at medium risk (Albania, Croatia, France, Montenegro, Portugal, Serbia, Slovakia, Slovenia, The Republic of North Macedonia and Turkey). None of the countries scored as being at the high-risk level, and all the remaining countries (22) scored as low risk, although four of them - Bulgaria, Finland, Greece, and Poland - were on the edge of the low-risk band (33%). The improvements occurred across all of the sub-indicators (**Broadband coverage**, **Internet access** and **Public service media (PSM) access**), except for the sub-indicator **Net neutrality**, where the risk increased by one percentage point, if compared to the MPM2022.

In Europe, most of the population is covered and served by 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 **PSM coverage** in Europe is generally satisfactory. Nine of the countries assessed scored at the medium-risk level (Albania, Bulgaria, France, Hungary, Montenegro, Poland, Slovakia, Slovenia and Spain). All the remaining countries that were assessed (23) scored as low risk. In 2022, the PSM access and risk band had improved in Latvia, Lithuania, Luxembourg, and Serbia. For Luxembourg, this was a large leap from a high-risk situation (75%) to a low-risk situation (25%) and this happened as one of the results of adopting the Public Service Media 100.7 Law on July 13, 2022, a law which now guarantees a

PSM offering through the Luxembourg radio station 100.7<sup>29</sup>. Its new mission was accompanied by appropriate, multi-annual and stable funding, which must be fixed in an agreement that has to be concluded for at least five years<sup>30</sup>.

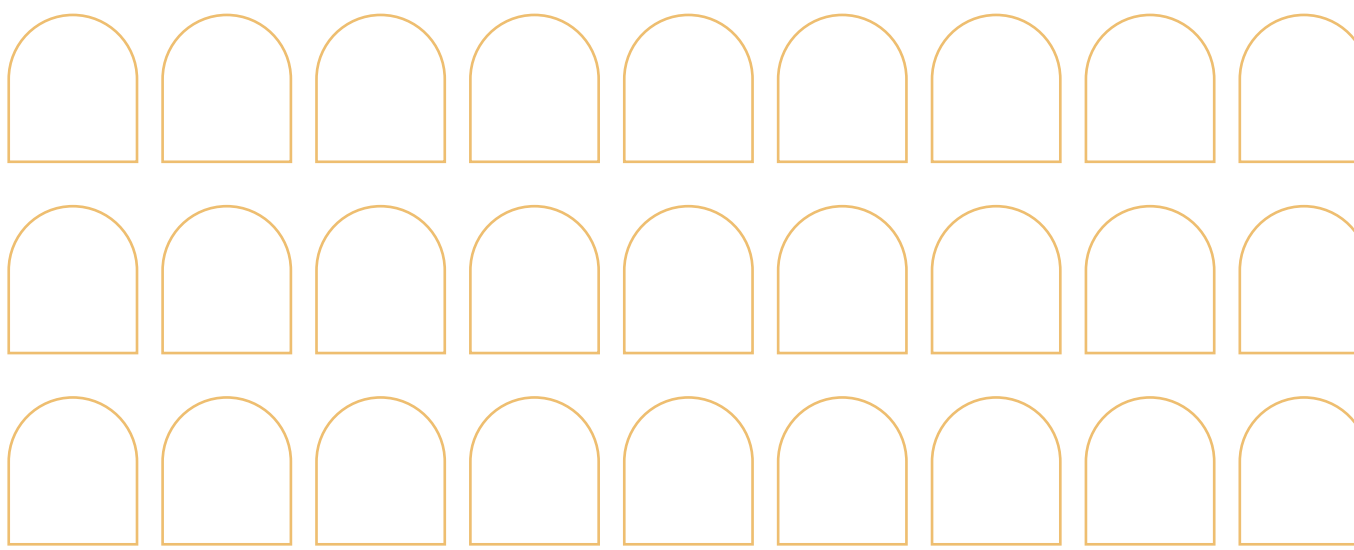
The sub-indicator, **Internet access**, has observed a year-to-year eight-percentage-points improvement in the risk score (from 19% to 11%). Four countries scored as being at medium risk (Albania, Bulgaria, Croatia and The Republic of North Macedonia). No country scored as being at high risk, and all the remaining countries that were assessed (28) scored as being in the low-risk band. The MPM2023, 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. In 2022, the Internet access and risk band have improved in Albania, Greece, The Republic of North Macedonia and Turkey. The sub-indicator, **Broadband coverage**, has observed the most substantial year-to-year improvement in its risk score, 13 percentage points (from 40% to 27%). Twelve countries scored at medium risk (Albania, Croatia, Estonia, Greece, Montenegro, Poland, Portugal, Serbia, Slovakia, Slovenia, Sweden and The Republic of North Macedonia). Three countries scored at the high-risk level: Finland, France and Turkey. All of the countries assessed that remain (17), scored as being at low risk. In 2022, the broadband coverage and risk band improved in Albania, Austria, Bulgaria, Hungary, Lithuania, Romania, Slovakia and Turkey. It is interesting to note that both Internet access and broadband coverage improvements correlate with the COVID-19 pandemic, which witnessed an increase in the take-up of information and communication technologies.

Harmonised rules on **Net neutrality** have been applied throughout the EU, as of 30th April 2016, and following the adoption of Regulation (EU) 2015/2120<sup>31</sup> on 25 November 2015. The principle of net neutrality was therefore introduced directly in all 27 EU member states. Nonetheless, in the relevant sub-indicator, Italy, Portugal, Romania and Serbia scored at the medium-risk level; Albania, Montenegro, Slovenia and Turkey scored as being at the high-risk level. All the remaining countries assessed (24) scored as low risk. This sub-indicator's analysis also showed that a high concentration of the market shares were in the hands of the TOP 4 Internet Service Providers (ISPs) in all the countries assessed, except for The Czech Republic.

29 The Government of Luxembourg (14 July 2022). Adoption de la loi portant organisation de l'établissement public "Média de service public 100,7", [https://smc.gouvernement.lu/fr/actualites\\_gouvernement%2Bfr%2Bactualites%2Btoutes\\_actualites%2Bcommunications%2B2022%2B07-juillet%2B14-loi-organisation-etablissement-public.html](https://smc.gouvernement.lu/fr/actualites_gouvernement%2Bfr%2Bactualites%2Btoutes_actualites%2Bcommunications%2B2022%2B07-juillet%2B14-loi-organisation-etablissement-public.html)

30 Ibid.

31 European Commission (25 November 2015). Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 Laying Down Measures Concerning Open Internet Access and Amending Directive 2002/22/EC on Universal Service and Users' Rights Relating to Electronic Communications Networks and Services, and Regulation (EU) No 531/2012 on Roaming on Public Mobile Communications Networks within the Union (Text with EEA relevance) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015R2120>



## 4. MARKET PLURALITY

*The Market Plurality area considers the economic dimension of media pluralism, assessing the risks that result from insufficient transparency of media ownership, from the concentration of the market, in terms of both production and distribution, from the lack of sustainability in media content production, and from the influence of commercial interests and ownership on editorial content. For the sake of the assessment in the Market Plurality area, a broad notion of the media is adopted, including those actors that produce and disseminate media content (media service providers), and other actors who, even though they not commonly produce original media content, have an impact on the way in which media content is distributed and accessed, and also influence the financing of the media industry (very large online platforms and search engines).<sup>32</sup> While the first group, including the media content providers, falls under the scope of the indicators on Transparency of media ownership, Plurality of media providers, Media viability and Editorial independence from commercial and owner influence, the second group, including online platforms, search engines, automated aggregators, falls under the scope of the indicator Plurality of digital markets. With this classification, which has been introduced since the first edition of the Monitoring Media Pluralism in the Digital Era (2020) and which has then been updated year-by-year and repeatedly fine-tuned, the MPM aims to better assess the existence and well functioning of a pluralistic and diverse media markets in the digital environment. To this purpose, the MPM takes into consideration the digital transformation and convergence of the media offer, and the role of the digital intermediaries in the access to (and consumption of) the information.*

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<sup>32</sup> This notion of the media is consistent with Recommendation CM/Rec (2018)1 of the Committee of Ministers to the member states. On Media Pluralism and the Transparency of Media Ownership. Council of Europe. 7 March, 2018; and with the definition embraced by the Study on Media Plurality and Diversity Online, European Commission, Directorate-General for Communications Networks, Content and Technology, (Parcu, et al., 2022).

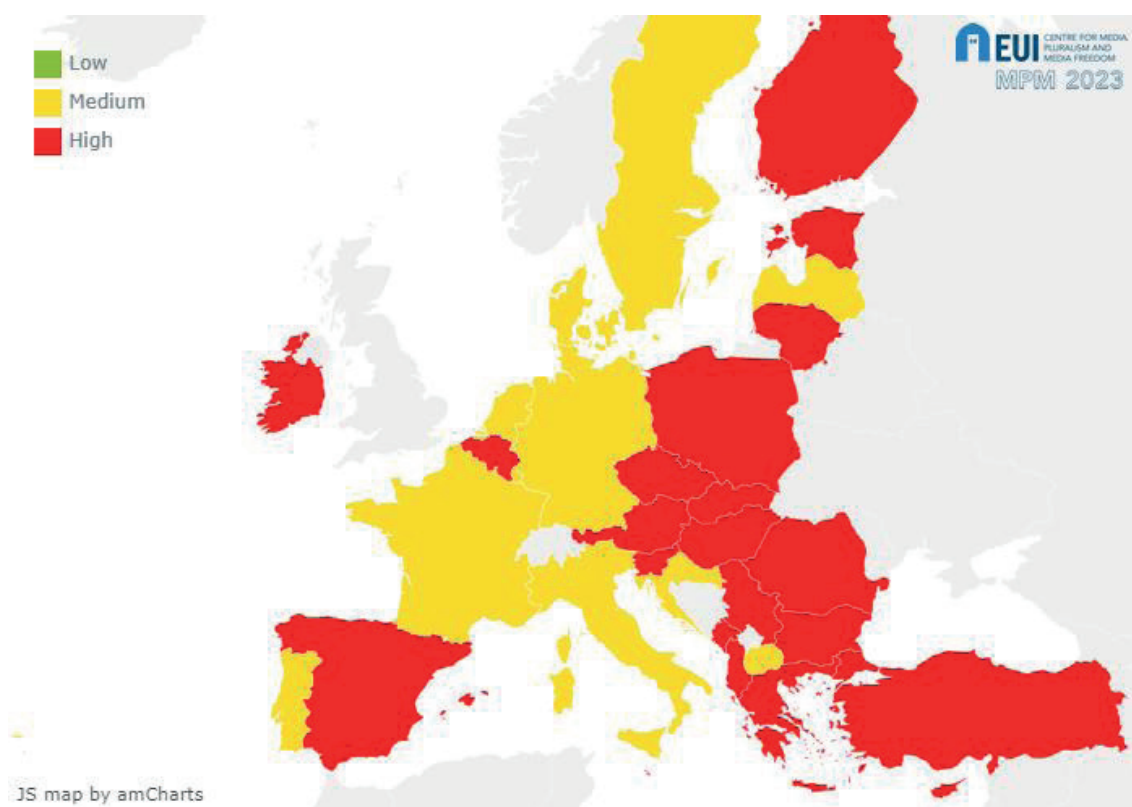
*The Market Plurality area is composed of 5 indicators:*

- *Transparency of media ownership*
- *Plurality of media providers*
- *Plurality of digital markets*
- *Media viability*
- *Editorial independence from commercial and owner influence*

*Compared to MPM2022, in MPM2023 three indicators have been renamed. Plurality of media providers (formerly News media concentration), Plurality in digital markets (the former Online platforms' concentration and competition enforcement), and Editorial independence from commercial and owner influence (formerly Commercial and owner influence over editorial content). Their aims and structures are not substantially changed. Some changes in the questionnaire reflect the evolution of the regulatory environment that impacts on the media sector, and elements emerging from both the studies and the research. More specifically, in the indicator Editorial Independence from commercial and owner influence two variables were added in order to assess the extent to which member states' measures are in line with the proposed European Media Freedom Act and the Recommendation on internal safeguards for editorial independence and ownership transparency in the media sector. (see Methodology, Annexe I)*

The economic threats to media pluralism increased in the year of assessment, as shown by the average risk associated with the Market Plurality area: 69% on average in the EU + 5 countries (high risk). This result is similar to the score measured for the year 2020 (MPM2021), when the COVID-19 crisis hit the media sector heavily, and presents a worsening of the situation with respect to the slight improvement registered by the MPM2022 in the year that followed. The main drivers of risk, as in the past, are related to the high concentration of the market; moreover, for the year assessed, the economic downturn and the high inflation level had a heavy impact on the media sector, directly menacing the economic sustainability of the media, and indirectly menacing their editorial independence. The fine-tuning of the questionnaire, which was introduced to better catch the risks related to the digital sphere, and to update the evaluation in line with the evolving regulatory framework at the EU level, may also have had an impact on the risk level.

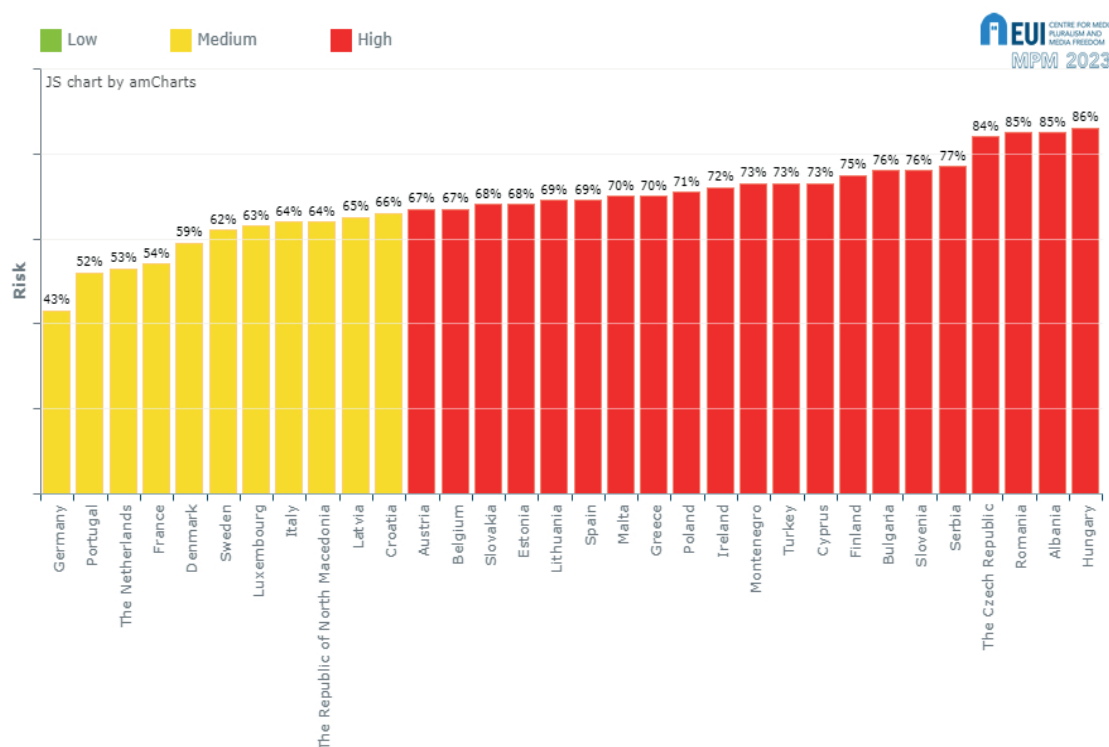
Figure 4.a. Market Plurality area - Map of risks per country



In the Market Plurality area, no country is at low risk, 11 countries are at medium risk, and 21 countries are at high risk. As can be seen from the map, the high-risk score prevails in Central-Eastern European countries, in the Baltic countries (except Latvia) and in the candidate countries (except for The Republic of North Macedonia), as well as in Austria, Belgium, Ireland and Spain. The main novelty, in comparison with the previous assessments, is the shifting of Germany to the medium risk range for this area. Even though Germany is still the country with the lowest level of risk in the Market Plurality area, the increase in its risk level reflects – as it does everywhere - the increased economic vulnerability of the media providers, which adds to the main driver of risk that, in Germany too, are the dominance of digital platforms and the high concentration that is found in the media markets (Holznagel & Kalbhenn, 2023). Similarly, in the countries that have shifted from medium to high risk (such as Austria, Belgium, Finland and Lithuania) the result is mainly related to the financial troubles of the media content providers. In Austria, “for the first time since the launch of the Media Pluralism Monitor, Market Plurality has crossed the threshold of high risk. This is mainly related to the declining market viability, accompanied by a high degree of concentration in traditional and digital media markets. All three indicators point to high risk” (Seethaler et al., 2023).

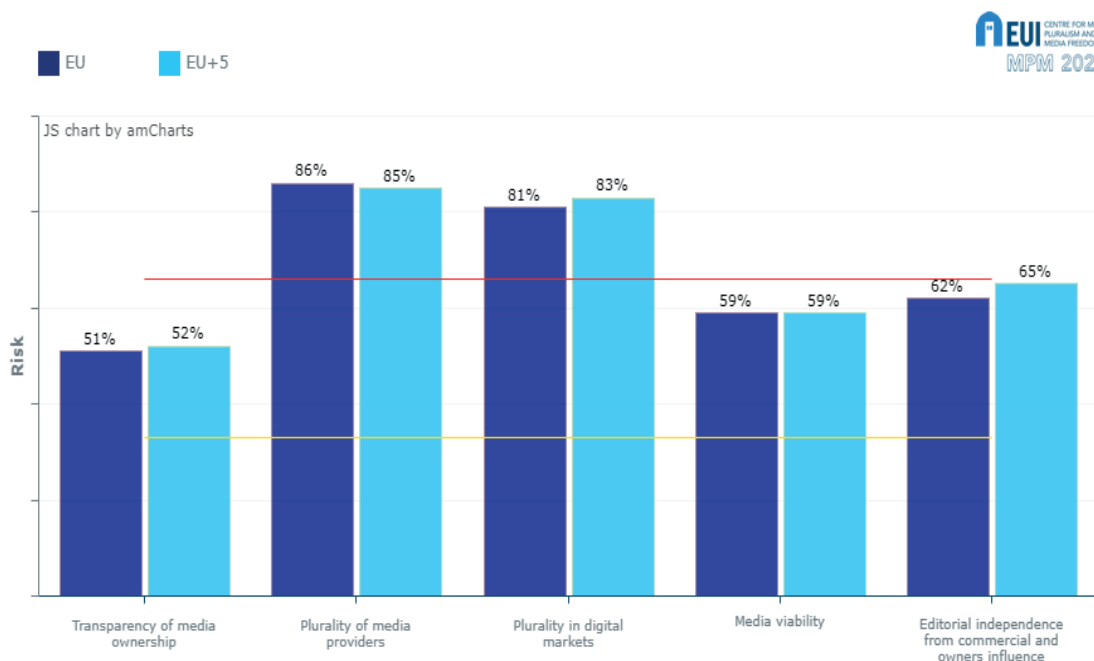
It is worth noting that in the Market Plurality area the differences between the countries' risk scores tend to be less pronounced than in other areas. Many countries crowd around the threshold that divides medium from high risk (ten countries are between a 60% and 70% risk score). Four countries (Albania, Hungary, Romania and The Czech Republic) score a risk that is above 80%. The latter are countries in which the level of risk is high in other areas of the Monitor, meaning that other elements add to, and worsen, the shortcomings that are found with regard to market plurality. Indeed, the majority of the countries are characterized by surprisingly homogeneous results, in spite of very different media systems, from a historical, sociological, political and legal perspective. This can be attributed to the fact that - as it will be shown below - the tendency towards concentration is a common feature, and that the trends in revenues and employment (the main economic variables contributing to the calculation of the risk in this area) tend to converge in a market that is more and more globalized and cross-border in nature.

Figure 4.b. Market Plurality area. Scores of risk per country



In the Market Plurality area, two indicators are at high risk and the other three at a medium risk level, in the European Union. Moreover, as will be noticed in Figure 3.c, there is no substantial difference if also the candidate countries are included in the averages. The average risk score (for the EU + 5) is 52% for Transparency of media ownership, 85% for Plurality of media providers, 83% for Plurality in digital markets, 59% for Media viability and 65% for Editorial independence from commercial and owner influence.

Figure 4.c. Market Plurality area - Averages per indicator



A more detailed analysis of each indicator and of the tendencies in the countries is provided below. Overall, it can be said that the MPM2023 results for the indicators in the Market Plurality area, if compared with the previous assessment, show an increase in risk in all the indicators, except for Transparency of media ownership. As stated in the introduction, there is not perfect comparability across the years, due to some changes in the questionnaire; nonetheless, it must also be noticed that new variables have been added to take into consideration the evolution of the technological and regulatory environment, and some variables have been removed or rephrased for the same reason. A relevant example is the indicator on the Plurality of digital markets, which is now completely focused on the digital dimension of the distribution of (and access to) the media. This indicator was also at high risk in MPM2022, but now the score is even higher (increasing from 76% to 83%), reflecting the high degree of revenue concentration in the online advertising market, the dominance of few actors in the so-called “attention markets”, and the shortcomings of the regulatory framework that is necessary in order to address the digital challenges.

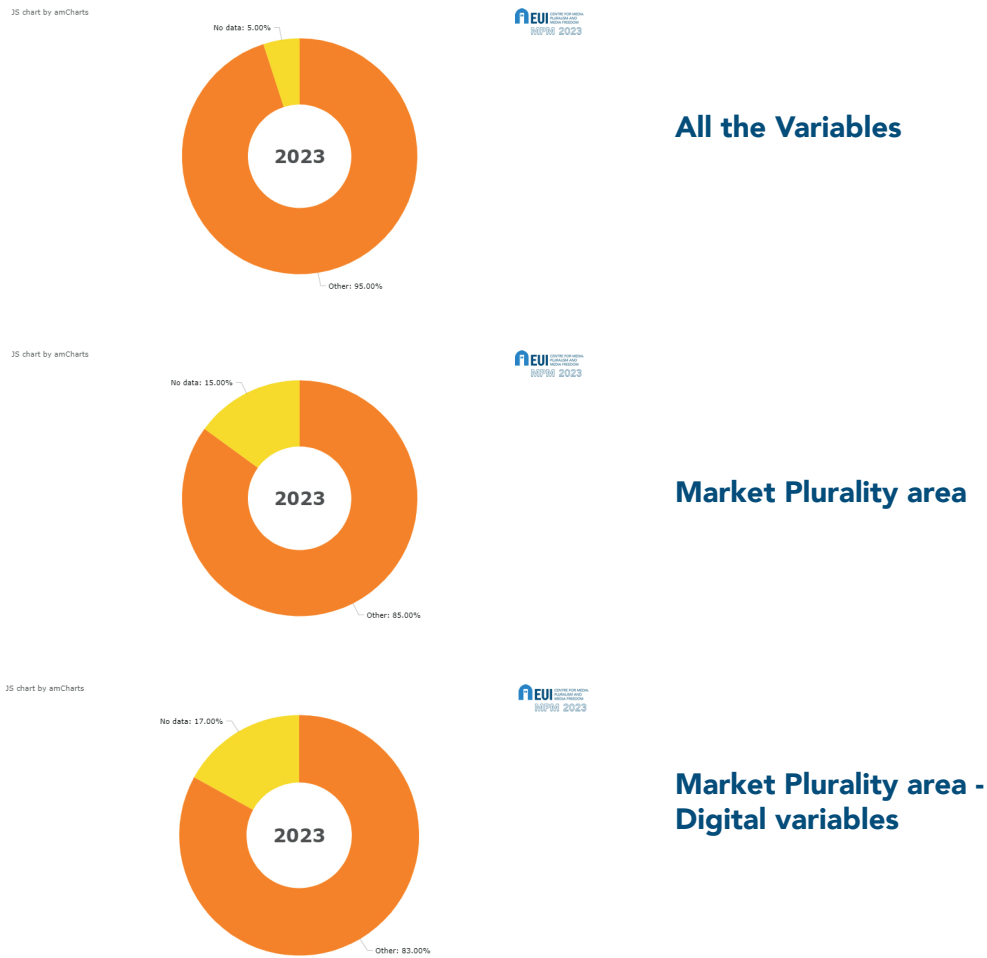


The digital environment of the media has a major impact on the complete assessment of the Market Plurality area, as it would be very difficult, after the digital transition and now that there is considerable convergence among the different media sectors and consumption, to isolate the digital dimension or the trends in the legacy media. Nonetheless, in the MPM, there are specific variables and indicators that are focused on the digital dimension, asking separately for Transparency of media ownership in the case of digital media; for trends in concentration and revenues for the digital offering of the media content in Plurality of Media providers and Media viability, and, finally, there is the above-mentioned indicator: Plurality in digital markets, that directly deals with the role of large online platforms and search engines.

The digital risk scores show contrasting tendencies: higher for Transparency of ownership (58% vs. 52% overall), lower for Media viability (47% vs. 59% overall) and slightly lower in relation to the Plurality of media providers (83% vs. 85% overall). On a separate note, it must be mentioned that the indicator on Plurality in digital markets, that is, by definition, all-digital, reaches a risk score of 83%. These results should be interpreted by taking into consideration the fact that digital native media are not always included in transparency obligations, and even when they are on paper obliged to respect the same transparency rules as the other media, the enforcement is more difficult; on the other hand, the digital media are more likely, and more fit to, catch the economic opportunities of technological innovation, and innovation *tout court* (see below); those advantages, in terms of costs and the reduction of the barriers to entry in the market, however, did not offered a substantial change respect to the traditional concentration of the media industry.

Finally, it must be noticed that the assessment in the Market Plurality area presented, as in the past, some difficulties, due to the shortage of reliable and updated data. The share of “No data” answers is 15%, vs. 7% in the whole MPM questionnaire. For the digital questions, in the Market area, the share of “No data” answers was even greater: 17%.

Figure 4.d. Market Plurality area - The weight of “No data” answers



## 4.1 Transparency of media ownership

*Transparency of media ownership is strictly related to the role of the media in the public sphere in a democratic society; and it is a precondition of pluralistic and open markets, since it is essential in order to measure, and to tackle, the risks that arise from ownership concentration. As the Council of Europe Recommendation on Media Pluralism and Transparency of Media Ownership states, the “transparency of media ownership can help to make media pluralism effective by bringing ownership structures behind the media – which can influence editorial policies – to the awareness of the public and regulatory authorities” (CoE CM/Rec (2018)1). For transparency to be fully effective, the disclosure of media ownership must be provided to public bodies and to the public,<sup>33</sup> and*

<sup>33</sup> See Council of Europe Convention on access to public documents, 2009; and the Parliamentary Assembly Recommendation on Increasing access to media ownership, 2015.

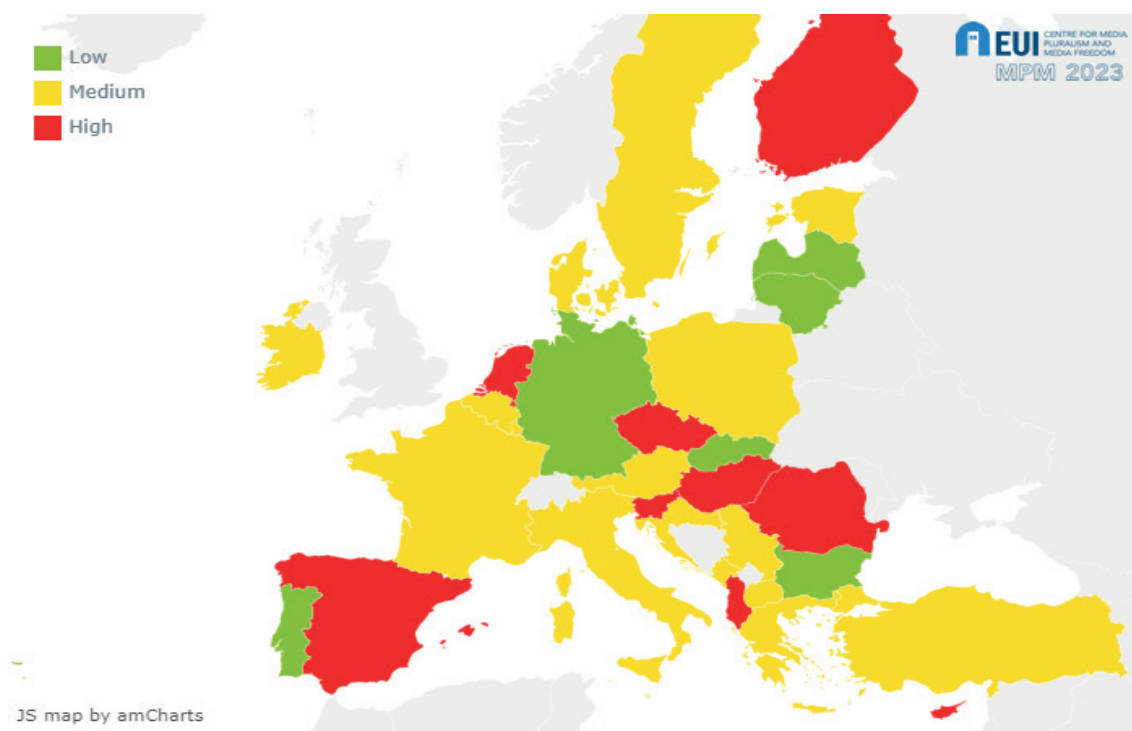
*it must include the information on who is, or are, the ultimate and beneficial owner(s).<sup>34</sup> This indicator is composed of seven legal variables and five socio-political variables. The legal variables aim to assess the existence and the effectiveness of media-specific laws requiring the disclosure of ownership details, including financial information, on the news media sector. The socio-political variables ask if, in the absence of media-specific rules, the transparency of media ownership information is guaranteed in practice (for example, by the application of commercial law, anti-money laundering law, or by practice). Since MPM2021, this indicator has separately assessed the risks to transparency in the digital news media sector. This year, two new variables concerning the disclosure of media providers' financial information have been included within this indicator. Their aim is to understand whether national authorities collect and monitor the financial health and activities of media companies, since this can affect the media market as a whole.*

This year, the indicator on **Transparency of media ownership** scores as being at medium risk (52%). In the last 3 years there has been a decrease in the risk score relating to this indicator, this is, in part, due to the transposition of the amendments of the Anti-money Laundering Directive V (EU 2018/843) or of the Audiovisual Media Services Directive (AVMS). In Poland, for instance, there has been a considerable decrease in the result of the risk assessment for this indicator (from 63% to 50%), and this is due to the entry into force of the 2021 Act Amending the 1992 Broadcasting Act (Ustawa o zmianie ustawy o radiofonii i telewizji), which thus improved the transparency rules for some providers (Klimkiewicz, 2023). We can expect, however, that this scenario may change in the future, due to the recent decision of the Court of Justice of the European Union (CJEU) on Joined Cases C-37/20 and C-601/20, which declared point (c) of the first subparagraph of Article 30(5) of the Anti-Money Laundering Directive - by which member states must ensure that the information on beneficial ownership is accessible in all cases to any member of the general public – to be invalid, on the grounds that the general public's access to information on beneficial ownership constitutes a serious interference with the fundamental rights to the protection of personal data and the respect for private life.<sup>35</sup>

<sup>34</sup> See the Transparency requirements, para. 4.4-4.7, CM/Rec (2018)/1.

<sup>35</sup> Joined Cases C-37/20 and C-601/20 WM and Sovim SA v Luxembourg Business Registers [2022] ECLI:EU:C:2022:912.

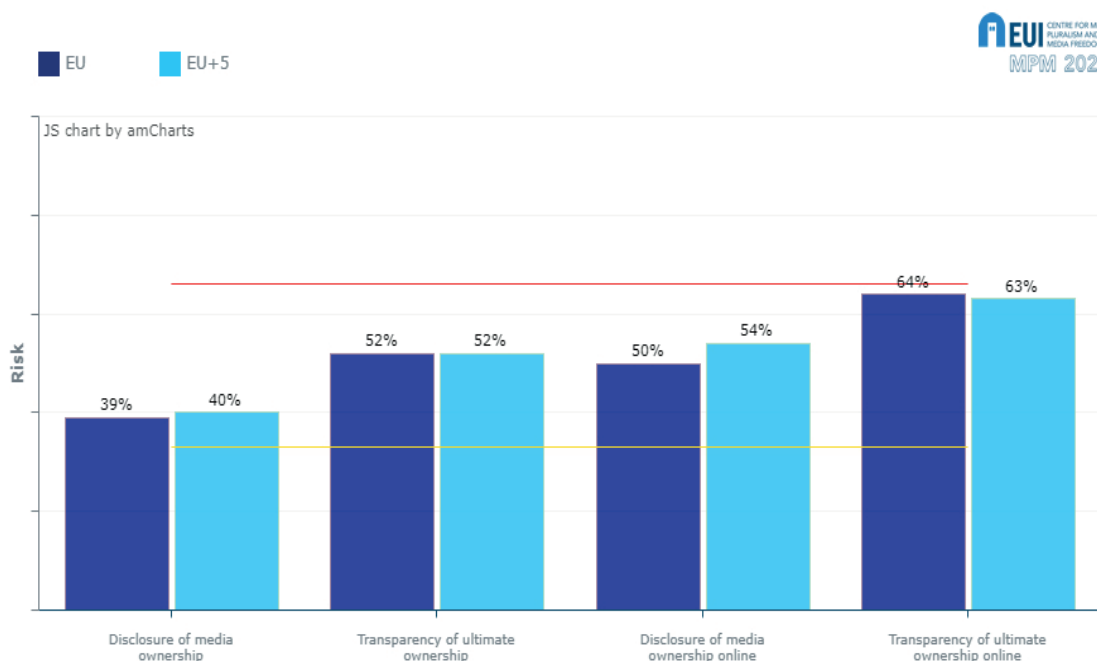
Figure 4.1.a. Transparency of media ownership - Map of risks per country



In this indicator, six countries are at low risk (Bulgaria, Germany, Latvia, Lithuania, Portugal, and Slovakia), 17 countries at medium risk (Austria, Belgium, Croatia, Denmark, Estonia, France, Greece, Ireland, Italy, Luxembourg, Malta, Montenegro, Poland, Serbia, Sweden, the Republic of North Macedonia and Turkey) and 9 countries score as high risk (Albania, Cyprus, Finland, Hungary, Romania, Slovenia, Spain, The Czech Republic, and The Netherlands). In 2022, the 4 countries in the low risk range were Germany, Portugal, Lithuania, and Bulgaria. This year, Slovakia and Latvia have joined the countries in the low risk band. According to Urbániková (2023), the decrease in risk in Slovakia is due to new legislation that was adopted in 2022, which required publishers, news website operators, broadcasters and the providers of on-demand audiovisual media services to disclose beneficial ownership information (Act No. 264/2022 Coll., on Media Services and Act No. 265/2022 Coll., on Publications). Likewise, in Latvia, the decrease in risk is also due to regulatory changes in relation to the disclosure of ownership information that were adopted in 2021, making available, free of charge, data on the current media owners in all segments (Rožukalne, 2023). The risk score also decreased in Luxembourg, which shifted from the high to the medium risk band. In this case, the difference is justified by a reassessment of the risks by the country team, who re-evaluated the situation on the ground as it related to some of the variables on the actual access to media ownership information (Kies & Lukasik, 2023).

Turkey is another country that shows a decrease in risk, if compared to the previous year, shifting from the high risk range (72%) to the medium risk range (54%). Differently to Slovakia and Latvia, but similarly to Luxembourg, in Turkey, the decrease in risk is not due to the adoption of new legislation on the disclosure of ownership information, but to a reassessment of the risk by the country team, a reassessment that is based on the evaluation of new journalistic works that were released in 2022, which demonstrate that the ownership structure of various media outlets are available in open source databases, such as the Trade Registry Gazette (Inceoglu et al., 2023).

Figure 4.1.b. Transparency of media ownership - Averages per sub-indicator



All sub-indicators (Disclosure of media ownership, Transparency of ultimate ownership and Disclosure of ultimate ownership online and Transparency of ultimate ownership online) are at the medium risk level. Compared to last year, the sub-indicator Transparency of ultimate ownership online has decreased from high to medium risk, from 67% to 63% (EU+5). The sub-indicators Transparency of ultimate ownership and Disclosure of ultimate ownership have also decreased their risk score from 56% to 52% and from 63% to 54% respectively (EU+5). The only sub-indicator which had an increase in the risk score is Disclosure of media ownership (from 37% to 40%) and this is due to the new variable on specific provisions requiring financial reporting obligations in the media sector, since only six countries have provisions/legislation in place in this regard that are applicable to all types of media providers. They are Bulgaria, Croatia, France, Italy, Lithuania and Portugal. Another seven countries (Austria, Cyprus, Estonia, Germany, Malta,

Poland and Spain), have similar provisions, but they are not extended to all types of media providers, and for the rest of the countries analysed there are no financial reporting obligations in any way specific to media companies.

Despite the adoption of beneficial ownership legislation in the last couple of years by some of the countries monitored, transparency of ownership information remains a problematic issue in most of them. Although there is legislation and there are requirements in relation to ownership transparency that are in place in most of these countries, some problems remain unsolved. The first of them concerns the limitations of the information that is provided, in terms of tracking the ultimate owners. Secondly, the lack of information regarding certain media providers, such as digital providers, is often reported as being problematic in this indicator. In Spain, for instance, the new General Law of Audiovisual Communication (LGCA), which was adopted in 2022, and which aimed to transpose the Audiovisual Media Services Directive (AVMS) into Spanish law, was insufficient to decrease the risk score for the country, since the changes that were introduced apply only to the audiovisual media sector, ignoring other types of media, and there are no transparency obligations that are applicable to them (Suau et al., 2023). Tracking information on the owners of foreign media also emerges as a problem in some countries. Brkic (2023) claims, for instance, that in Montenegro it is especially difficult to track the “ultimate owners of media founded by foreign capital, as no data past the daughter company is required or available. This is especially important since, as of 2022, all national TV stations, except for the PSM, are owned by foreign entities, after the several major acquisitions in the media that followed the change of the State regime in late 2020.” Finally, accessibility of information to the general public is also a problem that is often associated with this indicator. As Klimkiewicz (2023) argues, authorities are, in general, relatively well-informed about news media ownership; at the same time, the general public still lacks full access to financial data and relevant ownership information, especially in the case of the ultimate owners.

## 4.2 Plurality of media providers

*This indicator aims to assess the threats to media pluralism that arise from the concentration of media ownership. For the sake of this indicator, we refer to the media service providers, meaning companies or individuals that provide original content professionally<sup>36</sup>. The scope of the indicator includes the legacy media (audiovisual,<sup>37</sup> radio, newspa-*

36 See the definition in Art. 2 of the EC Proposal for a Regulation of the European Parliament and of the Council, establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU, Art. 2(2): “media service provider” means a natural or legal person whose professional activity is to provide a media service and who has editorial responsibility for the choice of the content of the media service and determines the manner in which it is organized”.

37 As regards audiovisual media, the Monitor 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

*pers, including their non-linear services and their electronic versions) and online media (digital outlets of the legacy media and digital native media). Risks to market plurality can arise both from the concentration of ownership in a single news media sector, and/or from the concentration of ownership across different sectors. Horizontal and cross media concentration are therefore both assessed in this indicator, which contains 16 variables:*

- *Seven legal variables to assess whether a country has media-specific rules to prevent a high concentration of ownership in each media sector (horizontal concentration) and across the different media sectors (cross-media concentration); whether these rules are effective; and whether their compliance is overseen by an independent authority;*
- *Nine economic variables to assess the situation on the ground, and to measure the concentration with the Top4 index for revenue shares and the audience/readership in each media sector, and the market share of the Top4 media owners across the different sectors.*

The indicator on the **Plurality of media providers** scores as high risk, at 86% for the EU countries, and 85% for the aggregate of the EU+5. This is the highest level of risk among the 20 indicators on the MPM. Even though the concentration of the power to influence the public opinion by a narrow number of actors is acknowledged as being a potential risk in many of the EU countries, and many of them have specific regulatory frameworks to prevent or reduce it, the tendency towards high concentration in the media sector is a common trend, originating from the structural characteristics of the media markets and further increased in recent years.<sup>38</sup> The results of the MPM exercise, across the years, highlight this tension between efforts to regulate media ownership to pursue and protect media pluralism, and the concrete evolution of the media economy. In the assessment of this Indicator, the legal variables are those that contribute to reducing the risk, introducing regulatory safeguards; in this group of variables a number of countries are at medium risk, but, in spite of them, the economic variables, measuring the effective concentration of revenues and audiences/readership, signal a situation of high risk almost everywhere.

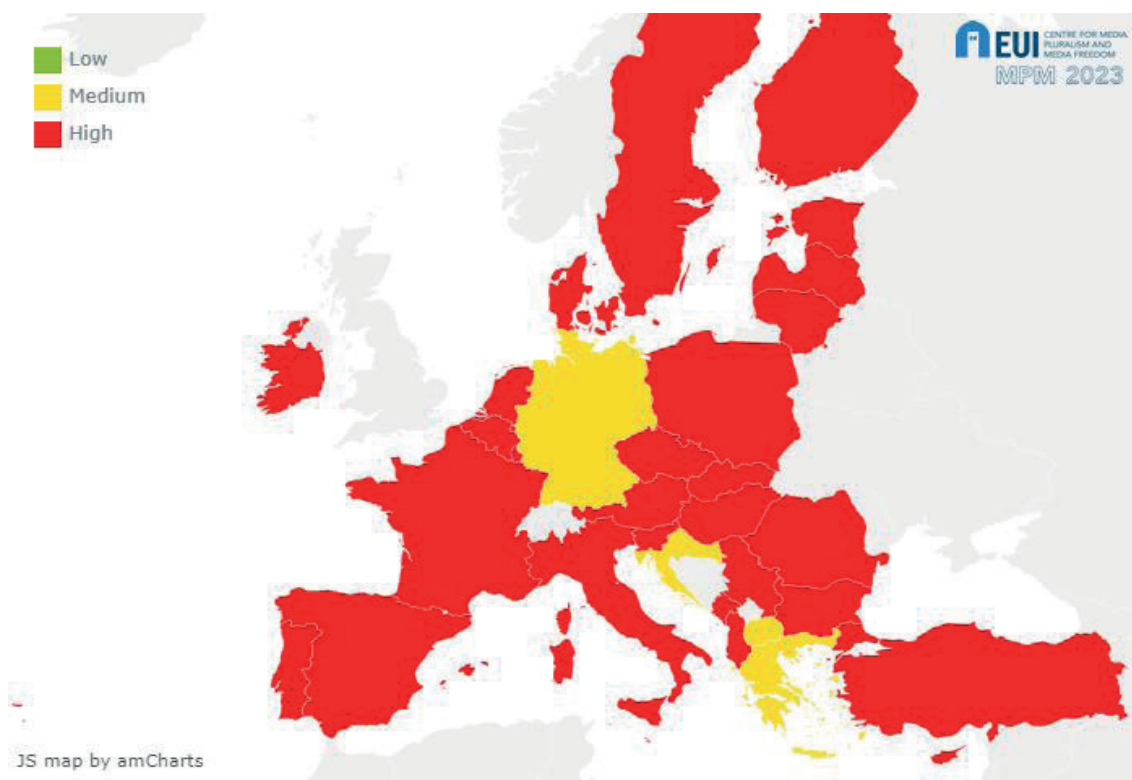
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cover both linear and non-linear audiovisual media services

<sup>38</sup> For a mapping of the rules on media ownership concentration in the EU countries see Ranaivoson et al. (2022).



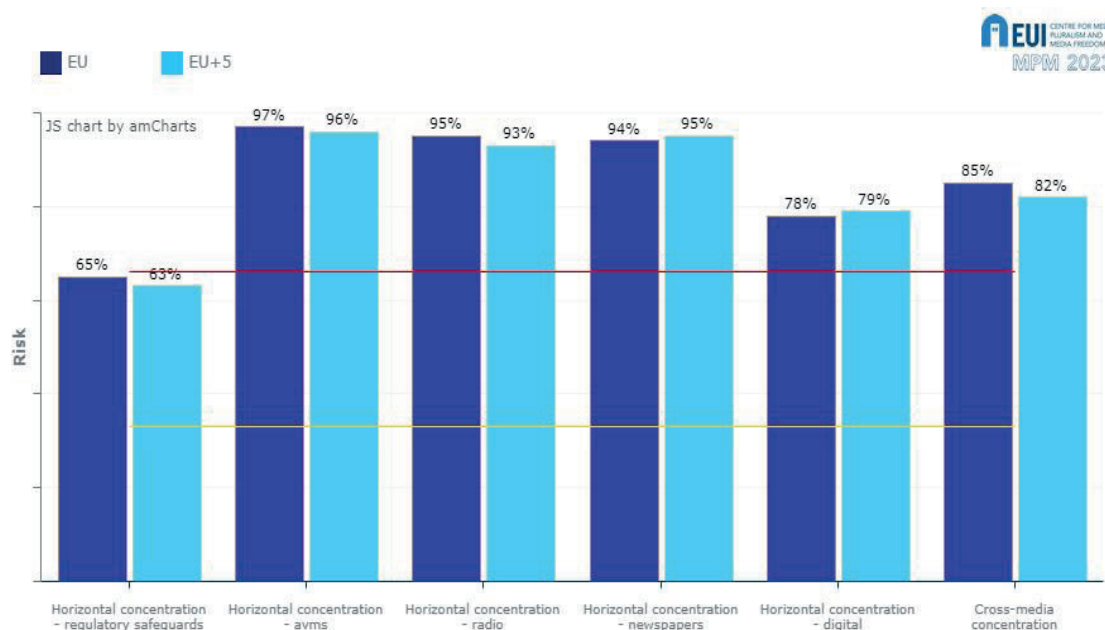
Figure 4.2.a. Plurality of media providers - Map of risks per country



As shown in the map, in the indicator of **Plurality of media providers** no country is at low risk; four countries are at medium risk, whereas the remaining 28 countries are at high risk. The countries at medium risk are Croatia, Germany, Greece and The Republic of North Macedonia, and their scores are between 62% and 65% - that means, at the higher end of the medium risk range. Even though these countries are obviously not comparable in terms of their size of market and media systems (Germany is the greatest European media market, the others among the smallest ones), their medium risk result similarly depends on the existence of regulatory safeguards that aim to prevent media ownership concentration, and on a lower degree of concentration in one of the media sectors. In Germany, the risk score for this indicator has increased in recent years, and the only sector that presents a higher plurality of providers is the digital one. In the regulatory field, “the Interstate Treaty on the Media does contain media-specific rules to prevent excessive concentration of ownership in the media sector, but these rules are in need of reform. They were originally introduced to ensure diversity of opinion on television and have not been adjusted since.” (Holznagel & Kalbhenn, 2023).

The remaining 28 countries are at high risk. At the highest level of risk, there are those countries whose legal frameworks do not provide media-specific rules and independent authorities to prevent the concentration of media ownership, and to assess the impact on media pluralism of mergers involving media companies. One common issue, in these cases, is the lack of official monitoring and reporting on the media market and audience shares and, consequently, the lack of data with which to assess the degree of concentration. In some cases, the size of the market explains the very high levels of concentration. An extreme case is Luxembourg, where, as reported by the Luxembourgish country report for MPM2021: “in absence of effective measures to limit concentration, the media market is dominated by three media companies. The press is dominated by the companies Editpress and Mediahuis. The audiovisual sector is dominated by the RTL Group”, which is also one of the three biggest radio owners in the country. It is worth noting that, in Luxembourg, RTL also has a public service mission, which has recently been extended in terms of scope and duration. According to the new agreement with the government, the State will pay up to 15 million euros annually to RTL, which will have to extend its public service mission to the radio and internet, and to fulfill new obligations, such as the promotion of media, education and the local cultural scene. “Critics rapidly observed that, by increasing the funding considerably and raising it much above the levels received by other media, as well as introducing new obligations on the RTL group, its dominant position will be reinforced” (Kies & Lukasik, 2023). Another case of a relatively small market without regulatory safeguards on media concentration is Sweden, where the concentration of news media is regulated by the Radio and Television Act, broadcasting licenses, and the general Competition Act. “However, closer examination of the ownership criteria reveals that more needs to be done. As noted in previous implementations of the MPM, phrases like ‘ownership may not change more than to a limited extent’, in the Radio and Television Act, are insufficient in ensuring reasonable levels of news media concentration” (Färdigh, 2023). Hungary also scores at the highest border of risk in this indicator: in this case, the issues mainly derive from exemptions and loopholes in the regulatory framework, which have undermined its effectiveness. (Bleyer-Simon et al., 2023).

Figure 4.2.b. Plurality of media providers - Averages per sub-indicator



This figure explains the above-mentioned tension between the legal framework and the situation on the ground. The only sub-indicator showing a medium risk is the one on regulatory safeguards relating to horizontal concentration. It asks about the existence of media-specific rules, which provide objective criteria, which can address market dominance in the media sector; it also asks about the existence of an independent authority or body to supervise and enforce these rules, and its effectiveness. The medium risk score for this sub-indicator reflects the fact that some countries do not have any media-specific anti-concentration rules, and in most of the countries that do have them, the rules are set only for the audiovisual sector. Digital media providers are rarely included; when this happens, as in the case of Italy, the process to define the digital media market has still to be completed (see Carlini et al., 2023).

The other sub-indicators on horizontal concentration ask for a numerical assessment for each sector, and all of them are at high risk; it is worth noting that the digital media sector shows a lower score, even though it is still in the high risk range. This assessment is influenced by the shortage of reliable data in many countries, it should therefore be interpreted cautiously; moreover, it is worth highlighting the difficulties associated with collecting data on the digital media, due to the fact that they are often not monitored by the national authorities; and, even when this happens, there are issues that are related to the lack of transparent and standardised forms of audience measurement.<sup>39</sup> Finally, the

<sup>39</sup> The lack of standardized and transparent methods for audience measurement in the evolving media environment is also addressed in the EC’s Proposal for an European Media Freedom Act (Art. 23).

sub-indicator on cross-media concentration has legal and economic variables, and also, in this case, a trend towards concentration emerges, with many companies being active in a variety of media sectors. It must be added that the borders between the sectors are more and more blurred by both the digital transition and convergence.

The trend towards concentration, which is highlighted by research and policy documents, is therefore confirmed by the implementation of MPM2023 and, particularly, by the economic variables that measure the actual shares of the market of the Top4 players in each country. In the year of assessment, some cases were evaluated by the competent authorities in several member states.

In Belgium, “in 2022, DPG Media (Flemish) and Groupe Rossel (French speaking) acquired RTL Belgium, the market leader for television and radio in the French speaking part of Belgium. Together, they will own 41% of the advertising market for radio, television and print. For radio and television this will even be more than 50%. The competition authority did not take media pluralism into account in its assessment of the merger. Despite this high concentration, the Belgian Competition Authority decided that ‘the concentration would not lead to a significant impediment of the competition on the markets concerned’”. (Wauters & Valcke, 2023).

In two other cases, France and in The Netherlands, two mergers involving the media have been blocked or withdrawn after the intervention of the competition authority. In France, the planned merger between TF1 and M6 has been called off following the intervention of the competition authority. As highlighted by the French report for MPM2023, the TF1-M6 merger project was presented by its initiators as being a French response to the growing hegemony of US-based platforms, such as Netflix, Disney or YouTube. Following the debates with the Authority, it appeared that only structural remedies involving some divestments would be sufficient to enable an approval of the proposed merger. The parties have therefore abandoned the TF1-M6 merger plan. The authors highlight that “the decision to abandon the TF1-M6 merger project was motivated by market criteria (risk of creating a dominant position in the advertising and audiovisual production market). More precisely, it is worth mentioning that, progressively, through the various revisions of the 1986 law, the anti-concentration rules have shifted from safeguarding political pluralism to regulating competition”. (Ouakrat et al., 2023; Smyrnaiois, 2023).

In The Netherlands, “the competition authority ACM advised negatively on (and thereby prevented) a potential merger between RTL and Talpa, on economic grounds (e.g., expected rise in advertisement tariffs, increased costs for telecommunication distribution companies).” (De Swert et al., 2023).

In Poland, the implementation of the rules on media ownership concentration has been strongly debated and there are accusations of such concentration processes being politically influenced. As summarized by Klimkiewicz (2023), “in February 2023, the Appeal Court upheld the judgement of the court of first instance revoking the decision of UOKiK (the Office of Competition and Consumer Protection) on the takeover of Eurozet radio holding by Agora group. In January 2021, UOKiK blocked the merger arguing that the takeover could create a harmful duopoly on the Polish radio market. The UOKiK’s decision has been widely criticized given that the same regulator approved swiftly a takeover of Polska Press group by state-owned Orlen. As a result, Agora acquired 51% of the share capital of Eurozet and 51% of the total number of votes taking ownership control of the radio holding”.

These cases confirm the conclusions of the Study on Media Plurality and Diversity Online. According to this Study, the national legal frameworks that aim to address media market concentration are highly fragmented; the same fragmentation risks reducing the effectiveness of the measures in a globalized media market, and it is potentially detrimental to the good-functioning of the internal market. (Brogi et al., 2022).

### 4.3 Plurality in digital markets

*This indicator tries to assess the risks for media pluralism that derive from market concentration that emerges in a broad notion of the media market, in which all the actors in the media ecosystem are included<sup>40</sup>. In the online environment, the scope of the indicators of market pluralism needs to be enlarged to include the digital intermediaries, who increasingly also impact on the media market, selecting the access to news, and attracting market resources. Even if the digital intermediaries (social media, search engines, algorithmic aggregators) do not produce, or only produce to a very limited extent, news and original content, they operate in the same market as the news media providers, thus competing for the consumers’ attention and the advertising. In so doing, they have challenged and disrupted the media business model, as well as the regulatory framework, which is tailored on the pattern of the traditional media (Irion et al., 2022b; European Commission, Directorate-General for Competition, Montjoye et al., 2019; Furman et al., 2019; Martens et al., 2018; Moore & Tambini, 2018).*

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40 As affirmed in the foundation study of the MPM, “Not only the supply aspects, but also the distribution mechanisms and potential access to the media, represent areas to be assessed in order to develop economic indicators of media pluralism” (Valcke et al. 2009, 73). See also Irion 2022a (Table I.1 page 17: Definitions of media actors and other actors in the media ecosystem).

*This indicator is composed of three sub-indicators:*

- *Online platforms' concentration*
- *Competition enforcement*
- *Financial obligations of the online platforms*

The sub-indicator on Online platforms' concentration measures the concentration of the digital intermediaries; it must be highlighted that, here, not all the dimensions of the digital markets are assessed, but only those that are directly related to the media economy; this is done by assessing the risk that is related to the dominance of only a few players in the online advertising market and the online audience, which are measured through the use of the Top4 index. It is composed of two economic variables. The variables in the other two sub-indicators are all legal. The sub-indicator on Competition enforcement deals with digitalisation's challenges to the traditional competition rules and tools. To assess the risk, the country teams are asked to take into account the evolution of the competition and regulation policies and bodies, so as to address digital dominance - with a focus on the online advertising market. Finally, in MPM2023, a third sub-indicator has been added, grouping the variables that deal with the financial obligations of the platforms, those that are derived from their complex relationships with the media<sup>41</sup> (and also following the process of the transposition of the EU Directive on Copyright and Related Rights) and from the taxation on digital services/companies. In comparison with the previous implementation of the Monitor, the variables and the structure of this indicator have been slightly adjusted to focus on the digital risks and, as a consequence, the comparison of risk scores should be interpreted cautiously. (see Methodology in Annexe I).

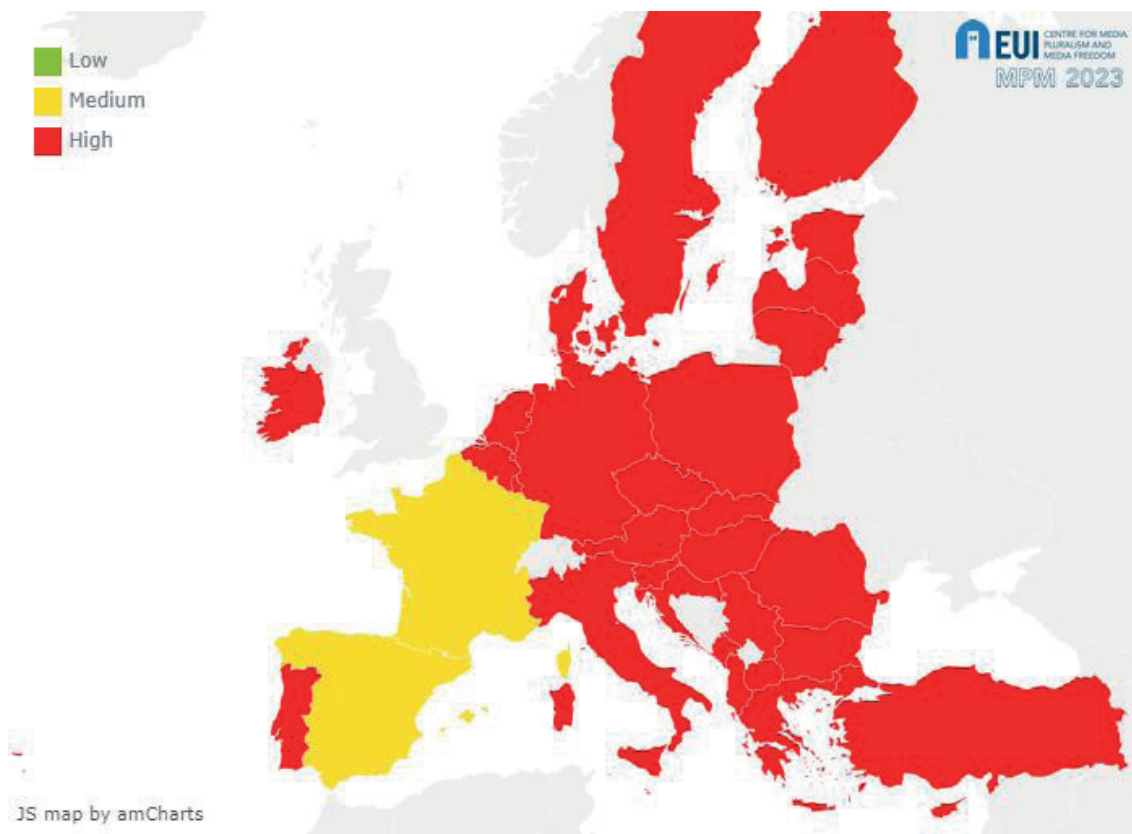
The indicator on **Plurality in digital markets** is at high risk, at 81% for the EU countries, and at 83% for the EU + 5 aggregate. In considering the whole MPM, it is the second indicator for risk level, slightly below the Indicator on the Plurality of media providers. This result shows once more that the digitalization of the media environment has not reduced its tendency to move to high concentration, adding a high concentration in the distribution of the news to the pre-existing high concentration in the ownership of media providers. In this way it posed new challenges to the legal and regulatory frameworks that address the issue of market power in the changing information system. In this indicator, no country scores as being at low risk, and just two countries, France and Spain, score in the medium risk band (even though they are very close to the high risk band).

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<sup>41</sup> On the economic relationship between news media and digital platforms, the resultant competition issue, and the different solutions across the OECD countries, see OECD (2021).



Figure 4.3.a. Plurality in digital markets - Map of risks per country

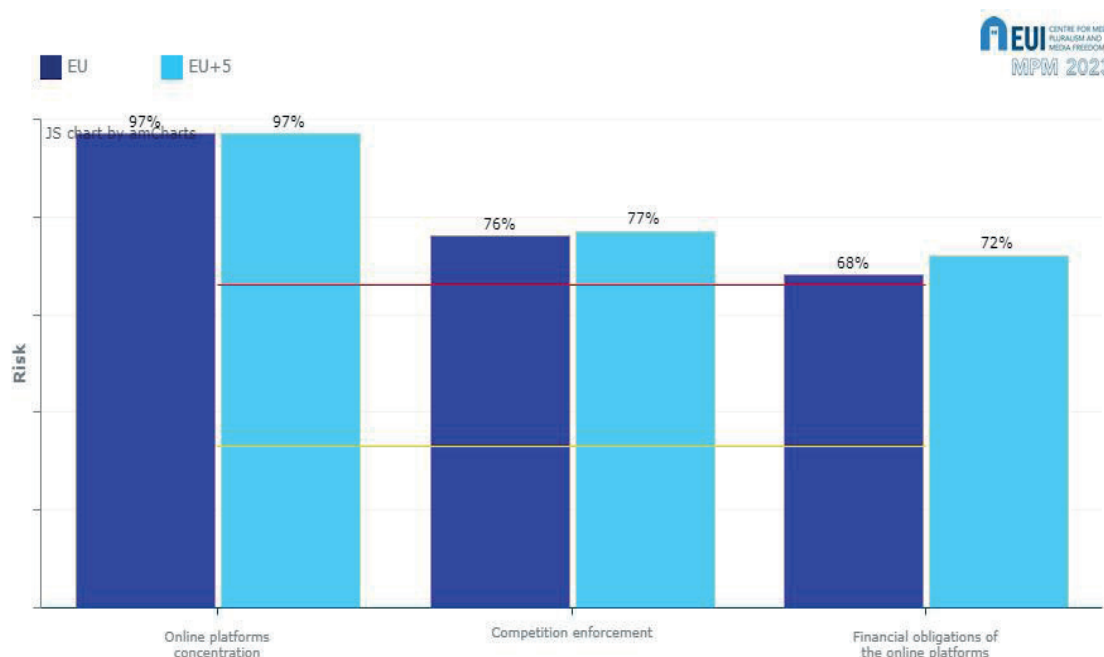


It must be said that, exactly as it was in the previous indicator, the cases in which the risk is relatively lower are related to the legal aspects and not to the economic variables. This is because the indicator also aims to assess whether there is a legislative reform process that is ongoing, and/or if there are developments in the competition and regulation enforcement that arise due to the national authorities attempts to address the challenges posed by the digital markets. These attempts to contain harmful behaviours and economic disequilibria may be related to the online advertising market, data exploitation and protection, and any other initiatives that are directed towards restoring a level playing field in the digital markets, including initiatives dealing with the relationships between publishers and online platforms and the remuneration for media content. The existence and effectiveness of forms of taxation of the digital companies also contributes to lower the level of risk for this indicator.



In France, since 2020, the competition authority has a service that is dedicated to the digital economy, and the issue of the economic relationships between digital platforms and media providers has been widely debated (see CMPF 2022, p. 139). The French report for the MPM2023 highlights an increase in the level of risk in this indicator, even though it is still within the medium risk, and notes that “there is a tension between regulation by platforms and regulation of platforms, particularly as far as it concerns the related rights law” (Ouakrat et al., 2023).

Figure 4.3.b. Plurality in Digital Markets - Averages per Sub-Indicator



From an average of the countries, the sub-indicator on Online platforms’ concentration - measuring market and audience shares - is demonstrated to be at the maximum level of risk, at 97%, showing a level of concentration in the distribution of (and access to) the news in the digital environment that is even higher than the (already very high) concentration of media providers; in this sub-indicator, all the countries score as being at high risk and, in the overwhelming majority of cases, they score at the highest level of the risk band.

It is worth adding some information on this sub-indicator; starting with the fact that it is still difficult for the researchers to collect reliable data on the distribution of revenues in the online advertising market, and it is even more difficult to collect data on the online audience - including all the digital players. This difficulty is the result of legal and technical issues; legal, because of the extra-nationality of the actors that dominate the online advertising market; technical, because of the different methods used to measure the

total audience online, and the opacity of the data in this field.<sup>42</sup> When there is data, they come from an estimation of the national regulators, or by competition cases – since several of them in recent years, at the national and at the EU levels, have dealt with the online advertising market and the role of very large online platforms in the online advertising chain.<sup>43</sup>

The sub-indicators on Competition enforcement and on Financial obligations of platforms, even though they are still scoring as being at high risk, on average (76% in the EU, 77% in EU+5), show more nuanced results: in the case of the sub-indicator on Competition enforcement, two countries are at low risk (France and Germany), and 10 countries at medium risk (Belgium, Cyprus, Denmark, Estonia, Ireland, Italy, Hungary, Spain, Sweden and Turkey), the remaining countries being at high risk. It is worth highlighting the case of Germany, where the legislative process that is present in order to address the digital challenges to competition and market plurality, started years ago. As the German report for MPM2023 highlights, “the GWB (Competition Act), which was amended in 2021, allows the Federal Cartel Office to intervene early and effectively against market-abusive behavior by large digital groups. In a two-stage procedure, the Federal Cartel Office can prohibit companies that have an overriding cross-market significance for competition from engaging in practices that threaten competition. In May 2022, Meta was classified as such a company by the Federal Cartel Office, and is now subject to special abuse control for five years. Google was already classified as dominant in 2022”. (Holznagel & Kalbhenn, 2023). The same report underlines the fact that, in spite of this reform process, the tendency to concentration in the online advertising market has not decreased, and the opacity of the market - for example, the lack of data on user concentration - is seen as “a risk factor, given the importance of the sector in economic and opinion-forming terms”.

The sub-indicator on Financial obligation of the online platforms is at high risk, showing 68% in the EU and 72% in the EU + 5. For the sake of this sub-indicator, we must register the impact of the transposition and implementation of the EU Directive on copyright and related rights,<sup>44</sup> which has influenced the assessment, not to mention the postponement of the effectiveness of different forms of digital services tax, in almost all the countries that had already approved it, in expectation of perfecting the international reform process of profit taxation.

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42 See note 39, above: the lack of standardized and transparent data on audiences online extends to the other actors in the media market.

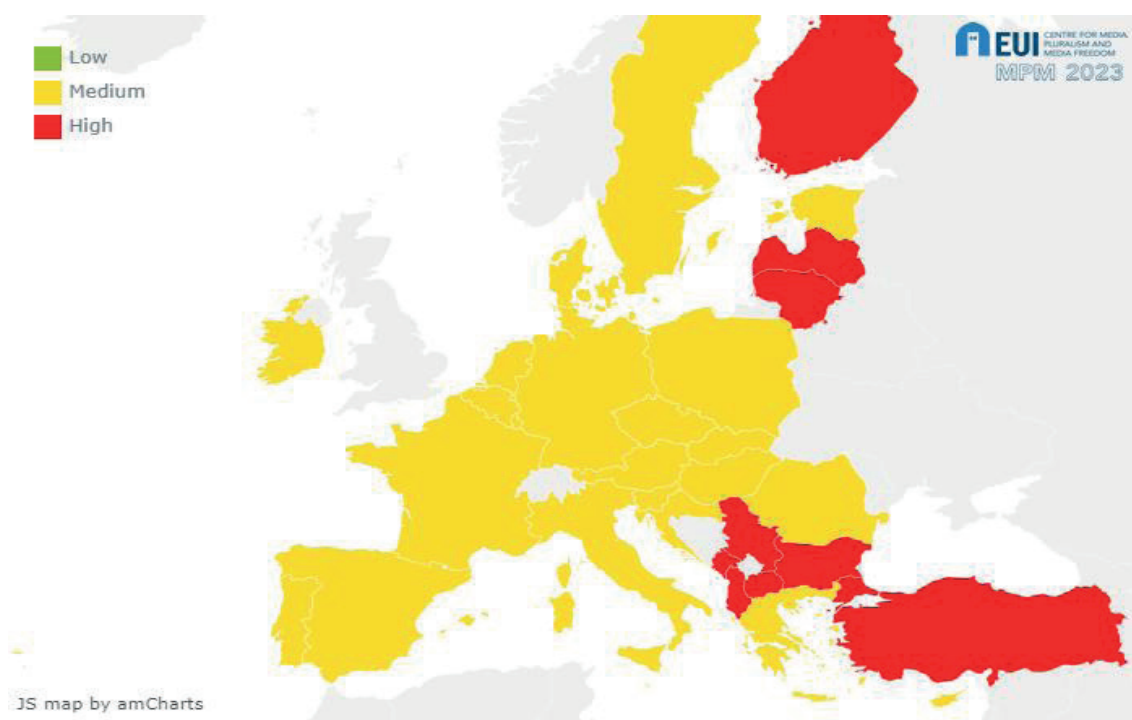
43 In March 2022 the European commission has opened a formal antitrust investigations into possible anticompetitive conduct by Google and Meta in online display advertising ([https://ec.europa.eu/eui.idm.oclc.org/commission/presscorner/detail/en/IP\\_22\\_1703](https://ec.europa.eu/eui.idm.oclc.org/commission/presscorner/detail/en/IP_22_1703)). Other enforcement actions focused on the abuse of dominance in the online advertising market were opened by the competition authorities in France, Germany, Italy, UK, Japan, US.

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

Some considerations regarding the financial relationships between online platforms and media providers are worth adding, as this is an issue that is increasingly being addressed in the debate on the financing of the media industry, and that is the object of different policy and legislative initiatives worldwide. The Media Pluralism Monitor has tracked this aspect since MPM2022, with a variable that asks not only whether a negotiating process is on-going, and whether the EU directive has been transposed, but also whether the outcome of the negotiation is both known and transparently reported. Figure 4.3.c visualises the results that are related to this variable.

Figure 4.3.c. Plurality in digital markets. Variable 91.

**Are there financial agreements in your country, between digital intermediaries and media providers, to remunerate the media providers for the use of copyright-protected content or, more generally, to contribute to their financing?**



In nine of the countries there are no rules, nor are there ongoing negotiations on the remuneration of copyright by the platforms (Albania, Bulgaria, Finland, Latvia, Lithuania, Montenegro, Serbia, the Republic of North Macedonia and Turkey). In the other countries, even when the EU Copyright Directive has been transposed and implemented, and/or there are negotiations, the situation still presents a medium risk, according to the MPM's methodology, which foresees a low risk for this variable when three conditions are met: that there are relevant financial agreements, that they have been transparently reported and that they are not limited to the main media outlets. In Italy, estimates by the media regulator demonstrate that the share of the online advertising revenues that

goes to the platforms is 84.5%, vs. the 15.5% that goes to the publishers. As the Italian report for the MPM2023 assesses, the EU Directive on copyright and related rights had still not been implemented in the year of the assessment; nonetheless, it must be noted that some agreements were voluntarily signed between Google and the main publishers, but their details are neither public nor available. In the future, the parties may appeal to the media authority or the courts so as to determine the fair remuneration of copyrighted content; the regulation sets the criteria to determine the fair remuneration, but “some concerns arose due to the vagueness of those criteria and the risk of discriminating against smaller and new publishers”. (Carlini et al., 2023).

Finally, another element that contributes to the risk in this area regards the taxation of digital services or companies, which was effective, in 2022, in only two countries (Portugal and Spain). It has been introduced in eight countries, but it is either not effective, or it has been suspended, in the wait for the international reform agreed by the OECD countries. In 22 countries, there is no taxation of this kind. This factor contributes to the numerous asymmetries and imbalances in the media and related markets.

#### 4.4 Media viability

*This indicator aims to assess the economic sustainability of news media production as a condition for media pluralism and diversity.<sup>45</sup> The indicator measures the risks that are related to the lack of sufficient economic resources to finance the media, assessing the market revenue trends, the economic conditions of journalists (employment and salaries), and the eventual role of public support. News media revenues are examined separately for each sector (audiovisual, radio, newspaper, local media, digital native). In all cases, the market revenue trends are evaluated in relation to the overall economic trends (a high risk is recorded if the media sector performed worse than the overall economy; a medium risk if its variation is in the same range as the real GDP's variation; a low risk if the news media revenues performed better than the overall economy, taking into consideration inflation trends).*

*Two variables aim to assess the resilience of the sector; one asks about non-advertising based business models, while the second, newly introduced, variable looks at journalistic innovation. The economic conditions of journalists are assessed in relation to the*

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<sup>45</sup> “Sustainability and resilience of media revenue models can have a direct bearing on media plurality and diversity in a given media market. Internal plurality is at stake when media outlets whose financial viability is declining respond by cutting the costs of media production, for example, reducing newsroom staff. External media plurality suffers if, as a result, media outlets distribute essentially the same media content, for example, the news acquired from wholesale news providers, and if media outlets have to quit their business. Media outlets in financial distress are also less likely to perform their important democratic watchdog function to hold those in power accountable. An economically viable position, by contrast, makes news media more resilient against political pressure and media capture” (Irion et al., 2022b, p. 249).

*employment and salary trends, and this is carried out separately for newsrooms' staff and for freelancers. As economic sustainability can be supported also by public intervention, the last sub-indicator focuses on the impact of public financing and fiscal incentives, taking into consideration ordinary and extraordinary measures, and their effectiveness.*

*As a result, the structure of the Indicator is now as follows:*

- *Revenue trends*
- *Employment and salary trends*
- *Public incentives to media pluralism*

The average score of the indicator on **Media viability** is medium risk (59%), three percentage points above last year's score (56%). After the economic recovery that characterised the year 2021, in 2022 the media industry was impacted by increased energy prices and high inflation that was triggered by Russia's war in Ukraine. Some early signs of economic hardships were visible based on decreasing revenues and increasing costs, but it is possible that the full extent of the economic problems was not yet captured, as, for many countries, the financial data of the media companies were only made available after our data collection. Similarly to the situation that was reported in previous years, newspapers and local media were the most vulnerable sectors. Overall, the digital risks of the area were lower than the general risk that was associated with media viability, and the average risk associated with the digital variables of the EU+5 countries is 47%.

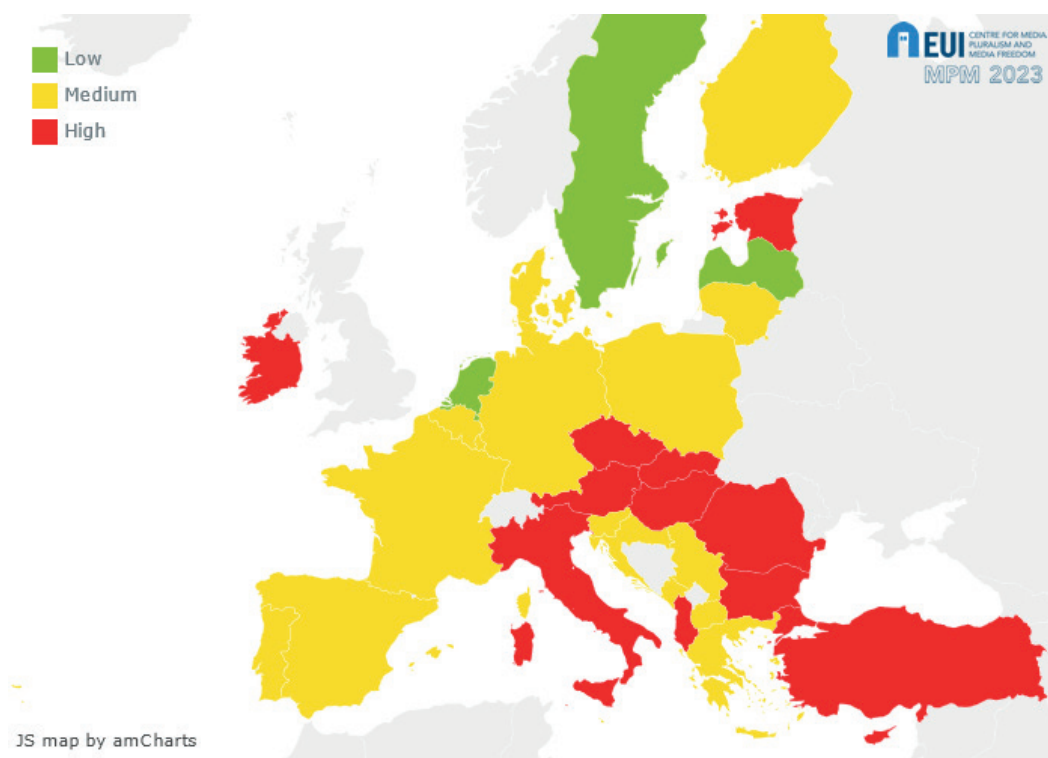
During the first two waves of the COVID-19 pandemic, the offline advertising expenditure and the revenues from sales fell abruptly, meaning that, for the first time, the indicator **Media viability** registered as a high risk in the MPM2021. The MPM2022 saw a visible rebound: the market stabilised and the Media viability indicator returned to the medium risk band.

In the MPM2023, the risk level increased by three percentage points, but the overall score is still at medium risk. This increase in risk is due to the economic difficulties of the year 2022, which were, to a large extent, impacted upon by Russia's war in Ukraine. All three sub-indicators scored medium risk, the highest being **Revenue trends** at 62%, followed by the **Employment and salary trends** (59%) and **Public incentives to media pluralism** (58%).

Before analysing the results in detail, it should be pointed out that the data collection for the revenue and employment trends faced difficulties. As in the previous year, these are related to the fact that the media authorities (or other national institutional sources) did not provide data in all of the countries, or, even where they did so, the data were not always available at the time of the MPM exercise. Financial reports from the media companies are also missing in a number of cases. According to the MPM's methodolo-

gy, other primary sources (including interviews with the media and the representatives of the journalists' councils) might be used, as well as forecasts from commercial companies, particularly in the advertising sector. Consequently, the results for Media viability may be influenced by the lack of certain data, and should thus be interpreted as only being provisional.

Figure 4.4.a. Media viability - Map of risks per country

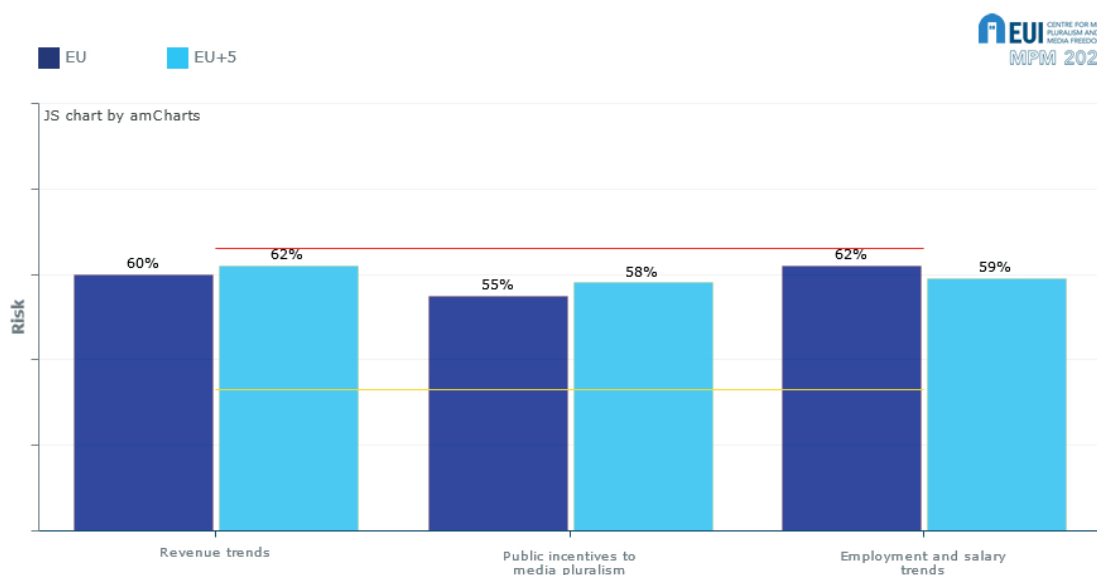


As displayed on the map, in the **Media viability** indicator, three countries achieved a low risk score (last year, four countries were at low risk): Latvia, Sweden and The Netherlands – of these three, only Sweden was in the low risk band last year. The majority of countries (17) scored in the medium risk range. The 12 countries that scored high risk are: Albania, Austria, Bulgaria, Cyprus, Estonia, Greece, Hungary, Ireland, Italy, Slovakia, The Czech Republic and Turkey. In The Netherlands, a relatively strong economic performance was complemented by improvements in journalistic working conditions: “In 2022, an agreement has been reached about specific labour terms between freelancers and DPG (major newspaper publisher). Moreover, due to a pressing demand for skilled workers on the general labour market, there are sufficient jobs available for media workers and news media are consciously improving the conditions to retain their employees” (De Swert et al., 2023). The changes in the score (especially that related to revenue trends) were, in some cases, not only triggered by developments on the ground, but also by methodological changes (see Annexe I).



The different factors that have impacted upon Media viability in Europe in 2022 can be better visualised and explained, on an average level, by looking at the sub-indicators' scores.

Figure 4.4.b. Media viability - Averages per sub-indicator



The sub-indicator on **Revenue trends** scores a medium risk, at 62%, close to the high risk band, increasing visibly (from 48%), if compared to the previous year. The sub-indicator on **Employment and salary trends** decreased from 63% to 59%, also scoring as medium risk; while the sub-indicator on **Public incentives to media pluralism's** score slightly decreased, from 59% to 58%. For all of the sub-indicators, the risk level of the EU countries and the risk level of the EU+5 is 2-3 percentage points apart: Revenue trends is two percentage points lower, Public incentives to media pluralism is three percentage points lower, while Employment and salary trends is three percentage points higher when looking at only EU members.

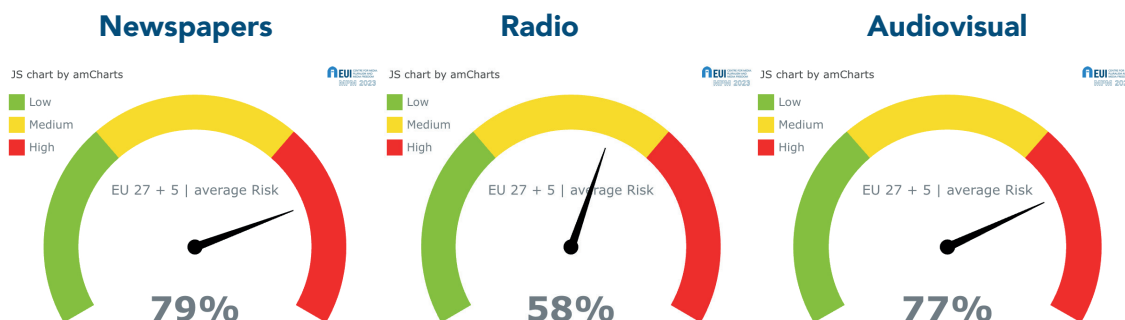
**Revenue trends.** Media revenues include market revenues (advertising, sales, subscriptions), public subsidies, and other sources of revenue (philanthropy, crowdfunding, events, and other supplementary services that are offered by the media service providers). Online advertising continued to increase in 2022, in comparison to the previous year. Nonetheless, the media are not the only, nor are they the main, players in the market for online advertising (as seen in the indicator on Plurality in digital markets).

In the Media Pluralism Monitor, we assess revenue trends separately for various sectors.



This year, the audiovisual media and newspapers demonstrate a high risk, while the radio sector scores as being at medium risk.

Figure 4.4.c. Media viability. Revenue trends per sector



While revenues for television and radio have, in many cases, increased in nominal terms, their real term economic performance was reversed by high inflation. The revenues of the digital segment have grown, but the available data didn't allow for the disaggregation of the digital media and online platform revenues, while there are indications that most of the advertising revenue's increase was captured by entities that don't produce content. Nevertheless, as the year 2022 started with high expectations and the adverse effects of the war were lagging, there was a small number of countries that reported overwhelmingly positive trends. In Germany, Holznel & Kalbhenn (2023) reported that the industry association for private media expected 2022 to be a strong year, with an increase in audiovisual media revenues of 2.5%, reaching €15 billion. In Latvia, "the volume of the advertising market has increased by 11.8%, reaching 84.4 million euros and finally exceeding the volume of the year before the COVID-19 pandemic" (Rožukalne, 2023).

In the average, the variable focusing on the revenues for the audiovisual media has shown the greatest increase in risk, from 35% to 77% (high risk), while the risk for the viability of the revenues for the radio sector increased from 32% to 58%. The greatest risk was recorded in the case of newspapers (79%). In many cases, the assessment of media revenues had to rely on forecasts or incomplete data, either because official statistics and financial statements were not yet published at the time of the data collection, or because data were not collected at all. A significant shortage of data was observed in the case of variables considering the revenues of online natives and local media. In the case of online revenues, 25 of the 32 countries couldn't find data that looked specifically at news-producing online actors, 28 countries had no data on local media revenues (in 22 cases, the country teams reported that no data collection was taking place in the country).

In the very few cases when some data, even if it was not comprehensive, on local media are available, it points towards a dire situation. In Italy, the country team reported: "The

revenue trends for local media are also difficult to assess due to the lack of data. For the newspapers, AGCOM reports a decline in sales by 9.8% if compared with 2021, and by almost 30%, if compared with 2018. The local chains of legacy media suffer most, and this is blatant in the announcements of closures/sales: this is the case of the Riffeser/Monti group and the GEDI group” (Carlini et al., 2023). In The Czech Republic, Vltava-Labe-Press, which publishes local and regional outlets, reduced the number of its local outlets by more than half, from 70 to 28 (Štetka et al., 2023).

Both in Latvia and Estonia, where significant segments of the population speak Russian as a first language, Russia’s aggressive intervention in Ukraine has impacted on the content provision that is aimed at Russian-speakers, as well as the revenues of such service providers. The Estonian team, for example, mentioned national efforts to “change the current media consumption habits of Russian-speaking viewers by offering them alternative content through quality entertainment and reliable news flow” (Turk & Kose, 2023).

Newsrooms are experimenting with new business models, other than advertising. Nine countries reported many effective initiatives for alternative financing models, and 18 countries indicated a limited number of initiatives. Many of the member states that are covered in the MPM, mentioned that news media – especially the digital natives – are experimenting with subscriptions, donations and membership. Small investigative outlets often rely on grant-funding. Still, country teams were advocating caution. In many cases, it was pointed out that the majority of the newsrooms are still clinging to old revenue models, while they are struggling financially. The team in Hungary mentioned that high inflation and economic difficulties may significantly decrease the audiences’ ability to contribute to the news media (Bleyer-Simon et al., 2023). The Italian team highlights that outlets experimenting with “new” revenues have actually done so for several years now, but recent years haven’t seen younger outlets following suit. “It is worth mentioning that the only novelties in recent years are very ‘traditional’ ones: the newspaper *Domani*, which was founded in 2020 by the former publisher of *L’Espresso* and prominent Italian businessman, Carlo De Benedetti, and the daily newspaper *L’Essenziale*, which began to be published in November 2021 by the group Internazionale, which edits a weekly magazine, but which closed in June 2022, due to the economic difficulties that were related also to the impact of the war on advertising, sales and costs” (Carlini et al., 2023).

A newly introduced indicator asked whether news media organisations were experimenting with innovations so as to improve the way in which the newsroom works, or the ways

in which journalistic products were provided to audiences. Journalistic innovation is a proxy for the financial wellbeing, sustainability and resilience of media organisations. Eight countries reported having a significant degree of innovation in the media market, while 15 mentioned a limited amount of innovation. The most common format mentioned under “innovation” was the podcast, but country teams also reported an upturn in (cross-border) collaborative projects in order to analyse complex issues and large amounts of data, attempts to facilitate realtime reporting and the increased involvement of the audiences.

**Employment and salary trends.** The risk score for this sub-indicator doesn’t seem to be significantly impacted upon by the increased economic challenges that are being faced by the national media markets – in fact, it shows a decrease in risk from 63% to 59% for the EU and the five candidate countries combined. The working conditions of freelancers, albeit that they are assessed as being eight percentage points lower, remain the main driver of the risk.

Figure 4.4.d. Media viability. Variable 101.

**Have news media organisations in your countries carried out layoffs and/or salary cuts in the past year?**

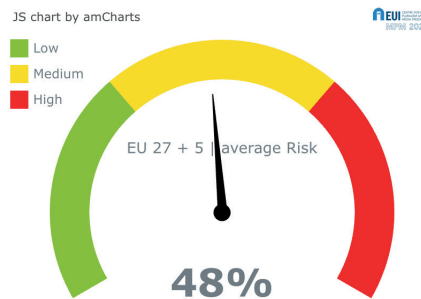
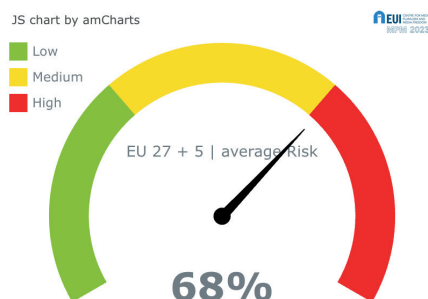


Figure 4.4.e. Media viability. Variable 102.

### Have the economic conditions of freelance journalists improved or worsened over the past year?



The narrative from the countries allows one to have a deeper insight into the economic conditions of journalists. We see that journalistic working conditions are precarious and, in 2022, their salaries were rarely adapted in accordance with the high inflation. Freelancers are in the worst situation. Their pay is less guaranteed than that of their employed peers, or it is not guaranteed at all by social protection schemes; many countries highlighted a decrease in freelance budgets at times of crisis. As pointed out by the Irish country team, the deterioration in employment conditions has been ongoing for years. Newsbrands, the newspaper industry's representative body, estimates that there has been a 13% decline in the numbers of journalists who were in employment between 2016 and 2020, and a further 6% decline between 2020 and 2022. (Flynn, 2023). In Hungary, the change in the rules of the, so-called, KATA small business tax system, led to an increase in the tax burden of many of the freelancers who were relying on this scheme (Bleyer-Simon et al., 2023).

Often, job losses were amplified by closures of entire newsrooms. In Germany, for example, two big publishing houses: Springer and Gruner+Jahr, opted to pursue a "digital-only" strategy, which meant that many of their print publications were closed down (Holznagel & Kalbhenn, 2023). In Hungary, a number of news outlets were shut down or transformed into online-only publications. Part of the reason for this was the difficult economic environment, which has already been described in the context of revenue trends, but the national election in April may have provided another reason, as the governing party recognised that supporting captured news outlets has become too costly, and governmental advertising can be more effectively spent on social media (Bleyer-Simon et al., 2023). This again demonstrates that the viability of news media may also depend on political factors, when we look at those countries where the independence of the media is being jeopardised.

As in previous years, we need to highlight that the closure of newsrooms and the worsening economic conditions of journalists constitute a major problem for the profession, because they could reduce the attractiveness of the sector to highly-skilled professionals, and because they may cause a reduction in the economic independence of both newsrooms and journalists (see the following indicator, on **Editorial independence from commercial and owners' influence**).

**Public incentives to media pluralism.** With this sub-indicator, the MPM assesses the existence of public support schemes for the news media sector, as well as their effectiveness. If those schemes do exist, the questionnaire also asks if they cover the digital media. Here, only the economic dimension of public support is evaluated, whereas other characteristics, in terms of transparency, fairness and the risks related to the political capture of the media, are considered in the Political Independence area. For this sub-indicator, six countries are at low risk, 13 at medium, and 13 at high risk – meaning, in the latter case, that there is no public support scheme available for the media. Overall, the sub-indicator demonstrates a medium risk score, at 58%, which is slightly below that in the previous assessment.

While the COVID-19 emergency support schemes were running out in most countries, there were cases in which new approaches were introduced. Notably, the Latvian Media Support Fund's budget was significantly increased (by €3.7 million to €4.5 million) (Rožukalne, 2023), and Portugal announced a financial support upgrade of 12.5% for the regional and local media (Cádima et al., 2023). One of the few cases in which the government reacted to the new economic crisis was in Malta: a one-off fund of €500,000 was introduced in October 2022 – its aim was to assist the print media in the context of rising paper prices (Vassallo, 2023).

There are also cases in which the digital media are left out of support schemes. In Austria, online only media are not allowed to apply for the “Fund to Promote Digital Transformation”, which is financed from the 2020 Digital Tax Act's revenues (Seethaler et al., 2023). At the same time, there were some cases in which policymakers reacted to the need to include digital media in public support schemes. In late 2021, France created a fund to support online media pluralism: €4,000,000 were used to support about one hundred beneficiaries (Ouakrat & Larochelle, 2023). In Luxembourg, the rules to calculate the support to be provided to a particular newsroom were changed: instead of relating to the number of pages published, the new criterion is the number of professional journalists employed. The scheme was also extended from print to online (Kies & Lukasik, 2023).

## 4.5 Editorial independence from commercial and owners' influence

*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, the MPM variables evaluate a given media landscape in the light of a number of practices that may undermine editorial freedom. In particular, the 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 the appointment and dismissal of the editors-in-chief, laws prohibiting advertorials, regulations stipulating the obligation of journalists and/or media outlets to not 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 MPM2023, new variables have been added, to take into consideration those risks that are related to the economic conflict of interests, and the existence of self-regulatory measures to guarantee a separation between the editorial sphere and the commercial one (see Methodology, Annexe I).<sup>46</sup>*

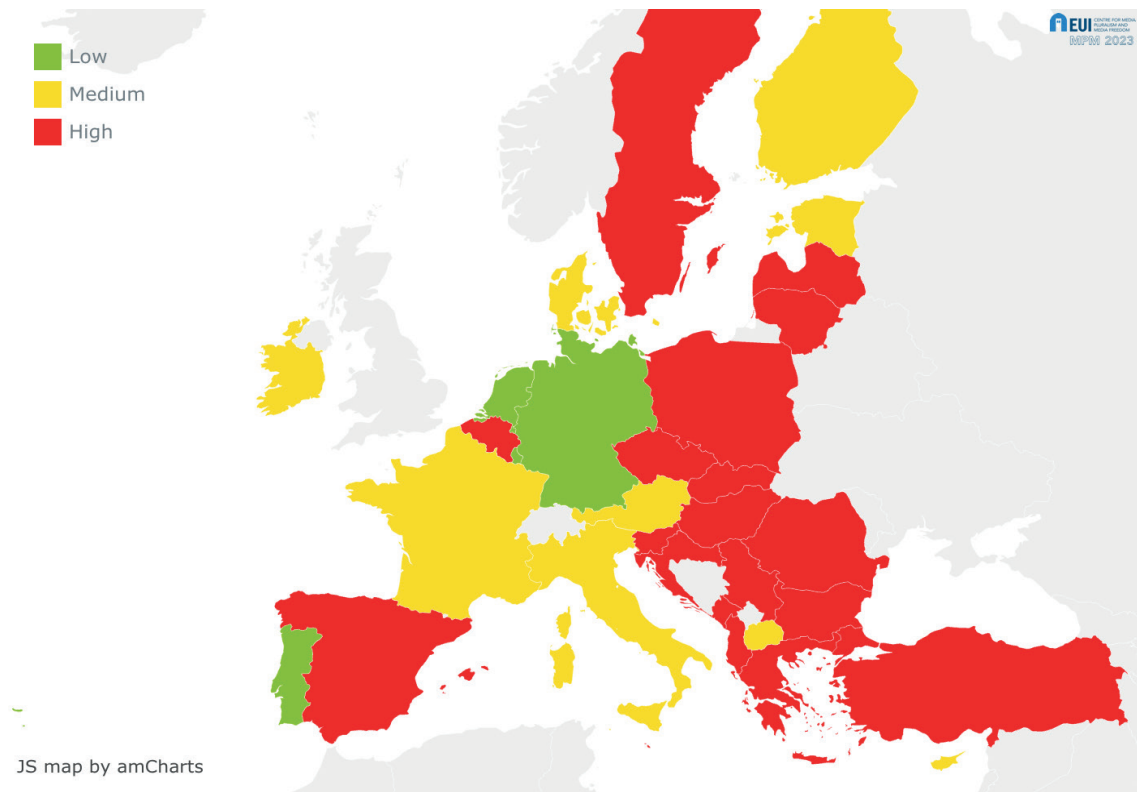
*This indicator is composed of two sub-indicators:*

- *Appointments and dismissals*
- *Editorial decision-making*

On average, the risk level for the indicator on **Editorial independence from commercial and owners influence** is medium. Its risk score is 65% in the EU+5, which is a slight increase over last year's 63%. If we zoom in on the EU27, the average risk score is 62%. The worrying scores reflect the fact that advertorials are not always addressed in regulations, and many newsrooms are still financially vulnerable, while, in many countries, political and economic interests are intertwined, thereby disincentivising owners from granting sufficient freedom to editors and journalists. In addition, the two newly introduced variables show that there are deficiencies in the countries covered when it comes to the separation between newsrooms' editorial and commercial activities, as well as in relation to the disclosure of conflicts of interest.

<sup>46</sup> Commission Recommendation (EU) 2022/1634 of 16th September, 2022, on internal safeguards for editorial independence and ownership transparency in the media sector.

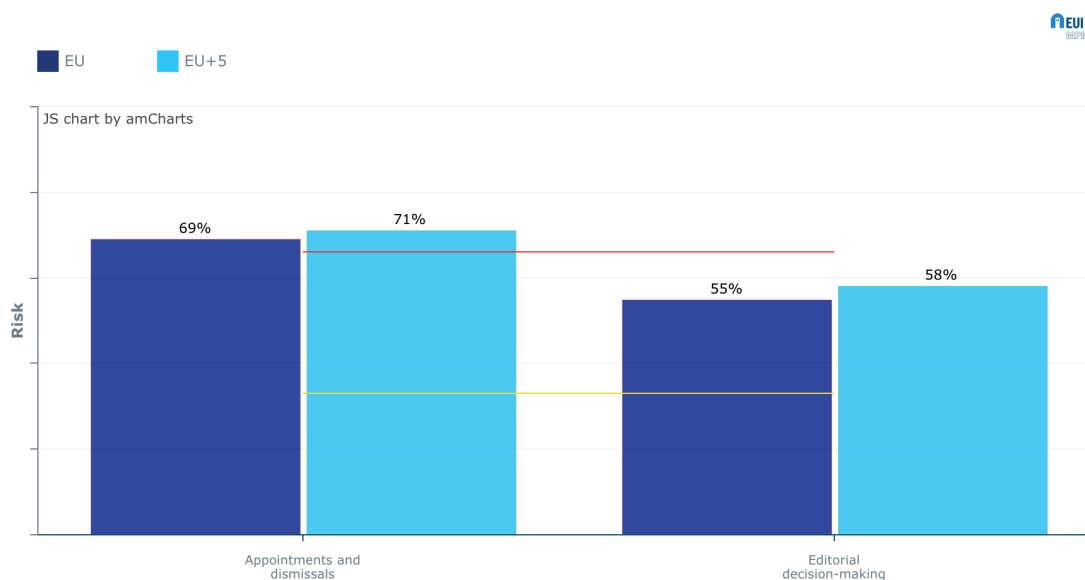
Figure 4.5.a. Editorial independence from commercial and owners influence - Map of risks per country



As can be seen from the map above, only four countries score as being at low risk on this indicator (Germany, Luxembourg, Portugal and The Netherlands). Nine countries scored as being at medium risk (Austria, Cyprus, Denmark, Estonia, Finland, France, Ireland, Italy and The Republic of North Macedonia), and the remaining 19 as being at high risk (Albania, Belgium, Bulgaria, Croatia, Greece, Hungary, Latvia, Lithuania, Malta, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, The Czech Republic, Turkey).



Figure 4.5.b. Editorial independence from commercial and owners influence – Averages per sub-indicator



Greater problems can be identified under the sub-indicator on **Appointments and dismissals** (which scores as high risk for both the EU and the EU+5, with 69% and 72%, respectively). This high risk can be traced back to the lack (or the poor implementation) of the legal mechanisms that grant social protection to journalists in cases where there are changes of 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.

Considering social protections for journalists, in cases of changes to ownership or the editorial line, only five countries score as being at low risk (Cyprus, Denmark, Germany, Luxembourg and The Netherlands), and 12 countries as being at medium risk (Austria, Croatia, Estonia, Finland, France, Italy, Lithuania, Malta, Portugal, Spain, The Republic of North Macedonia and Turkey). When we consider safeguards to shield the appointments and dismissals of editors-in-chief from commercial interests, 22 countries score high risk – the low risk band only includes France, Germany, Luxembourg, Portugal and The Netherlands, while the medium risk countries are Austria, Cyprus, Italy, Poland and The Republic of North Macedonia.

The sub-indicator **Editorial decision-making** scores as being at medium risk. The risk scores are 55% for the EU, and 58% for the EU+5, which are up from 50% and 53% in the MPM2022 – but this change is, in part, the result of a fine-tuning of the questionnaire, which aims to better detect risks that are related to editorial autonomy. In this sub-indicator, the risks to newsroom independence are evaluated by analysing the legal and regulatory frameworks, as well as their effectiveness.

The two new questions that have been added to the sub-indicator aim to assess key issues that have been highlighted in the European Media Freedom Act’s proposal on the separation between the commercial and editorial activities of newsrooms and the disclosure of conflicts of interest. Even though the proposed law had not been approved at the time of the MPM2023’s implementation, these variables aim to assess whether, in the national legal and self-regulatory framework, the relevant obligations already exist, or if these problems are addressed by other means, in practice.

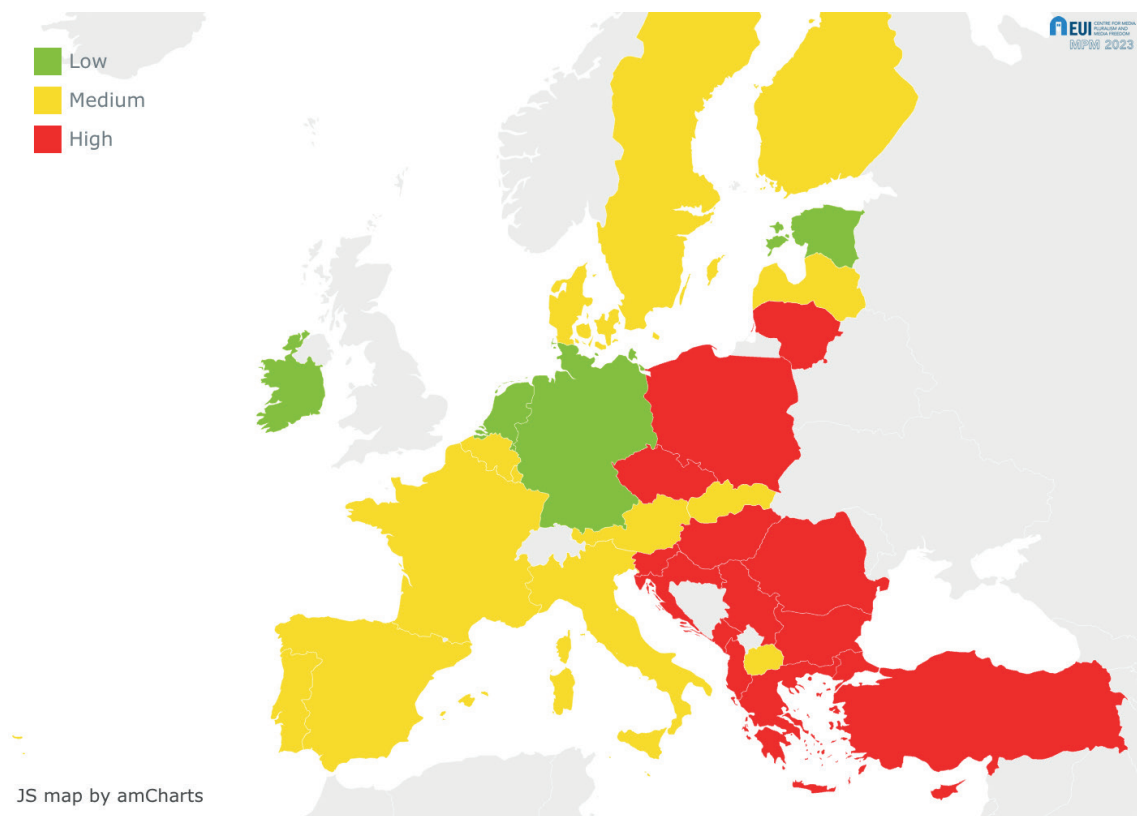
The variable assesses whether there are measures that make sure that editorial and journalistic content is strictly separated from marketing, advertising and other commercial activities within the same news organisation. This variable is in line with the Commission Recommendation (EU) 2022/1634 on internal safeguards for editorial independence and ownership transparency in the media sector. In the text, recommendations as to how to improve editorial integrity include “rules ensuring the separation between commercial and editorial activities, including, for example, requirements to ensure that the editorial content is separated and is clearly distinguishable from advertising and promotional content”. While nine countries scored at high risk (Bulgaria, Cyprus, Greece, Hungary, Italy, Malta, Romania, Slovakia and Spain), the rest of the countries saw, at the least, attempts to secure the separation of editorial and commercial activities. Six countries reported that these efforts were effective: Belgium, Denmark, Germany, Latvia, Portugal and The Netherlands).

The second variable asks whether there are laws and/or self-regulatory schemes in a given country that ask for the disclosure of any actual or potential conflict of interests of the owners of the media that may affect the editorial content. This question is in line with the EMFA’s Art. 6/2b, which highlights that news media providers should have the duty to “ensure disclosure of any actual or potential conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content”. 24 countries scored as being at high risk, as the teams reported that their countries did not have any such measures. Germany, Portugal and The Netherlands scored at low risk (as they have the correct measures in place), while Albania, Finland, Ireland, Italy and The Czech Republic reported that some measures existed, but they weren’t particularly effective.

The answers to both the old and the new questions of the sub-indicator show that, even when regulations and safeguards exist, problems and risks may arise, due to their lack of effectiveness. The country report on Serbia perfectly exemplifies this problem: “The Law and self-regulatory provisions grant journalists the right to refuse to execute an editor’s order if this would violate the rules of profession and journalistic ethics, but the Law does not identify media owners and management as the source of potential pressure and does not grant an adequate level of protection to editors. When it comes to advertorials, the Advertising Law prohibits disguised advertising in its article 12, but the general media law does not regulate it” (Milutinovic et al., 2023). The extent of this phenomenon is assessed through a reality-check: one of the variables asks whether editorial content is independent from commercial influence, in practice. In each country, the answer to this question is submitted to the Group of Experts for review. Just as last year, it scores significantly higher than the sub-indicator, at 66% for the EU+5. The map below provides an overview of the related risk per country.

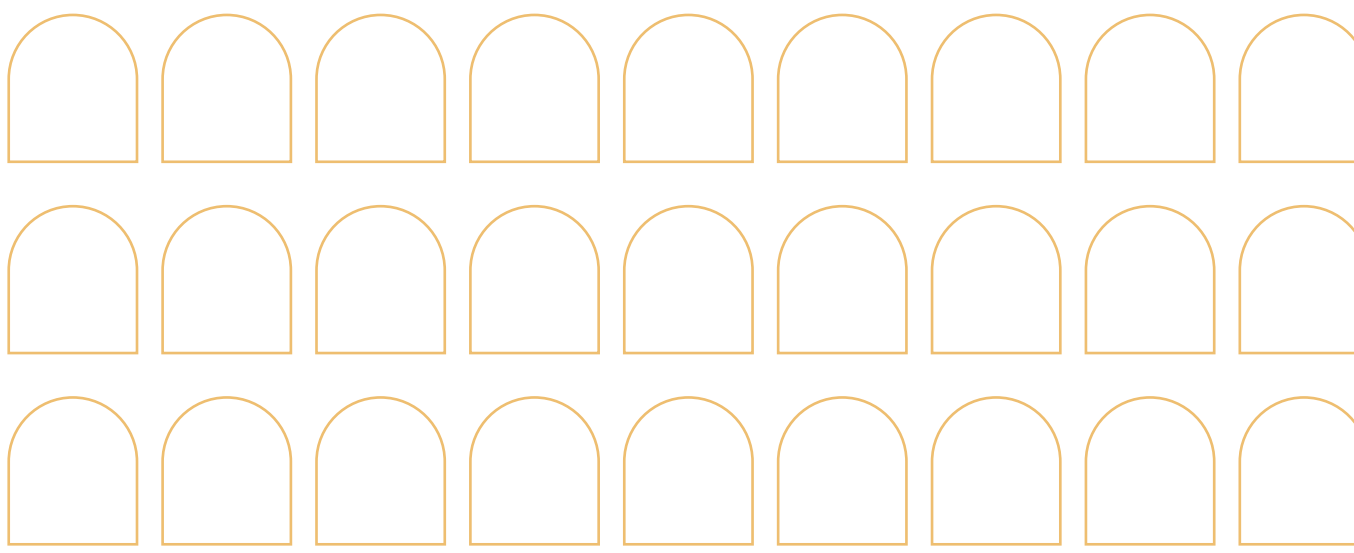
Figure 4.5.c. Editorial independence from commercial and owners influence Variable 112.

**Is editorial content independent from commercial influence in practice?**



This year's assessment demonstrates that the newsrooms of the countries covered are still vulnerable to commercial and owner influence. The problems related to insufficient instruments, and a lack of proper enforcement, were best described by the country team working on the situation in The Czech Republic, where many media owners have interests in other economic sectors, and are often interested in state contracts. "The conflict of interests, raising concerns about self-censorship and instrumentalization of the news outlets for their owners' business or political agenda, is especially prominent in case of the titles controlled by Andrej Babiš, the leader of the movement ANO2021, ex-Prime Minister (until December 2021) and the runner-up in the recent Presidential Election (January 2023) [the election was won by the independent Petr Pavel]. Findings from interviews carried out with journalists who have worked in Mr Babiš's newspapers, as well as an analysis of lifestyle/women's magazines and supplements belonging to the same publisher, support the allegations that Babiš's media are not independent, and that their editorial content is being systematically subordinated to his political and business interests" (Štetka et al., 2023).

Finland reported that commercial influence is becoming a growing concern for the local media, where dependencies are stronger, while, in major media houses, the boundaries between journalism and advertising are becoming blurred (Mäntyoja & Manninen, 2023). While Germany is, in general, seen as being free of commercial influence, just as last year, the country team reported a major controversy in relation to *BILD*, the most widely read German (tabloid) newspaper, the flagship product of the internationally active Springer publishing house. The weekly *Die Zeit* published private text messages that were sent by Springer's CEO, Matthias Döpfner, prior to the 2021 elections, in which he asked newsroom executives to strengthen the Liberal Party with their reporting (Holznagel & Kalbhenn, 2023). A weak self-regulatory framework is reported as being a problem in Italy, in a system that is "characterised by media owners that also have other non-media business. The code of journalists does not mention the issue of conflict of interests with the owners. This is, indeed, mentioned for economic journalism", but it is scarcely effective. "Daily examples of commercial and owner influence can be seen in: 1) the lack of disclosure of any potential conflict of interest between owners' interests and journalistic coverage/campaigns; 2) the not always clear separation between paid content and editorial content, both in traditional media and in the native advertising in the digital realm; 3) the difficulties for the self-regulatory bodies in signalling and preventing cases of economic pressure; 4) the under-reporting on news that impacts upon the interests of the owners" (Carlini et al., 2023).



## 5. POLITICAL INDEPENDENCE

*The Political Independence area explores the potential shortcomings and risks in relation to the conditions that should guarantee political pluralism of the media in a country. The key conditions against which the risks to political independence are assessed, include the existence and effectiveness of regulatory and other safeguards against political control over media outlets and news agencies, as well as against political bias and the misuse of media and online platforms in elections. 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 assess the independence of public service media. The five indicators that are 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.*

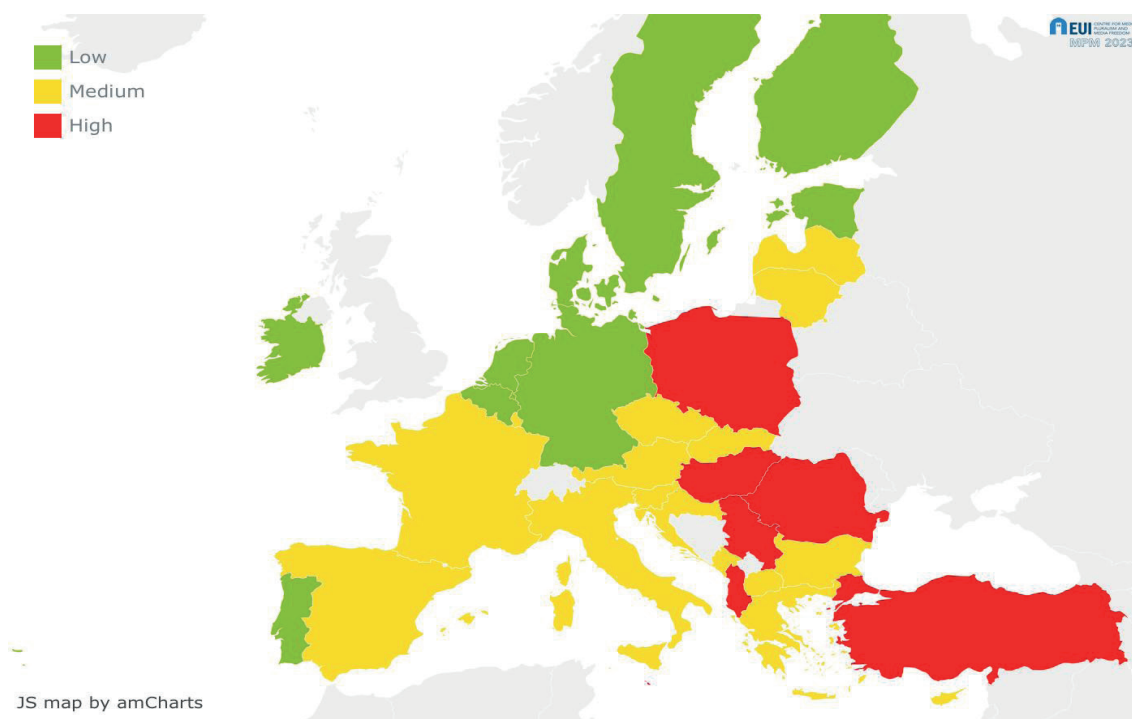
A healthy democracy is only possible where there is informed citizenship and political pluralism, both of which are deeply dependent on independent, free and quality media. In European societies, it is a democratic role of the media to provide a platform for diverse qualified and reliable voices to be heard and for different perspectives to be debated in an informed and evidence-based manner. In today's information environment, in which there is a powerful layer of algorithmic intermediation between the media and citizens, and where there are more possibilities for direct and targeted political campaigns, the role of the media seeks to be redefined. Legacy media can hardly compete with other platforms and sources in being first carriers of news, but they should, rather, consolidate their efforts to provide reliable and complete information, as well as to achieve and strengthen professionalism and independence.

The **Political Independence area** of the Media Pluralism Monitor explores the relevant conditions for media and journalists to guarantee their independence in relation to supplying citizens with accurate, timely, and quality information. Over recent years, the area has been evolving so that it can increasingly consider political independence at the intersection between the media and digital platforms. More specifically, the political independence of the native digital media is considered in comparison to the political independence of other types of traditional media, the conditions for political campaigning online are evaluated alongside traditional media regulation, and consideration is given to the role of Public Service Media (PSM) in the online information environment.

On average, the **Political Independence area remains at medium risk (48%)**. This risk level is aligned with the previous MPM editions (MPM2022 - 49%, MPM2021 - 48%, MPM2020 - 47%). Minor differences in the risk levels across the years reflect both the methodological adjustments of the instrument and certain changes in the circumstances of the individual countries that have been included in the analysis. Most of the “traditional” risks to media pluralism - including the politicisation of media ownership and editorial production, and PSM management - are persistently maintained in a significant number of countries, especially those in Central and Eastern Europe. As can be seen from *Figure 5.a*, there are seven countries in red, indicating high risk levels for Political Independence: Hungary, Malta, Poland and Romania, as EU member states, and Albania, Serbia, and Turkey, as EU candidates. This is one less than in the MPM2022, as Slovenia has moved from high to medium risk, due to a decline in the risk in the indicator on **the State regulation of resources and support to the media sector**. This improvement is due to the changes in the Law on Electronic Communications, which regulates, in more detail, the general principles of radio frequency spectrum management, the strategic planning and (cross-border) coordination of radio frequency spectrum policy (Milosavljevic & Biljak-Gerjevic, 2023).

Nine countries are in the low-risk band, namely: Belgium, Denmark, Estonia, Finland, Germany, Ireland, The Netherlands, Portugal and Sweden.

Figure 5.a. Political Independence Area – Map of Risks per Country

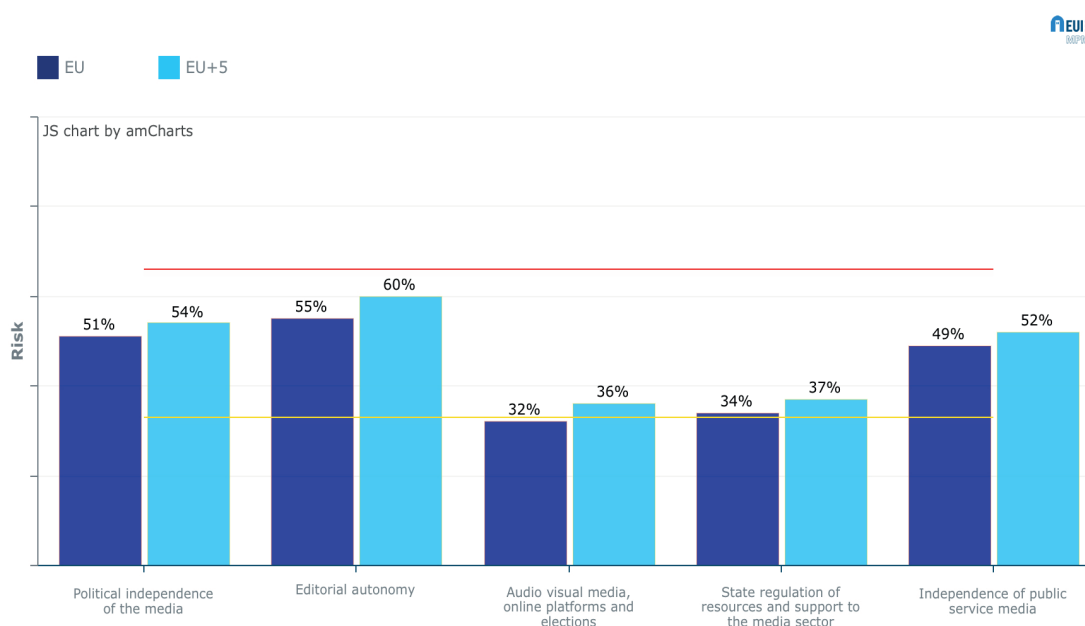


While conditions vary from state to state, on average, the indicators on **Editorial autonomy**, the **Political independence of the media**, and the **Independence of public service media** demonstrate an increased risk rate, in the upper medium risk band. The three indicators are intertwined, as they illustrate the conditions and media systems in which political influences penetrate significantly into media ownership, the management of the PSM, and undermine editorial autonomy. Editorial autonomy is one of the key guarantors of journalistic freedom, and of protection from undue outside interference in the editorial news making process. Despite this, in the majority of the countries covered by the MPM, there are no efficient mechanisms to protect editorial autonomy. This is especially problematic considering that the other two Indicators that have an increased risk in this area show that, in many countries, some of the major media organisations, particularly newspapers and the audiovisual sector, are under certain levels of political control that are related to ownership and, in half of the countries, there is evidence that also the appointments and dismissals of public service media management are politicised. There are seven countries that score at high risk on all of the three indicators, namely, four member states: Hungary, Malta, Poland and Romania; and three candidate countries: Montenegro, Serbia, and Turkey.



Two indicators in this area perform in the lower medium risk range, on average, for all the countries: **Audiovisual media, online platforms and elections** and **State regulation of resources and support to the media sector**. However, a more granular approach reveals high risk concerns in relation to **Audiovisual media, online platforms and elections** in the cases of Malta and Turkey, and different levels of low risk for the majority of the countries covered. Similarly, while **State regulation of resources and support to the media sector** indicates low risk, to different degrees, in 19 of 32 countries, it is at high risk in Poland and Turkey. Further granularity of results in the area of **Political Independence** is provided in the sub-chapters for each of the five indicators.

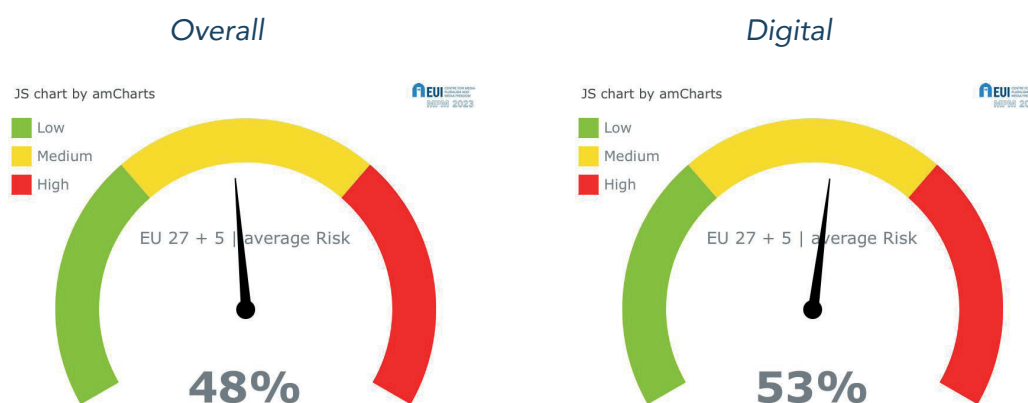
Figure 5.b. Political Independence Area - Averages per Indicator



There are three digitally-specific issues which are encompassed by the area of Political Independence: Political independence of digital native media (1 variable); Political advertising online (6 variables); Funding for the online mission of the public service media (1 variable). These variables are organised under three indicators in the **Political Independence area: Political independence of media; Audiovisual media, online platforms and elections; and the Independence of PSM**. In total, this amounts to eight digitally-specific variables (questions), which are of two types: legal (aiming to assess regulatory measures), and socio-political (aiming to evaluate the situation in practice).

The average score of the digital variables for all of the countries covered is 53%, which is higher than the overall score for the area (48%), but still in the medium risk range. This result is in line with the previous implementation, and it largely reflects the lack of regulation, in the vast majority of the MPM countries, to ensure the transparency of political advertising on online platforms during electoral campaigns.

Figure 5.c. Political Independence Area - Average Risk:



## 5.1 Political independence of the media

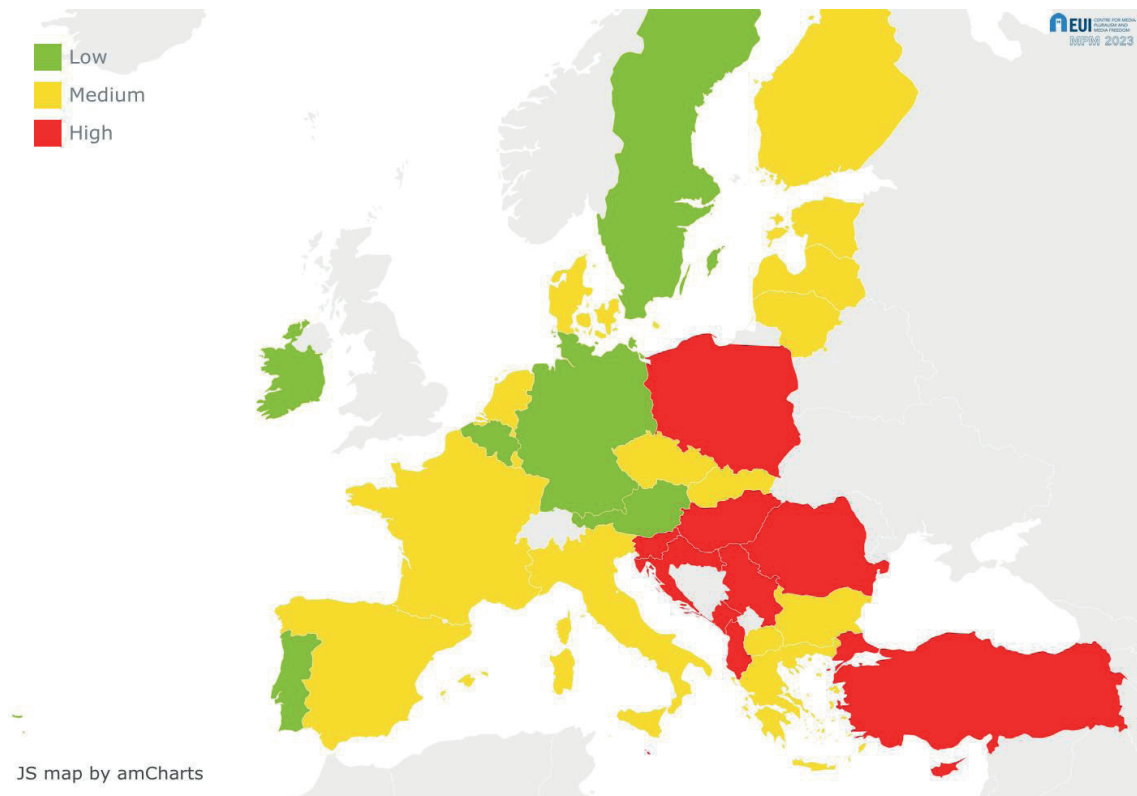
*This indicator assesses the availability and effective implementation of regulatory safeguards against conflicts of interest and control (both direct and indirect) over different types of media by politicians, taking into consideration the diversity of European media systems and the cultural differences 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 business people). Conflict of interest is defined as being an incompatibility between holding government office and owning media (Djankov et al., 2003). The MPM, therefore, takes into consideration the existence, and effectiveness, of those 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 the media.*

The indicator **Political independence of the media**, results, on average across the countries, in medium risk (54%), which is aligned with the previous MPM implementation (56%). The MPM2023 assessment detects that there are eleven countries in the high-risk band, seven EU member states (Croatia, Cyprus, Hungary, Malta, Poland, Romania, and Slovenia<sup>47</sup>) and four candidate countries (Albania, Montenegro, Serbia and Turkey). This identifies Central and South-Eastern Europe as the areas most affected by political control exerted via ownership means. Fifteen countries are in the medium risk band, with two of them (Italy and Luxembourg) approaching the high-risk level. Only six countries of the thirty-two present a low level of risk. These are Austria, Belgium, Germany, Ireland, Portugal and Sweden. When we compare these results with last year's, there are two countries that have changed their level of risk. Slovakia has improved from high to medium risk, mainly due to the absence of evidence and indications of cases of political control over media in 2022. However, the fact that there are no regulatory safeguards that would prevent a conflict of interest in the media sector or effectively limit the direct or indirect control of media outlets by politicians, political parties and partisan groups, remains a concern (Urbanikova, 2023). France, on the other hand, declined from the low to the medium risk, as indirect political influence has significantly been exerted by media magnates. As reported by the French country team: "during the 2022 presidential elections, Vincent Bolloré, the CEO of the group Bolloré, who has achieved an important media concentration in recent years, systematically used his media empire, in order to support the far-right" (Ouakrat & Larochelle, 2023, p.21). The Czech Republic also recorded a significant shift: while remaining in the medium risk band, the country visibly improved on the risk scale, as some positive developments occurred in the sub-indicator that is related to conflict of interests in the media sector. Namely, the leader of the party, ANO, and media owner, Andrej Babiš, is no longer in the government, the political ambitions of some of the other media owners appear to have receded, and an amendment to the Conflict of Interests Act has been proposed by some MPs (Stetka et al., 2023).

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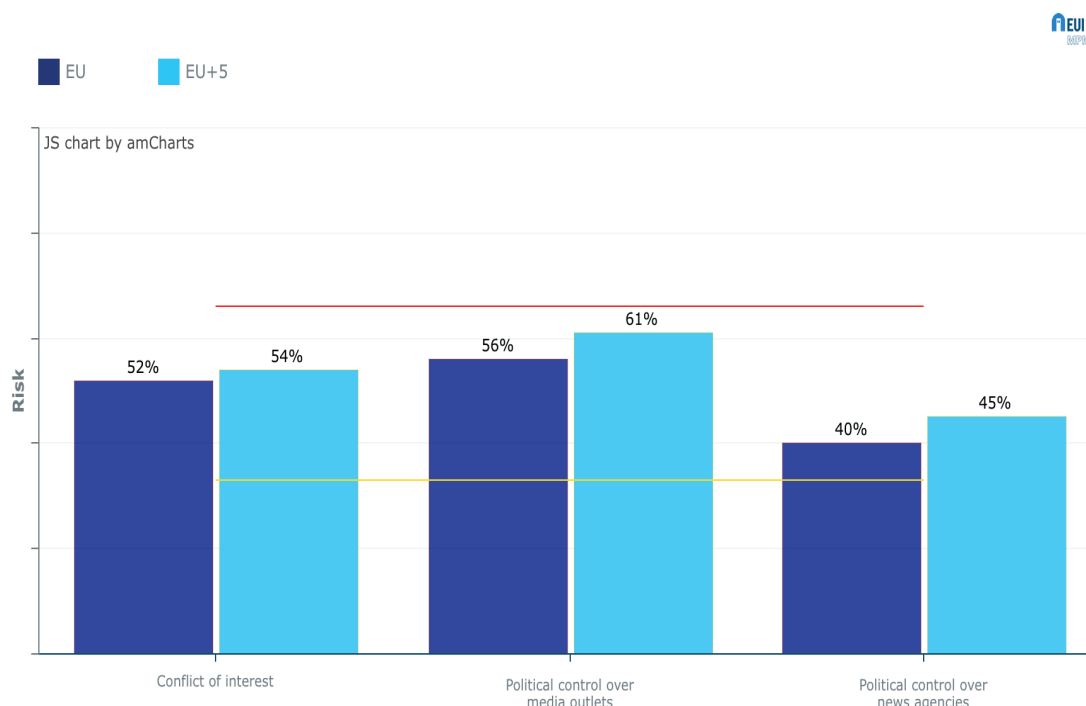
<sup>47</sup> In the risk scale of this specific indicator, Poland is the country that scores at the most concerning level (96%), and it is closely followed by Malta, Turkey and Romania.

Figure 5.1.a. Indicator on the Political independence of media - Map of Risks per Country



If the composition and distribution of the sources of risk for this indicator are considered, the sub indicator *Political control over media outlets* scores the highest risk (61%), followed by *Conflict of interest* (54%) and *Political control over news agencies* (45%). All three sub-indicators fall within the medium risk band.

Figure 5.1.b. Indicator on the Political independence of media - Averages per Sub-Indicator



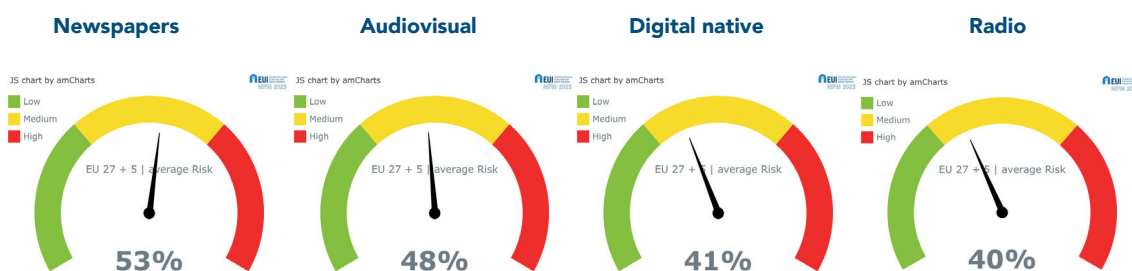
The sub-indicator Conflict of interests (54%) registers no substantial variation, if compared with previous rounds of the MPM’s implementation: more than a third of the countries investigated are characterised by this kind of concern. Ineffective, or even absence of, regulation, continues to allow governmental actors to exert influence over the media. A peculiar example, in this context, is Malta, where multi-platform media companies covering broadcast (TV and radio), print and online media continue to be owned by leading political parties. The constitutional case that was filed in 2021 by the former editor of *Lovin Malta*, Christian Peregin, in regard to party-owned platforms, has thus far led to no result, and the situation is unlikely to change in the near future (Vassallo, 2023). One of the main concerns detected in Poland - the country scoring the highest level of risk in this indicator (96%) - is related to local government entities publishing local and regional press titles that are funded from public funds, with detrimental effects, in terms of viability, for other local outlets (Klimkiewicz, 2023).

The concerns about conflict of interest also have an impact on the sub-indicator **Political control over media outlets**, which presents the highest level of risk. In relation to this indicator (61%). Politicisation of media outlets is very often subsequent to the lack of regulatory mechanisms that aim to prevent political capture, through direct or indirect ownership, by politicians, business people with vested interests, or family members who

act as proxies. In Turkey, for example, this kind of control mostly works through affiliated companies and persons (i.e., Turkuvaz Media Group, Demirören Media, Doğuş Media Group) (Inceoglu et al., 2022; Inceoglu et al., 2023).

By specifically looking at the risk posed over different media typologies that is investigated under this sub-indicator, the analysis evidences that newspapers are still the type of media that is most subjected to political control via direct or indirect ownership, followed by the audiovisual sector – which has registered an improvement, if compared to the previous assessment. The 2023 implementation also shows how digital natives are no longer the category that is most free from this kind of influence, a category which is now represented by the radio sector. In line with the geographical risk distribution of the sub indicator *Conflict of interest*, the representation of the risk level in relation to newspapers and the audiovisual suggests that political control is particularly present in Central and South-Eastern Europe. It is interesting to notice that control over digital natives seems to be specifically concentrated in the Balkan peninsula.

Figure 5.1.c. Sub-indicator on Political control over different types of media - Average Risk Score



While less problematic than other sub-indicators, the one on **Political control over news agencies** also scores within the medium risk band (45%). The analysis evidenced that there were six countries with a very high level of risk, all of them located in Central or South-Eastern Europe. In Turkey, the State-run Anadolu Agency is under the direct control of the President, while journalists from the Mezopotamya News Agency were arrested in 2022 (Inceoglu et al., 2023). In Hungary, newscast services offered to radio stations by the national news agency, MTI, are widely seen to be biased, with “radio news bulletins dominantly broadcasting pro-government messages across the entire radio spectrum” (Bleyer-Simon et al., 2023, p. 27).

## 5.2 Editorial autonomy

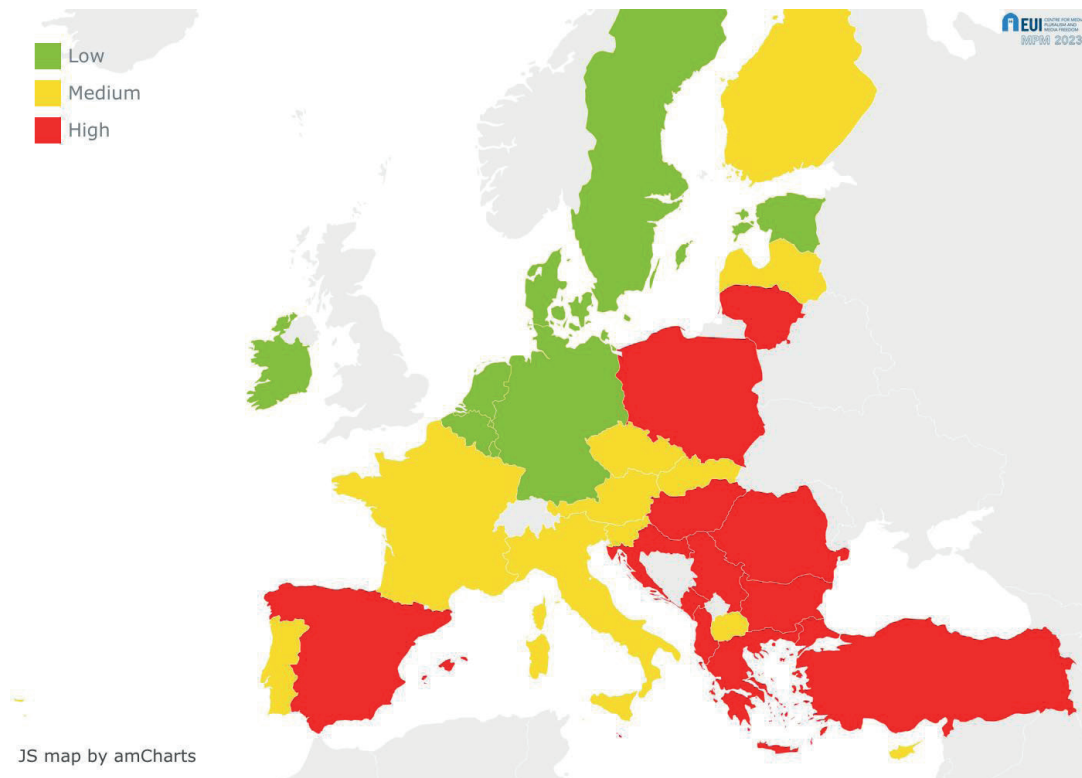
*The indicator on Editorial autonomy is designed to assess the existence and effectiveness of regulatory and self-regulatory measures that guarantee freedom from political interference in editorial decisions and content. In order to exercise their social role as the watchdogs of society, and as providers of information that serves the public interest and debate, journalists have to be able to act independently of undue influence. 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 rules that guarantee the fairness of the appointment of, and the dismissal procedures for, 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 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 average risk for the indicator **Editorial autonomy** is 60%, which is in the medium (towards high) risk band, as in the previous MPM implementation (59%), and thus remains one of the highest scoring Indicators in the Monitor. It is the highest scoring indicator in the **Political Independence** area, suggesting significant structural obstacles to achieving editorial autonomy and the limited ability of journalists to act independently of political influences. Influence, in this context, results from the politically motivated appointments and dismissals of editors-in-chief, which have a knock-on detrimental effect on both the newsroom and editorial content; a dynamic that, most of the time, is backed by the absence, or ineffectiveness, of self-regulatory measures, such as journalistic codes and codes of ethics that stipulate editorial independence.

The 2023 assessment detects 13 countries in the high-risk zone, nine EU member states (Bulgaria, Croatia, Greece, Hungary, Lithuania, Malta, Poland, Romania, and Spain) and four candidate countries (Albania, Montenegro, Serbia and Turkey). Eleven countries are in the medium risk band, six of them approaching the high-risk level. Eight countries of the 32 present a low level of risk, namely, Belgium, Denmark, Estonia, Germany, Ireland, Luxembourg, The Netherlands and Sweden.

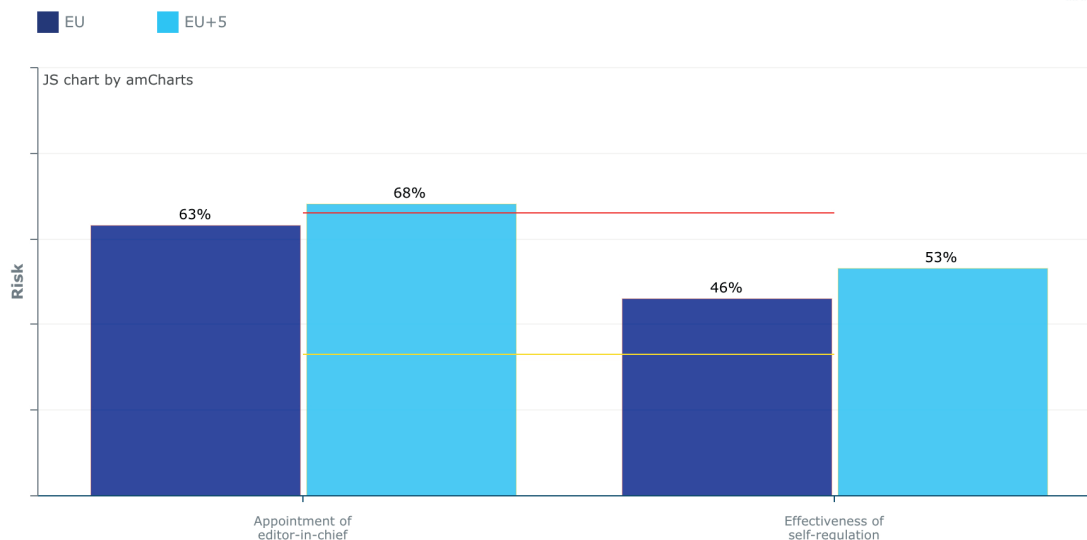
Figure 5.2.a. Indicator on Editorial autonomy - Map of Risks per Country





If compared to last year, The Czech Republic improved from high to medium risk as, in the major private media, there are no signs of political influence that have been detected during this assessment year - apart from that in Andrej Babiš’s newspapers - as well as no concerning appointments or dismissals of editors-in-chief (Stetka et al., 2023). The highest scoring countries, in this context, are Albania, Croatia, Hungary, Montenegro, Serbia and Turkey, which all scored 97%. This very high level of risk is a result of the intertwining of regulatory deficiencies and actual practice in both the sub-indicators that have been investigated in this context, namely, **Appointment of editor-in-chief** and **Effectiveness of self-regulation**.

Figure 5.2.b. Indicator on Editorial Autonomy - Averages per Sub-Indicator



The results for both the sub-indicators, *Appointment of editor-in-chief* and *Effectiveness of self-regulation*, are pretty much in line with those of the MPM2022 implementation. The first, which was specifically designed to assess the existence of regulatory safeguards preventing influence, both in the appointment and dismissal of editors-in-chief, that might harm editorial autonomy, as well as the actual practice, is the one that poses the most concerns, scoring an overall high risk of 68%. If considering only the EU member states, the risk score for this sub indicator improves to 63%, which is a medium risk. Notably, more than a half of the countries investigated show a high, or very high, level of risk in this specific context.

In Montenegro, no legal safeguards are available, resulting in cases in which politically affiliated people are employed in the managerial structures of private media. The Montenegrin country team reports that “Prva TV, a television with national coverage, employs a prominent member of the Democratic Front party, and an ex-MP, as a “coordinator”, with high decision-making powers” (Brkic, 2023, p. 17). In Croatia, neither the Media Act, nor the Electronic Media Act contain explicit provisions in this regard: Article 24 of the Media Act only requires the editorial board’s opinion before an appointment or a dismissal, without explicit reference to editorial autonomy, with layoffs and reappointments having occurred with increasing frequency in the public service broadcaster (Bilic & Valecic, 2023). As reported by the Albanian country team: “in 2022 the dismissal of Sokol Balla, the managing editor of Top Channel television, was considered to have been politically motivated. This was due to a conflict between the owners of Top Channel and the Prime

Minister, Edi Rama, who publicly accused the television station of blackmail” (Voko & Likmeta, 2023: 17).

The other sub-indicator, **Effectiveness of self-regulation**, is designed to capture the existence and effectiveness of self-regulatory measures, defined, e.g., as journalistic codes, codes of ethics. The risk has remained at the medium level in the MPM 2023, at 53%. This sub-indicator registered a one percentage point increase, if compared to the MPM 2022 (52%). The analysis shows that, even though self-regulatory measures are available, these often prove to be ineffective. As the Spanish team reports, for example, self-regulatory mechanisms “work only in part, as their enforcement is largely dependent on the will of media ownership, both private – the vast majority – and public” (Suau et. al, 2023, p. 18). Besides the lack of effectiveness of sanctioning measures, in cases of the violation of ethical standards by journalists, and a not-so-effective presence of relevant associations, the Italian MPM country team, in particular, report that “the blatant dependency of editorial/decisional lines on the political activity of the owners/publishers” which was detected in some cases, “is exacerbated by the ineffectiveness of the law on conflict of interest, paving the way to a situation prone to political pressure” (Carlini et. al, 2023).

### 5.3 Audiovisual media, online platforms and elections

*The indicator on **Audiovisual media, online platforms and elections** assesses the availability and implementation of a regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints on both public service media (PSM) and private channels, especially during electoral campaigns. The indicator also examines the regulation of political advertising in audiovisual media, as well as the availability and adequacy of regulation and self-regulation, so as to ensure the transparency of political advertising online and on online platforms. The focus is on those risks that are related to bias in the audiovisual media, since television continues to be the most used form of media amongst Europeans (Standard Eurobarometer 96, Winter 2021-2022). However, as roughly two thirds (67%) of Europeans read the news online at least once a week (Standard Eurobarometer 96, Winter 2021-2022), and as online platforms (such as social media, video-sharing platforms, and search engines) serve as channels for direct, less controlled, and micro-targeted political marketing (Nenadić, 2019), this indicator also examines the regulation and practice of political advertising online.*

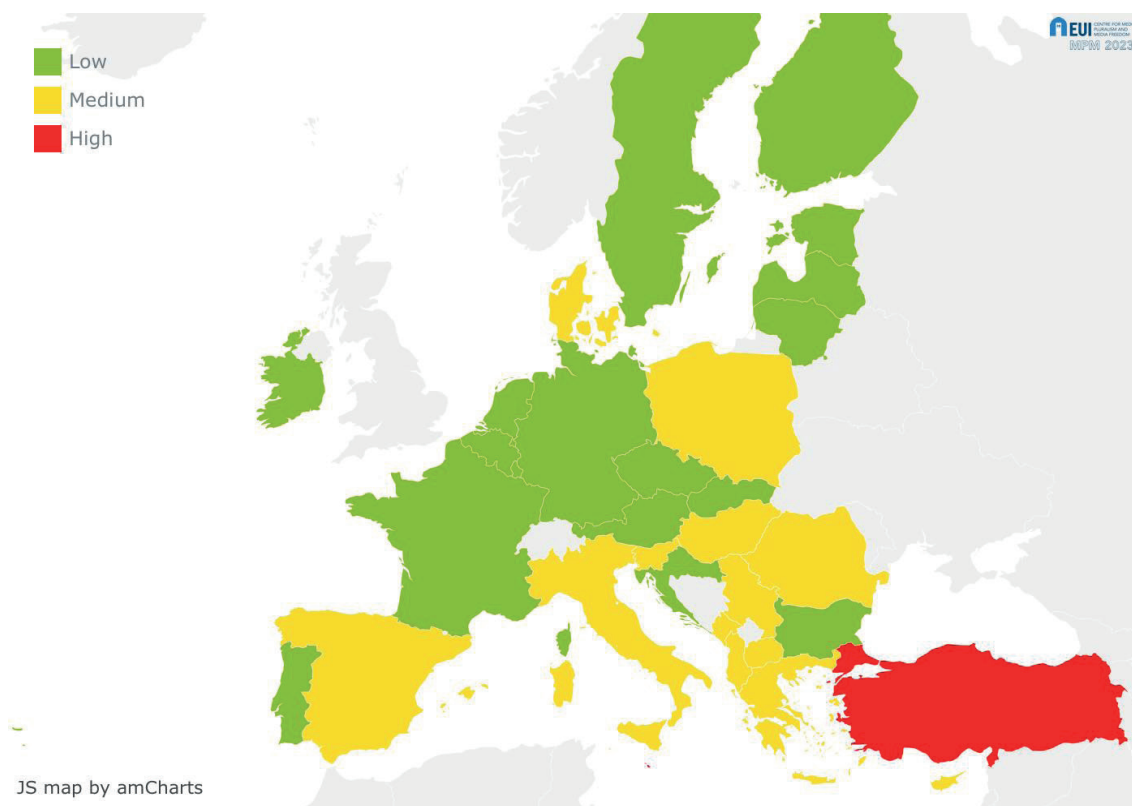
On average, the indicator **Audiovisual media, online platforms and elections** results in the lowest risk score of the five indicators found in this area - low risk (32%), if only EU member states are considered, and as being at medium risk (34%) for all the countries, including the EU candidate countries. As in previous years of the MPM's implementation, the results significantly reflect the general availability of the rules that are put in place for audiovisual media and, especially, for the public service media, to ensure the impartiali-

ty of reporting, and of equal (or proportionate) access for political actors during election campaigns. The risk-increasing factors stem from the lack of, or shortcomings in, similar regulatory and other solutions for the online environment.

Malta and Turkey are the only countries that have scored as being at high risk overall on the indicator **Audiovisual media, online platforms and elections**, and Serbia is on the border of the high risk. Malta was at medium risk in the MPM 2022 (which reflects data collected in 2021). In 2022, the country held general elections, with two main parties dominating the political landscape. As elaborated in the country report (Vassallo, 2023), the proportionate access to airtime, established by the Broadcasting Authority, prevented smaller parties and candidates from challenging the established duopoly. Furthermore, the requirement for impartial coverage, which is outlined in the Broadcasting Act, applies only to the public service media and not to the two major private TV stations, which are owned by the two main political parties. And, in addition, a set of guidelines on fair representation, issued by the Broadcasting Authority in Malta, focuses on the audiovisual media, without considering online campaigning.

Half of the countries demonstrate low risk on this indicator, and 14 are in the medium risk range. Belgium scored the lowest risk (10%) among the countries covered. This score is a result of the availability of rules on impartiality and fair political representation on the PSM and the commercial broadcasters, as well as evidence of the effective implementation of those rules (Wauters & Valcke, 2023). However, as the local research team highlights, there is no separate framework for online platforms and the effectiveness of the general regulation for the online sphere remains a concern. Moreover, “there is (still) no specific regulation obliging parties or intermediaries to be transparent to authorities on whether online political advertising campaigns are run fairly and by use of which techniques” (Wauters & Valcke, 2023, p. 18).

Figure 5.3.a. Indicator on Audiovisual media, online platforms and elections - Map of Risks per Country

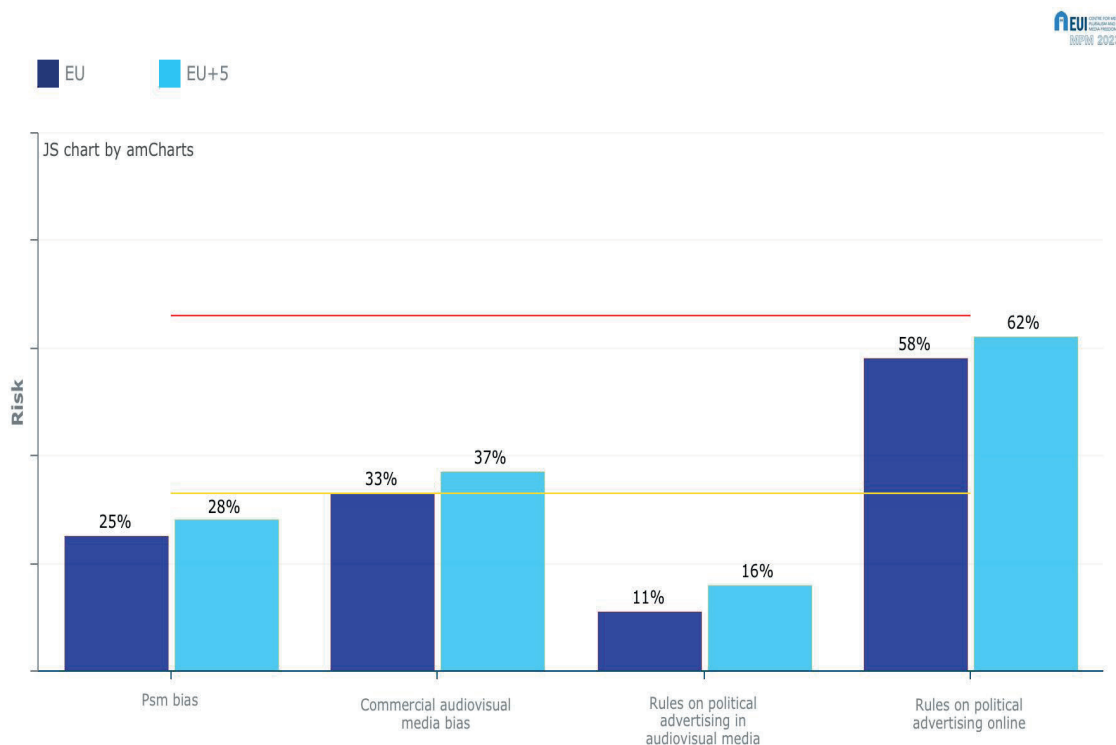


The indicator on **Audiovisual media, online platforms and elections** is composed of four sub-indicators: *Public service media bias*; *Commercial audiovisual media bias*; *Rules on political advertising in audiovisual media*; and *Rules on political advertising online*. Most countries in the EU have a law, or some other statutory measure, that imposes restrictions on political advertising, in general, and especially during election campaigns. These rules are more frequently, and more strictly, defined for public service media than for the commercial broadcasters and, in general, the area of audiovisual media has received more regulatory attention than other types of media and information delivery. Paid political advertising in the audiovisual media is often restricted to the campaign period and it is limited on certain grounds, such as campaign resources and spending, the amount of airtime that can be purchased, and the timeframe in which political advertising can be broadcast. In countries where there is a complete ban on paid political advertising, free airtime on public service media, guided by principles of equal or proportionate access, is provided. The procedure for the transparent labelling of political ads and reporting on campaign spending in the audiovisual media is now widely established across the EU.

The sub-indicator on Commercial audiovisual media bias fits into the area of medium risk. In 10 countries, namely, Austria, Denmark, Finland, Hungary, Latvia, Malta, Poland, Serbia, Slovenia and Turkey, there are no laws or self-regulatory measures that guarantee access to airtime on private channels and services for political actors during election campaigns. Having a law on this matter may be perceived as being overly intrusive *vis-à-vis* the editorial autonomy of commercial media, but self-regulation in this area may contribute to the potential of political pluralism and strengthen media quality standards, especially in democratic processes. At the moment, and confirming the conditions of previous years, in almost two thirds of the MPM countries the coverage of electoral campaigns on private channels is evaluated as not providing fair representation of different groups of political actors.

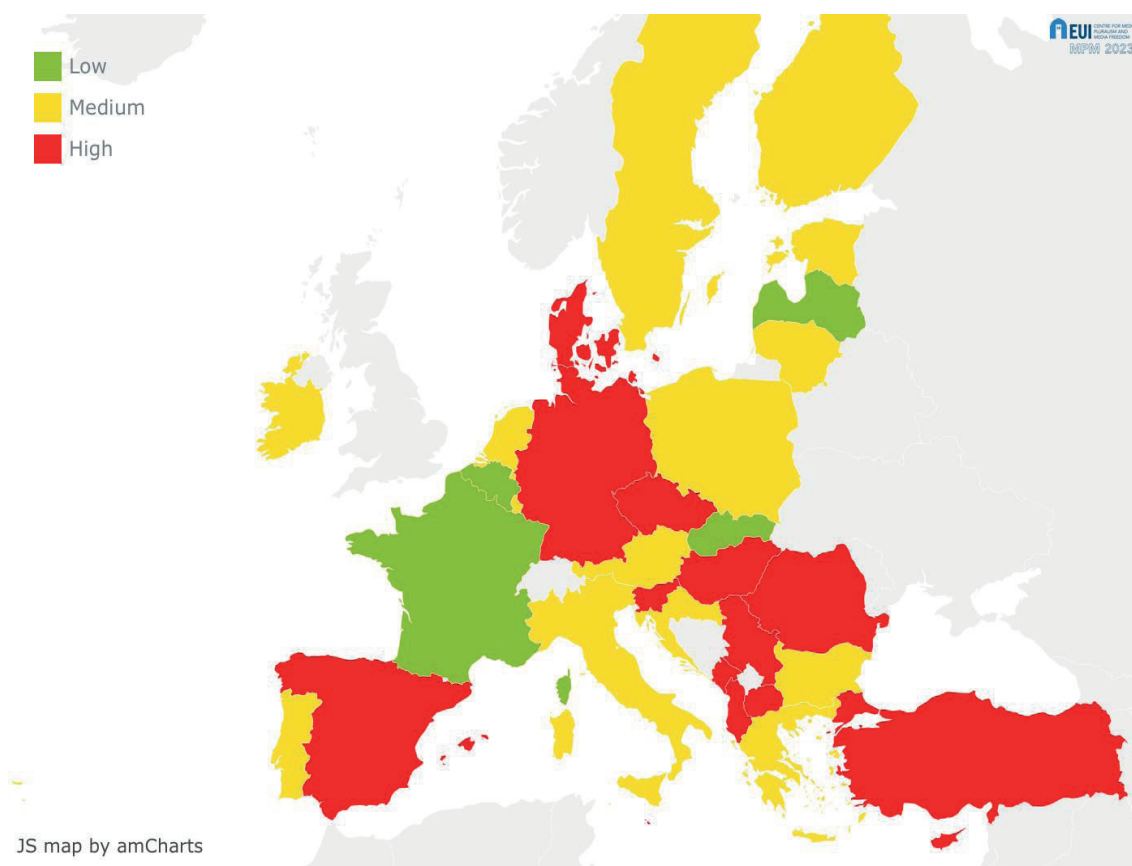
In the *Public service media bias* sub-indicator, as in the past, the situation is one where there is lower risk, which is attributed to increased scrutiny of PSM programmes in elections, be this by media regulators, civil society, or by academic efforts and stronger regulation for public service media in general.

Figure 5.3.b. Indicator on Audio visual media, online platforms and elections - Averages per Sub-Indicator



The media, and especially audiovisual and digital outlets, continue to play a vital role in informing and shaping public opinion ahead of elections. However, the rise of online platforms, and especially of the social media, has introduced new dynamics into the information landscape. Platforms have become prominent channels for political communication and engagement, allowing politicians, campaigns and ordinary citizens, to reach vast audiences, both instantly and directly. The indicator on **Audiovisual media, online platforms and elections** has been evolving over time, in order to consider the extent to which conditions for online campaigning are aligned with the principle of enabling political pluralism. As can be seen in the Figure 5.3.b above, results in *Rules on political advertising online* are in the highest level of risk for this indicator, albeit still in the medium risk range. There are 14 countries that score as being at high risk in the sub-indicator *Rules on political advertising online*: Albania, Cyprus, Denmark, Germany, Hungary, Malta, Montenegro, Romania, Serbia, Slovenia, Spain, The Czech Republic, The Republic of Northern Macedonia and Turkey. The same number of countries fall into the medium risk band, and four countries perform in the range of low risk: Belgium, Latvia, France and Slovakia, with the two latter being close to medium risk.

Figure 5.3.c. Sub-indicator on Rules on political advertising online - Map of Risks for Country





The increasing prevalence of political advertising online brings both benefits and risks to the democratic processes. While online platforms offer new avenues along which political campaigns can reach and engage with voters, there are also risks associated with this trend, particularly when data-based techniques of persuasion and manipulation are employed. Micro-targeting, and other data-driven techniques, can be used to deliver tailored messages that exploit individuals' biases and exacerbate polarisation in a political event of high intensity and stakes. The platform environment has also facilitated the conditions for permanent political campaigning, and a wide array of actors, with no explicit political affiliation but with some political agendas, may actively engage in the process.

At the same time, and as the MPM 2023's results show, in 19 countries there is no regulation to ensure equal opportunities or/and the transparency of political advertising in the online media during electoral campaigns. Similar results are found for online platforms as, in 20 countries, there are no rules that aim to ensure the fairness and transparency of political advertising on online environment. The situation is, however, improving with regard to online campaigning, as several instruments and regulatory solutions have been developed, both at the EU and at the individual Member State level to increase the transparency and accountability of online platforms. For instance, Ireland passed the Electoral Reform Act in 2022, which contains provisions for online political advertising to provide for transparency in political advertising in the online sphere during electoral periods. Together with the Electoral Act 1997 (which sets maximum limits on electoral campaign expenditure), the Electoral Reform Act 2022 may prevent political actors from achieving undue influence through excessive expenditure on political advertising on the online media during an election campaign (Flynn, 2023). However, in evaluating the Act's sections on online political advertising, the European Commission issued a detailed opinion to the effect that the section detailing with what information online platforms should collect and make public were not compatible with Article 14(1) and 15(1) of the e-Commerce Directive (Flynn, 2023). These developments and dynamics are important also in light of the full implementation of the Digital Services Act (DSA), which is scheduled for February 2024. The DSA is a regulation, meaning that it applies automatically and uniformly to all EU countries. It is a set of rules to ensure greater accountability as to how platforms moderate content, advertise, and use algorithmic processes, amongst other features.

In 13 countries, there are no rules for the political parties and candidates that are competing in elections to report on campaign spending on online platforms in a transparent manner and, in 17 countries where such rules do exist, they are not implemented effectively. Furthermore, when evaluating the exact practice, in almost all the countries, political parties and candidates are not fully and regularly transparent about the spending and techniques that are used in their social media campaigns. These findings are in line with the previous MPM's implementation.

## 5.4 State regulation of resources and support for 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, COVID-19's economic impact, 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, and that they are being effectively implemented. The lack of clear and transparent rules may be conducive to favouritism and political dependency. The lack of available data on allocation, in practice, is also seen as being a potential risk, since the lack of transparency may conceal the practice of channelling funds to specific media outlets in a biased manner.*

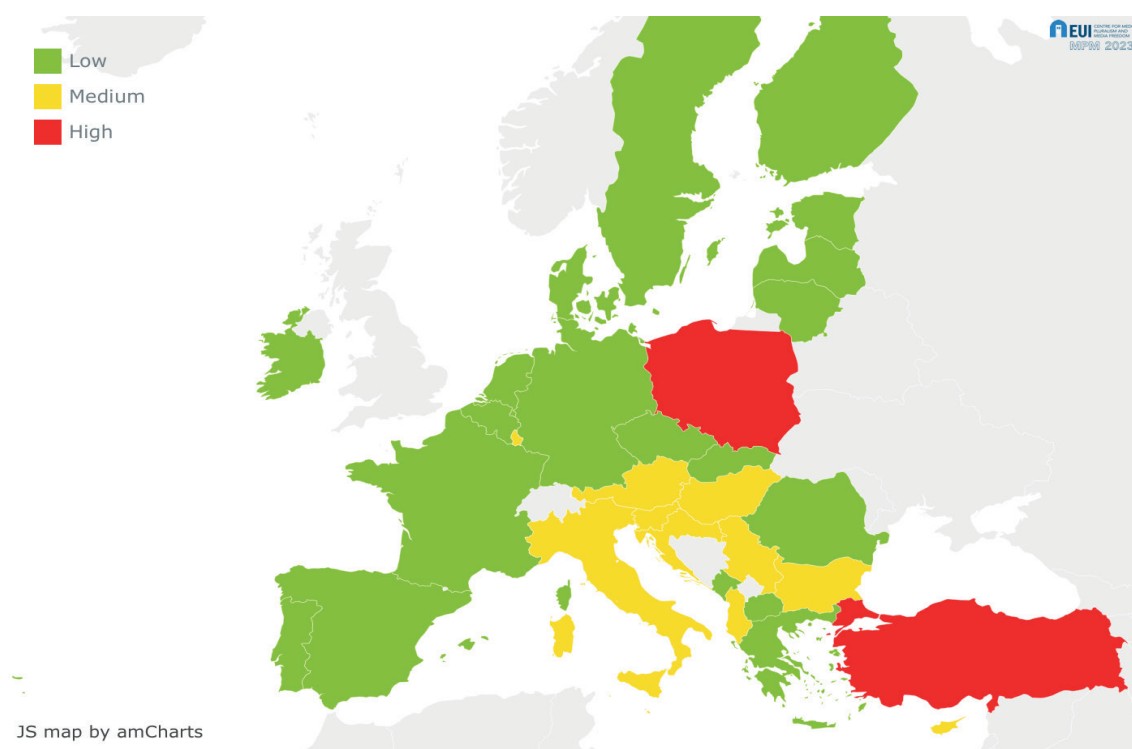
In the assessment of this indicator, two countries score at high risk: Poland and Turkey. Four additional countries are close to the high-risk band, but are still in the medium risk band: Bulgaria, Cyprus, Serbia and Hungary. Seven additional countries scored as being at medium risk: Albania, Austria, Croatia, Italy, Luxembourg, Malta and Slovenia. The remaining 19 countries registered as being at low risk. As in previous years, the main problems came from the lack of transparency in the allocation of State funds, both in the form of direct subsidies and of State advertising.

The most notable example of a change in assessment, this year, is Greece: the country registered a visible improvement, moving from high risk (67%) to low risk (25%), due to a wide range of initiatives that have been introduced to support the media industry with fair guidelines. As the country team points out: the government “ratified a new media law that aims to establish rules for the distribution of State advertising in the printed and electronic press. Its effectiveness remains to be seen. Moreover, the government issued a new Joint Ministerial Decision that regulated the distribution of direct subsidies. The list with the final beneficiaries was publicised with no complaints or negative reactions regarding the transparency of the procedures. With regards to the indirect State subsidies, the Greek government implemented two support measures to contain the crisis of the TV sector” (Papadopoulou & Angelou, 2023). Despite the improvements, there was still crit-

icism that large television stations benefit disproportionately from the support measures.

Bulgaria saw an improvement in its score under this Indicator: from the highest possible risk score (97%) to an upper-medium risk assessment of 63%. The improvement is due to the adoption of the Regulatory Policy for Management of the Radio Frequency Spectrum for Civil Needs in March 2022 (Spasov et al., 2023).

Figure 5.4.a. Indicator on the State regulation of resources and support to the media sector - Map of Risks per Country

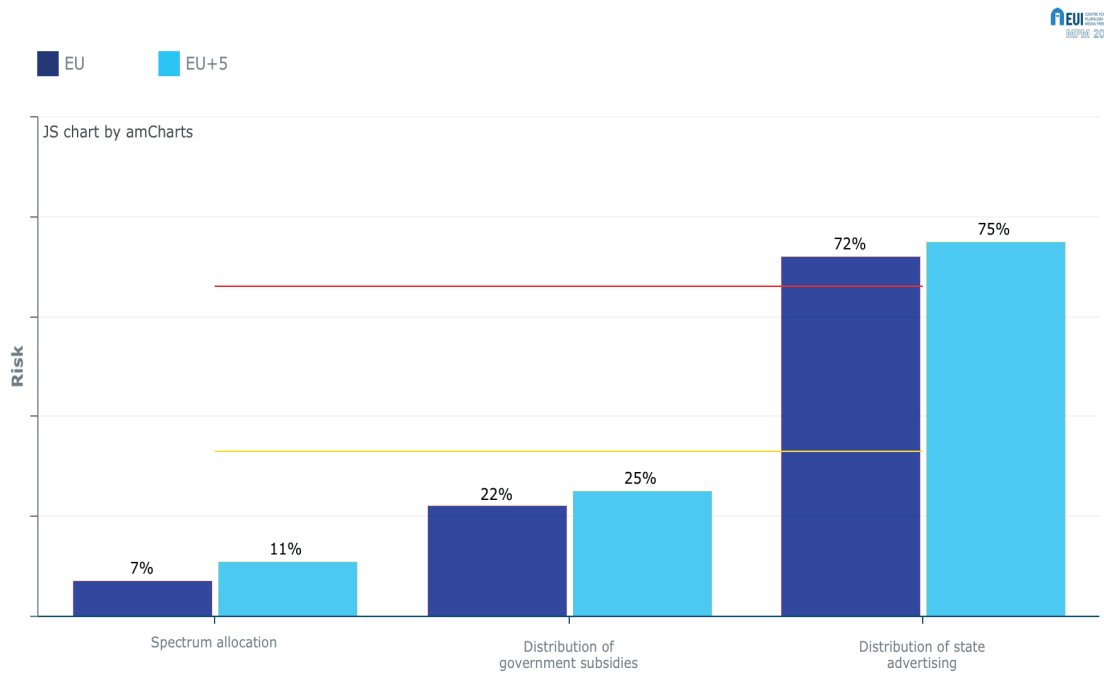


This indicator is composed of three sub-indicators: Spectrum allocation, Government subsidies (direct and indirect), and Rules on State advertising. The sub-indicator on *Spectrum allocation* continues to be at low risk in the vast majority of countries. Most have effective regulation, and, in most countries, no major disputes have been recorded recently in relation to this matter. This Sub-Indicator scores 7% for the EU, and 11% for the EU+5 (compared to 14% and 16%, respectively, last year). Despite there being a very low score overall, there are some notable exceptions - Turkey scores as high risk, while Hungary, Poland and Serbia are at medium risk. As mentioned above, Bulgaria experienced a visible improvement in relation to spectrum allocation (Spasov et al. 2023). In Slovenia, the risk dropped to low risk due to changes to the Law on Electronic Communications. As the country team described it, its provisions “regulate in more detail the

general principles of radio frequency spectrum management and the strategic planning and (cross-border) co-ordination of radio frequency spectrum policy” (Milosavljević & Biljak Gerjević, 2023).

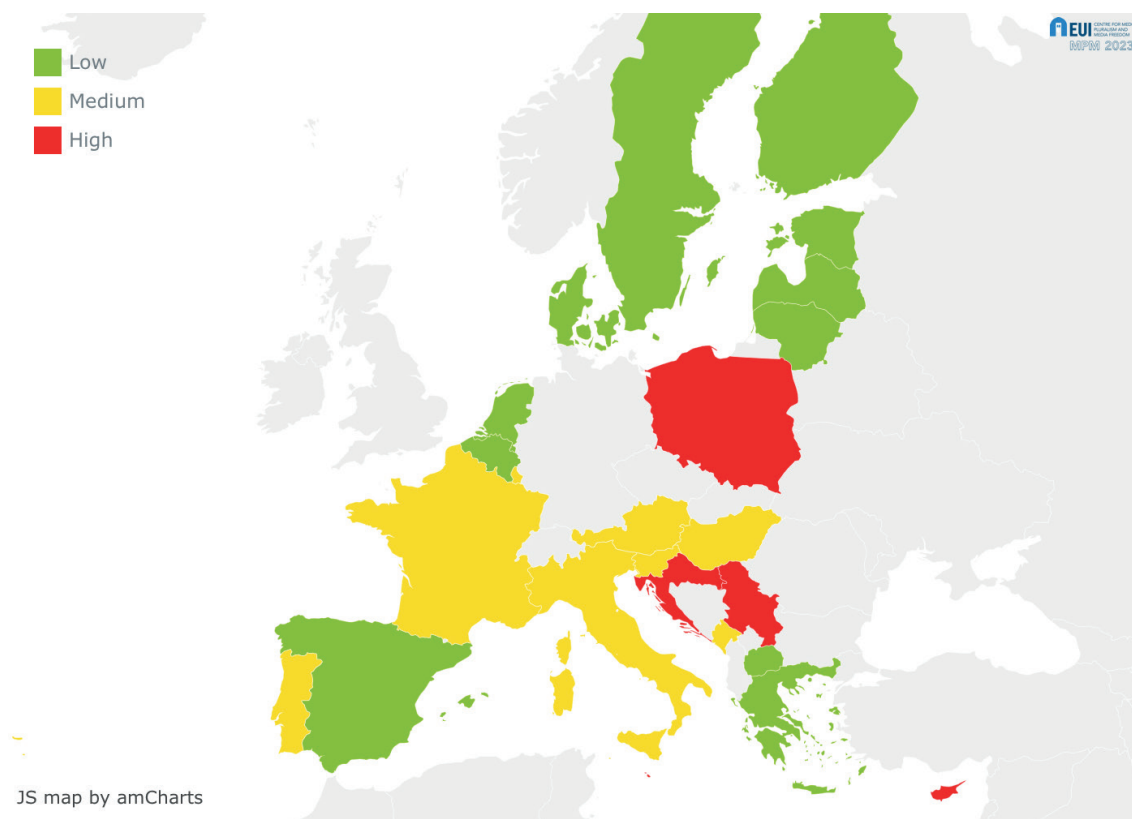
The sub-indicator *Distribution of government subsidies*, scores as being at low risk, at 22%, for the EU, and 25% for the EU+5. Significant problems were recorded in the three high risk countries (Albania, Cyprus and Malta), and in the eight medium-risk countries (Austria, Croatia, Hungary, Italy, Luxembourg, Poland, Serbia and Turkey), since the distribution of direct state support lacked fairness and transparency in these countries. At the same time, it must be highlighted that indirect subsidies were available both indiscriminately and in a transparent way, most of the time. The problems were more visible when it came to the *Distribution of state advertising*. This sub-indicator scored 72% in the EU, and 75% in the EU+5 – which is only a very small improvement, if compared to the previous year. 23 countries scored as being in the high-risk band; there were five medium-risk countries (Croatia, Denmark, Finland, Greece and The Netherlands), and four low-risk countries (France, Portugal, Spain and Sweden). This latter sub-indicator was especially problematic, because advertising that is paid for by governments, or by State-owned companies, may be used as a means for covert State support for the news media, and support for the media outlets that have good relations with those parties who are in power. The problem is also highlighted in the European Media Freedom Act proposal: “State advertising may make media service providers vulnerable to undue state influence, to the detriment of the freedom to provide services and fundamental rights. Opaque and biased allocation of State advertising is therefore a powerful tool to exert influence or ‘capture’ media service providers.”

Figure 5.4.b. Indicator on the State regulation of resources and support to the media sector - Averages per Sub-Indicator



While, overall, the sub-indicator Distribution of government subsidies scores as low risk, the variable on the distribution of direct State subsidies to media outlets, which looks at the enforcement of regulation, or at situations where there is an absence of clear rules, scores as being at medium risk, at 39%. Croatia, Cyprus, Malta, Poland, and Serbia are high risk countries, where the fairness of State support could not be determined, or where observers saw signs that subsidies were allocated in a biased manner.

Figure 5.4.c. Variable. Are the direct state subsidies distributed to media outlets in a fair and transparent manner? - Map of Risks per Country



Apart from high-risk countries, the allocation of direct subsidies poses a medium risk in eight countries (Austria, France, Hungary, Italy, Luxembourg, Portugal, Montenegro and Slovenia). Often, problems arise due to the lack of fairness in the allocation. There are still cases in which digital news outlets are not included, or where support is not available for content that is produced in minority languages. (The MPM countries without an assigned risk score reported not having any direct subsidies at all.)

In Austria, the country team mentioned the unfairness in the system, as the primary beneficiaries of direct subsidies were large companies (Seethaler et al., 2023). The Finnish team points towards a lack of information on rejected applications, which would allow the expert community to assess the fairness of allocation (Mäntyoja & Manninen, 2023). In Cyprus, the country team reported that authorities were unwilling to provide information on the allocation of State resources. “The Press and Information Office had consistently provided the Team with all of the data and information requested since 2017 but, in 2022, despite the promulgation of the FOI legislation since December 2020, the new Director decided to change the Office’s policy, with the Interior Ministry endorsing this” (Christophorou & Karides, 2023).

On a positive note, the French team reported that professional organisations, chiefly the Union of Independent Online Press Outlets (SPIIL), were successful in pressuring the government to increase the fairness and transparency of the allocation of direct and indirect subsidies (Ouakrat & Larochelle, 2023).

The third sub-indicator relates to the *Distribution of state advertising*. As in the previous rounds 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 5.4.b.).

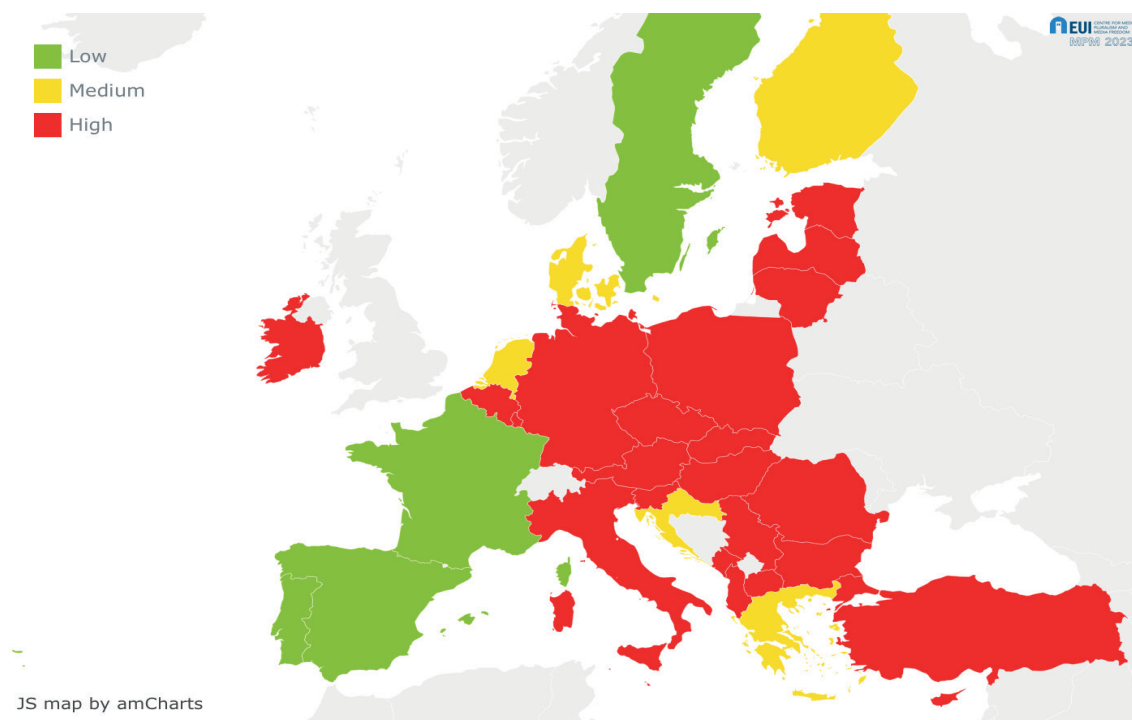


Figure 5.4.d. Sub-indicator on Distribution of state advertising - Map of Risks per Country

Only four countries scored as being at low risk (France, Portugal, Spain and Sweden), while five countries were assessed as being at medium risk (Croatia, Denmark, Finland, Greece and The Netherlands). The problem is, to a large extent, due to a lack of oversight in the allocation of State advertising, as this form of advertising is often used as a hidden subsidy. Even in cases where procurement rules exist, the fairness of the process cannot be guaranteed. The Irish team reports that once a State advertising contract is won, the rules on the placement of individual advertisements are not clearly defined. “In practice, it appears that individual public bodies can determine where ads are placed, but there are no obvious publicly available rules on how this process operates, nor are the specifics of how much State advertising is dispersed to individual media outlets routine-



ly collated and made publicly available” (Flynn, 2023). In Albania, the problem is made more severe by the fact that there is no body mandated with monitoring this process of distributing State ads (Voko & Likmeta, 2023).

One of the countries where the problems related to the allocation of State advertising has been well documented over the years is Hungary. Here, the State is seen as the dominant advertiser in the market. The country team reports that the biased allocation of State advertising also influences private and non-state actors: they follow the advertising patterns of the State and avoid placing ads in outlets that are critical of the government and the governing party (Bleyer-Simon et al. 2023).

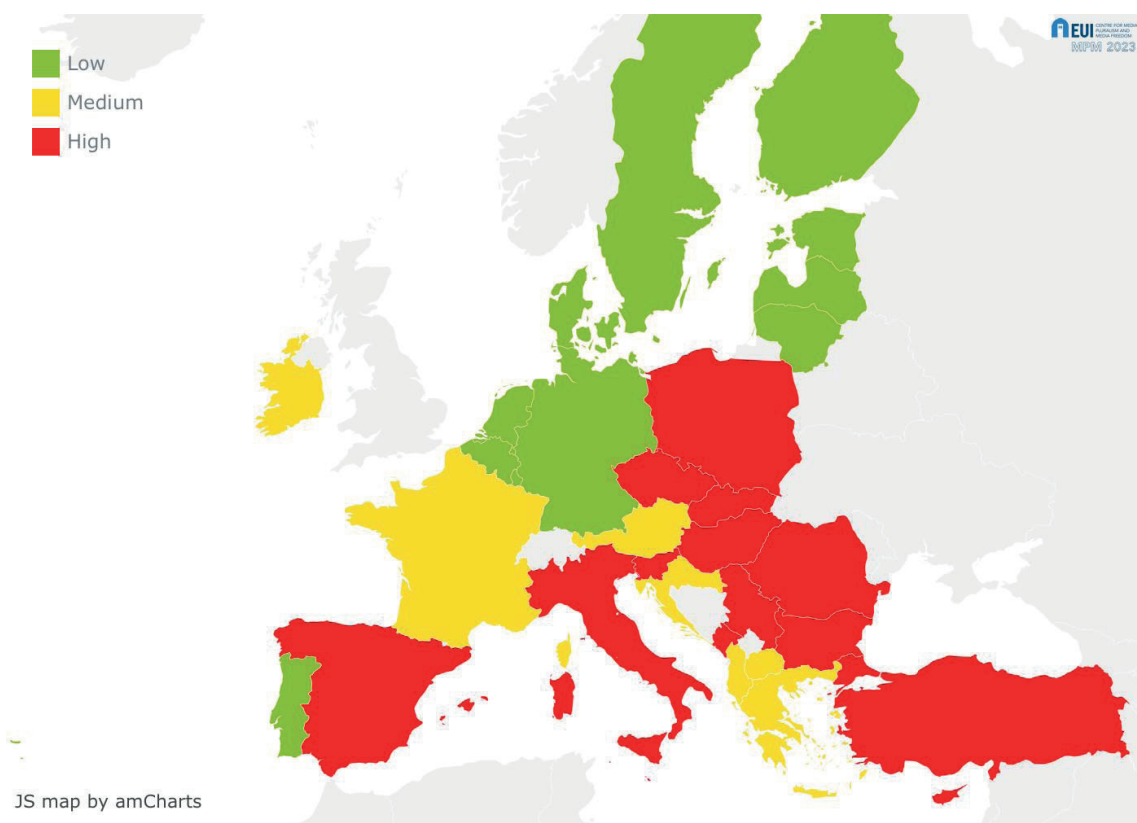
## 5.5 Independence of public service media

*The Independence of the public service media (PSM) indicator is designed to measure the risks which stem from appointment 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 to the PSM are twofold, and they emerge from its perceived special role in society, and its relationship to the State (CMPF, 2016). PSM systems are usually established by the State, which, in some cases, still maintains an influence over them. Given that the PSM are thought of as being those media that are both owned by the public and responsible to it, and that are characterised by nationwide access, and that have to 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 they 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 procedures for appointments to their boards and to exert influence by using funding (Benson & Powers, 2011; Council of Europe, 2012; Hanretty, 2009; Papatheodorou & Machin, 2003).*

Public service media systems are designed to serve the public by providing a diverse range of high-quality programming that reflects the diversity of society. When they operate in an independent way, PSM are a critical component of a healthy democratic system and are bastions of political pluralism in the face of changing societal and technological trends. For this edition of the Media Pluralism Monitor, the Indicator on **Independence of public service media** was revised. Firstly, previously separate assessments of legal safeguards and the functional political independence of a PSM management board and of a Director General were merged into a single assessment of the independence of PSM governance (with separate examination of legal framework and the actual situation in practice). This opened a space for the introduction of a new variable examining the independence of the PSM’s editorial line from a government, or from any other form of political influence.

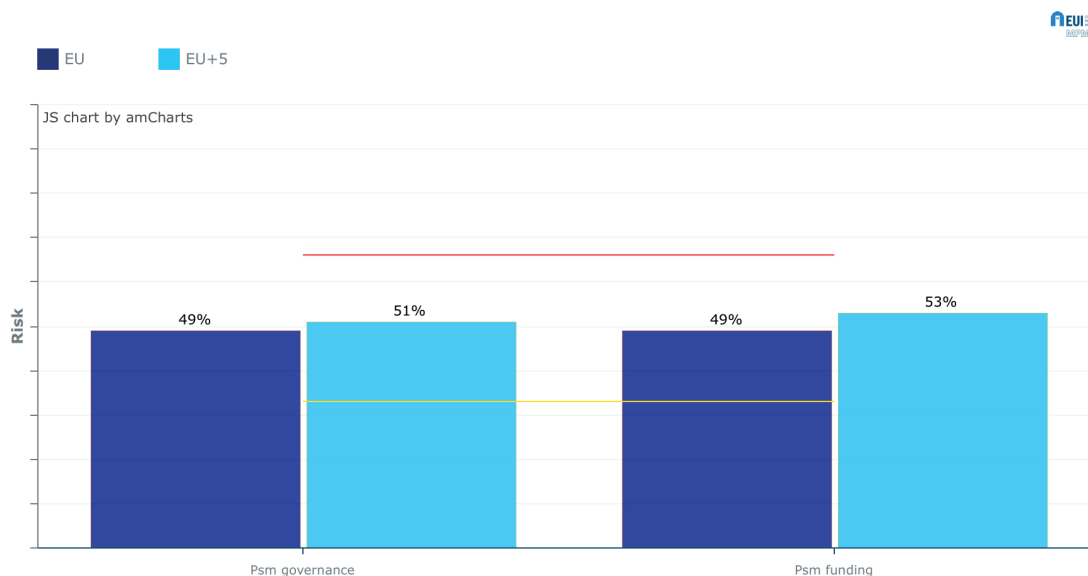
The indicator **Independence of PSM** scores as medium risk at 52%. There are 14 countries that registered as being at high risk: Bulgaria, Cyprus, Hungary, Italy, Malta, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, The Czech Republic and Turkey. Albania, Austria, Croatia, France, Greece, Ireland and the Republic of North Macedonia perform as being at medium risk, while 11 countries score low risk, with Germany, Lithuania, Sweden and The Netherlands being at a very low risk.

Figure 5.5.a. Indicator on the Independence of public service media - Map of Risks per Country



While there is a discontinuity in comparing the overall indicator’s risk score with previous editions of MPM, the evolution of the specific conditions that build into this Indicator can still be tracked over time. More specifically, the political independence of the PSM’s governance and the political independence of the PSM’s funding. There are different models of public service media management in Europe, which do not always include both a Director General and a management board or, in some cases, that have more than one board and directors for each PSM service. One of the reasons for the methodological change that is described above is to provide greater flexibility in assessing the independence of the PSM management model in a country.

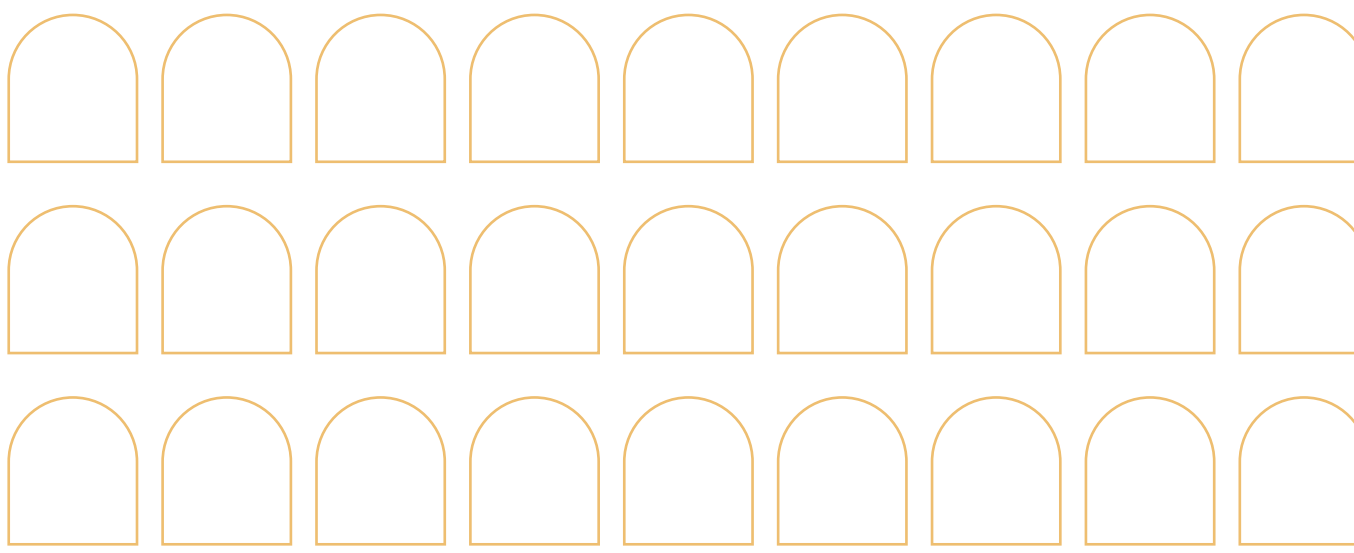
Figure 5.5.b. Indicator on the Independence of public service media governance and funding - Averages per Sub-Indicator



In 11 countries there is a high risk evaluation of the legal framework for the appointment and dismissal procedures relating to the PSM management, with specific consideration of the fairness and transparency criteria, and the mechanisms that are in place to guarantee independence from government, or other, political influence. These 11 countries are: Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Malta, Poland, Slovakia, Slovenia and Turkey. Further to these 11 countries, the actual practice of the appointments and dismissals of the PSM’s management, and the political independence of the process, is also at high risk in Austria, Montenegro, Romania, Serbia and Spain. Considering the social role and public interest mission of the public service media, this is a worrisome situation that has not improved over the years. Moreover, as the new variable in this Indicator shows, the editorial line of PSM suffers from a lack of autonomy and political interference in almost the same sample of countries that score high risk on management appointments. Namely, Croatia, Greece, Hungary, Italy, Malta, Montenegro, Poland, Serbia, Slovakia, Slovenia, Spain, Turkey.

As for the sub-indicator on PSM funding, Bulgaria, Hungary, Malta, Montenegro, Romania, Slovakia, Slovenia, The Czech Republic, The Republic of North Macedonia and Turkey are the countries that score in the high-risk band. This result reflects the risk evaluation of the legally prescribed procedures for PSM funding, and the adequacy of such funding, the legal mechanisms for the adequate funding of the online public service missions of the PSM without distorting competition with private media actors, and the overall assessment of the mechanism for providing financing for the PSM by the government.

In over half of the countries, there is a lack of adequate attention given to the online public service mission of public service media, along with the corresponding framework for sufficient funding that should maintain a level playing field with private media entities, avoiding competition distortion.



## 6. SOCIAL INCLUSIVENESS

*Social Inclusiveness is a key aspect of a participatory media system, and is a core element of media pluralism. This area therefore examines the representation in the media, both in terms of media production and media content, of diverse groups, including cultural, ethnic and linguistic minorities, local and regional communities, and women. It also takes into account the accessibility to quality news content for groups with special needs, such as people with disabilities. Media literacy, as a precondition for using the media effectively, is also included in the Social Inclusiveness area, as well as the fight against disinformation and hate speech, in order to ensure that there is a safe media space for everybody.*

*The Social Inclusiveness area covers the following indicators:*

- *Representation of minorities in the media*
- *Local, regional and community media*
- *Gender equality in the media*
- *Media literacy*
- *Protection against disinformation and hate speech*

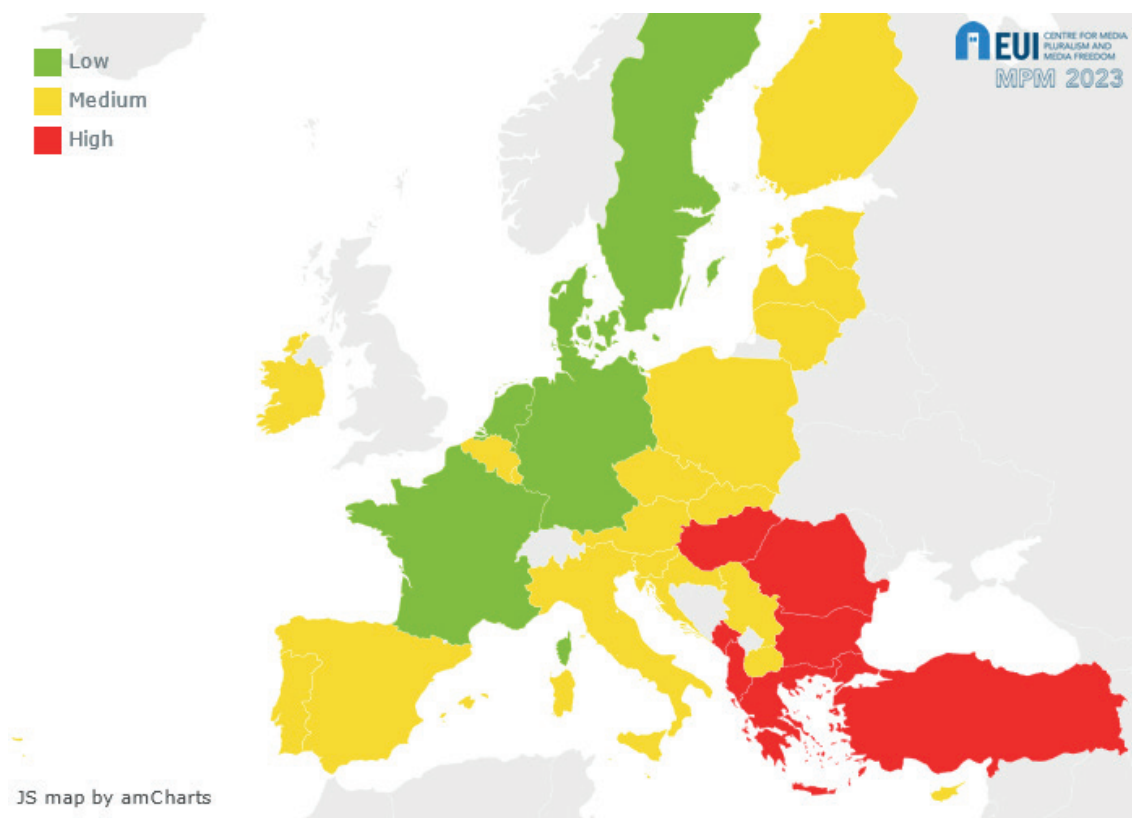
The average risk associated with the Social Inclusiveness area remains stable, if compared to the previous edition of the MPM, with 54% in the medium risk band.

From the 32 countries studied in this edition:

- Five countries score in the low-risk band: Denmark, France, Germany, The Netherlands, and Sweden. These five countries confirmed their good performances in terms of Social Inclusiveness. Despite their low risk performance, it is interesting to note that even these countries, score in the medium-risk band in relation to Gender Equality in the media, as this is confirmed as the most problematic indicator in the Social Inclusiveness area

- 20 countries score in the medium-risk band (Austria, Belgium, Croatia, Cyprus, the Czech Republic, Estonia, Finland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Republic of North Macedonia, Poland, Portugal, Serbia, Slovakia, Spain and Slovenia). Cyprus is integrated into the medium-risk band for the first time, due to a revision of the risks linked to the representations of minorities in the media, rather than to a concrete improvement in the field (Christophorou & Karides, 2022). This year, it is also important to note that Serbia and Slovenia, although in the highest part of the medium-risk band with 64%, confirmed the decrease in the risk level that was observed last year.
- Seven countries are associated with a high risk: Albania, Bulgaria, Greece, Hungary, Montenegro, Romania and Turkey. Although Cyprus has moved to the medium-risk band, three countries have risen into the high-risk band: Albania, Greece and Hungary. Albania returned to a high-risk score after a short incursion into the medium-risk band last year. The medium risk evaluation in the MPM2022 took into account the efforts made in terms of Media literacy and Protection against disinformation in 2021. However, these timely efforts were insufficient to keep Albania in the medium-risk band. The increase of the risk level in Greece is explained by the deterioration of the risk score in the indicators Gender equality in the media and Protection against disinformation and hate speech. In Greece, the fight against disinformation is still at an early stage, and self-regulatory frameworks to counter hate speech online are not widely implemented (Papadopoulou & Angelou, 2023). On the other hand, the risk level for Hungary is impacted by an increase in the risk that is linked to the indicators Local, regional and community media, given the limited number of independent local and community media in the country and the low level of media literacy, as a comprehensive strategy is missing (Bleyer-Simon et al., 2023).

Figure 6.a. Social Inclusiveness Area - Map of Risks per Country



As has been shown in Figure 6.b., the stability of the average risk associated with **Social Inclusiveness** hides some differences among the indicators. If all the indicators remain in the medium-risk band, it is important to notice that the average risk has worsened for two indicators: **Gender equality in the media** and **Media literacy**. Regarding **Gender equality in the media**, the decreasing trend of the risk level that was observed in previous editions was not confirmed this year. In fact, this indicator remains the most problematic in the area. With an average risk of 62% for EU member states and 64% for all the countries studied, **Gender equality in the media** is still in the medium-risk band, but it is leaning towards high risk. Women are still underrepresented in management positions in public service media, as well as in commercial media, and their representation in the news tends to be less frequent than that of men and is also stereotypical.

Regarding **Media literacy**, the increase of the risk level is mostly methodological. As explained in Annexe 1, the thresholds of the risk level have been reviewed so as to be in line with the expectations of Article 33a of the Audiovisual Media Services Directive (AVMSD) 2018/1808. However, it also reflects the absence of innovative and comprehensive strategies to tackle evolving challenges in the field of media literacy, such as disinformation and the rise of artificial intelligence.

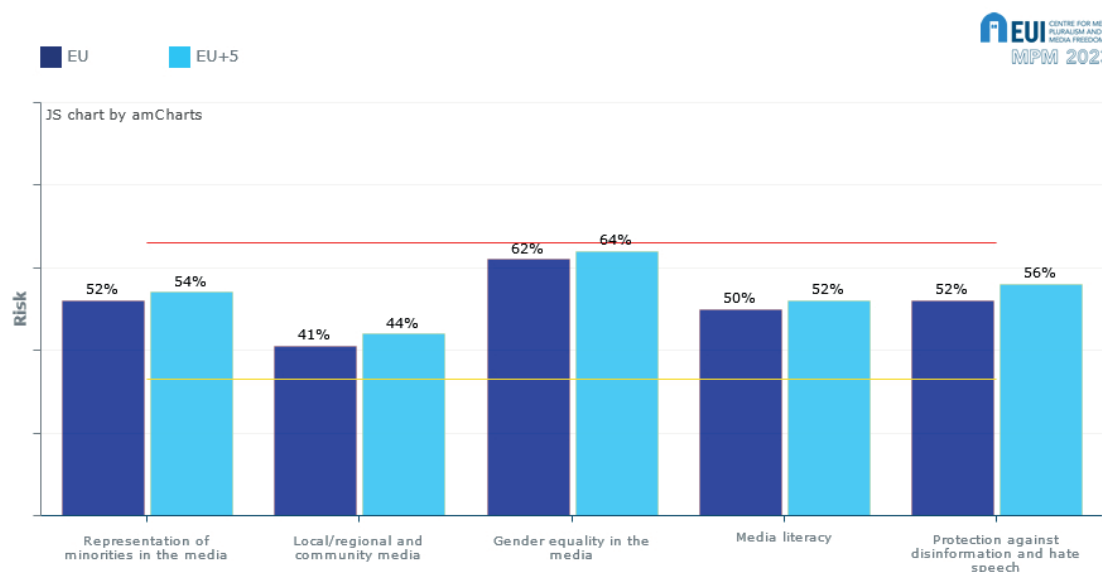


In the contrary, the indicator **Local, regional and community media** confirms the positive trend observed last year, with a risk level that is evaluated at 41% for EU member states and 44% for EU member states and candidate countries combined. Some countries, including Lithuania and Slovakia, have adopted new legal provisions to guarantee access to TV and radio frequencies for community media.

A similar positive trend is also visible for the indicator **Protection against disinformation and hate speech**. The risk level has decreased from 58% to 52% for EU member states and from 60% to 56% for EU member states and candidate countries combined. However, the results for this indicator are not fully comparable to last year, as, this year, the revised questionnaire provides a more refined overview of the risk associated with disinformation and hate speech (see Annexe 1 for an explanation of the methodological changes).

Finally, the indicator **Representation of minorities in the media** remains almost stable at 52 %, compared to 53% last year for EU member states, and an unchanged 54% for all the countries studied. A closer look at the risk per sub-indicators, however, highlights differences. The representation of minorities has improved both in public service media and in commercial media, whereas media accessibility for people with disabilities is associated with an increased risk. This in part can be explained by a methodological change. In accordance with societal and legal evolutions, and in line with Article 7 of the AVMSD, the threshold corresponding to the risk level has been adapted (see Annexe 1 for more details).

Figure 6.b. Social Inclusiveness Area - Averages per Indicator



## 6.1 Representation of minorities in the media

*This indicator focuses on the representation of minorities (whether legally recognised or not) on the public service media and on private TV and radio. It takes into account both the existing legal safeguards and the representation of minorities, in practice. Variables have been elaborated on the basis of Council of Europe (CoE) and the Organisation for Security and Co-operation in Europe's (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 be appropriate to its situation and needs."<sup>48</sup> The Council of Europe's European Charter for Regional or Minority Languages<sup>49</sup> (Article 11) and its Framework Convention for the Protection of National Minorities<sup>50</sup> 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 (Article 9).*

48 <https://www.osce.org/files/f/documents/8/1/67531.pdf>

49 <https://rm.coe.int/1680695175>

50 <https://rm.coe.int/16800c10cf>

For the MPM, a “minority” is defined as being a cultural or social group that fulfils all the following criteria:

- its number is below that of the rest of the population of a state,
- it is smaller than the majority group in the respective country,
- it is in a non-dominant position,
- its members possess ethnic, religious, or linguistic characteristics differing from those of the rest of the population.

This indicator also assesses media accessibility for people with disabilities. It takes into account the existing regulatory framework to guarantee media accessibility as well as the existence of support services for people with hearing and visual impairments in practice. All citizens have the right to access media, and persons with disabilities need this access to live independently and to participate fully in all aspects of life. The UN Convention on the Rights of Persons with Disabilities<sup>51</sup>, which has been ratified by all the EU countries, stresses that States should encourage the media, including the 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). At the European level, the Audio-visual Media Services Directive (Article 22)<sup>52</sup> states that “member states should, without undue delay, ensure that media service providers under their jurisdiction actively seek to make content accessible to persons with disabilities and, in particular, those 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 progress, based on the regular reports provided by media service providers. The access to audio-visual media has been defined in Paragraph 31 of Directive 2019/882, on the accessibility requirements for products and services<sup>53</sup>, as follows:

“... audio-visual content is accessible, as well as mechanisms that allow users with disabilities to use their assistive technologies. Services providing access to audio-visual media services could include websites, online applications, set-top box-based applications, downloadable applications, mobile device-based services including mobile applications and related media players as well as connected television services”.

51 <https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities/convention-on-the-rights-of-persons-with-disabilities-2.html>

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

53 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L0882>

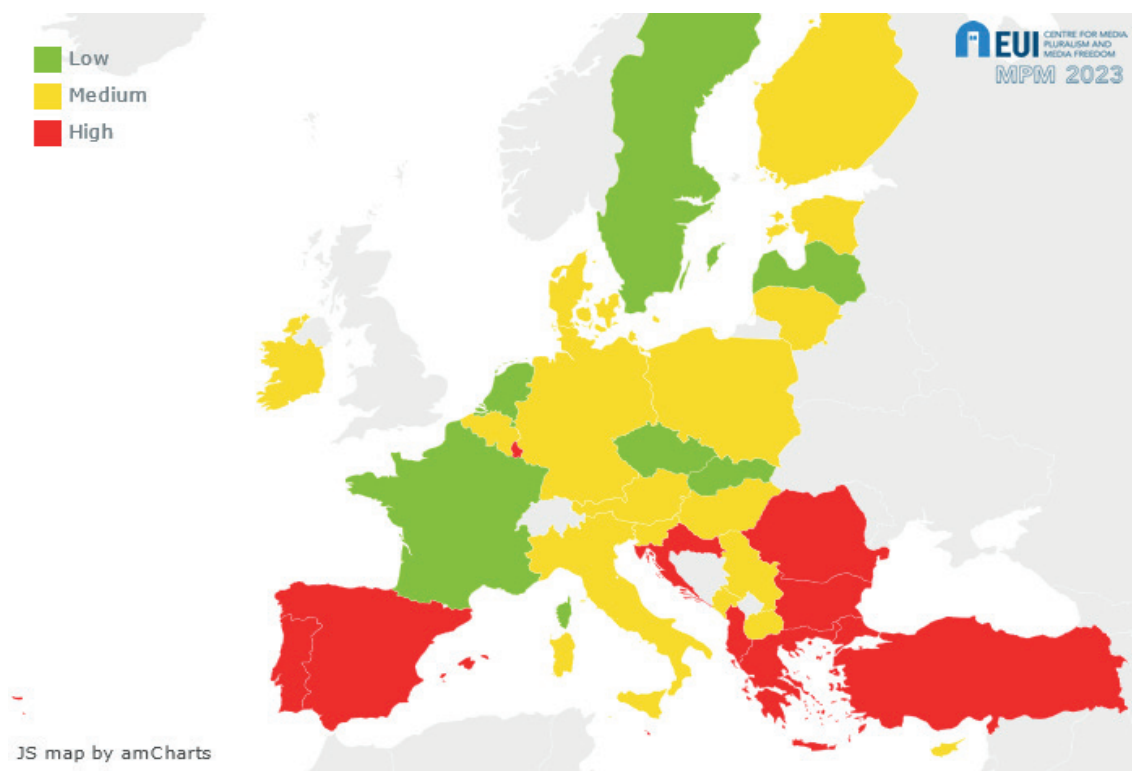
*Within the framework of the MPM, people with disabilities are defined as those who are blind, partially sighted, deaf or hard of hearing.*

The risk associated with the **Representation of minorities in the media** has remained almost stable, if compared to the previous edition of the MPM, with 52% for EU member states (-1pp) and 54% (no variation) for all the countries studied. Ten countries are considered to be at high risk (Albania, Bulgaria, Croatia, Greece, Luxembourg, Malta, Portugal, Romania, Spain and Turkey). Amongst them, Albania, Croatia and Spain scored within the medium-risk band last year. The increased risk in Albania and Croatia is linked to the limited availability of media accessibility services to people with disabilities. Croatia has still not implemented the EU Directive 2019/882 on the accessibility requirements for products and services for people with disabilities (Bilic & Valecic, 2022). In Spain, the risk is linked to the limited representation of minorities in the public service media and to the absence of representation in commercial media outlets. Due to a restrictive interpretation of the Council of Europe's Framework Convention for the Protection of National Minorities, Spain does not legally recognise the existence of any minorities (Suau Martinez et al., 2023).

16 countries score in the medium-risk band: Austria, Belgium, Cyprus, Denmark, Estonia, Finland, Germany, Hungary, Ireland, Italy, Lithuania, Montenegro, Poland, The Republic of North Macedonia, Serbia and Slovenia. For Cyprus, a country that was previously in the high-risk band, the risk associated with the representation of minorities has decreased, due to a re-evaluation of the situation regarding the representation of legally recognised minorities, rather than to a concrete change. In Serbia, the passage from the high-risk band to the medium-risk band is linked to the introduction of additional programmes in the Albanian language on the public service channel RTS, as well as the doubling of airtime for the multi-ethnic programme, 'Citizen' (Milutinovic et al., 2022).

Six countries obtained a low risk level score (the Czech Republic, France, Latvia, The Netherlands, Slovakia and Sweden). While Latvia integrated the low-risk band, Estonia has shifted to the medium-risk band. In Latvia, the war in Ukraine has encouraged the production of content for minorities, which contributed to a decrease in the risk score. However, it has also sparked discussions regarding the existence of financial support for the production of content in Russian by the public service media. Given that a third of the Latvian population speaks Russian as a first language, this issue will have to be carefully monitored in the coming years (Rozukalne, 2023). In Estonia, the risk has increased, mostly due to the lack of media accessibility for people with disabilities. However, since March 2022, the revised Media Services Act (§ 23) regulates the accessibility to audiovisual services for persons with disabilities by the mandatory gradual improvement of access and the submission of accessibility action plans yearly to the Consumer Protection and Technical Regulatory Authority (Turk & Koze, 2023). It is, however, too soon to comment on the impact of the amendment.

Figure 6.1.a. Indicator on the Representation of minorities in the media - Map of Risks per Country



The augmentation of the average risk level for the indicator **Representation of minorities in the media** is linked to the sub-indicator **Media accessibility for people with disabilities**. The risk associated with this sub-indicator increased from 39% to 44% for the EU member states, and from 42% to 49% for all the countries studied. The revision of the risk level thresholds, in line with the AVMSD 2018/1808, has certainly contributed to the increase. However, it reveals the lack of any real evolution of media accessibility over the years. While most of the countries studied have a regulatory framework or policies to guarantee media accessibility to people with disabilities, these tend to be inefficient. The main issues linked to existing regulatory frameworks are the absence of clearly defined targets and the lack of constant monitoring. The only country whose regulatory framework has evolved positively in 2022 is The Netherlands. The Dutch Media Authority (CvdM) now requires influencer content on social media to provide subtitles for people with hearing impairments (De Swert et al., 2023).

In practice, media accessibility is better for people with hearing impairment than for people with visual impairment. While the provision of subtitles and sign language for new programs is associated with a medium risk, at 45%, the provision of audio descriptions for blind people is evaluated at 61% for all the countries studied. Only five countries (Belgium, Latvia, Portugal, Slovakia and Sweden) offer a suitable level of audio-description for people with vision impairment, while ten countries do so for subtitles and sign language for people with hearing impairment (Belgium, Denmark, Finland, France, Hungary, Ireland Portugal, Spain, Sweden, and The Netherlands).

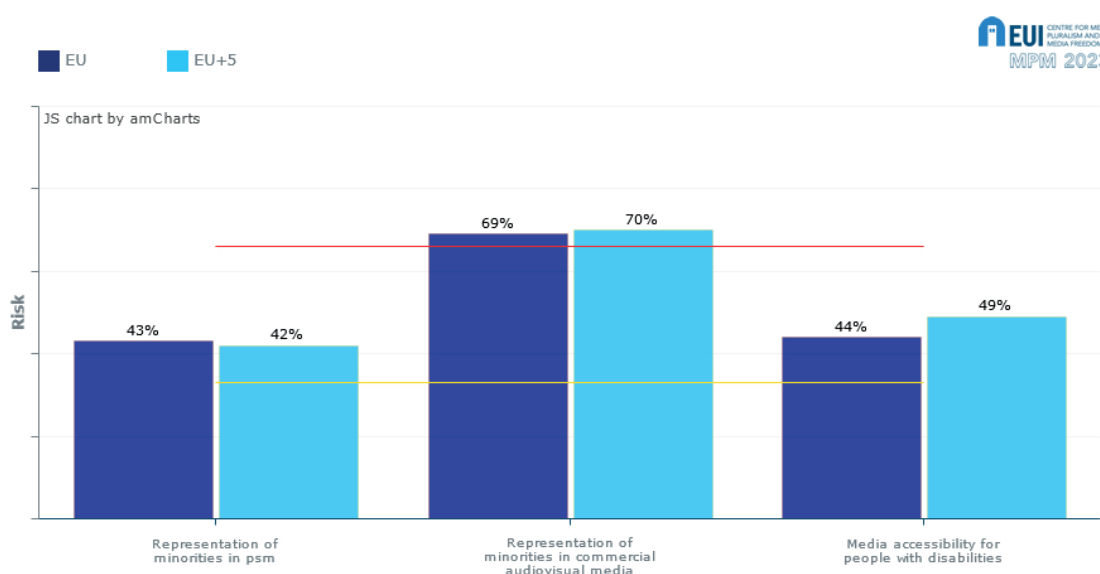
The risk associated with the two other sub-indicators, **Representation of minorities on public service media** and **Representation of minorities in commercial audiovisual media**, has slightly decreased. **Representation of minorities in commercial audiovisual media** remains in the high-risk band, respectively, with 69% for EU member states and 70% for all the countries covered (71% and 73% in the previous edition of the MPM), **Representation of minorities on public service media** is evaluated at 44% for EU member states and 42% for all the countries (compared to 48% and 47% in the previous edition).

As far as the **Representation of minorities in commercial audiovisual media** is concerned, the risk is estimated to be high in 18 countries (Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, Greece, Finland, Hungary, Ireland, Italy, Malta, Portugal, Romania, Serbia, Slovenia, Spain, and Turkey). With a risk estimated at 12% in the low-risk band, Estonia is performing well. According to Turk & Koze (2023), the Russian minority has a fair representation in Estonian PSM as well as in commercial media, despite the absence of a legal obligation.

On the contrary, the **Representation of minorities on public service media** is associated with a low risk in 18 countries (Albania, Austria, Cyprus, Finland, France, Germany, Hungary, Italy, Latvia, Montenegro, Poland, Serbia, Slovakia, Slovenia, Sweden, The Czech Republic, The Netherlands, and The Republic of North Macedonia). The representation of non-legally recognised minorities in the PSM is even more complicated, except in The Czech Republic, Denmark, and Estonia. In the Czech Republic, the risk level is minimal, at 3%. The representation of national minorities on PSM channels is enshrined in law (Broadcasting Act No. 231/2001 Coll.). Besides, legally recognised minorities are also represented on PSM. For example, the public service media quickly responded to the unexpected influx of immigrants fleeing the war in Ukraine by launching Ukrainian-language broadcasts in March 2022 (Stetka et al., 2022).

Similarly to the previous edition, it is important to mention that the risk for all countries is lower than the risk for EU members. Except for Turkey (92%), the four other candidate countries score within the low-risk band: Albania (12%), Montenegro (33%), The Republic of North Macedonia (25%), and Serbia (29%). These four countries have multi-ethnic populations and the representation of their legally recognised minorities is legally guaranteed.

Figure 6.1.b. Indicator on the Representation of minorities in the media- Averages per Sub-indicator



## 6.2 Local, regional and 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 the level of the participation of users in the media. A solid regulatory framework and support measures can help the regional media in their democratic mission (European Digital Observatory, 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 the participation of 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 to specific target groups, and social benefit is their primary concern.*

*This 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 infrastructures and independence, and in terms of policy measures. As the name indicates, this indicator is composed of two sub-indicators:*

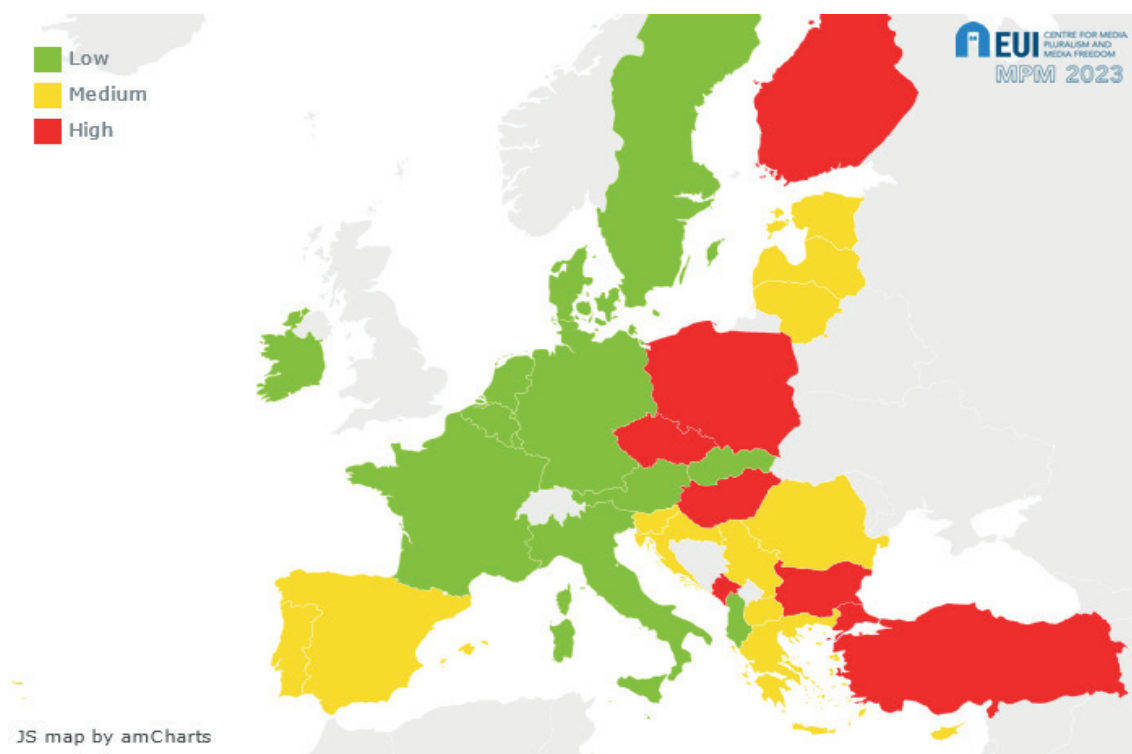
- *Local and regional media*
- *Community media.*

The risk associated with the indicator on **Local, regional and community media** is within the medium range, at 41% for EU member states and 44% for all the countries. The average risk has decreased by two percentage points, if compared with the results obtained in the previous edition of the MPM.

In line with the previous editions of the MPM, the sub-indicator on **Regional and local media** presents a lower risk than the sub-indicator on **Community media**. On the one hand, the risk associated with **Regional and local media** remains stable, in the lower zone of the medium-risk band, respectively, with 35% for EU member states and 38% for all countries. In most of the countries studied, the law grants regional and local media access to TV and radio infrastructures, with the notable exceptions of Finland, Hungary, Portugal, Montenegro, the Czech Republic, and the Republic of North Macedonia. The main issues faced by local and regional media are economic. Public subsidies are considered to be sufficient in only five countries: Austria, Denmark, Hungary, Spain, and The Netherlands.

On the other hand, the risk associated with the sub-indicator **Community media** is higher and reaches 48% for EU member states and 51% for all countries. The risk level associated with community media significantly decreased, if compared to the MPM2022: -7% for EU member states and -6% for all countries. The decrease is mostly due to legal improvements in some countries, such as Lithuania and Slovakia. However, the legal framework relating to community media tends to be insufficient in most of the countries studied. Firstly, the community media are not legally defined in ten countries (Bulgaria, Cyprus, the Czech Republic, Denmark, Finland, Greece, Latvia, Montenegro, Portugal, and Romania). Secondly, also when legally defined, the community media are efficiently guaranteed access to TV and radio infrastructures for those media in only six countries, and their independence is guaranteed in only 12 countries.

Figure 6.2.a. Indicator on Local, Regional and Community Media - Map of Risks per Country



For 19 countries of the 32 studied, the risk associated with **Local, regional and community media** is either medium (12) or high (7) (see, Figure 6.2.a.).

Hungary has joined Bulgaria, the Czech Republic, Finland, Montenegro, Poland and Turkey in the high-risk range. The high risk in Hungary reflects the reduced number of independent local and community media and, more specifically, of independent local radio stations. According to Bleyer-Simon and colleagues (2023, p.35), “radio has lost its role as a genuine source of local information” in Hungary. Over the years, the Media Council has facilitated the expansion of politically preferred players, “which led to a situation in which the majority of local radio stations are, in fact, not local media services but extended radio networks with multiple frequencies” (Bleyer-Simon et al., 2022, p.34). In 2022, the Hungarian media regulator, in addition, attempted to block the frequency licence renewal of Tilos Rádió, one of the oldest independent community radio stations in the country. The measure was widely considered “disproportionate and based on oversized regulatory powers, which are often applied selectively and in a politically motivated manner” (EFJ, 2022).

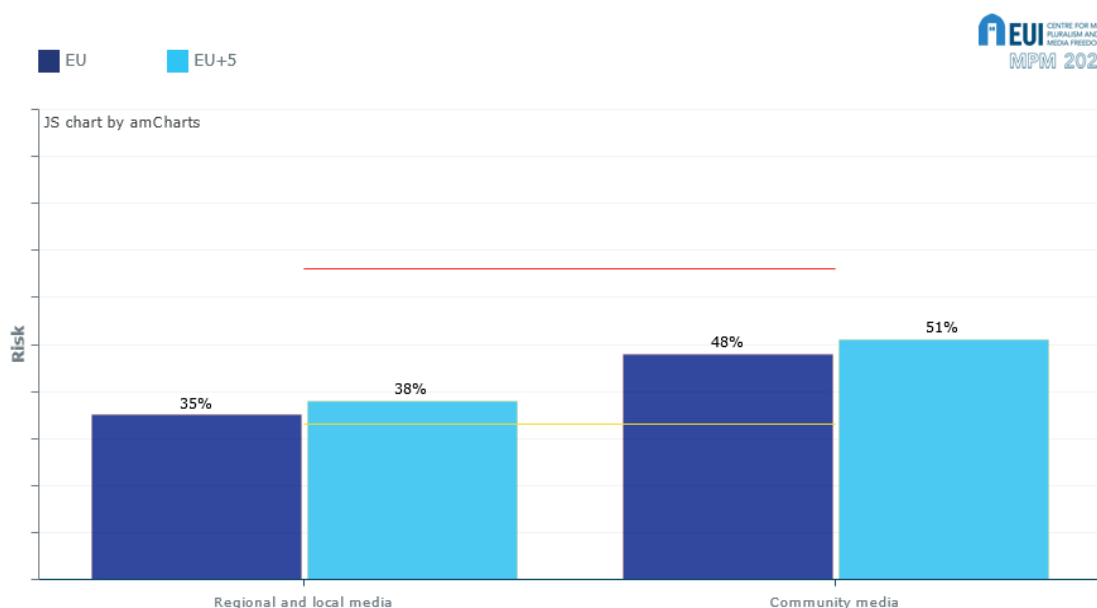
On the contrary, Greece has returned to the medium-risk band with Croatia, Estonia, Cyprus, Latvia, Lithuania, Portugal, Romania, Slovenia, Serbia, Spain and The Republic of North Macedonia. After scoring within the high-risk range in the MPM 2022, Greece has introduced a new funding program to provide financial support to national, regional, and local media outlets. According to Papadopoulou and Angelou (2023), it is too soon to evaluate whether the new funding programme has been implemented effectively.

For the first time, Slovakia scores in the low-risk band, with 12 other countries: Albania, Austria, Belgium, Denmark, France, Germany, Ireland, Italy, Luxembourg, Malta, Sweden, and The Netherlands. According to Urbanikova (2023), the low risk reflects the positive change brought about by the new Act No. 264/2022 Coll., on Media Services, which, among other things, introduced a legal definition of community media (§107) and granted them access to TV and radio infrastructure (§30 and §44). However, local and regional media are in a difficult economic situation and there is no state system to support them through the use of subsidies.

Regarding specifically the sub indicator on **Regional and local media**, only 13 countries (compared to 16 last year) are now associated with a low risk score (Austria, Croatia, Cyprus, Denmark, France, Germany, Greece, Ireland, Italy, The Netherlands, Slovakia, Spain and Sweden). Belgium, Poland, Portugal and Serbia have been downgraded to the medium-risk band. In Portugal, the situation is worrisome. Rui Cadima et al. (2023) quoted the conclusions of “*News Deserts Europe 2022: Portugal Report*” (Jerónimo et al., 2022) to justify the increase in the risk level, “... the reality of local journalism in the country is plagued by financial difficulties, given the changes in the market advertising and public media consumption [...] More than half of the Portuguese municipalities are news deserts or are on the verge of becoming so”. In Poland, Klimkiewicz (2023) pointed to the increasing number of local governments publishing local “press”, using public funds. The Polish Commissioner for Human Rights (CHR) has addressed a letter to the Polish Ministry of Culture explaining how such practices tend to undermine the viability of local and regional media and the pro-democratic functions of the media as a watchdog (CHR, 2022). In Serbia, the measures relating to local and regional media that are contained in the Media Strategy were supposed to be implemented by the end of 2022. However, no changes were observed during this period. In Belgium, local media remain precarious (Wauters & Valcke, 2023). In the Flanders region of Belgium, the average number of private local news media per municipality has fallen from 2.26 to 1.84, according to the Flemish media regulator, VRM. Some editions of local newspapers are ceasing entirely, such as *De Streekkrant*, *Steps* and *Jet*. In addition, the distribution area of *Rondom/Passe-Partout* has decreased considerably and the number of regional editions of the newspaper *Het Laatste Nieuws* fell from 24 to 15.

The risk associated with **Regional and local media** has also increased significantly in Hungary and Montenegro. These two countries have shifted to the high-risk band, alongside Finland and Turkey. In Montenegro, the main risk is linked to the politicisation of the network of local public service media PBS (six TV and 16 radio stations) (Brkic, 2023). These are funded from the municipal budgets. These outlets are completely dependent on payments from the municipal budget and, in practice, it has been shown that their journalists receive low wages and are irregularly paid. A draft Law on audiovisual services (2022) envisages that the funds of public broadcasters should be provided on an annual basis in an amount that is determined depending on the annual budget of the local self-government, with minimum rates of 1.5% to 3% of the total municipal budget. The draft law should be discussed in 2023, but the proposed solution still doesn't appear to offer sufficient safeguards against the dependence of these media on local political structures, or their potentially preferential position in relation to local commercial media.

Figure 6.2.b. Indicator on Local, regional and community media - Averages per Sub-indicator



Regarding **Community media**, eleven countries are associated with a low risk: Albania, Austria, Belgium, France, Germany, Ireland, Lithuania, Luxembourg, Malta, Slovakia and Sweden. As mentioned earlier, Slovakia has introduced a legal definition of Community Media (§107) through its new Act No. 264/2022 Coll., on Media Services (Urbanikova, 2023). However, it is still too soon to evaluate the impact of such a measure. Slovakia does not have an established tradition of community media. As for Lithuania, the low risk

reflects the reform of the media support model, which includes a new public institution, namely, the Media Support Fund, which should be established and should replace the existing Press, Radio and Television Support Foundation from May 2023 (Balcytiene et al., 2023).

Nine countries are associated with a medium risk: Croatia, Cyprus, Denmark, Estonia, Italy, The Netherlands, The Republic of North Macedonia, Serbia and Slovenia. The risk level has decreased in Cyprus and is now in the medium-risk band. While community media are not legally recognised, they exist *de facto* and they are licensed, where this is required (radio). There are channels run by universities, online (no licence needed) and print media. As such, *de facto*, the community media operate free of any interference (Christophorou & Karides, 2023).

Hungary is now in the high-risk band with Bulgaria, the Czech Republic, Finland, Greece, Latvia, Montenegro, Poland, Portugal, Romania, Spain and Turkey. In Hungary, most of the community radio frequencies are attributed to Service Media Providers that don't meet the commonly accepted definition of community media, such as Karc FM, which is part of the government-aligned media conglomerate KESMA, and religious-church radio networks. According to Bleyer-Simon et al. (2023), and based on the findings of the Mérték Media Monitor, "this presumably means that media operators are no longer considering these radio options, as they know in advance who will win". Besides, in 2022, as explained above, the Hungarian media regulator attempted to block the frequency licence renewal of Tilos Rádió, one of the oldest independent community radio stations in the country.

### 6.3 Gender equality in the media

*Gender equality is a fundamental value (Treaty on the European Union, 2008) and is a strategic objective of the EU (European Commission, 2015). The Council of Europe (2013) considers gender equality to be an integral part of human rights, interrelated with media freedom, including editorial freedom, and it goes hand-in-hand with the freedom of expression. However, gender gaps are still a reality in the media sector. The EU-wide study, conducted by the European Institute for Gender Equality (EIGE 2012), stresses that significant inequalities, including under-representation and career barriers, remain entrenched in the media sector. The indicator Gender equality in the media evaluates the existence, the comprehensiveness and the implementation of gender equality policies within the public service media. It also assesses gender parity in media production and, more specifically, in management level positions, as well as the representation of women in political and news content.*

With an average risk of 62% for EU member states, and 64% combined for EU member states and candidate countries, Gender equality in the media is still in the medium-risk band but leans towards high risk. The average risk level has increased by three percentage points for the EU member states and two percentage points for all the countries studied, if compared to the MPM 2022. As explained in the methodology chapter, the results are, however, not fully comparable, given a change in the composition of the sub-indicators.

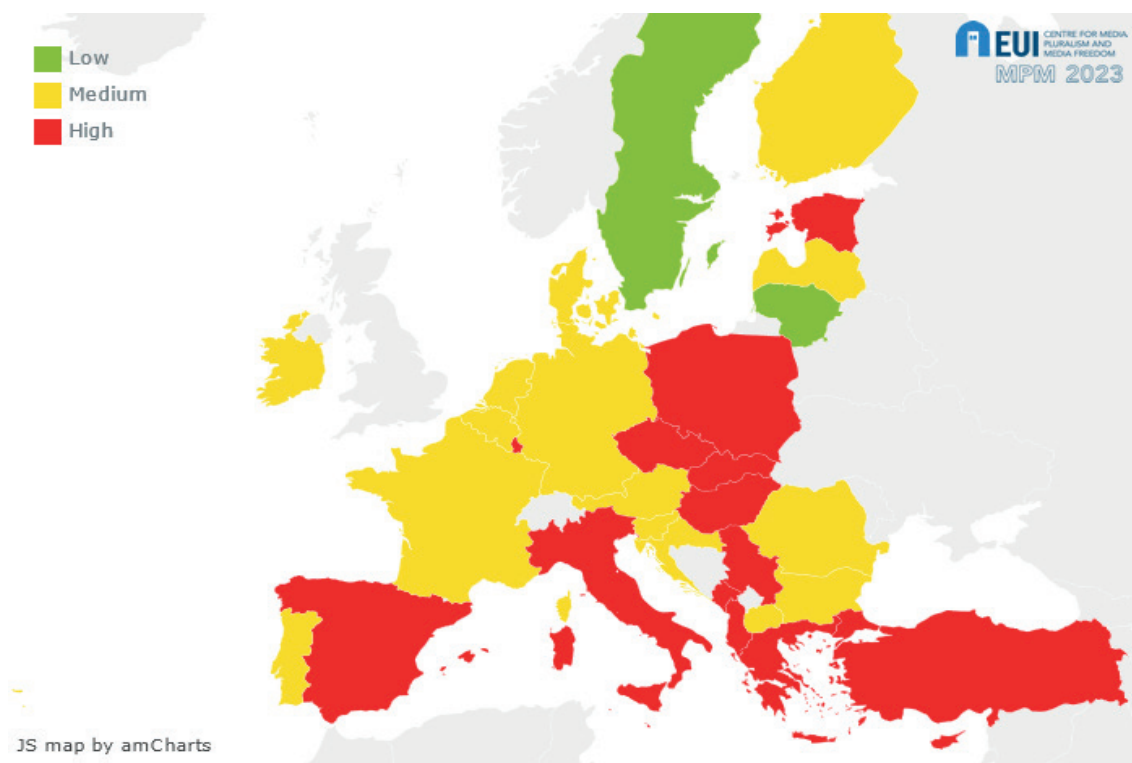
As shown in the map, in Figure 6.3.a, only two countries score in the low-risk band in relation to Gender equality in the media: Lithuania and Sweden. However, even in these countries, it is interesting to notice that the risk is very close to the medium risk threshold with, respectively, 28%, and 33%. Despite the existence of comprehensive gender equality policies in public service media and a balanced representation of women in management positions, the representation of women in news and current affairs programmes remains a source of risk.

15 countries score within the medium-risk band: Austria, Belgium, Croatia, Denmark, Finland, France, Germany, Ireland, Latvia, The Netherlands, Poland, Portugal, Romania, The Republic of North Macedonia and Slovenia. On the one hand, the risk associated with France has shifted from the low-risk band to the medium-risk band, due to the unbalanced representation of women in the news (Ouakrat & Laroche, 2022). During the presidential elections, female candidates were often treated differently from their male counterparts (Coulomb-Gully, 2022). The French Media Authority, ARCOM, also confirmed the under-representation of women in the French audiovisual media (39%, stable) in its last report. On the other hand, Bulgaria had shifted from high risk to medium risk, at 64%. This change is due to the increased share of women (50%) in top management positions in the private TV companies with the largest audience share (Spasov et al., 2023). The performance of Germany, in terms of Gender equality in the media has also improved, thanks to the fact that more women have been appointed to management positions in recent years (Holznagel & Kalbhenn, 2023). Some public broadcasters, such as Deutsche Welle, have achieved a weighted female representation of 50%.

Finally, Gender equality in the media is associated with a high risk in 15 countries (Albania, Cyprus, the Czech Republic, Estonia, Greece, Hungary, Italy, Luxembourg, Malta, Montenegro, The Republic of North Macedonia, Serbia, Slovakia, Spain, and Turkey). Estonia has shifted from the medium-risk band to the high-risk band. According to Turk and Koze (2023), the high risk is linked to the combination of three factors. Firstly, there is no publicly known gender equality policy in PSM. Secondly, the share of women as members of management boards in the media industry is relatively low, e.g., 20% in the case of the PSM, Estonian Public Broadcasting; and 40% among the members of the management boards of private TV companies. Thirdly, the absence of recent, comprehensive and reliable studies relating to the representation of women in the media is a source of risk.



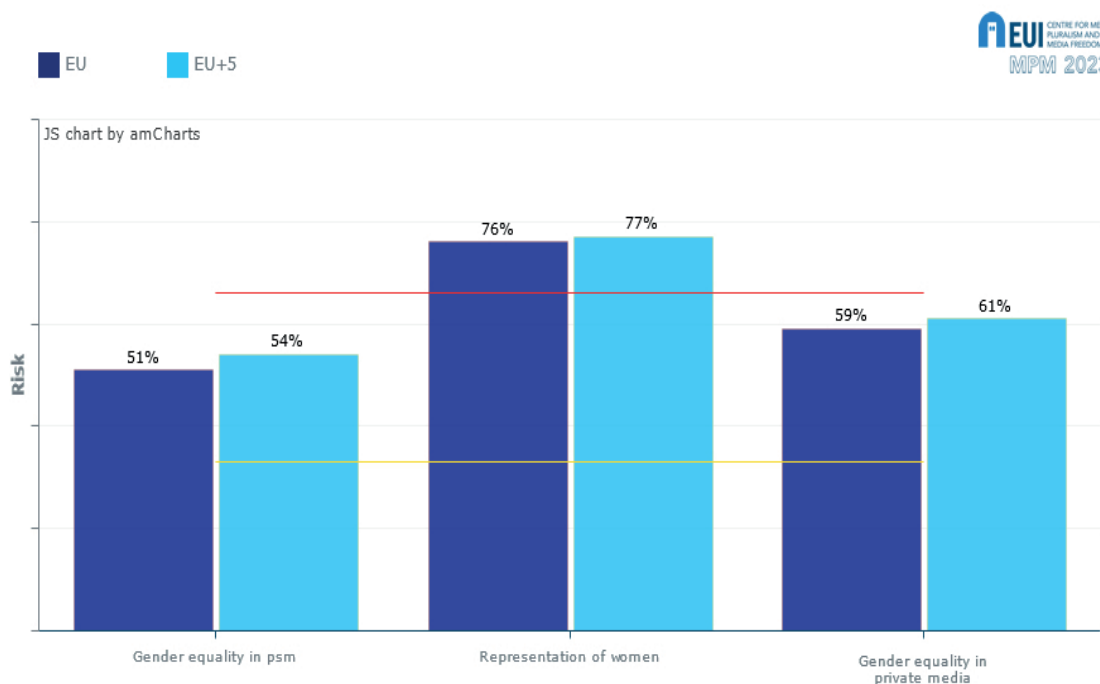
Figure 6.3.a. Indicator on Gender Equality in the Media - Map of Risks per Country



A closer look at the sub-indicators for Gender equality in the media shows that the highest scoring sub-indicator is the **Representation of women in the news**, with a high risk score at 76% for EU member states and 77% for all the countries studied. The two other sub-indicators, **Gender equality in public service media** and **Gender equality in private media**, which focus on the representation of women in media production, both score within the medium risk zone. The average risk associated with **Gender equality in public service media management** is 51% in EU member states (-1pp compared to the MPM 2022), and 54% for all the countries studied (-3pp). The score is slightly higher for the sub-indicator **Gender equality in private media management** with 59% in EU member states and 61% in all the countries studied. The score for this sub-indicator cannot be compared to that of last year as this sub-indicator is new.



Figure 6.3.b. Indicator on Gender equality in the media - Averages per Sub-indicator



As far as the sub-indicator **Gender equality in PSM management** is concerned, public service media do not have a comprehensive gender policy in 15 of the countries: Albania, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Luxembourg, Montenegro, Poland, The Republic of North Macedonia, Romania, Serbia, Slovenia and Turkey. However, the absence of a comprehensive gender policy does not necessarily mean women are under-represented in PSM management positions. For example, the PSM in Latvia, Luxembourg, Poland, Romania and The Republic of North Macedonia do not have a gender equality policy, yet women are well represented on management boards and among executives. The existence of a comprehensive gender policy does not guarantee a balanced representation of women on a management board, nor among executives. The public media services in Belgium, Germany, Finland, France, Lithuania, Portugal, Sweden and The Netherlands have a comprehensive gender equality policy. Despite the existence of such policies, the representation of women on management boards is associated with a medium risk in Lithuania and Portugal, while the proportion of female executives in PSM is considered to be high risk in Finland, Portugal and the Netherlands.

In private media companies, the proportion of women in management positions is considered to be a low risk in only six countries: Bulgaria, Croatia, Denmark, Finland, France and Lithuania. In Bulgaria, the share of women in top management positions has increased, and it has reached 50%. According to Spassov et al. (2023), “the journalistic profession in the country is highly feminised and the participation of women in leadership

positions has been dynamic in recent years”. Regarding the nomination of female editors-in-chief in the main media outlets, only Croatia, Cyprus, Denmark, France, Germany, Greece, Latvia, Lithuania, Romania and The Netherlands reach parity.

Regarding the sub-indicator **Representation of women in the news**, no country has scored as being at low risk for the MPM 2023. Estonia and Lithuania, the two countries considered to present a low-risk status last year, are now scoring in the medium-risk band. In Estonia, the increased risk is linked to the absence of monitoring and available data. In Lithuania, the most recent monitoring study carried out by the Lithuanian Journalism Centre<sup>54</sup> shows the lack of diversity in gender representation in the Lithuanian media. Female experts are three times less likely to appear in Lithuanian media than their male counterparts (Balcytiene et al., 2023). In some topics, the situation is even more extreme. Men constitute 87% of the experts called to discuss foreign and global affairs, and 90% to 100% of the experts on more niche topics, like cyber security, history and statistics.

On the opposite side of the spectrum, the risk is considered to be high in 22 countries. Amongst these, nine countries obtain the highest score (97%): Croatia, Cyprus, France, Greece, Italy, Montenegro, Poland, Slovakia, and Spain. In Italy, the coverage of the election in September 2022 confirmed the over-representation of men (Carlini et al., 2023). While the media authority clarified that gender balance is among the criteria to be respected in the electoral information and debates<sup>55</sup>, the coverage of the election was characterised by an overwhelming presence of male politicians and commentators in political information and talk shows<sup>56</sup>. However, some initiatives have been taken in order to improve the situation.

Regarding the representation of women in the news, it is interesting to notice that there is no direct correlation between the proportion of women in top management positions and the representation of women in the news. In France, for example, the representation of women is considered to be at maximum risk, while the proportion of women in public service media and private media companies is considered to be low risk.

54 <https://ekspertai.lzc.lt/en/>

55 AGCOM, Resolution 299/22/CONS, art. 7/2

56 AGCOM, Resolution 300/22/CON

## 6.4 Media literacy

*Media literacy is a fundamental prerequisite of an accessible media system and is a core element of media pluralism. People need to master media literacy skills in order 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 to be one of the key follow-up actions of the Annual Colloquium on Fundamental Rights in 2016.<sup>57</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>58</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 the 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 to exercise judgement, analyse complex realities and recognise the difference between opinion and fact" (AVMSD, 2018, p.59).*

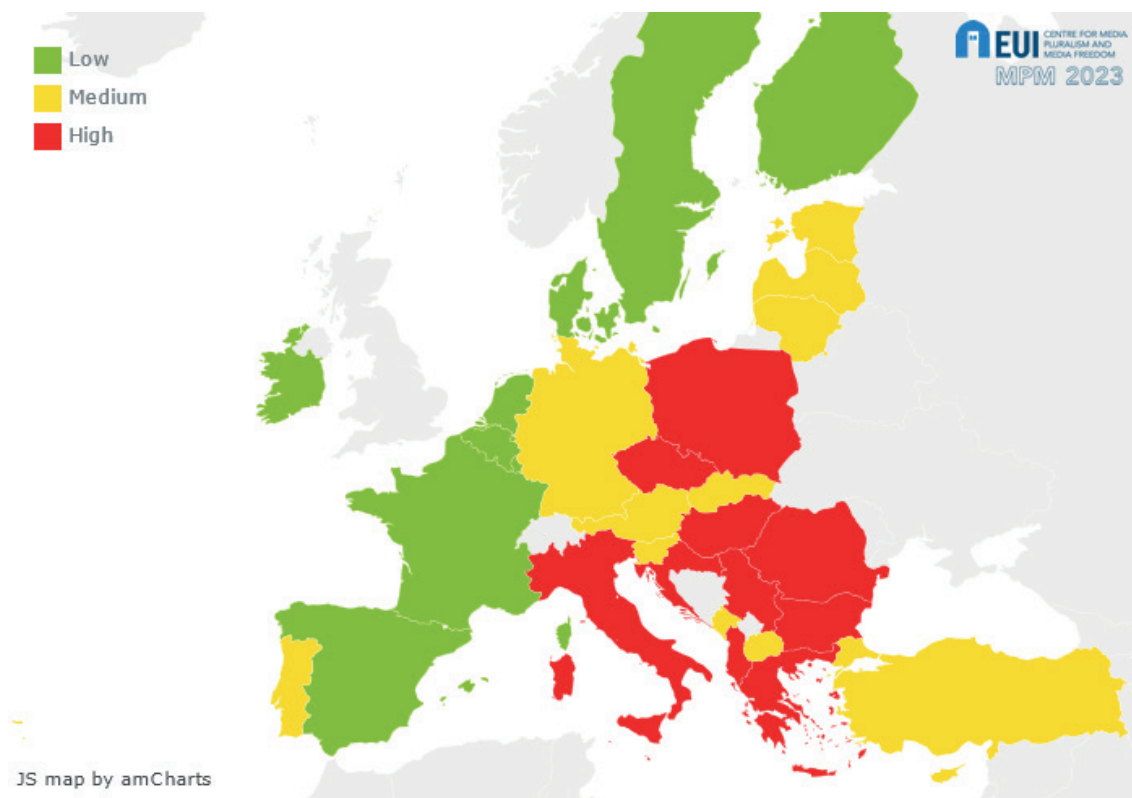
*The MPM indicator covers two major dimensions of media literacy: environmental factors and individual competencies, which follow the logic of the categorisation used by EAVI (2009). EAVI defines environmental factors as being a set of contextual factors that have an impact upon the broad span of media 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).*

The risk associated with the indicator **Media literacy** is medium, with 50% for EU member states and 53% for all the countries studied. The risk level has increased by six percentage points for both categories. For this edition of the MPM, the risk levels have been re-defined and re-evaluated, in line with the expectations of the AVMSD, for most of the variables of this indicator (see Annexe 1). The increase, therefore, does not necessarily correspond to a degradation of the situation but, rather, to a re-evaluation of the existing risk level.

<sup>57</sup> <https://ec.europa.eu/newsroom/just/items/31198>

<sup>58</sup> <https://eur-lex.europa.eu/eli/dir/2018/1808/oj>

Figure 6.4.a. Indicator on Media literacy - Map of Risks per Country



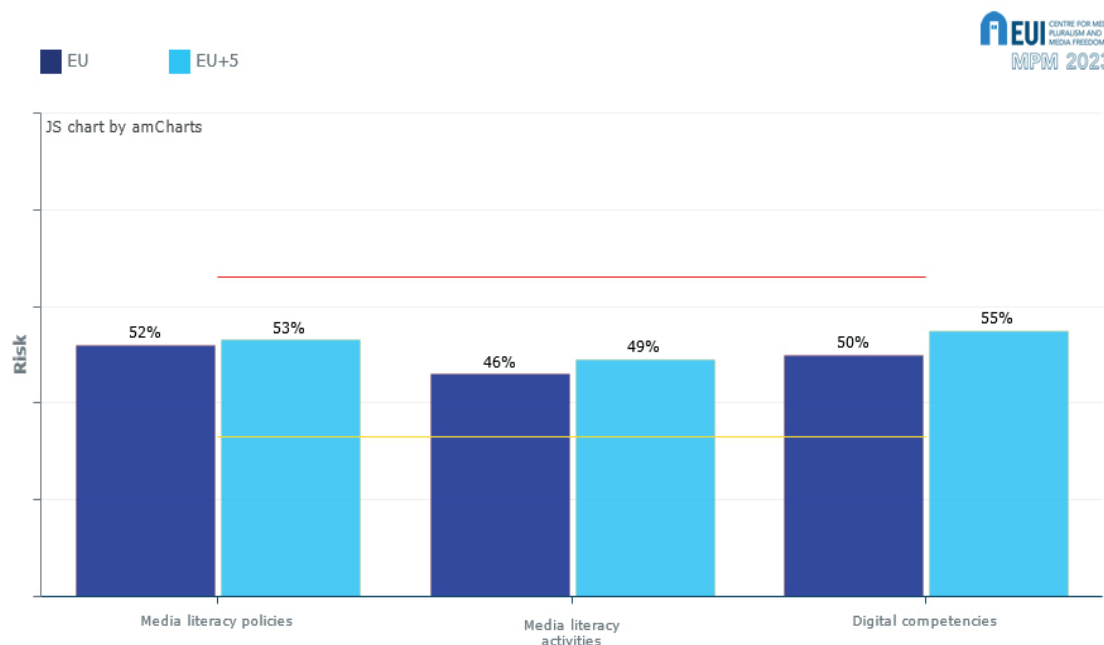
The risk associated with **Media literacy** is medium in 12 countries (Austria, Cyprus, Estonia, Germany, Latvia, Lithuania, Montenegro, Portugal, The Republic of North Macedonia, Slovakia, Slovenia, and Turkey), and high in 11 countries (Albania, Bulgaria, Croatia, the Czech Republic, Greece, Hungary, Italy, Malta, Poland, Romania, and Serbia).

Only nine countries score in the low-risk band for **Media literacy**: Belgium, Denmark, Finland, France, Ireland, Luxembourg, The Netherlands, Spain and Sweden. Amongst them, Denmark and The Netherlands were attributed with the lowest risk levels possible (3%). According to De Swert et al. (2023), the Netherlands is characterised by a strong tradition of policy making on media literacy. The existing policy framework includes training in artificial intelligence, digital resilience and digital governance. Media literacy is present in the education curriculum and teachers receive well-developed and comprehensive training programmes in media literacy.

For the first time, Spain scores in the low-risk band. Over past years, Spain has made an effort to improve its media literacy policies (Suau Martinez et al., 2023). The first step was the adoption of the Organic Law 3/2020<sup>59</sup>, which proclaims that digital literacy should be a priority at all stages of the educational curriculum. This Organic Law will come into full force during the academic year 2023-2024. In July 2022, the Law 13/2022<sup>60</sup>, transposing Directive 2018/1808, came into force. Article 10 of this law is dedicated to digital literacy, which is defined as “developing competencies, knowledge, skills and attitudes of understanding and critical appraisal that enable citizens of all ages to use the media effectively and safely, to access and critically analyse information, to discern between facts and opinions, recognise fake news and disinformation processes and create audiovisual content responsibly and safely”. Article 10 also suggests a regular monitoring of media literacy activities. It is still too soon to measure the impact of these measures. The efficiency of this new media literacy framework will be evaluated in the coming years.

On the contrary, Germany has shifted from the low risk to the medium-risk band. In Germany, the state media authorities are responsible for promoting media literacy and this is financed by the broadcasting contribution. Measures to promote media literacy are widespread, including programmes to combat hate speech and disinformation. However, the state approach may not be the best with which to tackle a nationwide issue and some differences can be observed between states (Holznagel & Kalhbenn, 2023).

Figure 6.4.b. Indicator on Media literacy - Averages per Sub-indicator



59 Organic Law 3/2020, of 29th December, which amends Organic Law 2/2006, of 3rd May, on Education.  
 60 Law 13/2022 of 7th July on General Audiovisual Communication.

The highest ranking sub-indicator this year is **Media literacy policies**, with 52% for EU member states and 53% for all the countries studied. In most countries, there is at least a rudimentary media literacy policy. However, such policies are often either fragmented or poorly implemented. In Malta, for example, a new Media Literacy Development Board was appointed two years ago to develop a comprehensive media literacy policy. However, it has not shown any sign of activity since its creation (Vassallo, 2023). In the absence of a comprehensive media literacy policy, Malta is described in the 2022 Media literacy Index<sup>61</sup> as being “at risk of slipping further down in the ranking” (Malta ranks in 26th position of 41). A similar situation can be observed in Cyprus, where the media policy project has remained as merely a draft since 2012 (Christophorou & Karides, 2023).

Only five countries have a comprehensive and up to date media literacy policy: Belgium, Finland, France, Sweden and The Netherlands. In France, media and information literacy *per se* is part of the common core of French education, since the mid-2000s (Ouakrat & Larochelle, 2023). Recent laws<sup>62</sup> have reinforced this apparatus. The Ministry of Education, in addition, offers online resources for teachers via various platforms (Eduscol, Clémi...). According to the latest, 2022 Report on Media literacy, there is a growing intensification of ARCOM’s training activities and its cooperation with national organisations. However, despite a strong media literacy policy, **Media literacy** occupies a very small amount of the mandatory curriculum (on average, only three hours per trimester) to teach the principles of digital citizenship. The publication of a study by the “Opinion Way” Institute, has shown that the lack of training is the main reason given by teachers to justify the limited time that is dedicated to media literacy. Respondents expressed a need for dynamic teaching materials in order to be able to talk about digital citizenship in the classroom.

**Media literacy activities** are conducted in most countries. Only five countries score in the high-risk band: Albania, Cyprus, Hungary, Malta and Romania. In these countries, there are only few timely media literacy initiatives. Media literacy is usually included in the mandatory education curriculum, except in Malta, Poland and Romania. For example, in Malta, media literacy may be offered as an optional subject, at secondary school level (Vasallo, 2023). In Poland, the inclusion of media literacy in the curriculum depends on support from school officials and the commitment of teachers. Most of the informal media literacy activities are carried out by NGOs (Klimkiewicz, 2023). In Romania, civil society organisations, like the Center for Independent Journalism (CJI) and MediaWise, run media literacy projects for young people and adults (e.g., teachers) but the non-profit sector cannot cover the media education needs of an entire population (Toma et al., 2023).

61 [https://osis.bg/wp-content/uploads/2022/10/HowItStarted\\_MediaLiteracyIndex2022\\_ENG\\_.pdf](https://osis.bg/wp-content/uploads/2022/10/HowItStarted_MediaLiteracyIndex2022_ENG_.pdf)

62 07/08/2013 law no 2013-595 and 12/22/2018 law no 2018-1202.

However, even when integrated into the mandatory curriculum, conducting media literacy activities remains problematic in most of the countries studied. One of the main issues consists of providing adequate training to the teachers. 28 countries score in the medium-risk band in relation to teachers' training and one country scores as being at high risk (Turkey). Teachers only receive adequate training in Denmark, Germany, Sweden and The Netherlands. For example, in Denmark, while there is no formal education in digital literacy for teachers, there are many resources online that are provided by different organisations, such as [digitaldannelse.org](https://digitaldannelse.org), [digitaldialog.dk](https://digitaldialog.dk), [digitaleunge.dk](https://digitaleunge.dk) (Simonsen, 2023). In The Netherlands, an action plan for the digitalisation of education has been in preparation since 2021 by the SLO Institute for Curriculum Development (Stichting Leerplan Ontwikkeling). As part of this plan, teachers will receive targeted support and digital teaching resources will be improved. The relevant bill is expected to go to Parliament in 2024 (De Swert et al., 2023).

The media literacy activities conducted in the educational system are, in most cases, complemented by non-formal educational activities. However, these initiatives tend to be limited to a young and urban public. Only three countries score a low risk in relation to the existence of media literacy activities targeting vulnerable groups: Sweden, Denmark and The Netherlands. For example, in Denmark, the Danish Library ([db.dk](https://db.dk)) organises media literacy activities for all, and the Association for the Elderly, DaneAge (Ældresagen), is offering courses and material to its members on digital behaviour (Simonsen, 2023).

The absence of coherent and regular media literacy activities is often linked to a poor performance in the sub-indicator on **Digital competencies**. Only seven countries score in the low-risk band in relation to digital competencies; Denmark, Finland, Ireland, Luxembourg, The Netherlands, Spain and Sweden<sup>63</sup>. Amongst these, five also score in the low-risk band in relation to media literacy activities: Denmark, Finland, Luxembourg, The Netherlands and Sweden. However, it is interesting to note that only three of these countries score as low risk in terms of a media literacy policy: Finland, Sweden and The Netherlands. Despite having well-developed media literacy policies, Belgium and France are considered to be at medium risk, both in media literacy policy and in digital competencies. In France, despite a long tradition of media literacy policies and an intensification of the media literacy activities proposed by the media authority ARCOM, the problem lies in media literacy training in the school curricula. Teachers spend on average 3 hours per semester to teach the basic principle of digital citizenship. A recent study for OpinionWay shows that teachers are blaming the lack of training and of dynamic teaching

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<sup>63</sup> Regarding Digital Competencies, according to the Eurostat Data, the percentage of the population with at least basic digital skills in Ireland has risen from 53.8 % in 2019 to 70.49% in 2021. This change could not be explained by the author of the MPM report for Ireland. In Spain, the percentage of the population with at least basic digital skills has risen from 57% in 2019 to 64% in 2021. This drastic change could not be justified by the authors of the MPM report for Spain either. These changes, however, have contributed to the reduction of the risk relating to media literacy in Ireland and in Spain.



material (see Ouakrat & Larochelle, 2023). In Belgium, the medium risk in the sub-indicator Media literacy policy is triggered by the difference between the Flemish community, which has a well-developed media literacy policy, and the French community, which is lagging behind (Wauters & Valcke, 2023).

## 6.5 Protection against disinformation and hate speech

*The indicator Protection against disinformation and hate speech assesses the effectiveness of regulation and of other activities that seek to combat, or prevent, the spread of disinformation and hate speech in our societies. On the one hand, disinformation can polarise debates, and create or deepen tensions in society. It can erode trust in institutions and in news media. In doing so, it can cause public harm, be a threat to democratic political and policy-making processes, undermine electoral systems, and it may even put the protection of citizens' health and security at risk, since it hampers the citizens' ability to make informed decisions. On the other hand, hate speech prompting racism and xenophobia is a "direct violation of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles upon which the European Union is founded, and which are common to the member states" (Council of the EU 2008 Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia<sup>64</sup>)*

*This indicator is composed of two sub-indicators:*

- **Protection against disinformation.** *This sub-indicator assesses whether there is a comprehensive strategy to counter disinformation, including a variety of stakeholders: public institutions, fact-checkers and researchers. It also assesses whether such a strategy has been efficient in reducing the prevalence of disinformation, while not presenting a risk to the freedom of expression. The definition of disinformation that is used here is based on the Report of the Independent High-Level Group on Fake News and Online Disinformation (2018)<sup>65</sup>.*
- **Protection against hate speech.** *This sub-indicator assesses the efforts made to combat and prevent the spread of hate speech online. The definition of hate speech used here is based on the Code of Conduct on Countering Illegal Hate Speech 2016<sup>66</sup>, and on the EU Directive 2018/1808 (Audiovisual Media Services<sup>67</sup>) Art. 28b on video sharing platforms.*

64 <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32008F0913>

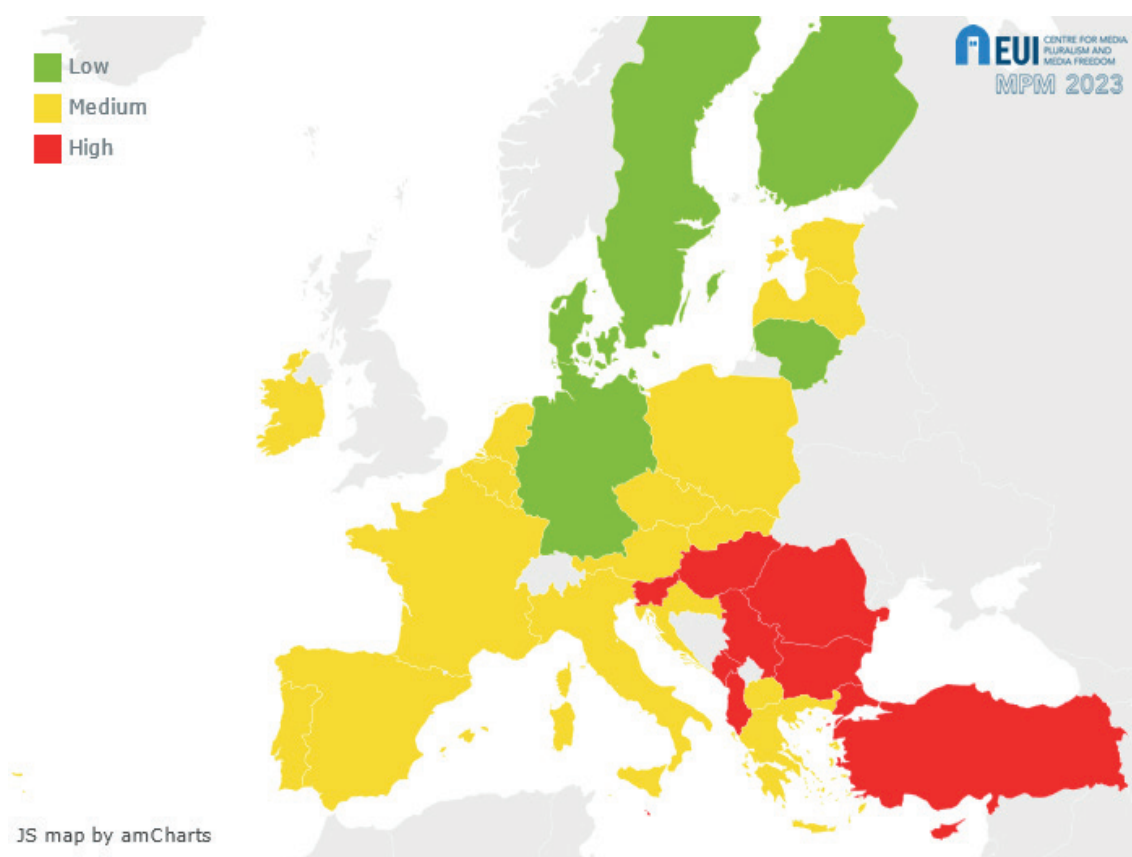
65 <https://op.europa.eu/en/publication-detail/-/publication/6ef4df8b-4cea-11e8-be1d-01aa75ed71a1>

66 [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_20\\_1135](https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1135)

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

The overall risk associated with the indicator **Protection against disinformation and hate speech** remains stable at 60%, for all the countries. The sub-indicator **Protection against disinformation** scores slightly higher than the sub-indicator against hate speech. The average risk for Protection Against Disinformation reaches 56% for EU member states and 60% for all the countries studied, while **Protection against hate speech** is estimated at 49% in EU member states, and 51% in all the countries studied. The comparison with last year is not included, given the consequent changes in the questionnaire for this indicator (see Annexe 1).

Figure 6.5.a. Indicator on Protection against disinformation and hate speech - Map of Risks per Country

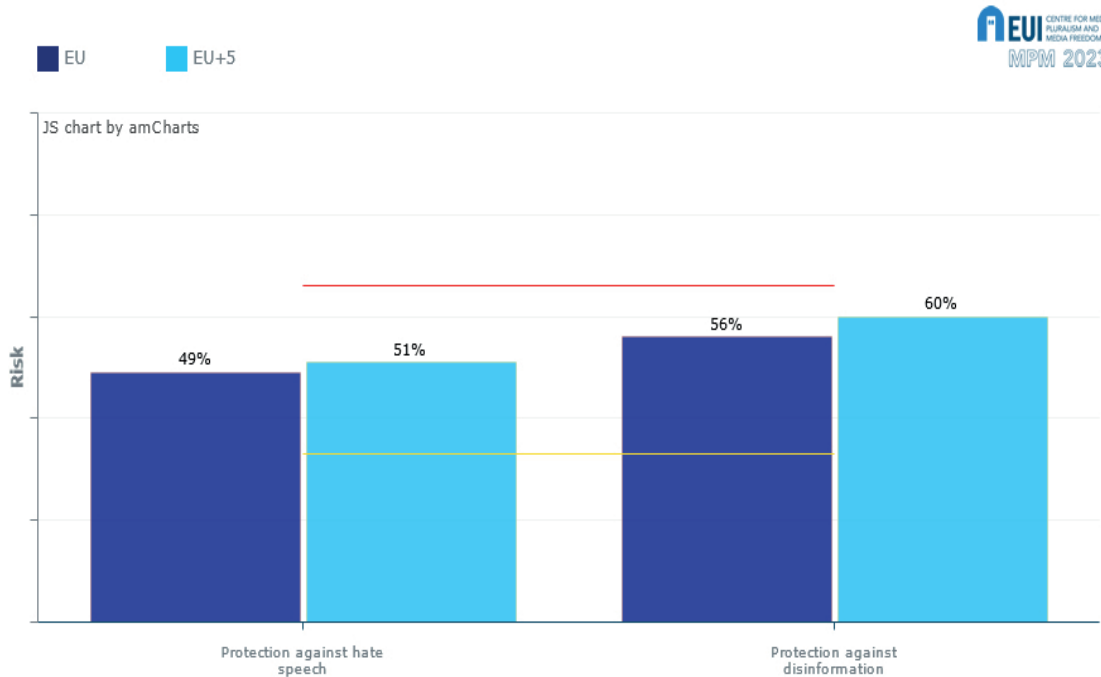


Only five countries out of 32 are associated with a low risk: Denmark, Finland, Germany, Lithuania, and Sweden. In Lithuania, the risk level for **Protection against disinformation and hate speech** has decreased from 35% in 2021 and 17% in 2022 to 8% this year, due to constant efforts to fight disinformation and hate speech. In December 2022, the national parliament approved a new crisis management framework with the National Centre for Crisis Management, which will be responsible for co-ordinating, consulting and monitoring threats, crises and emergency situations, including disinformation and prop-

agenda (Balcytiene et al., 2023). Sweden’s good performance is linked to several initiatives against disinformation. For example, during the 2022 election campaign, the Psychological Defence Agency collaborated with Meta, the owner of Facebook and Instagram, to counter the spread of disinformation and to launch influence campaigns. There are also examples of different fact-checking initiatives from the Swedish media industry. Some take place continuously (Källkritikbyrå.se), while others take place during specific events, such as political debates and elections (Faktiskt.se).

Disinformation and hate speech remain at high risk in ten countries (Albania, Bulgaria, Cyprus, Hungary, Malta, Montenegro, Romania, Serbia, Slovenia and Turkey). Bulgaria presented the highest risk score with 90%. According to Spassov et al., 2023, there is no national strategy to foster cooperation between different stakeholders to tackle disinformation. In practice, Bulgaria is highly vulnerable to disinformation. In 2022, the main topics of disinformation, especially on social media, were the war in Ukraine, EU policies and COVID-19. In April 2022, the Bulgarian Coalition Against Disinformation was established as a joint initiative of four Bulgarian ministries, NGOs, the media, the European Commission and other organisations. However, the scope and impact of independent fact-checking initiatives and research projects on disinformation are still limited. Overall, disinformation remains widespread in Bulgaria, impacts public debate, contributes to the polarisation of society and erodes trust in institutions and in news media (Spassov et al., 2023).

Figure 6.5.b. Indicator on Protection against disinformation and hate speech - Averages per Sub-indicator



Protection against disinformation is associated with a low risk in seven countries: Belgium, Denmark, Estonia, Finland, Germany and the Netherlands. The other countries are either associated with a medium risk (12 countries, including Bulgaria, Croatia, Cyprus, France, Italy, Montenegro, Poland, The Republic of North Macedonia, Romania, Slovakia, Spain and Sweden), or with a high risk score (13 countries, including Albania, Austria, The Czech Republic, Greece, Hungary, Ireland, Latvia, Luxembourg, Malta, Portugal, Serbia, Slovenia and Turkey).

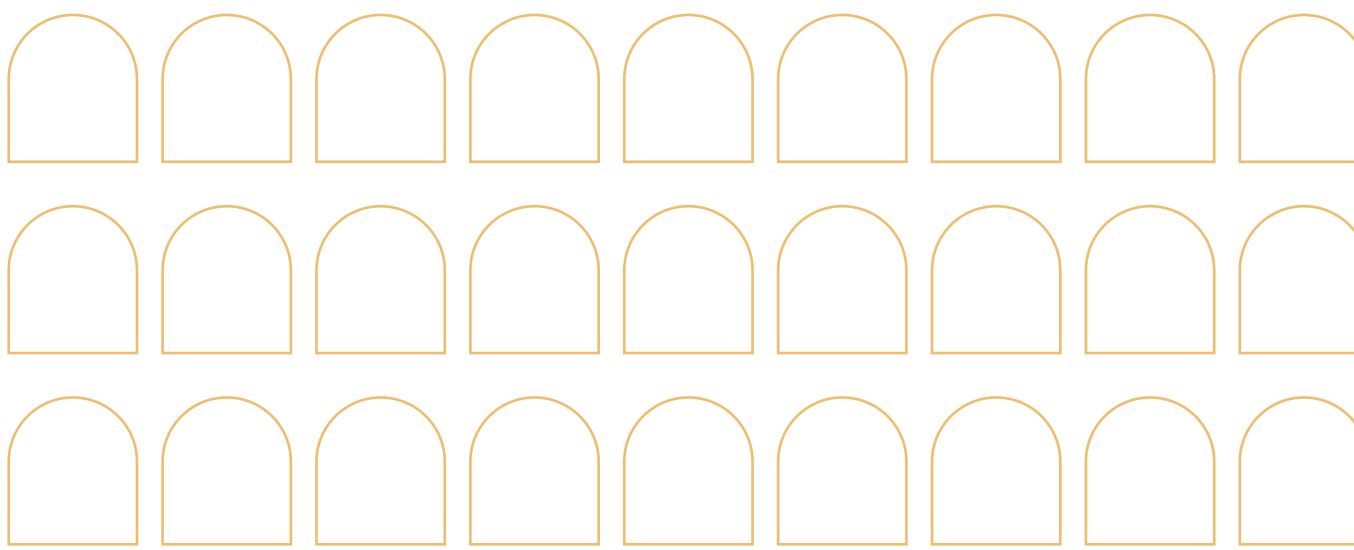
A high-risk score generally reflects the absence of a comprehensive strategy to fight disinformation.

Some countries are currently preparing a legal framework to regulate disinformation. This is actually the case in The Czech Republic. According to Stetka et al. (2023), a new law is scheduled to be introduced in mid-2023, allowing the state to block and disable access to specific conspiracy sites on the internet. At the same time, a law is to be drafted to enable the police to prosecute the deliberate dissemination of disinformation. This will be a draft law, supplementing the Criminal Code to include the criminal offence of knowingly and deliberately spreading disinformation to significantly damage the democratic character of the state or its crucial security interests.

Regarding **Protection against hate speech**, five countries present a low risk situation: Austria, Denmark, Germany, Lithuania, and Sweden. In Austria, the existing framework to fight hate speech is comprehensive. The 'Hate on the Net Prevention Act' (Hassim-Netz-Bekämpfungsgesetz, 2020), despite some initial criticism, constitutes a first comprehensive attempt to combat hate speech on online platforms. A new provision in the Media Act (§ 36b Media Act) also permits courts, in proceedings related to the Act, to directly order hosting service providers (not just media owners!) to remove content from a platform or to publish a verdict on such websites, if the media owner is based in another country or cannot be prosecuted for any other reason. In addition to the existing legal framework to combat hate speech, there is efficient reporting on such speech. A platform for reporting hateful content that is published or sent online, which was established by the NGO ZARA – Civil Courage & Anti-Racism-Work on the behalf of the government, has been available since 2017. Seethaler et al. (2023) also pointed out that “[i]n February 2022, the Zentrale Abfragestelle für Social Media und Online-Provider (ZASP; Central Interrogation Service for Social Media and Online Providers) was established at the Federal Criminal Police Office. In cooperation with Meta (Facebook, Instagram, WhatsApp), information about various forms of online hate and other crimes should be obtained by the police and judiciary more efficiently and quickly than before.”

The majority of the countries (21 countries) score within the medium-risk band: Albania, Belgium, Croatia, Cyprus, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Malta, Poland, Portugal, Romania, Serbia, Slovakia, Spain, The Czech Republic, The Netherlands, and the Republic of North Macedonia. Seven countries have shifted from high risk to medium risk (Cyprus, Estonia, Hungary, Ireland, Poland, Slovakia and Spain). In Cyprus, the decrease in the risk level is linked to the introduction, in recent years, of laws aiming to fight sexism, bullying, and violence against women. Christophorou & Karides (2023) also mention “a rise in the awareness level of judges, who identify in some offences the elements of hatred and racism.”

Six countries are in the high-risk band (Bulgaria, Latvia, Luxembourg, Montenegro, Slovenia and Turkey). In most of these countries, the general framework against hate crimes is not adapted to target online hate speech, and nor are the mechanisms to report online hate speech. For example, according to Rozukalne (2023), online hate speech is “usually poorly recognized and is not considered a socially and politically important priority. Online hate speech, if reported to the police, is not considered dangerous, in police practice, if no real harm has been done to the person. This makes it difficult for victims of online hatred to assert their rights, and motivates hate speech perpetrators to continue their activities.



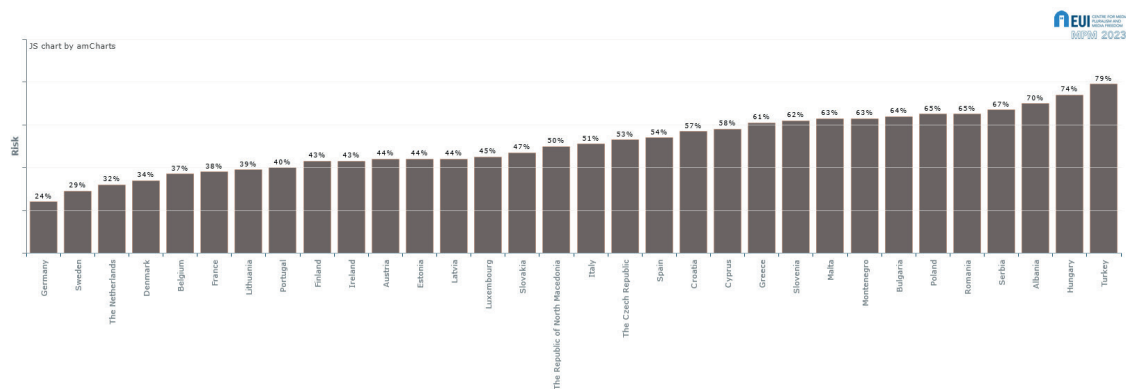
## 7. GENERAL RANKING

Starting with the implementation of the MPM2022, the CMPF has introduced the general ranking of the countries, as an additional element of transparency. As the MPM has been described as a tool that measures the “temperature” of the risks to media pluralism in a given country, this general ranking, which calculates an overall average score for each member state, aims at providing a mapping that can be interpreted as a preliminary triage for the risks to media pluralism in a country, while the causes of the “illness” must be explored with the help of the details given in the analysis of the four areas. The general scores of the countries are calculated as a simple average of the four area scores of the MPM.

In order to visually explore the differences between the scores of the countries, the CMPF has experimented with several types of visualisations for this general ranking.

The first visualization proposed is a regular bar chart providing the simple general ranking with the risk level associated with each country in ascending order.

Fig. 7a MPM2023-General ranking

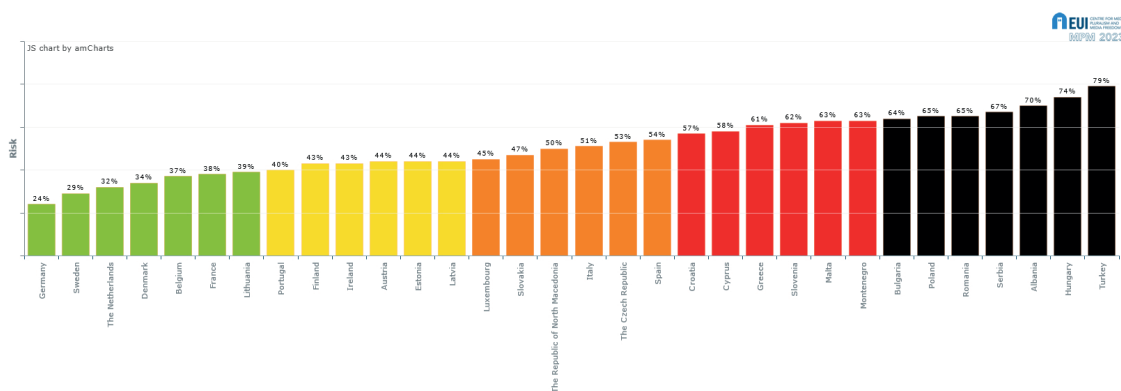


Compared to the previous implementation of the MPM, the general ranking (see Figure 7a) shows relative stability regarding the countries that are associated with a lower risk level. The six lowest scoring countries are still the same and include Germany (24%), Sweden (29%), The Netherlands (32%), Denmark (34%), Belgium (37%), and France (38%). The risk level associated with Germany, which was the country scoring the lowest risk also in the previous year, has increased by 3 percentage points. The increased risk for Germany is linked to a worsening in the area of Market Plurality, and more specifically in the Plurality of Digital Market and Media Viability indicators. At the other extreme of the bar chart, Turkey (79%) and Albania (70%) confirmed their position as the highest risk scoring countries. Hungary, with a risk level estimated at 74%, became one of the top 3 risk-scoring countries.

Most of the countries (19 in total) are associated with an “average” risk value between 40% and 60%. At the center of the ranking, Italy, with a risk level estimated at 51%, represents both the median and the average among the examined countries.

*A second bar chart proposes a new representation of the countries in a comparative classification, according to a quintile ordering. In MPM2023, the countries examined are 32 and in chart 7.b they are categorized in 5 clusters of (almost) equal numerosity. The five clusters can be conventionally interpreted, in classification based on their **relative** risk scores, as the first at very low risk; the second at low risk; the third at medium risk; the fourth at high risk; and the fifth at very high risk. It is important to underscore that this way of comparatively clustering the countries is derived from the result of a simple arithmetic averaging of the scores and differs from the usual conventions of the MPM. In other words, this ordering in five groups does not follow directly from the structures of the questionnaire and the data collection, based on a choice between three levels of risk for each question posed, but from their mathematical averaging across the all monitor.*

Fig. 7.b MPM2023-General ranking by quintile classification



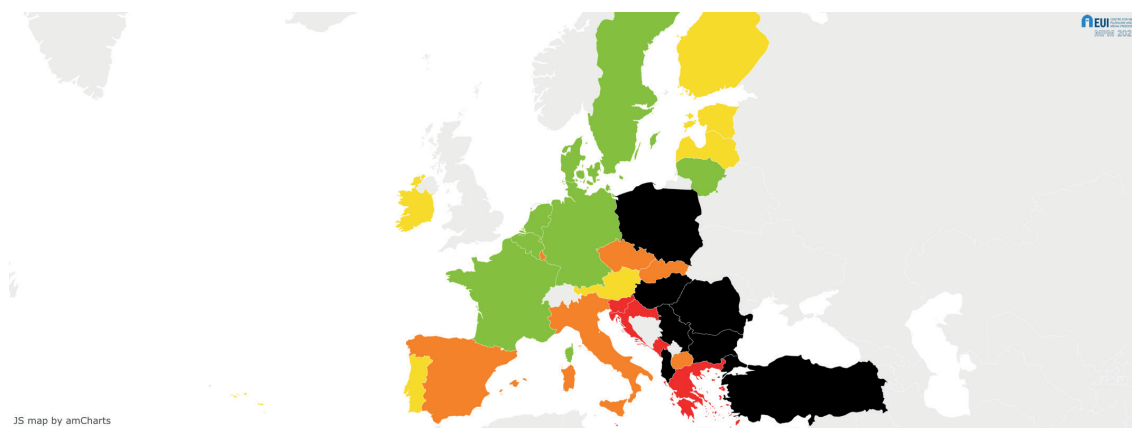


The quintile classification of the general ranking provides the following result:

- The first quintile, colored in green, is composed of the seven countries which are associated with a relative lower risk level: Germany (24%), Sweden (29%), The Netherlands (32%), Denmark (34%), Belgium (37%), France (38%), and Lithuania (39%).
- The second quintile, colored in yellow, is composed of 6 countries scoring an average risk between 40% to 44%: Portugal (40%), Finland (43%), Ireland (43%), Austria (44%), Estonia (44%), and Latvia (44%). The difference in risk level between these countries is quite contained.
- The third quintile, colored in orange, is composed of six countries, scoring between 45% and 54%: Luxembourg (45%), Slovakia (47%), The Republic of North Macedonia (50%), Italy (51%), The Czech Republic (53%), and Spain (54%). North Macedonia and Italy represent the median scores of the MPM2023 with an average general risk of 50% and 51%, respectively.
- The fourth quintile, colored in red, is composed of six countries, associated with a higher risk level between 57% and 63%: Croatia (57%), Cyprus (58%), Greece (61%), Slovenia (62%), Malta (63%), and Montenegro (63%). All these countries scored clearly above the average risk level, and can be classified at higher risk than the previous group.
- The fifth quintile, colored in black, is composed of the seven countries associated with the relative highest risk in the MPM2023. Bulgaria (64%), Poland (65%), Romania (65%), Serbia (67%), Albania (70%), Hungary (74%), and Turkey (79%). It is interesting to notice that this quintile is composed of three candidate countries (Albania, Serbia and Turkey) and four member states integrated in the last three waves of enlargement of the EU. Compared to the previous edition of the MPM, the risk associated with Turkey has decreased by 4 percentage points, however, it remains extremely high and almost 30pp above the median risk.

*Finally, in Figure 7.c, the same quintile representation of the previous bar chart is shown in map form, proposing a representation of the ordering in order to better appreciate the geographical location of the relative risks.*

Fig. 7.c MPM2023-General ranking - map of the countries per quintile classification

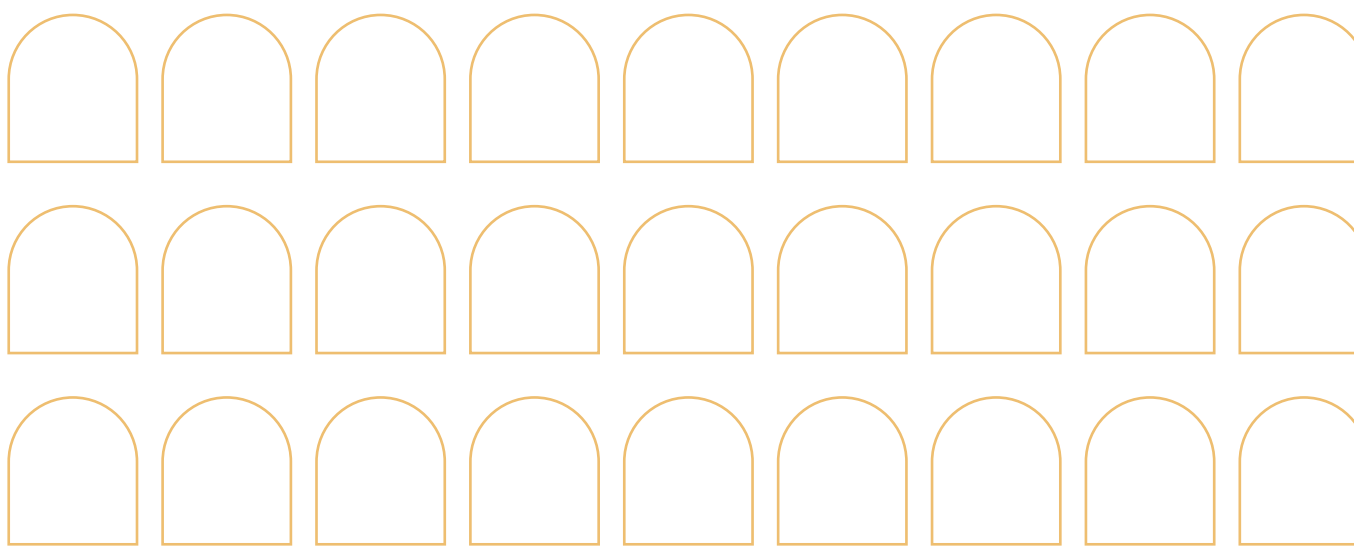


A look at the map shows that older EU member states generally achieve lower scores, under the median, while countries that joined the EU in the 2000s, as well as the candidate countries tend to show higher risks. However, some notable exceptions are the Baltic countries, Slovakia, and The Republic of North Macedonia, that score close to or clearly below the median. It is important to highlight that the average risk level has significantly decreased in Slovakia thanks to the adoption of a new Law on Media Services.

In order to avoid misinterpretations of this comparative ranking, it must be stressed, once again, that the MPM is a tool that assesses the risks to media pluralism, based on an analysis that takes into account structural elements that may, or may not, be considered problematic, in order to ensure a plural media environment. The focus of the MPM is not just on finding out what the deficiencies of a media system are, but also whether there are structural conditions that can lead to a deterioration in the state of freedom of expression and media pluralism in a given context. The rationale behind the Media Pluralism Monitor is that it is “a systematic analytical process, based on predetermined risk criteria, professional judgement and experience, to determine the probability that an adverse condition will occur” (EC Working Document, 2007). The analysis is based on data which assess the situation in a given country with regard to both the conditions that are conducive to more or less media freedom and pluralism, and how these conditions are implemented in practice.

It must also be emphasised that the Media Pluralism Monitor is a tool that has been conceived to be implemented on the member states of the European Union and on candidate countries. The general rankings of the scores, which for the year 2022 range from 24 in Germany to 79 in Turkey, are relative to only 32 countries, and are based on standards that are common to the constitutional traditions of EU member states and on rules that are part of the *acquis communautaire*, and that have been developed by the Council of Europe. The percentages of risk resulting from the MPM exercise, and espe-

cially the final averaging exercise that produce the general ranking, must thus be strictly read in this relative and reasonably comparable context. Any attempt of comparison of the ranking proposed by the Media Pluralism Monitor to other rankings, like the ones that have been produced by renowned NGOs on more diverse or variegated standards, should be exercised with extreme caution. For instance, the Reporters without Borders' World Press Freedom Index, covers almost all the countries on the globe, and focuses on freedom of expression and the safety of journalists, using a different methodology, as well as its own set of indicators and scopes. Consequently, there is no straightforward score-scale comparability with the results of the MPM for the EU and candidate countries.



## 8. CONCLUSIONS AND RECOMMENDATIONS

### 8.1 Fundamental Protection

In the MPM2023 edition, the **Fundamental Protection** area maintained the same average risk (35%) as in the MPM2022. The situation in three of five indicators that were analysed in the Fundamental Protection area remained unchanged: **Protection of freedom of expression; Protection of the right to information, Journalistic profession, standards and protection.** The indicator **Protection of freedom of expression** scored as a medium risk, although it scored on the border of being a low risk (34%). The indicator **Protection of the right to information** (42%) and **Journalistic profession, standards and protection** (43%) also scored as a medium risk. There was a minor deterioration in the indicator **Independence and effectiveness of the media authority** (from 24% to 25% risk score). A major improvement was observed in the indicator **Universal reach of traditional media and access to the Internet** (from 32% to 26%), due to increased broadband coverage and the Internet access that occurred both during and following the COVID-19 pandemic.

### Recomendations

**Freedom of expression** enjoys satisfactory levels of protection *de jure*, with constitutional and legal safeguards that are aligned with the existing international standards. However, the implementation and enforcement of these safeguards remain poor in some of the countries assessed. The key issues that were also occurring in 2022 include the criminalisation of defamation (imprisonment term or high amounts of damages, which represent disproportionate measures, and which have a chilling effect on journalists); the use of strategic lawsuits against public participation (SLAPPs); the dubious efficiency of the judiciary, or its political capture. In the online sphere, both public and non-public actors have an important role to play in ensuring that the freedom of expression is not undermined. In relation to public actors, most of the countries assessed do not limit

freedom of expression online through general blocking or filtering measures. The MPM analysis has once again confirmed that content moderation is disquieting, as online platforms are not sufficiently transparent about their practices and do not provide disaggregated data that would allow for the full assessment of their practices in relation to the filtering/removal/blocking of online content.

**The right of access to public sector information** is also legally guaranteed across the EU member states and candidate countries. However, similarly, and as is the case for the protection of freedom of expression, a gap exists between the *de jure* and the *de facto*, with practice substantially lagging behind the legislation in some of the countries assessed. The data collection realised by the MPM country teams indicated that journalists continue to face obstacles when filing access to information requests. The main issues include decisions to withhold requested information on dubious grounds, unjustified delays in responding, administrative silence and diversionary tactics, and ineffective appeal procedures. Furthermore, EU member states were expected to transpose the EU Whistle-Blowing Directive by December 2021. At the time of writing this report, although 21 out of 27 EU member states had transposed the Directive into their national law, civil society expressed concerns about the extent of the transposition. In six member states, the transposition was delayed: Estonia, Hungary, Luxembourg, Poland, Slovakia and The Czech Republic. The variable on general awareness, which is about the available whistle-blowers' protection and its impact, added to the MPM2021, has demonstrated that civil society largely substitutes national governments in this important role.

The indicator **Journalistic profession, standards and protection** scored the highest average risk, 43%, which is the same as its score in the MPM2022. Poor working conditions for journalists, threats to their physical and online safety, and the rise of strategic lawsuits against public participation (SLAPPs) remained key problems requiring systematic solutions in 2022 as well. In many of the countries assessed, it is a common practice to force journalists to become self-employed persons or to establish one-person companies in order to be able to work as 'external collaborators' for media outlets, which leaves them very vulnerable due to limited access to unemployment benefits, paid maternity, and parental or sick leave and the possibility to terminate their contracts *ad hoc*. While physical safety has improved as a result of the fading COVID-19 pandemic, since many attacks were connected to the protests against pandemic measures, attacks in the online environment have continuously risen. In 2022, no journalist was killed in either any of the EU member states or the candidate countries, with the exception of Turkey, where in February 2022, GÜNGÖR Arslan, the publisher and chief editor of the local news portal *Ses Kocaeli* died as a result of an armed attack. If compared to 2021, when three journalists were killed in Greece, The Netherlands and Turkey. Journalistic associations in some of the countries assessed do not enjoy popularity among journalists and, therefore, with only a few members, they have limited influence on the profession and its stand-

ards and direction in the country. The low popularity of journalistic associations makes bargaining for better working conditions more difficult and more fragmented. This indicator also shows that some 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 Court of Justice of the EU. Similarly, a few member states still need to ensure a proper balance between data protection and freedom of expression by the proper implementation of the GDPR and Directive 2016/680.

The national media regulatory authorities can critically contribute to defining the standards for media policies in an environment that is increasingly being altered by new digital markets and services. It is therefore of utmost importance that the regulators are free from economic and political interests in the appointment of their boards, both when implementing their remit and when performing their statutory activities. Although the AVMSD has established more transparent criteria for guaranteeing the independence of media authorities, the indicator **Independence and effectiveness of the media authority** again showed that, in some countries, this is not yet a reality.

Finally, the indicator on **Universal reach of traditional media and access to the internet** reflects the increasingly high standards of coverage and connectivity in the EU, and in Europe in general, and the importance of access to the Internet, with good connectivity, and quality web content, despite some geographical inequalities. This indicator demonstrated a major improvement in 2022. The risk score decreased from 32% to 26% due to the increase in broadband coverage and Internet access, which occurred during and following the COVID-19 pandemic.

In light of the conclusions that have been reached on the basis of the MPM's data collection, the following recommendations are proposed in order to improve the media environment in both the EU and in Europe more generally, paying due attention to media freedom and pluralism, as pillars of democracy.

### *Protection of freedom of expression*

- To the State, public authorities and online platforms: to ensure transparency and access to data from online platforms regarding the filtering/removal/blocking of online content.
- To the State: to promote the decriminalisation of defamation.

### *Right of access to information*

- To the State and public authorities: to bridge the gap between *de jure* and *de facto* access to information (for some of the countries assessed, this may mean strengthening the legal rights of information requesters, for others, this may imply

improving the implementation and enforcement of otherwise robust legislation).

- To the State and public authorities: to ensure the transposition and implementation of the EU Whistle-Blowing Directive (Directive (EU) 2019/1937) across the EU and also those laws containing similar guarantees in non-EU countries.
- To the State, public authorities, civil society and the media: to raise public awareness about the available protection for whistle-blowers and to contribute to positive public attitudes towards them.

#### *Journalistic profession, standards, and protection*

- To the State and public authorities: to promote the safety of journalists by raising awareness amongst state institutions (e.g., the judiciary and the police) about the importance of the media for democracy, and by avoiding impunity for crimes that are linked to journalism.
- To the State and public authorities: to strengthen the inclusivity of the protections, i.e., include new forms of professional journalism within the definition of media service that contribute to the offer of quality public interest news.
- To the State, public authorities and the media: to encourage collaboration between the state and the media in ensuring the safety of journalists, e.g., to organise training on how to behave while covering protests or other high-risk events.
- To the State and public authorities: to improve and ensure the physical safety of journalists by strengthening and enforcing the standards that have been established by the ECtHR in order to allow journalists and media actors to freely exercise their watchdog functions.
- To the State and public authorities: to condemn the political elite's attacks on journalists.
- To the State and public authorities: to improve the working conditions of journalists by the adoption of legal frameworks that allow for better labour conditions in the sector. This would include extending the public social protection schemes to all persons who practise professional journalism (whether they are regularly employed or freelancers) and incentivising collective bargaining to introduce new kinds of economic protection against market downturns.
- To the State and public authorities: to monitor and discipline the media outlets' use of practices of avoiding the provision of employment contracts and forcing journalists to become self-employed even though the nature of their collaboration mimics standard full-time employment contracts.



- To the State and public authorities: to promote the implementation of an effective anti-SLAPP legal framework that is able to prevent arbitrary and unlawful attempts to silence legitimate professional journalistic and civil society activities, including allowing judges to expeditiously dismiss unfounded lawsuits that are brought against journalists and human rights defenders.

#### *Independence of the media authority*

- To the State and public authorities: to ensure and reinforce the independence of media authorities by establishing clear rules for appointment procedures, appropriate funding and accountability mechanisms.
- To the State and public authorities: to promote and enhance the cooperation between media authorities and other State authorities whose actions are relevant to the media sector, such as data protection authorities, establishing, for instance, data exchange procedures and mutual consultation mechanisms.

## 8.2 Market Plurality

The highest level of risk in the MPM2023 is associated with the **Market Plurality** area. The average score in the EU + 5 countries is 69%. No country is at low risk and the majority of countries (21) are at high risk. This worrisome outcome is not a novelty in itself, as it had emerged across time, in the previous implementation of the MPM. It should be related to the structural and historical features of the media industry and media markets, which tend to concentration, and to the new phenomena (and the further tendency to concentration) which are born in the digital environment. The indicators in the area assess whether, and where, given this reality, regulatory or self-regulatory measures prevent or reduce concentration (external pluralism), and guarantee transparency and editorial independence; and the situation in the market in terms of economic sustainability. The novelties for the year of assessment are: 1) an increase in the average risk score, with just the indicator on **Transparency of media ownership** showing an improvement, and all the others showing a worsening situation; 2) increasing threats to the economic sustainability of the media and the salaries and working conditions of journalists; 3) a growing tendency to mergers in the media industry, to face the challenge of sustainability in the digital environment.

For the indicator on the **Transparency of media ownership**, which cuts across several countries, the main problems are the lack of information on the ultimate owners of media providers, the lack of information regarding some of those media providers, such as digital and foreign providers, and the general public's limited accessibility to media ownership information. Despite the adoption of legislation on the disclosure of beneficial

ownership information in several countries in the last couple of years, transparency of media ownership information still needs to be improved.

The very high risk resulting from the indicator on **Plurality of media providers** derives from the economic variable measuring a high horizontal and cross-media concentration. In many countries in Europe excessive market power in the media sector is addressed by specific rules, acknowledging that the media are not just an economic sector but their functioning has a decisive role in democracy. Nonetheless, these rules are rarely effective, as shown also by the MPM results. The sector of the digital media providers, even though slightly less concentrated, suffers from opacity in terms of audience and market measurements, and it is consequently scarcely monitored and/or known about. The need to harmonise the rules on the assessment of the media mergers, and to address the issue of audience measurement in the digital environment, motivated the European Commission to draft new rules in the proposed regulation for a European Media Freedom Act.

The digital environment of the media, even if considered overall in this area, is specifically assessed in the indicator on **Plurality of digital markets**, where the other key actors in the media market are considered - meaning the digital intermediaries. In terms of concentration measurement, here the high risk derives from the very high concentration of the online advertising market. Considering that the latter is also the only sector of advertising which increases, the presence of a few actors, that are not media providers, in the leading position in this market, opens two streams of risks: the risk related to the concentration in itself (acting as gateways to information), and the subsequent effect on the economic sustainability of the media. In this regard, the evolving economic relationships between platforms and media providers often come with risks of a lack of transparency and accountability. From a regulatory perspective, relevant developments have emerged in some countries.

For the indicator **Media viability**, a medium risk score was reported. Countries in the EU as well as the candidate countries covered have experienced shrinking revenues over the last decade. While the economic environment had slightly improved in 2021 when COVID-19 measures were relaxed, the last year brought new challenges when Russia's war in Ukraine triggered high inflation rates, which impacted upon newsrooms' viability all over Europe. This year, especially high risks were recorded in the case of the revenues in the newspaper and audiovisual media sectors (the digital native and local media sectors were characterised by a lack of revenue data). The working conditions of both employed and freelance journalists are precarious, while State subsidies to private news media are still seen as insufficient in most of the countries covered.

The **Editorial independence from commercial and owners' influence** is an indicator that displays considerable risks. Most countries report an intent from owners and commercial interest groups to interfere in the newsrooms' work, while regulation and self-regulation to protect editors and journalists is often not properly enforced (or is, indeed, non-existent). More needs to be done to separate commercial and editorial activities in newsrooms and to inform readers about conflicts of interests that are related to media ownership.

## Recommendations

### *Transparency of media ownership:*

- To the States and national media authorities (or other competent authorities): collect and make available an essential list of media ownership information, preferably following the parameters established by the 2018 Council of Europe Recommendation (Recommendation CM/Rec(2018), updated on an annual basis. This information should be available in a cross-country/cross-jurisdiction media repository, along the same lines as the registry that is provided for in Article 30 of the Anti-Money Laundering Directive (Directive 2015/849/EU). This recommendation is indeed in line with the provision of the EMFA proposal on transparency (Article 6).

### *Plurality of media providers:*

- To the European Parliament, the Council and the Commission : in the process of the approval and implementation of the proposal for an European Media Freedom Act, confirm and strengthen the provision introducing a specific assessment of the impact of media concentrations on media pluralism; and detail the guidelines and criteria with which to conduct such assessment, to effectively take into consideration the opinion power deriving from the merged entities; and to evaluate the impact of the merger on editorial autonomy and integrity.
- To the European Parliament, the Council, the Commission and to the States: complement the proposed regulation on media mergers with a mechanism to monitor media market concentration, on a regular basis; and to intervene in cases in which a position of market power emerges, that could have a significant impact on media pluralism.
- To the States and to the national authorities: harmonising the national legislation, where it exists, to take into consideration media pluralism in the assessment of the media mergers; introducing objective and standardised criteria for measuring markets and audience shares in the digital environment.

*Plurality in digital markets:*

- To the EU and to the States: accompany the enforcement of the DMA and the forthcoming regulation on data with specific provisions regarding the media sector, to take into consideration the impact of the new regulation in the online advertising market, in the access to (and consumption of) media content and on the relationships between media providers and digital intermediaries.
- To the competition, media and data protection authority: continue to address the risks that are related to the abuse of dominance in the online advertising market, and also to continue to cooperate to improve knowledge on the composition and functioning of the advertising chain.
- To the States, the national authorities and the self-regulatory bodies: monitor and report on the economic negotiations between platforms and publishers, in the process of the implementation of the EU Directive on Copyright.

*Media viability:*

- To the national stakeholders: considering the economic difficulties of newsrooms, national governments need to consider measures to provide fairly and transparently allocated support to outlets that provide quality information. These support schemes should include the digital native media and the local media – the latter being in an especially vulnerable situation.
- To the States and the national authorities: authorities should invest in better data collection, especially when it comes to the financial wellbeing of local and digital news media.
- To the EU: establish a Fund to support media pluralism, and to finance investigative and independent journalism. Such a Fund could be financed by part of the revenues from the taxation of the digital companies' profits.

*Editorial independence from commercial and owner influence:*

- To the media, the newsrooms and to professional councils: introduce self-regulatory rules to disclose any actual or potential conflict of interests by the owner of the media company that may affect the provision of news and current affairs content. (This recommendation is in line with Art. 6(2)(b) of the proposal for a European Media Freedom Act).
- To self-regulatory bodies: journalistic associations and other bodies that are involved in journalistic self-regulation, who should foster compliance with self-regulatory measures that foster editorial independence from commercial pressures. If possible, policymakers and regulators can assist them with appropriate measures.

- To the States: implement the European Commission recommendation on internal safeguards for editorial independence and ownership transparency in the media sector (16.9.2022)
- To the States, the media and professional councils: update the laws and the self-regulatory rules on disguised advertising, and the protection of consumers, in the digital media environment.

### 8.3 Political Independence

A lack of political independence continues to represent a problem across both the EU and the candidate countries. The **Political Independence** area remains at medium risk (48%) as a general average. Half of the countries are in the medium risk band, with Montenegro and Slovenia very close to high risk. There is, however, a continuity of high risk in this area for some EU states: namely, Hungary, Malta, Poland, and Romania; and EU candidate states: Albania, Serbia, and Turkey.

These results reflect the extent of the politicisation of the five dimensions investigated in this area. In particular, and problematic, as one of the highest scoring indicators in the MPM, and the highest scoring in this area, is a lack of **Editorial autonomy** (60%). It should be a key condition of media freedom and professionalism. Instead, it is frail and unprotected in many European countries. Media owners' political leanings, and subsequent appointments and dismissals of editors-in-chief on a political basis, go hand in hand with the ineffectiveness of the available self-regulatory mechanism to protect editorial independence. Notably, more than a half of the countries investigated show a high, or very high, level of risk with regard to safeguards and their effectiveness in practice in relation to appointments and dismissals.

Connected to the issue of the lack of editorial autonomy is the politicisation of media ownership. The indicator on the **Political independence of the media** (54%) is at medium risk on average, but Central and South Eastern Europe are significantly affected by political control that is exerted via ownership means, control that is both direct and indirect. Additionally, more than a third of the countries covered by this MPM remain vulnerable to a conflict of interest between media ownership and the holding government office, primarily due to the lack of adequate and effective regulation. While newspapers and audiovisual media remain most affected by direct or indirect political ownership, digital native media are no longer the sector that is most free from political control as they now, on average, score a higher risk than does radio.

The important role of public service media in upholding political pluralism has been widely acknowledged in both scholarship and policy. Independent and quality PSM are

perceived to be both a counterbalance and a remedy for the problem of disinformation (EC, 2018). The 2012 Council of Europe's Recommendation of the Committee of Ministers to member states on Public Service Media Governance reaffirms that the PSM need to operate and evolve within a sustainable governance framework, within which the management appointments and dismissals, as well as the funding process, are designed in such a way that this ensures political independence. Furthermore, a proposal for the European Media Freedom Act contains safeguards for the independent functioning of the public service media. The regulation of PSM, however, still remains a "State affair" (Cabrera Blázquez et al., 2022), meaning that it is primarily within the competence of EU member states to organise and fund the public service media, insofar as such funding does not affect competition in the Union's internal market. The MPM results show that, in half of the countries, there is a high risk of political interference in the appointments and dismissals of PSM management. In most of these cases, the existing legal framework is assessed as not providing fair and transparent criteria with which to guide the appointment and dismissal processes, and especially fails to protect against government or other political influence. Considering the social role and public interest mission of public service media, this is a worrisome situation that has not improved over the years, and that is also negatively reflected in the editorial line in the affected public service media. Funding of PSM is frequently evaluated as insufficient.

The indicator on the **State regulation of resources and support to the media sector** results in lower medium risk in both cases: when only EU member states are considered (34%), and when EU member states are considered together with candidate countries (37%). The leading issue under this indicator relates to the Distribution of state advertising. In 26 of the countries, there are no rules on state advertising, or else the existing rules are unable to provide for fairness and transparency in the distribution of such funding to media outlets. While the problem has now been recognised and addressed in the proposed European Media Freedom Act, it is still sometimes misunderstood and confused with political advertising. State advertising does not need to be – and usually it is not – political in its content. It is a promotional or self-promotional activity undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, as well as state-owned enterprises or other state-controlled entities in different sectors, at national, regional and local level.

On average, the indicator **Audiovisual media, online platforms and elections** results in the lowest risk score among the five indicators in this area - low risk (32%) when only EU member states are considered, and a medium risk (34%) when the EU candidates are included. As in previous rounds of the MPM implementation, the results significantly reflect the general availability of the rules that are put in place for audiovisual media, and especially for public service media, to ensure the impartiality of reporting, and of equal (or proportionate) access for political actors during election campaigns. A major risk-in-

creasing factor stems from the lack of or shortcomings, in similar regulatory and other solutions for the online environment. In almost half of the countries, there are still no (adequate) rules on political advertising online.

## Recommendations

### *Political independence of the media*

- To the States and to the public authorities: rules and safeguards against conflicts of interest in the media sector need to be properly implemented and, where missing, established. It is crucial that safeguards against conflicts of interest account for the specificities of the media industry, and do so in both the traditional and digital sectors.

### *Editorial autonomy*

- To the professional journalists' associations and the media industry: As already suggested in the previous assessment, the media organisations, in particular public service media and professional journalists' associations, should reconsider the concept of editorial autonomy and how it can be protected in an increasingly challenging environment, one in which political pressures are further exacerbated by the economic instability of the media business models, and the continuous digital transformation that is affecting newsroom practices, audience habits, and the very business of media.
- To the States, the media, and journalistic associations: regulatory and self-regulatory safeguards need to be strengthened in order to impede the appointments and dismissals of editors-in-chief on a political basis.

### *Audiovisual media, online platforms and elections*

- To the States and the public authorities: in line with the Recommendation of the Council of Europe (CM/ Rec(2022)12), the Digital Services Act (Regulation (EU) 2022/2065), a proposal for complementary EU rules on political advertising, and self-regulatory frameworks, such as the Code of Practice on Disinformation (2022), the States should step up their efforts to ensure the transparency of political advertising online by requiring the clear labelling of such advertising on all platforms; as well as adequate oversight that is supported by independent research and the enforcement of the GDPR in the electoral context. It is no less important to ensure that political parties, and the candidates themselves, are transparent about expenditure, materials, and techniques that are used in their online political campaigning.

### *State regulation of resources and support to the media sector*



- To the States and to the media: While various forms of State support for the media, in certain circumstances, represent the only way to ensure the sustainability of the media, it is crucial that such support for journalists and the media is distributed in a transparent and fair way, and that it is based on a set of clearly defined criteria. State advertising should be regulated and should comply with transparency standards. Furthermore, transparency requirements that are related to the distribution of State support to the media should apply not only to State bodies, public institutions, and State-controlled companies, but also to the media - beneficiaries of State support and subsidies at any level (national, local, regional).

### *Independence of public service media governance and funding*

- To the States and to the EU: As noted in earlier MPM recommendations, the public service media can play an important role in counterbalancing disinformation and in making their resources available to increase the overall quality of journalism and of media literacy in the country. The PSM can only perform this role if their organisational, editorial, and financial independence is ensured. If adopted, the European Media Freedom Act will further strengthen this principle. However, it will still be up to the member states to enable the public service media to operate and evolve within a sustainable and politically independent governance framework. This framework should be designed in cooperation with experts, civil society, professional associations of journalists, and the European Broadcasting Union.

## 8.4 Social Inclusiveness

The risk level associated with **Social Inclusiveness** remains stable. It is in the medium-risk band with 54%. Such a risk reflects the existence of persisting issues, such as the insufficient representation of women, both in the media and in media production.

**Gender equality in the media** is still problematic. There is a lack of parity regarding the nomination of women to management positions, both in the public service media and in the commercial media. If the adoption of gender equality policies tends to push forward an increase in the number of women in news production, these policies are often not strong and comprehensive enough to guarantee a parity between men/women in management positions. Besides, the MPM results do not show a positive correlation between the increase in the number of women in management positions and the representation of women in the news. In the absence of regular monitoring, it is difficult to obtain reliable data regarding the representation of women in the news and current affairs.

**Media literacy** is also a source of concern. Media literacy initiatives, either as part of

the educational curriculum, or in informal education, are conducted in most countries. However, these are insufficient or not up to date with the current challenges that are posed by the digital environment and the emergence of AI. A strong and updated media literacy policy are the Dutch initiatives, that provide a good example of excellent coordination between the different stakeholders and visible results in terms of digital competencies among the population.

In terms of **Representation of minorities in the media**, many ethnic and religious minorities are struggling for a voice, and for just representation. However, some countries, such as The Czech Republic or Lithuania, have made an effort to provide information to Ukrainian refugees and to their Russian minorities, in the actual context of the war. As far as media accessibility is concerned, the provision of support for people with sight impairment is still limited.

The risk linked to **Local, regional and community media** is mostly economic. Most of these media outlets are struggling to be viable and the amounts of subsidies are limited, where, indeed, they exist, in most countries. Besides, the community media are still not recognised in media law as a category *per se*. This absence of a specific legal status may jeopardise their independence, as well as their sustainability.

**Protection against disinformation and hate speech** is progressing in most of the countries considered. However, few countries have adopted a comprehensive policy with which to coordinate the actions of the different stakeholders. As far as Protection against hate speech is concerned, it is still difficult to prosecute the authors of online hate speech, either because there are no adapted platforms, or because the Police forces are not well trained to face these issues.

## Recommendations

### *Representation of minorities in the media*

- To the public service media: the appointment procedures in public service media must be revised so as to ensure better representation of minority groups in both the management, and on the boards of the public service media.
- To media authorities and media outlets: the access to media content for people with disabilities (including subtitling, signing and audio descriptions) should be systematically monitored, and improved, so as to achieve some clearly defined quotas.

### *Local, regional and community media*

- To the national governments: community media must be legally recognised, in order to guarantee their independence and their sustainability. The legal definition of community media should be adapted for the news forms of digital community media. Some subsidies should be provided to ensure their viability.

### *Gender parity in the media*

- To the national governments: a comprehensive gender equality policy should be included in public service media agreements. Such a policy needs to include parity within both management positions and newsrooms.
- To national media authorities: a systematic monitoring of news media content, which is needed to measure gender parity in the representation, should be implemented.

### *Media Literacy*

- To national governments and civil society: media literacy policies should include a variety of stakeholders in order that they are comprehensive and remain up to date, so as to face current challenges such as disinformation, artificial intelligence, deep fakes, etc..
- To national governments: teachers must be provided with regular and adequate training on media literacy.
- To national government: media literacy should be part of the mandatory school curriculum.

### *Protection against illegal and harmful speech*

- To the EU: the implementation of a multi-stakeholders' regulatory framework, which includes the media authorities, media outlets and civil society, must be encouraged and privileged over legal frameworks, in order to fight the cases of disinformation that are often a source of concern for freedom of expression.
- To national governments. some user-friendly platforms on which to report online hate speech, should be developed and advertised.
- To national governments: police forces should be trained to face the reporting of online hate speech, and effectively contrast the phenomenon.

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# ANNEXE 1. METHODOLOGY

## Research design

The MPM is a holistic tool that is designed to identify the potential risks to media pluralism in member states, with a specific focus on news and current affairs. The research design of the MPM was developed and tested during the two pilot implementations of the Monitor, which were undertaken in 2014 and 2015. The Media Pluralism Monitor categorises risks to media pluralism in four main areas:

- **Fundamental Protection.** The Fundamental Protection area considers the necessary preconditions for media pluralism and freedom, namely, the existence of effective regulatory safeguards to protect the freedom of expression and the right to seek, receive and impart information; favourable conditions for the free and independent conduct of journalistic work; independent and effective media authorities, and the universal reach of both traditional media and access to the Internet.
- **Market Plurality.** The Market Plurality area considers the economic dimension of media pluralism, assessing the risks that are related to the context in which market players operate. The risks are evaluated taking into consideration the legal framework and its effectiveness, and quantitative economic variables. The players included in the assessment for this area are the media content providers and other actors who, even though they generally do not produce original news content, have a relevant role and a substantial impact on the distribution of the media content, such as digital intermediaries. Threats to market plurality may emerge from the lack of transparency in media ownership; from highly concentrated markets, both on the production and on the distribution side; from the poor economic sustainability of the media industry and from the influence of commercial interests on editorial content.
- **Political Independence.** The Political Independence area is designed to evaluate the risks of the politicisation of the distribution of resources to the media; political interference with media organisations and news-making; and, especially, political interference with the public service media. Further, it looks at the availability of safeguards against manipulative practices in political advertising in the audio-visual media and on online platforms (including social media).

- **Social Inclusiveness.** The Social Inclusiveness area examines access to the media by various social and cultural groups, such as minorities, local/regional communities, people with disabilities, and women. Different social groups' access to the media is a key aspect of a participatory media system, and it is a core element of media pluralism. Media literacy, as a precondition for using the media effectively, is also included in the Social Inclusiveness area, in addition to the fight against disinformation and hate speech, in order to ensure that there is a safe media space for everybody.

This categorisation into four areas allows for an assessment that encompasses the different components and meanings of “media pluralism”, which have been identified by the CMPF, based on existing standards, such as those that are promoted, amongst others, by the Council of Europe, the European Union, or UNESCO. The four areas that compose the MPM are assessed according to the scoring of a questionnaire which is made up of 200 variables. Variables are grouped into sub-indicators, while sub-indicators are grouped into indicators, which are integral parts of each MPM area.

The 200 variables that compose the MPM questionnaire are divided into three types of questions - legal, economic and socio-political. Legal (L) questions 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 existing legal safeguards. Socio-political (S) questions examine the actual practice (i.e., a reality check). Finally, economic (E) questions are designed to assess the risk, based on the economic data that are related to, and that affect, media pluralism (e.g., market revenues, audience shares). Legal and socio-political variables questions are closed questions answered either by yes/no, or by a three-option reply: low risk/ medium risk/ high risk. Economic variables questions are answered by numerical values that are formally translated into a level of risk (low risk/ medium risk/ high risk). For each variable, the level of risk is defined according to existing standards, such as those promoted by the Council of Europe, the European Union, or UNESCO, amongst others. Such a method allows for the gathering of both quantitative and qualitative data, which has proven to be crucial in assessing the risks to media pluralism in the EU. Additionally, this method allows the quantitative analysis of answers, and the production of a numerical risk assessment, which is essential in order to obtain comparable results across countries. Starting from the MPM2020, variables that refer specifically to the online environment are marked as being digital ones, in order to allow for the extraction of a specific digital-related score.

**Data used for the MPM.** In order to meet the challenges that emerge from this periodic, large scale, comparative analysis, the MPM is mostly informed by secondary data, which are collected through the questionnaire, and that are supplemented with primary data, gathered through interviews and document analyses of legal and academic texts, amongst others, together with the Group of Experts' evaluation (see below) of those variables that are more difficult to measure, and/or that require a qualitative type of measurement, and/or that have shown a lack of measurable and easily verifiable data. As highlighted by the first MPM's pilot study (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, commercial sources/financial reporting, and academic research. The secondary data analysis, with the cited integrations, has therefore proven to be a useful and effective approach in ensuring reliable and valid findings in the context of this project. When comprehensive, EU-wide data are available for a given variable (for example, through Eurostat surveys), the CMPF suggests that the country teams use a common dataset in their assessments so as to ensure that answers are more easily comparable across countries.

**Data collection.** For each edition of the MPM, the questionnaire is filed by national country teams. These teams are composed of experts in media pluralism and media freedom. Cooperation with national teams of experts is essential for the implementation of the MPM. Firstly, due to the necessity of relying on secondary data, which is often in the native language, it is essential to have local experts who are not only able to collect these data but who are also able to evaluate their reliability and validity. Another benefit of using a local team to implement the MPM is the teams' abilities to build on their access to local networks, particularly with regard to local stakeholders. Local teams' input in growing the network of informed stakeholders who join in the discussion on media pluralism has proven to be invaluable. Finally, local teams are fundamental in providing answers to socio-political questions. Since objective ways of measuring certain variables are sometimes missing, local teams must provide their expert evaluation. Having a reliable and independent local team, composed of renowned experts in this field, is therefore crucial for the implementation of this project.

The data are collected using an online platform that was developed by the CMPF. The CMPF team 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 that has been developed by the CMPF (please see Paragraph 5.2 on the MPM's calibration).



**Group of experts.** 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 is made up of national stakeholders and experts, conducts a review of a set of variables that require a qualitative type of measurement, and/or that requests answers that cannot be based on measurable and easily verifiable data. Based on the Group of Experts' review, the country teams either decide to confirm or modify their original assessment.

**External peer-review.** For a list of selected countries, the final country report, which is authored by the country team, is independently peer-reviewed by a leading media scholar in the country concerned. The procedure aims to maximise the accuracy of the final report. In these cases, the country report does not necessarily reflect the views of the additional peer-reviewer. However, the reviewer acknowledges that there is enough empirical evidence to justify the content of the country report. The country reports that are submitted to this additional peer-reviewing are selected in such a way that they represent all of the different European regions. Countries are selected for peer review for at least one of the following three reasons:

1. a quickly-evolving situation during the year studied,
2. a change of country team, and,
3. the presence of a high-risk evaluation in the previous MPM country reports.

## MPM calibration

**Determination of the risk level.** In order to determine the risk for each variable, sub-indicator and indicator, a standardised formula is 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 for which the answers were calibrated on a scale from 0 to 1 (e.g., Gilardi, 2002; Hanretty, 2009).

In other words, each variable is assessed by a question and receives a score from 0 to 1, according to the specific answer. Those questions that are of a dichotomous nature, with a yes/no reply, are rated 0 or 1. The polychotomous variables (e.g., three-option replies or variables with numerical values) are rated 0/0.5/1, according to the band into which the reply falls. In those cases, low risk is associated with 0, medium risk with 0.5, and high risk with 1.<sup>68</sup> Scores closer to 0 indicate a low risk assessment, while those closer to 1 indicate an assessment of high risk. The MPM allows the possibility of answering by

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<sup>68</sup> The same calibration is applied to the quantitative answers to all of the Economic questions (E), whose answers were firstly transformed into qualitative replies (low, medium, high risk), based on pre-set benchmarks.

using the options 'not applicable' and 'no data' for all of the questions. Their coding will be explained below.

**Not applicable.** The option 'not applicable' was introduced in the MPM2015 in order to better capture the specificities of the national contexts and to allow for the exclusion of those 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 so as to ensure fair and transparent allocation were coded as 'not applicable'; this reply option is 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 variable that follows, 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.

**Assessing the risk for No data answers.** 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. In order to better capture this information, the MPM allows the option of a 'no data' answer; when answering "no data" to a variable, the country teams are 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 reasons may be causes for concern.

In order to ensure that all 'no data' answers are taken into account in the national risk assessments in the same way, a standardised procedure for assigning values to the 'no data' answers was developed by the CMPF. According to this procedure, each 'no data' answer is coded and is 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: when the absence of data is due to technical issues, it is interpreted as being 'not applicable', and is excluded from the analysis.

Generally, the following procedure was applied: firstly, if a local team took a position in the answer that indicated that a high risk was present, or, in contrast, that the lack of data was not problematic, then 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:

- Taking into account the local context: whether the data were not collected because they were considered to be of limited interest (e.g., because the country is too small to collect detailed information on a given issue; because a particular medium has a very limited reach), then a ‘low risk’ value was assigned;
- If there was an evasion of a legal requirement to collect the lacking data, then a ‘high risk’ value was assigned.
- 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, were incomplete, or were impossible to interpret.
- The “very low risk” and “very high risk” options have been introduced since the 2020 MPM implementation. This was done to take better account of the phenomenon of a lack of data in the Market Plurality area; the “very high risk” option is used in cases in which data on both the concentration of markets and audiences are not provided in the country (as the lack of data forbids the implementation of regulatory remedies or of policy measures to safeguard media pluralism).

**No data for the Market Plurality Area.** In the Market Plurality area, the MPM questionnaire asks for numeric values with which to assess concentration (Top 4 index for market and audience) in the indicators on Plurality of media providers and Plurality in digital markets, in the news media ownership (horizontal and cross-media), in the online audience and in the online advertising market. A lack of data for these indicators is coded as being a risk (high or very high), as their availability is a condition for the market to be transparent and open; and is a precondition of any intervention to protect or restore external pluralism, and on which to base public support for the media sector, if needed. The evaluation of the lack of data in the Market area thus follows **additional guidelines**.

- a. In relation to the questions regarding **market and audience concentration**, here, the lack of data can be coded as being high risk or very high risk, or as there being no available data, according to the following criteria:
  - if country data on audiences are available, but those on revenue shares are not, and *vice versa*: the ‘No data’ answer is given a ‘missing data’ value, meaning that the findings are based on the available variable. In other words, the missing data is considered to be optional, as audience measurement, or revenue measurement alone, are sufficient to assess the market concentration;

- if the country produces neither data on the audience, nor on the revenue shares: the lack of data for revenue shares is coded as being a “very high risk”, and the lack of audience share data as ‘missing data’;
  - if data are difficult to collect, due to the evolving technological environment (e.g., a lack of standardised metrics with which to measure the digital media market and the audience), then the lack of data is coded as being a high risk.
- b. For questions requiring the revenues and employment data in the indicator on **Media viability**:
- With regard to the sub-indicator on revenue trends, the MPM aims to assess the economic trends in the year of implementation. Considering that official primary data may not be available at the time of the data collection, other sources (research, commercial industry, stakeholders’ associations) can be used by the Country teams to provide an estimate of the economic trends, under the CMPF’s supervision. The lack of data is consequently evaluated by taking into account the national context (e.g., whether they are not yet available at the time of the data collection, or are permanently unavailable; if the sector lacking data is not relevant in the country, e.g., the local media in a very small country; the transparency of the advertising market ).
  - With regard to the sub-indicator on employment and salary trends: the lack of data for these variables is scored as being high risk, except in the following cases: when the phenomenon is not relevant in the country (e.g., when there is the very limited presence of a freelance contribution for the variable on freelancers); when there are data on other variables in the same sub-indicator that show related trends (e.g., see variables on number of journalists, layoffs and salary cuts: the answer to one of these variables is considered to be enough to assess the trends in employment and salaries).

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

## MPM aggregation method

The aggregation method relies on approaches that have been used in previous studies (for an overview, see Hanretty & Koop, 2012), but it takes into account the traditions and logic of the Media Pluralism Monitor. Specifically, the method is based on the mean of the item scores, used as the most common aggregation method to calculate indices, and it 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 area works 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.
6. 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%. Each score is rounded to hundredths. If the digit at the hundredth place is equal or superior to 5, the risk level is rounded up. If the digit of the hundredth place is inferior to 5, the risk level is rounded down. For example, a score of 0.46666 will be rounded to 0.47 or 47% while a risk level at 0.463333 will be rounded to 0.46 or 46%.

Scores between 0 and 33% are considered to be low risk, above 33 to 66% are considered to be medium risk, while those between above 66 and 100% are thought of as being 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 a total certainty of a given risk, as these concepts contrast with the natural logic of the MPM tool. This trimming of the extreme values was introduced as a methodological novelty in the MPM2016, and it 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 has enhanced the comparability of results among the different levels of the Monitor, has decreased the arbitrariness in assessing the risk assessments of the various indicators, and, overall, has increased the validity and reliability of the findings. Furthermore, this formula has also contributed to establishing a better balance between the evaluation of the legal framework (L variables) with the evaluation of the actual situation for media pluralism and media freedom, in practice, as it is captured by the socio-political and economic variables. Finally, the MPM formula has 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 and similarities among the member states and candidate countries were better captured and reflected in the risk scores.

## **Research and the fine-tuning of the questionnaire for the MPM 2023**

For the MPM2023, the CMPF has updated and fine-tuned the MPM questionnaire, based on the evaluation of the tool after its implementation, the results of previous data collection and of the newly available data.

In the MPM2020, a major change was implemented, so as to update the MPM tool in relation to digital developments in the media field. Moreover, variables on laws’ existence and implementation were, in many cases, merged and transformed into questions with three answer choices, in order to allow more nuanced assessments for the country teams, and to open space in which to introduce new (digital) variables, always maintaining the manageable dimension of the tool. For an extensive description of such changes, please see the MPM2020 Final Report.

In the MPM2023, no major change was implemented. A description of the main differences, compared to the MPM2022 questionnaire, is given below.

The first area assessed by the Monitor is called “Fundamental Protection” (until 2020, it was called “Basic Protection”). Its five indicators are the same as those in the previous MPM round: (1) Protection of freedom of expression, (2) Protection of right to information, (3) Journalistic profession, standards and protection, (4) Independence and effectiveness of the media authority and, (5), Universal reach of traditional media and access to the Internet. In the MPM2020, new variables and new sub-indicators were included in the Fundamental Protection area in order to address the potential challenges to freedom of expression online (please see the methodological section of the MPM2020 Final Report). In the MPM2023, only minor changes were made in terms of text revision and the rephrasing of three variables, in order to consider new important elements and

requirements raised by recent studies and legislation affecting the media sector, such as the Study on Media Plurality and Diversity Online<sup>69</sup> and the Digital Services Act. The first change refers to the variable assessment of editorial independence and respect for professional standards. This variable was used, in the past, to assess only the role of journalists' associations in this regard and now was revised to also include the role of media councils. The second change refers to the variable that assesses the illegal monitoring of journalists. In this case, the whole question was rephrased to consider the deployment of digital technological tools for monitoring purposes, and also to consider not only the monitoring of journalists, but also of their family members, and of media providers and their family members. Finally, the last change refers to the variable assessment of the resources allocated to media authorities in order to ensure their independence. In this question, human and technological resources were included in the text to make it clearer and to reflect the requirements introduced by the Digital Services Act.

The design of the Market Plurality area has gone through some slight changes in MPM2023, in order to update, fine-tune and enrich the Questionnaire and to address regulatory changes that have been proposed or implemented in the EU legal framework, specifically with regard to the transparency of media ownership and the editorial independence of the media from commercial and owners' influence. The structure of the indicators is unchanged but, in MPM2023, three of them have been re-named. In MPM2023, the 5 indicators of the Market Plurality area are as follows:

- Transparency of media ownership;
- Plurality of media providers (formerly News media concentration);
- Plurality in digital markets (formerly Online platforms' concentration and competition enforcement);
- Media viability;
- Editorial independence from commercial and owner influence (formerly Commercial and owner influence over editorial content).

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69 European Commission, Directorate-General for Communications Networks, Content and Technology, Parcu, P., Brogi, E., Verza, S., et al., *Study on media plurality and diversity online : final report*, Publications Office of the European Union, 2022, <https://data.europa.eu/doi/10.2759/529019>. <https://op.europa.eu/en/publication-detail/-/publication/475bacb6-34a2-11ed-8b77-01aa75ed71a1/language-en/format-PDF/source-266738523>



The revisions of sub-indicators and variables are as follows:

1. In the indicator on the Transparency of media ownership, two variables have been added, asking if the national law contains financial reporting obligations in the media sector and, specifically, for the digital media outlets. Even though there is no legal basis for such an obligation, the possibility of accessing the financial information relating to the media providers is both a complement to ownership transparency and is a precondition of the regulatory intervention, of the functioning and of the fairness of the markets, and of the media policy;
2. The structure and the variables of the indicator on the Plurality of media providers is the same as the former indicator on News Media Concentration;
3. The indicator on the Plurality of digital markets (formerly “Online platforms’ concentration and competition enforcement”) is now composed of three sub-indicators. The first focuses on Online platforms’ concentration, with 2 variables; this sub-indicator replaces the previous sub-indicator “Gateways to news”, and now asks just for concentration indices, whereas the variable on consumption habits has been removed (it was variable 84 in MPM2022, asking the main way in which people access news online). The second sub-indicator is still on Competition Enforcement, but it has less variables if compared to the previous versions: the variable that aimed to assess the risks to fair competition deriving from PSM funding (the ex-variable 91) has been moved into Political (see below); whereas the variable asking for the state of the economic relationship between online platforms and media providers (also considering the transposition and implementation of the EU *Directive on Copyright and Related Rights in the Single Market* (EU 2019/790)), and the variable asking for the existence of a Digital Tax, have been grouped into a new sub-indicator: Financial obligations of the online platforms;
4. In the Media viability indicator, as in previous implementations, the Country Teams have been asked to compare the market revenue trends with the overall economy (GDP trends; the comparison has to be carried out in nominal terms to take into consideration the price effect). In the sub-indicators on Revenue Trends, two variables have been removed (a back-up question on the revenues of the whole media sector, and the question on the advertising revenue of the media sector, since this information is already included in other variables), and a new variable has been added, asking about the degree of innovation in the newsrooms and in journalistic products.

5. In the indicator on Editorial independence from commercial and owner influence, two variables have been added, following the proposal of an European Media Freedom Act (Art. 6), and the Recommendation (EU) 2022/1634 of 16th September, 2022<sup>70</sup>; those variables ask about the existence of self-regulatory measures that aim to guarantee the disclosure of conflicts of interest between the owner's interests and the editorial content, and to guarantee an effective separation of editorial decisions from owners' influences.

The Political Independence area continues to be composed of the same five indicators:

1. Political independence of the media;
2. Editorial autonomy
3. Audiovisual media, online platforms and elections;
4. State regulation of resources and support for the media sector;
5. Independence of public service media.

In the MPM2023, the area has seen some updates, in particular, with regard to the indicator on the Independence of public service media. The indicator's name has been changed from "Independence of PSM governance and funding" for two reasons: one is for simplification; the other, more substantial, is because this indicator now goes beyond assessing political independence in the PSM's management appointments and dismissals and in the PSM's funding. A new variable is included to evaluate those risks that are related to the political independence of the editorial line within the PSM. More specifically, the variable assesses the effective editorial autonomy and independence of the PSM by examining whether editors and editors-in-chief are appointed and dismissed based on professional and objective standards, or whether there are cases of political interference.

The Social Inclusiveness area underwent several changes. First, the names of several indicators were modified, as follows:

- (1) Access to media for minorities was renamed in Media representation and media accessibility for minorities;
- (2) Access to media for local/regional communities and for community media, was renamed Local, regional and community media;
- (3) Access to media for women was renamed Gender equality in the media;

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<sup>70</sup> See the Proposal for a Regulation of the European Parliament and of the Council establishing a common framework for media services in the internal market (European Media Freedom Act) and amending Directive 2010/13/EU; and the Commission Recommendation (EU) 2022/1634 of 16 September, 2022, on internal safeguards for editorial independence and ownership transparency in the media sector: <https://digital-strategy.ec.europa.eu/en/library/european-media-freedom-act-proposal-regulation-and-recommendation>

- (4) Media literacy remained unchanged;
- (5) Protection against illegal and harmful speech is now Protection against disinformation and hate speech.

In the indicator Media representation and media accessibility for minorities, the definition of the risk level for all the variables constituting the sub-indicator Media accessibility for people with disabilities was modified. In accordance with societal and legal evolutions, and in line with the Article 7 of the AVMS directive, the threshold corresponding to the risk level has been adapted. For example, in variables 163 and 164, a legal framework of policies that are nascent, under-developed, fragmented and/or not effectively implemented to ensure media accessibility to people with disabilities, is no longer associated with a medium risk but with a high risk. For variables 165 and 166, subtitles, signing and sound descriptions for people with hearing impairment, or audio-descriptions for blind people, that are available only on an irregular basis, or in the least popular scheduling windows (e.g., before 14.00), are now associated with a high risk instead of a medium risk.

In the indicator Local, regional and community media, the definition of community media used has been actualised in order to take into account the evolution of community media over time. Community media is now defined as follows: *“Community media take the form of broadcasting and/or multimedia projects and share some of the following characteristics:*

- *Independence from governments, business companies, religious institutions and political parties;*
- *Not-for-profit orientation; ownership by, and accountability to, local communities and/or the communities of interest which they serve;*
- *Voluntary participation of civil society members in the devising and management of programmes;*
- *Activities aiming at social gain and community benefit;*
- *Commitment to inclusive and intercultural practices.”*

*Community media are civil society organisations, usually registered as legal entities, that offer and encourage participation at different levels of their structures. Also referred to as the ‘third media sector’, community media have a clearly distinct identity alongside national public service media and private commercial media.”*

In the indicator Gender equality in the media, the sub-indicator Representations of women in the media has been subdivided into two indicators: Gender equality in private media and Representation of women in the media. The subdivision aims to reflect the fact that variables 179, 180 and 181, focus on women in management positions in private media (sub-indicator on Gender equality in the private media), while variables 182 and 183, assess the quality and the proportionality of the representation of women in the media.

In the indicator Media literacy, the threshold of risk level for variable 184 - How would you evaluate the policy on media literacy in your country? - were modified. An under-developed or not well implemented media literacy policy is no longer associated with a medium risk but with a high risk. A variable has also been added to the sub-indicator Media literacy activities. This variable (185) aims to assess whether there are some media literacy activities targeting vulnerable groups, such as people with low literacy skills, including out of school young individuals, elders, and rural communities. Finally, the sub-indicator Digital competencies is now composed of one variable instead of two, as in the previous editions. This is due to the modification of the Eurostat database which is used by the CMPF for these specific variables.

Finally, the indicator Protection against disinformation and hate speech underwent a number of changes. First, the sub-indicator Protection against disinformation, integrated into the questionnaire in the MPM 2022 edition, has been modified. It is now composed of 7 variables. These variables have been designed following the Strengthened Code of Practice on Disinformation 2022.<sup>71</sup> Firstly, a legal variable (Var. 191) assesses whether there is a strategy in place to tackle disinformation in the country studied. Second, a series of socio-political variables assess the following factors: the existence of fact-checking initiatives with high ethical and professional standards (Var. 192), the nature and the quantity of the funding received by the existing fact-checking initiatives (Var. 193), the existence of initiatives to monitor disinformation and to conduct research on disinformation (Var. 194). These variables are completed by three socio-political variables that are used as a reality check in order to evaluate the level of trust in the media (Var. 195), the impact of disinformation (Var. 196) and the efficiency of the fight against disinformation (Var. 197) in the countries studied.

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71 <https://digital-strategy.ec.europa.eu/en/library/2022-strengthened-code-practice-disinformation>

The sub-indicator on Protection against hate speech has also been revised. The purpose of the revision was twofold. Firstly, the previous set of variables for this indicator was generating a very high percentage of “No data” answers (see the MPM 2022 Report<sup>72</sup>). Secondly, the new set of variables takes into account the new Recommendation on Combating Hate Speech, published by the Council of Europe in 2022<sup>73</sup>. The new set of variables is composed of a legal variable to assess whether there is a regulatory framework to counter hate speech online, and whether this regulatory framework has been efficient in removing hate speech from online platforms, while not presenting any risk to freedom of expression (Var. 198), and two socio-political variables. The first Socio political variable assesses whether there are some mechanisms to report online hate speech in the country and whether they are efficient (Var. 199) and the second variable is a reality check to assess the efficiency of the combined actions currently undertaken to fight hate speech.

## Data collection and research network for the MPM 2023

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

Most of the MPM2023 research network was confirmed from the 2022 implementation, in an effort, as much as possible, to ensure continuity, and therefore improve comparability. However, three new country teams integrated the research network for Denmark, Estonia and France, while some new researchers integrated the national teams in Belgium, Greece, Luxembourg and Serbia. In Italy, the data collection, as in the past, was carried out directly by the CMPF team.

The MPM2023 research network is composed as follows:

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72 <https://cadmus.eui.eu/handle/1814/74712>

73 <https://www.coe.int/en/web/committee-on-combating-hate-speech/-/the-council-of-europe-adopted-the-recommendation-on-combating-hate-speech>

Figure 6.6.a. MPM2023 Country teams

Country	Affiliation	Name
Albania	BIRN	Kristina Voko, Besar Likmeta
Austria	Institute for Comparative Media and Communication Studies ((CMC	Josef Seethaler, Maren Beaufort, Andreas Schulz-Tomančok
Belgium	KU Leuven	Peggy Valcke, Ellen Wauters
Bulgaria	Foundation Media Democracy	Orlin Spassov, Nelly Ognyanova, Nikoleta Daskalova
Croatia	Institute for Development and International Relations (IRMO	Paško Bilić, Monika Valečić
Cyprus	Institute for Mass Media	Christophoros Christophorou, Nicholas Karides
Czech Republic	Loughborough University	Václav Štětka, Jitka Adamčíková, Albín Sybera
Denmark	Aarhus university	Sandra Simonsen
Estonia	Trinity Estonia	Karmen Turk, Katrin Kose
Finland	University of Vaasa	Marianne Mäntyoja, Ville Manninen
France	IRMÉCCEN — Université Sorbonne Nouvelle	Alan Ouakrat, Laurence Larochelle
Germany	University of Münster	Bernd Holznagel, Jan Kalbhenn
Greece	National and Kapodistrian University of Athens	Lambrini Papadopoulou, Yannis Angelou
Hungary	European University Institute – Mertek	Konrad Bleyer-Simon, Gabor Polyak, Agnes Urban
Ireland	Dublin City University	Roderick Flynn
Italy	CMPF	Elda Brogi, Roberta Carlini, Matteo Trevisan
Latvia	Riga Stradins University	Anda Rožukalne

Lithuania	Vytautas Magnus University and Vilnius University	Auksė Balčytienė, Kristina Juraitė, Ignas Kalpokas, Deimantas Jastramskis
Luxembourg	University of Luxembourg	Raphaël Kies, Stéphanie Lukasik
Malta	University of Malta	Louiselle Vassallo
Montenegro	Independent researcher	Daniela Brkić
Republic of North Macedonia	Research Institute on Social Development – RESIS	Igor Micevski, Snezana Trpveska
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Slovenia	University of Ljubljana	Marko Milosavljević, Romana Biljak Gerjevič
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Sweden	University of Gothenburg	Mathias A. Färdigh
The Netherlands	University of Amsterdam	Andreas Schuck, Knut de Swert, Mark Boukes
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