

Comparing the United Kingdom, Germany, France, Italy and Spain Using the Lens of The Media Pluralism Monitor

The Centre of Media Pluralism and Media Freedom

Comparative Report
November, 2023

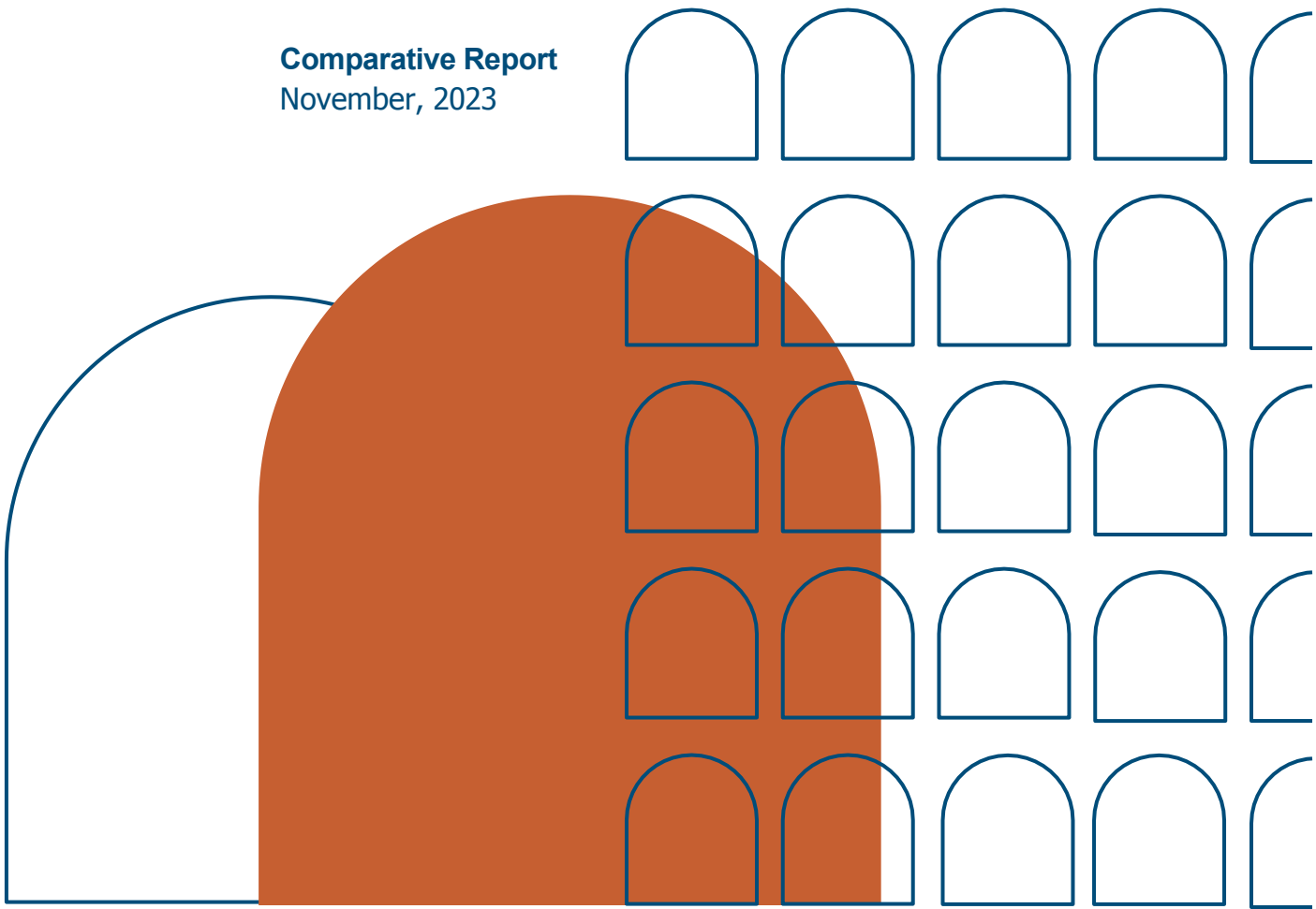


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1. Introduction

The Media Pluralism Monitor (MPM) is a cutting-edge tool co-funded by the European Union and developed by the Centre for Media Pluralism and Media Freedom (CMPF) to annually monitor and assess the state of media freedom and media pluralism within national media systems in Europe. The most recent implementation of the MPM was conducted in 27 EU Member States, as well as five candidate countries (Albania, Montenegro, The Republic of North Macedonia, Serbia, and Turkey). Media pluralism is interpreted broadly as covering four dimensions, specifically: fundamental protection, market plurality, political independence, and social inclusiveness. These dimensions of media pluralism are divided into 20 indicators further divided into 66 sub-indicators and resulting in a total of 200 variables. Furthermore, recent implementations of the MPM include indicators dedicated to monitoring the digital aspects of media pluralism. The research design of the study relies predominantly on qualitative secondary data by means of a structured questionnaire, which is complemented with primary data gathered through interviews and panel group discussions with stakeholders, when necessary. The results of recent MPM implementations demonstrate that no country in Europe is immune to risks of media pluralism, and each country represents a distinct media landscape with particular problems and shortcomings.

The UK Office for Communications (Ofcom) has commissioned the CMPF to conduct a bespoke one-off study comparing the UK's media pluralism risk scores with those of four EU countries—Germany, France, Italy, and Spain to enrich our understanding of the state of play of media pluralism in the United Kingdom (UK). This report also provides insights on best practices whilst flagging any shortcomings in the UK's approach to media pluralism¹. Before delving into our analysis, we consider it fit to underscore the added value of comparative analysis research designs. First and foremost, in essence, comparing enables us to interpret, explain, and understand (see Przeworski, 1987:35, Ragin, 1987:6; Sartori, 1991:245). In practical terms, comparing enables policymakers and researchers to evaluate a specific country's performance in relation to other countries. Additionally, comparing helps to foster learning and innovation by highlighting strengths and weaknesses, as well as identifying a country's best practices. Lastly, it enables us to contextualise the UK's MPM results, ultimately leading to a richer and more comprehensive understanding of the state of media pluralism in the UK. As the eminent political scientist, Giovanni Sartori, pithily sums it up, “comparing is ‘learning’ from the experience of others and, conversely, that he who knows only *one* country knows none” (Sartori, 1991:245, emphasis added). The general consensus is that it is good practice in comparative analysis to select countries that are both similar in some aspects and different, but not too dissimilar, in others, in order to allow for a meaningful comparison².

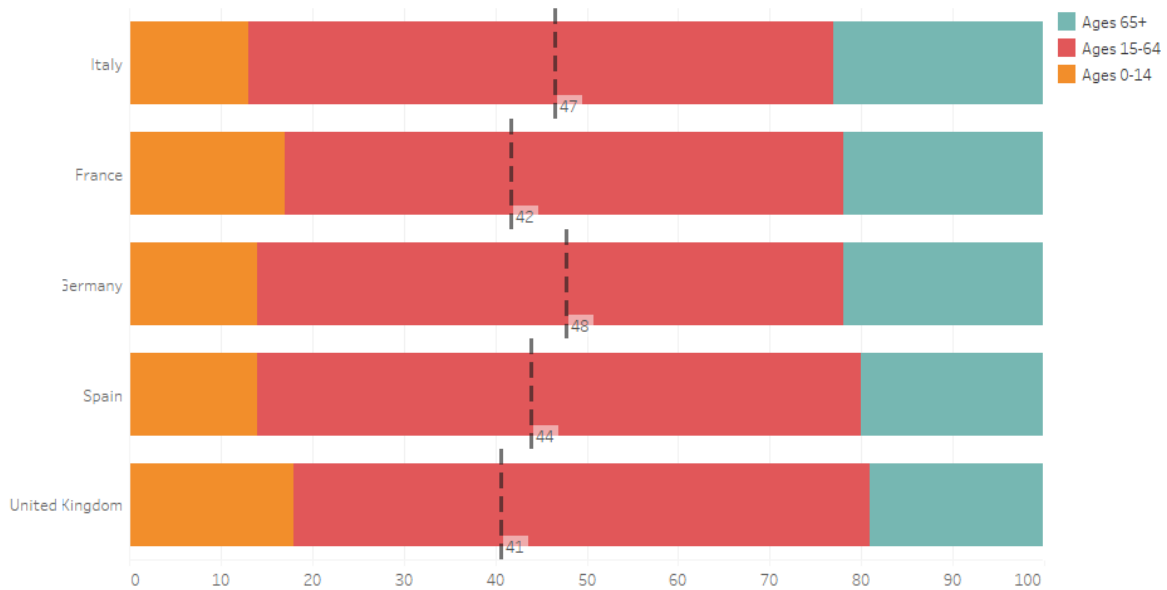
With this in mind, and after careful consideration, Germany, France, Italy and Spain were selected for the comparative analysis as while they share many similar characteristics, they vary in several important respects. These five countries can be meaningfully compared as they are all relatively advanced democracies that share a similar economic and demographic profile. These countries comprise the most sizable populations in Europe. As of 2022, in descending order, Germany has a population of 84 million, followed by the UK (67 million), Italy (59 million) and Spain (48 million). According to 2022 data from the World Bank, the population composition of these countries is similar, with all of them facing an ageing demographic, which is relevant from a media consumption perspective (see Fig.1.a. for a detailed breakdown).

¹ Please note that the views expressed in this publication are solely those of the authors, and Ofcom cannot be held liable for any use that may be made of the information contained herein.

² As Sartori aptly points out, “the comparisons in which we sensibly and actually engage are thus the ones between entities whose attributes are in part shared and in part non-shared” (Sartori, 1991:246).

In terms of the macroeconomic situation of the countries chosen for this analysis, as of 2022, with 3,869 billion euros, Germany is the largest economy in the EU with the highest GDP, and almost 1 trillion euros higher than UK GDP which is 29.7% of the sum of the EU-4 GDP³ (see Fig.1.b.). The real GDP growth rate in 2022 tells a different story, with Spain ranking first and Germany last (see Fig.1.c). The growth rate in EU27 was 3.4% in 2022 (Fig.1.d.). In the same year, inflation was high all over Europe (EU average of 9.2%) and in the UK (Fig.1.e.). In terms of GDP per capita (see Fig.1.f. below), Germany leads with a GDP per capita of 64 thousand US dollars, followed by France (55 thousand), the United Kingdom (54 thousand), Italy (52 thousand) and Spain (46 thousand). Income inequality – measured by the GINI coefficient (see Fig.1.g. below) – varies to a modest degree in all five countries, with the United Kingdom scoring the highest with a score of 0.35 succeeded by Italy and Spain (0.33), Germany and France (0.29). The four countries that we will be comparing with the UK represent circa 60% of the total EU population and circa 61% of the EU's total GDP at market prices (Eurostat, 2018). This means that a comparative study of their media systems can help us to better understand the media landscape of the EU as a whole.

Figure 1.a. Population composition and median age⁴

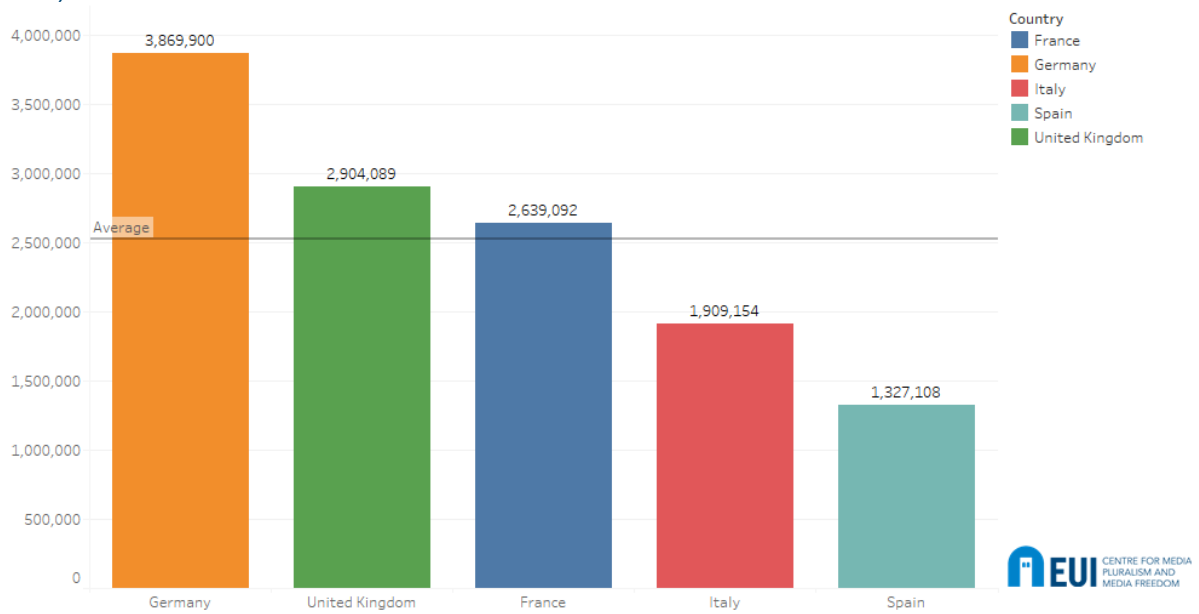


Source(s): World Bank (2021); CIA (n.d.)

³ “EU-4” is an abbreviation that we chose to denote the four EU member states (Germany, France, Italy and Spain) that were selected for this study.

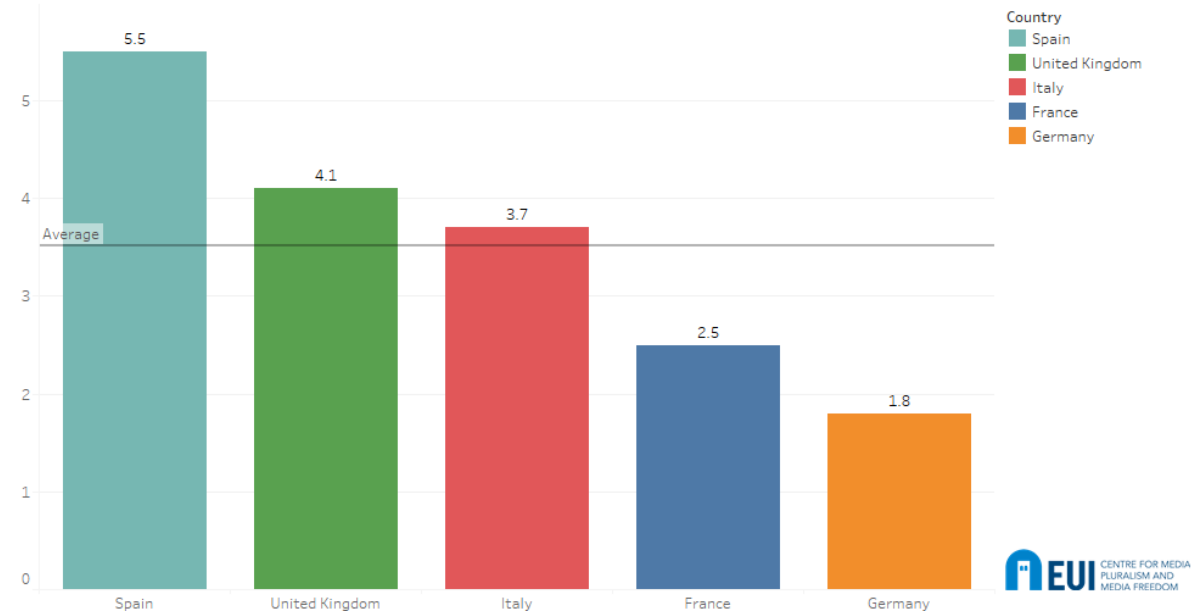
⁴ Sources used: For data on the population composition, please refer to World Bank (2021). For data related to median age of population, please refer to CIA (n.d.).

Figure 1.b. Comparison of the sizes of the economies in GDP (at current market prices, million EUR)



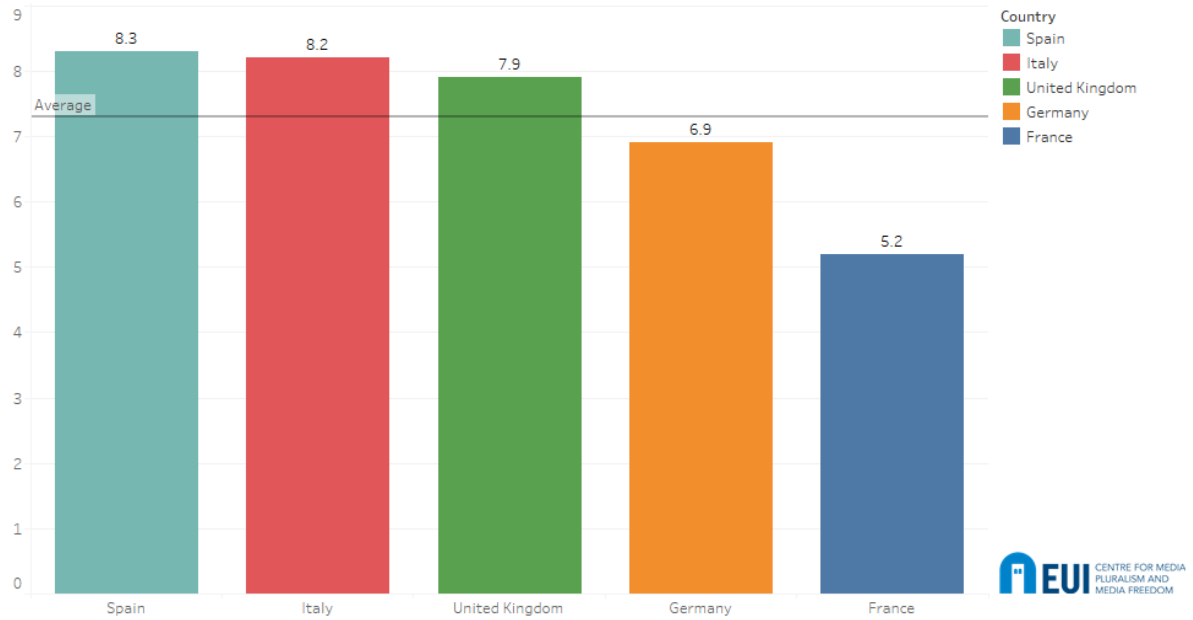
Source(s): Statista (2022a)

Figure 1.c. Real GDP growth rate



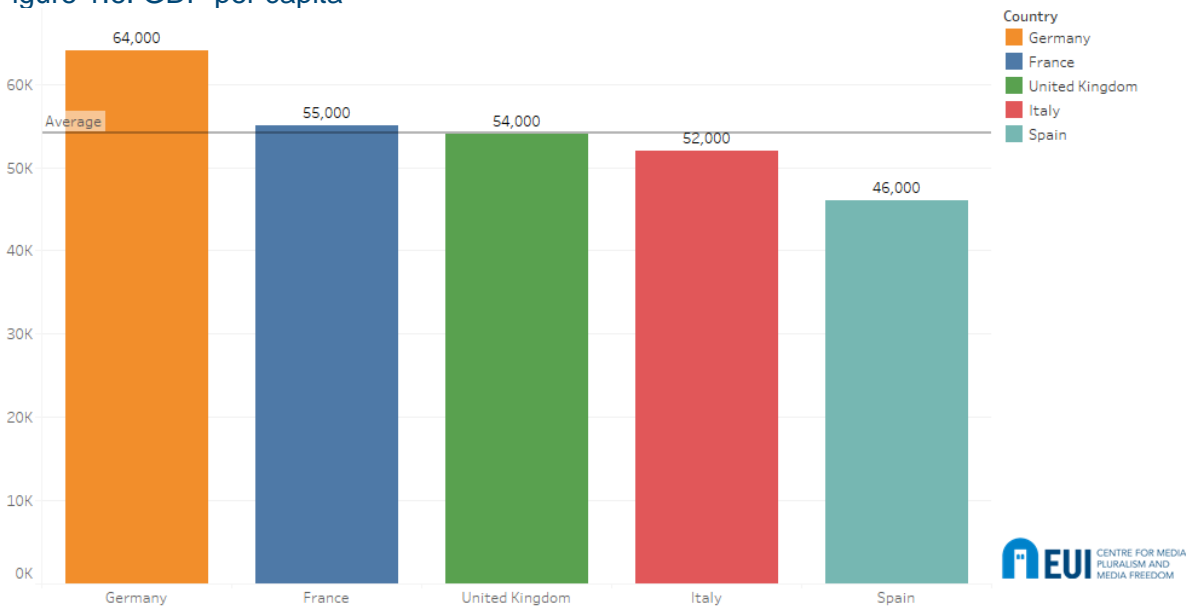
Source(s): Source: Eurostat (2022); for UK data (Statista, 2022b)

Figure 1.d. Inflation rate - Consumer Price Index (%)



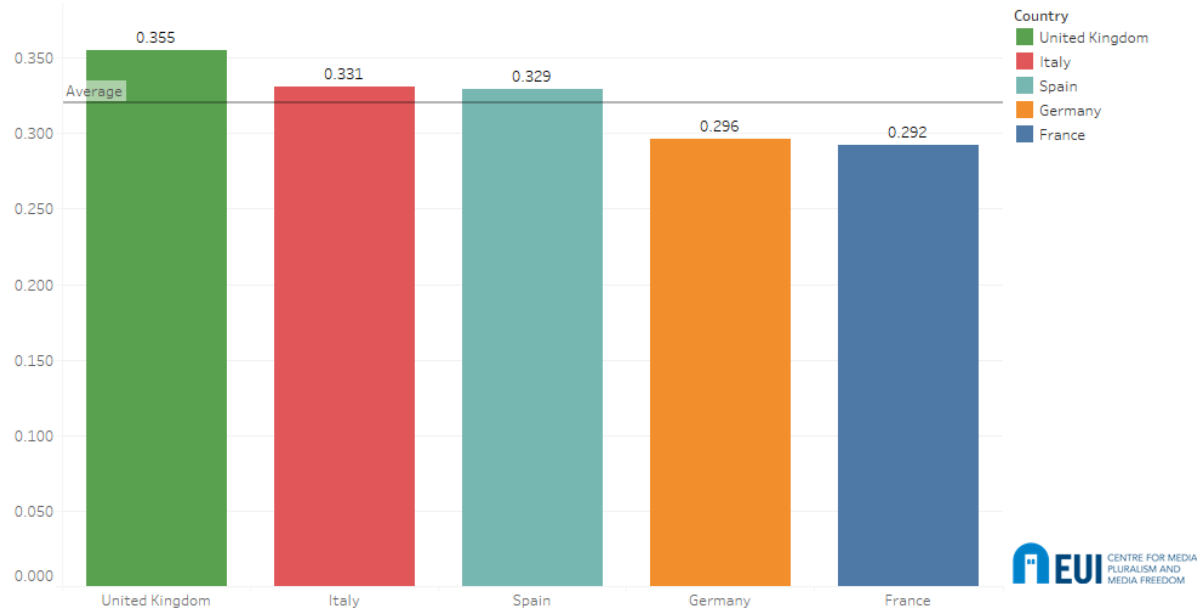
Source(s): OECD, (2022a)

Figure 1.e. GDP per capita



Source(s): OECD (2022b)

Figure 1.f. GINI Coefficient



Source(s): OECD (2021)

That said, it should be noted that there are some marked differences between these countries particularly regarding their media systems. According to the seminal work of Hallin and Mancini, these five countries represent a diverse range of media systems, with Germany categorised as a ‘Northern European/Democratic Corporatist’ system, which is characterised by a strong public service broadcasting system, moderate levels of political parallelism⁵ and high levels of journalistic professionalism ; France, Italy and Spain categorised as ‘Mediterranean/Polarised Pluralist’ systems, marked by low levels of journalistic professionalism, high levels of political parallelism and a fragmented media environment; and the UK is categorised as a ‘North Atlantic/Liberal’ system, which is marked by a commercialised media environment, no political parallelism, and high levels of journalistic professionalism (see Mancini *et al.*, 2004: 67 for a detailed explanation). Overall, a comparison of these countries enables us to examine a diverse range of media systems within a relatively comparable group of countries, and in so doing, helps us to begin to understand the different factors that may influence media pluralism .

Another motivating factor for selecting these countries is that, while they are all recognized as advanced Western democracies, they are nuanced particularly regarding their political and electoral systems. Lijphart, in his book ‘Patterns of Democracy’ (2012), identifies two main types of democracy: majoritarian and consensus democracies . Lijphart's two-dimensional conceptual map of democracy can be divided further into four categories, based on the dominance of either majoritarian or consensus features: (1) *Majoritarian-unitary*: This category includes countries with one-party executives, few dominant parties, unicameralism, a majoritarian ‘winner-takes-it-all’ electoral system and strong central government; (2) *Consensus-federalist*: This category includes countries with broad coalition cabinets, strong bicameralism, strong regional autonomy, a multi-party system, and proportional representation (PR) electoral system; (3) *Majoritarian-federalist* (e.g. USA): This category includes countries with majoritarian executives , few dominant parties, as well as a federal state system; and, (4) *Consensus-unitary*: This category includes countries with broad coalition cabinets , a multi-party system, as well as a unitary state system.

⁵ Political parallelism is “defined as the process of convergence of organization, goals, perspectives and supporters/audience between given newspapers and political parties” (de Albuquerque, 2013).

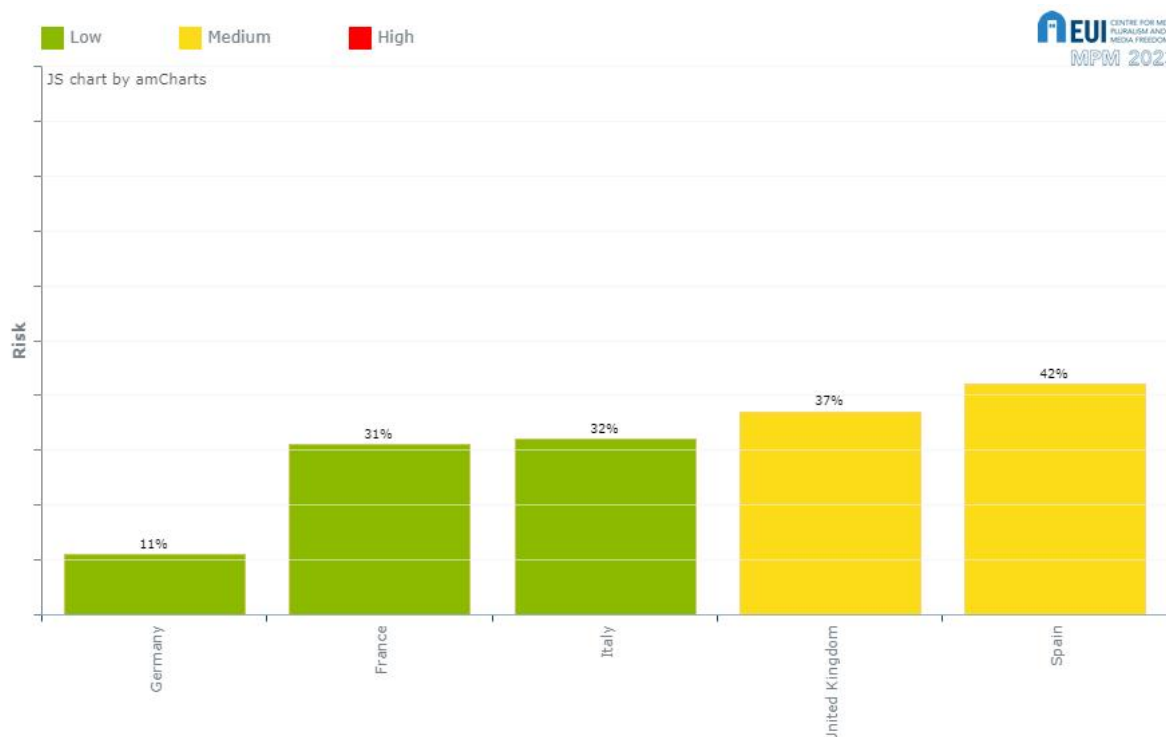
The UK can be broadly defined as a 'Majoritarian-unitary' democracy, which is characterised by a strong executive and predominantly two-party system, weak bicameralism, a majoritarian First-past-the-post (FPTP) electoral system, and unitary state system albeit with limited regional autonomy, with some devolved powers having been granted to Wales, Scotland and Northern Ireland. France can also be located under the same category, however, it has a more fragmented multi-party system, and stronger bicameralism compared to the UK. Additionally, both countries have different political systems, with France being a semi-presidential republic in contrast to the UK which is a parliamentary monarchy. By contrast, Spain can be categorised as a 'Consensus-unitary' democracy, with broad cabinet coalitions, a multi-party system, a proportional representation (PR) electoral system, and a centralised state system albeit with significant autonomy granted to various regions (e.g. Catalonia) in Spain. In this regard, Italy is quite similar, although regional autonomy is more limited there, and Italy is a parliamentary republic, while Spain is a constitutional monarchy. Moreover, Italy uses a mixed-member proportional representation (MMPR) system. By contrast, Germany can be considered a 'Consensus-federalist' democracy, distinguished by a strong multi-party system, power sharing under broad coalition cabinets, strong bicameralism, a more balanced executive-legislative relationship, a PR electoral system, and a decentralised federal system of governance. This is relevant from a public sphere perspective as the majoritarian model is understood to be more conducive to polarised discourse in the public sphere (see Jakob *et al.*, 2022 for a recent review of the literature regarding this). Interestingly, a recently published paper by Jakob *et al.*, (2022) shows that both elite discourse and user-generated content online are more polarised in majoritarian democracies.

2. Results of the data collection: Comparing the risks to media pluralism in the United Kingdom, Germany, France, Italy and Spain

2.1. Fundamental Protection

The Fundamental Protection indicators represent the regulatory backbone of the media sector in every contemporary democracy. They measure a number of potential areas of risk, including the existence and effectiveness of the implementation of regulatory safeguards for freedom of expression and the right to information; the status of journalists in each country, including their protection and ability to work; the independence and effectiveness of the national regulatory bodies that have the competence to regulate the media sector, and the reach of traditional media and access to the Internet.

Figure 2.1.a. Fundamental protection area. Average risk in France, Germany, Italy, Spain and the United Kingdom

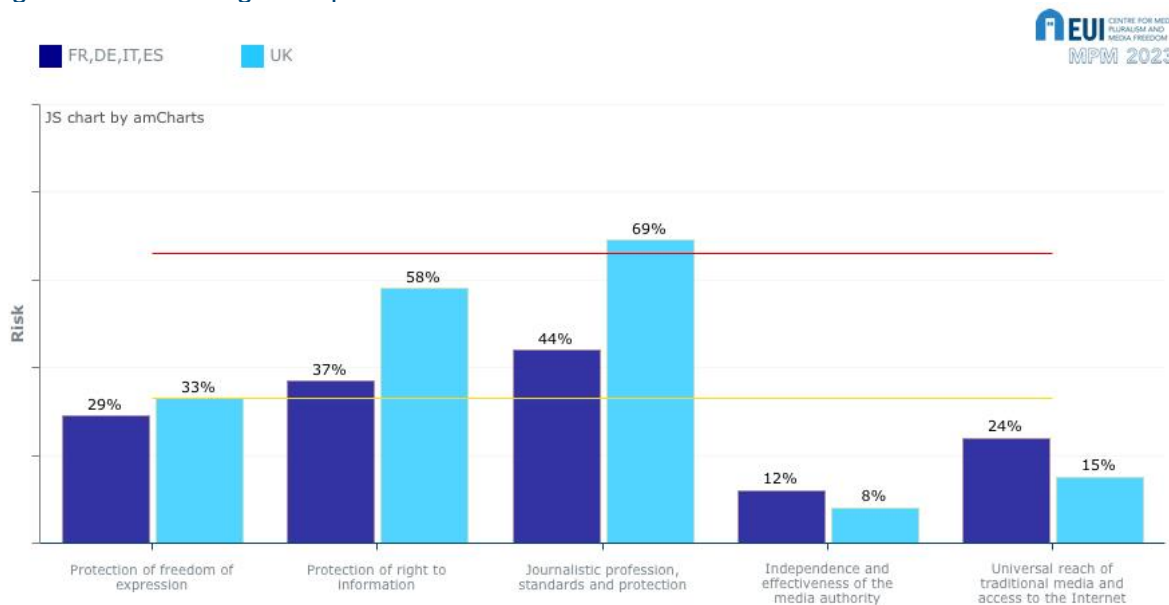


In this area, the United Kingdom and Spain score within the medium-risk band, at 37% and 42%, respectively. Only Germany registers a very low risk (11%). France and Italy remain within the low-risk band, at 31% and 32% respectively, however, on the border of the medium risk. The key issues that need addressing include the implementation and enforcement of the right of access to public-sector information, defamation lawsuits and strategic lawsuits against public participation (SLAPPs) and the safety of journalists.

Overall, the UK risk score is higher than the average risk score cumulated for France, Germany, Italy and Spain (EU-4) in three indicators: Protection of Freedom of Expression, Protection of the Right to Information, and Journalistic Profession, Standards and Protection, with the latter two showing a substantial gap (more than 20 percentage points). However, it is important to note that the lower average risk score for the EU-4 is driven by Germany's very low risk scores for all indicators. At the same time, despite this fact, the UK fares better in the

indicators of Independence and effectiveness of the media authority and the Universal reach of traditional media and access to the Internet, suggesting high standards and good practice in these areas.

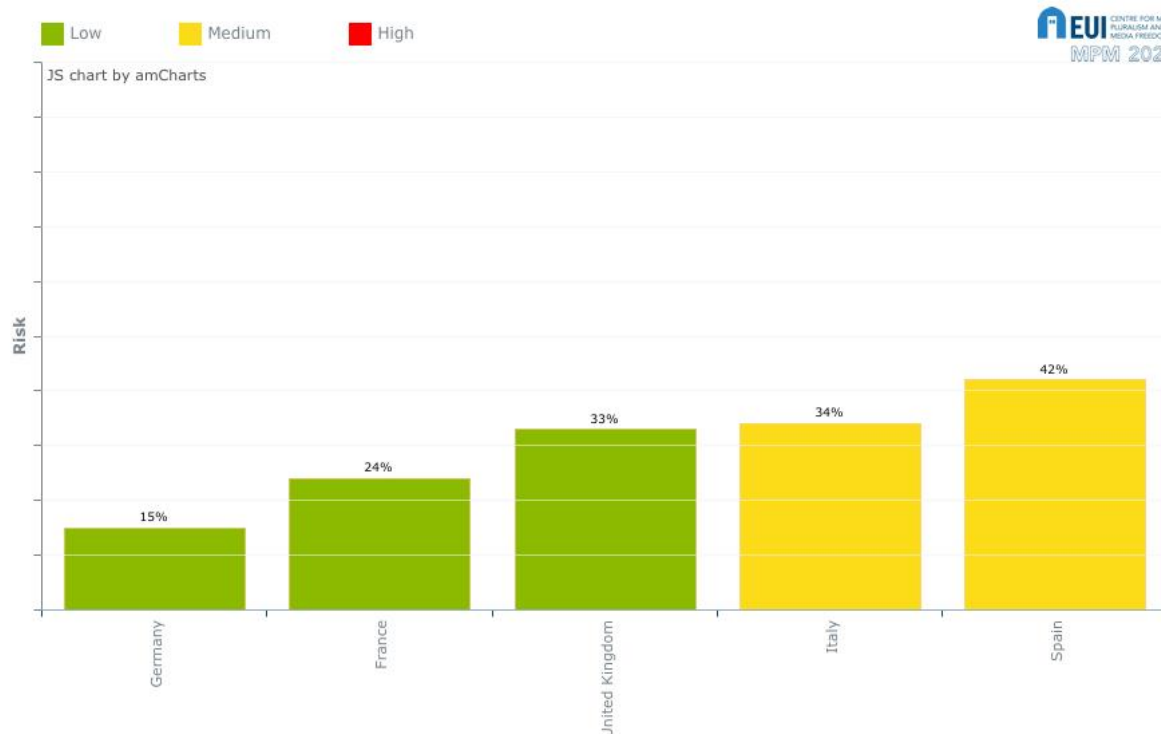
Figure 2.1.b. Average risk per indicator. EU-4 vs UK



Protection of Freedom of Expression

The Indicator on the Protection of freedom of expression assesses the existence and effective implementation and enforcement of regulatory safeguards in relation to freedom of expression, including risks resulting from exemptions and derogations in constitutional guarantees and international treaty obligations, overly strict defamation laws, and filtering and blocking practices by Internet service providers (ISPs), and very large online platforms and search engines as defined by the Digital Service Act.

Figure 2.1.c. Protection of Freedom of Expression. Average risk per country (France, Germany, Italy, Spain, the United Kingdom).



Regarding the **Protection of freedom of expression**⁶, the UK fares average compared to Germany, France, Italy, and Spain. Although its risk level is still within the low range, it is borderline (33%), separating it from a medium-risk level for this indicator in Italy by one percentage point only.

All assessed countries have an established tradition of constitutional and legal safeguards, international standards and case law formally protecting freedom of expression. Even though the UK does not have a formal written constitution, the Human Rights Act of 1998 offers statutory protection of freedom of expression (Tambini & Madrazo, 2023). Therefore, *de jure* freedom of expression is guaranteed in all countries studied, except for defamation laws, which represents a criminal offence that could be punished with imprisonment in France, Germany, Italy, and Spain. Only the UK stands out as a country where defamation has been decriminalised. As Tambini and Madrazo (2023) specify, Section 73 of the Coroners and Justice Act 2009 abolished criminal defamation in England, Wales, and Northern Ireland. Also, in Scotland, defamation action can be raised against defendants only in the civil (non-criminal) courts. However, court decisions on defamation cases are not always proportionate to the offence perpetrated, and the UK is no exception in this regard, as the outcome of the recent *Banks v. Cadwalladr* (2023) case suggests. Many have argued that the excessively high damages and legal costs awarded not only in this case but also in general may serve to facilitate Strategic Lawsuits Against Public Participation (SLAPPs) – vexatious lawsuits that are set out with little or no chance of success, ask a disproportionate amount for damages and primarily aim to silence critics (Article 19, 2023).

Other issues regarding freedom of expression include its insufficient safeguarding in the online environment. Often, the measures to tackle misinformation and disinformation involve arbitrary or non-transparent blocking and the removal of online content which represents a

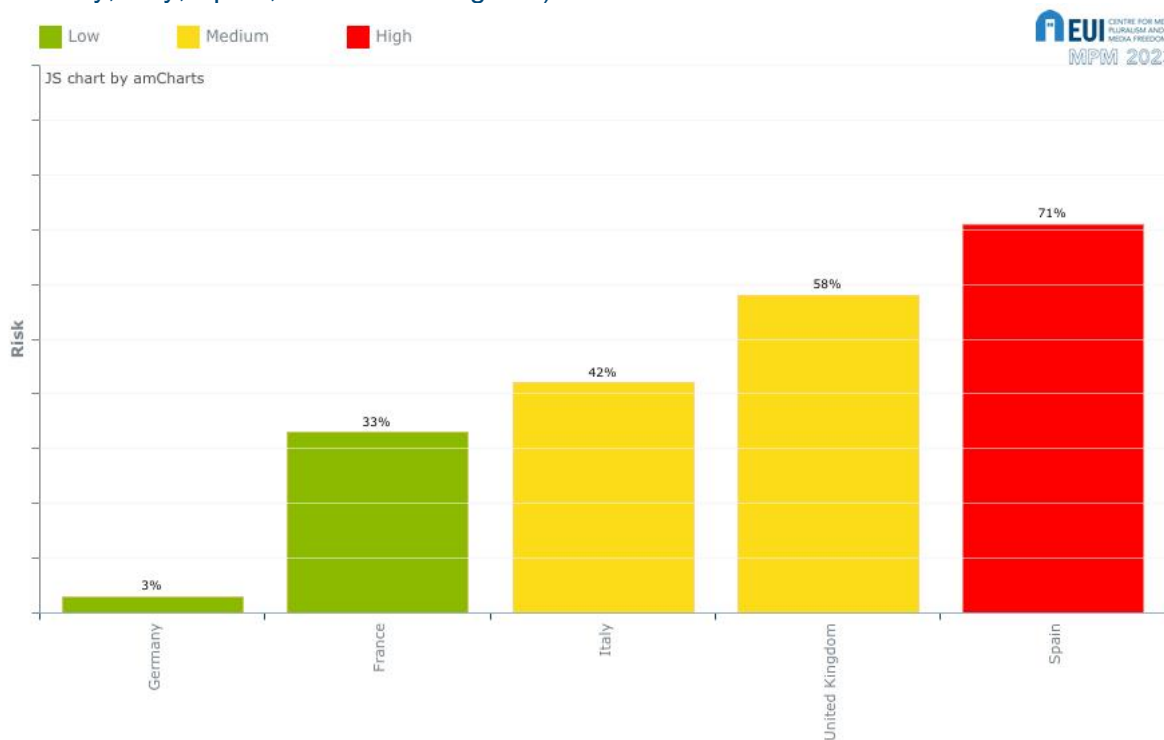
⁶ Please note that text in bold refers to an indicator, whilst italicised text denotes a sub-indicator of the Media Pluralism Monitor.

threat to freedom of expression, e.g., the so-called “separatism” law in France⁷ (Ouakrat & Larochelle, 2023). Although the governments of the countries under examination generally refrain from filtering, monitoring, blocking or removing online content in an arbitrary way, the absence of regulation of the very big online platforms, such as Meta (previously Facebook) or X (previously Twitter), creates ambiguity.

Protection of the Right to Information

The Indicator on the Protection of the Right to Information assesses the existence and effective implementation and enforcement of regulatory safeguards in relation to access to public-sector information and to the protection of whistle-blowers. Hence, it evaluates one of the building blocks of media freedom and investigative journalism.

Figure 2.1.d. Protection of the Right to Information. Average risk per country (France, Germany, Italy, Spain, the United Kingdom).



In the indicator **Protection of the right to Information**, the UK scores as the second worst country with a medium risk score of 58%, followed by Spain, where this area represents a high risk. Only Germany and France scored a low risk for this indicator. However, France’s score is on the medium-risk border (33%).

Similarly, as is the case with the protection of freedom of expression, all countries studied have the right of access to public sector information embedded either in their constitutions, national laws, or both. The UK Freedom of Information Act 2000 (FOIA) came into force, together with the Freedom of Information Scotland’s Act 2002 (FOISA), in 2005, after decades of previous unsuccessful attempts to legislate the right of access to information, despite intense domestic and international pressures (Worthy 2017; Žuffová, 2023). Soon after its passage, the law attracted significant attention in connection with the MPs’ Expenses Scandal, and has become widely used by different actors, including investigative journalists. However, the implementation of the law by public authorities has been problematic. As reported by the

⁷ The August 24, 2021 “Separatism” Law on “guaranteeing respect for the principles of the Republic” (which amended the June 21, 2004 Law on “trust in the digital economy”) have raised serious concerns, in particular the provisions which allow omitting judicial and administrative oversight of website blocking and content removal.

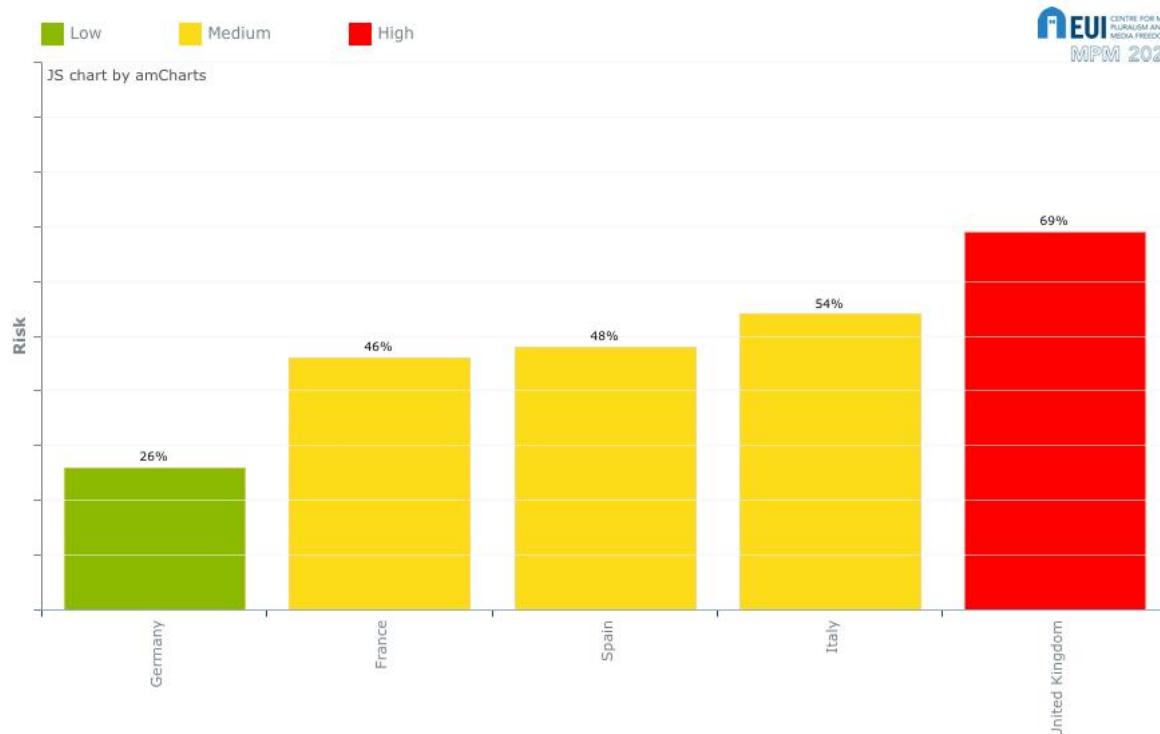
Information Commissioner, an oversight body and several researchers, requesters face a number of barriers to access, including delayed responses or unresponsive public authorities, ineffective appeal mechanisms, differential treatment and arbitrary refusals of information (Tambini & Madrazo, 2023; Žuffová, 2023). Except for Germany, where courts have not identified any systematic or arbitrary refusals to provide information, these issues were reported in all countries studied (Carlini & al., 2023; Ouakrat & Laroche, 2023; Jaume et al., 2023).

Regarding the *Protection of whistleblowers*, all countries studied adopted legislation that satisfies the requirements laid down in the EU Directive 2019/1937 on the protection of persons who report breaches of Union law (the so-called EU Whistleblowing Directive) (Official Journal of the European Union, 2019). However, all countries were delayed with the transposition of the law, and civil society in some countries, for instance, in Spain, has criticised the new law as insufficient (Jaume & al., 2023) or in Italy, as being developed in a closed manner without the involvement of key civil society stakeholders (Carlini & al., 2023). As the UK has left the EU as of 31 January 2020, it has no longer a legal obligation to implement the EU Whistleblowing Directive. Nonetheless, whistleblowers' protection is governed by the Public Interest Disclosure Act 1998, which has been assessed as more comprehensive and robust in some respects than the Directive. For example, protection is granted to workers in all sectors (there is no threshold as is in the Directive). Also, the scope of disclosure is wider, and the protection covers breaches of any legal obligation. The main challenge remains the low public awareness of the protection and ensuring the effective implementation of the law, as many whistleblowers still report having faced retaliations (Tambini & Madrazo, 2023) and arbitrary sanctioning (Ouakrat & Laroche, 2023). Moreover, as Carlini et al. (2023) warns in the MPM national report on Italy, only the tip of the iceberg might be visible, as many whistleblowers decide not to report.

Journalistic Profession, Standards and Protection

The Indicator Journalistic profession, standards, and protection describes the risks resulting from poor working conditions, physical and online attacks against journalists, the governments not fulfilling positive obligations to protect journalists from strategic lawsuits against public participation (SLAPPs), and other legal threats, and violating the protection of journalistic sources and privacy and data protection safeguards.

Figure 2.1.e. Journalistic Profession, Standards and Protection. Average risk per country (France, Germany, Italy, Spain, the United Kingdom)



The UK scored worst as the only high-risk country (with a score of 69%) in the indicator **Journalistic profession, standards and protection**. The indicator assesses working conditions, safety of journalists, positive obligations to protect journalists from strategic lawsuits against public participation (SLAPPs), protection of journalistic sources and data protection. Only Germany scored a low risk. However, in this country, although the conditions for the conduct of the journalistic profession have been generally favourable, violent attacks against journalists have also been on the rise there. The other countries under examination scored as medium risk (ranging from 46 to 54%).

Journalistic associations have a long tradition across all the countries examined, but they are not strong and effective enough to address the fast-paced changes in the media environment, except for the German *Deutscher Journalisten-Verband* and *Deutsche Journalistinnen- und Journalisten-Union*, which are perceived as important players with strong bargaining powers (Holznagel & Kalbhenn, 2023).

Regarding working conditions, the UK shares many problems similar to those found in Italy and Spain. Payment irregularities and a lack of social security protection for freelancers have been observed in all three countries. In the UK, this led to the National Union of Journalists (NUJ) launching a fair pay campaign in 2023 (Tambini & Madrazo, 2023). Poor working conditions are problematic for a variety of reasons, but first and foremost, because they can jeopardise professional autonomy and make journalists more vulnerable to undue influences.

SLAPPs were also identified as a significant problem in all countries studied, except for Germany, which has legal provisions in place preventing lawsuits with the sole purpose of inflicting damage or silencing critics and a very low number of such cases. In France, Italy and Spain, SLAPP cases are widespread. In Italy, they are predominantly initiated by the political elite, including the Prime Minister, Giorgia Meloni, and the Deputy Prime Minister, Matteo Salvini (Carlini et al., 2023). In France, SLAPP cases come predominantly from business moguls, such as Vincent Bolloré (Ouakrat & Larochelle, 2023). The UK is also not immune against SLAPPs, which, similar to France, are initiated predominantly by oligarchs. The case

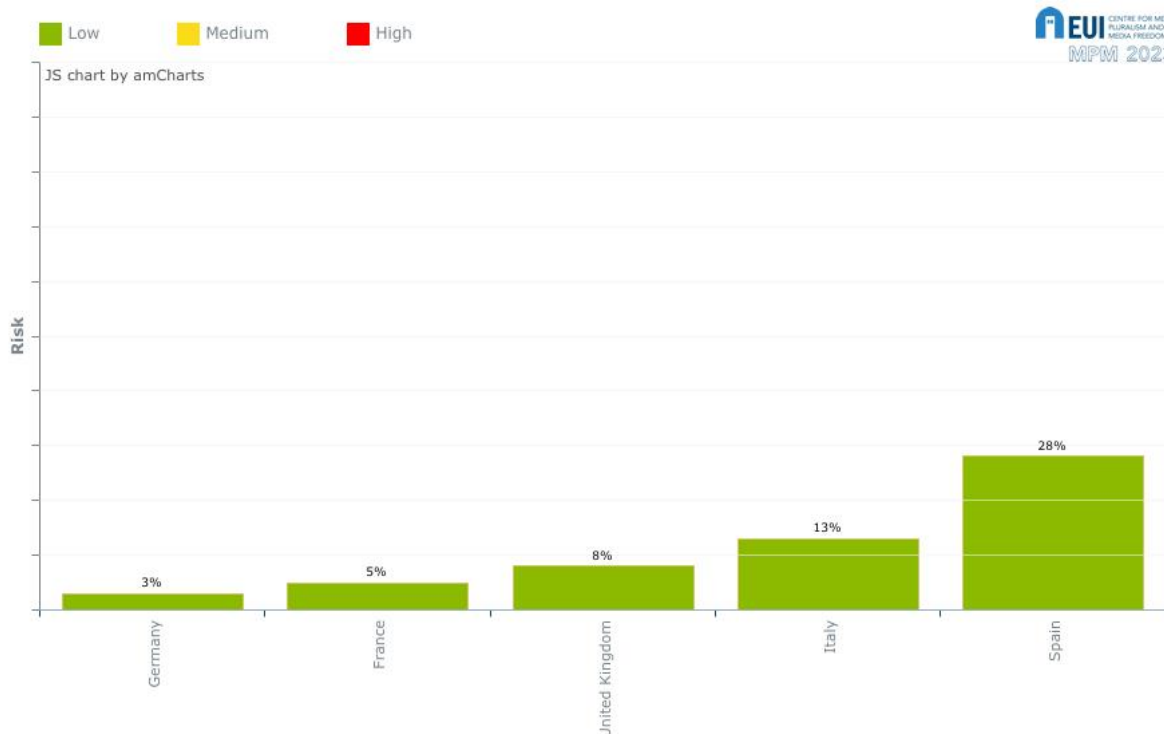
of the Eurasian Natural Resources Corporation suing Tom Burgis over his 2020 book - *Kleptopia: How Dirty Money is Conquering the World* - is a case in point (The Law Society Gazette, 2022). To tackle SLAPPs, the NUJ has called for the introduction of anti-SLAPP legislation. Currently, a reform has been in the pipeline in the form of amendments to the Economic Crime and Corporate Transparency Bill (The UK Parliament, 2022-2023), which will allow judges to dismiss SLAPPs at an early stage. If the amendments get passed, the UK will be the first country in Europe to have anti-SLAPP legislation.

Nonetheless, the most concerning development within this indicator relates to the *Safety of journalists* which has been continuously deteriorating in all the countries studied. A 2021 report by the UK Home Office and the Department for Digital, Culture, Media & Sport found that 4 in 5 journalists had experienced threats of violence, bullying, sexism and homophobia, with women experiencing a larger proportion of these attacks (Tambini & Madrazo, 2023). While there has been a slight decrease in physical attacks, related to the decreasing number of demonstrations against the Covid-19 pandemic policy responses, online attacks have been on the rise. The targeted journalists typically report on politics, particularly on polarising issues, such as minorities' rights.

Independence and Effectiveness of the Media Authority

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.

Figure 2.1.f. Independence and Effectiveness of the Media Authority. Average risk per country (France, Germany, Italy, Spain, the United Kingdom).



In the Fundamental Protection area, the indicator on the **Independence and effectiveness of the media authority** scores the lowest risk of all assessed indicators (ranging from a 3% risk score in Germany to a 28% risk score in Spain).

In general, a similar pattern as in other indicators with the Fundamental Protection area can be observed, i.e., media authorities have *de jure* mechanisms to maintain independence and effectiveness. However, a reality check shows some minor issues in all countries studied except Germany and France.

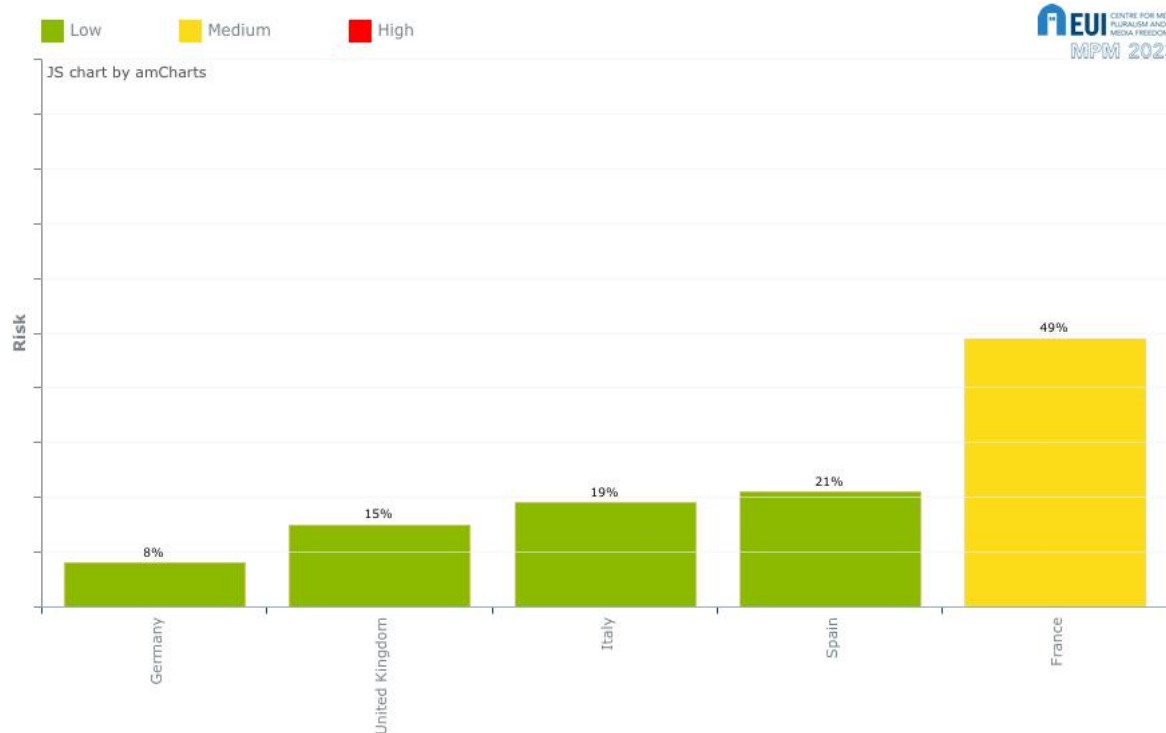
All countries studied have adopted regulatory safeguards to guarantee the independence of the media authority. Their tasks and competencies, appointment procedures, and appeal mechanisms are defined in detail in law, and authorities have adequate resources for their operation and enforcement powers, including powers to sanction. However, as the media authorities have to promptly react to the fast-paced changes and new challenges in the media environment, new tasks arise, and the workload increases. Therefore, although the budget was sufficient in 2022, it might no longer be the case in the coming years unless adjusted, at least in France (Ouakrat & Laroche, 2023). The media authorities in all countries studied have an obligation to publish annual reports. All in all, the rules and procedures are well-designed.

Also, in general, their implementation and enforcement are good. In the UK, there is room for improvement in terms of appeal mechanisms, which have been criticised for their lengthiness and, thus, ineffectiveness (Tambini & Madrazo, 2023). In France, Germany, and the UK, there have been no notable cases of political influence over appointment procedures (Holznagel & Kalbhenn, 2023; Ouakrat & Laroche, 2023; Tambini & Madrazo, 2023). However, in Italy, one of the members of the AGCOM's (Autorità per le garanzie nelle comunicazioni) Board appointed in 2022, Massimiliano Capitanio, was at the time of his appointment PM for the Lega Nord Party, which may result in the Board's heightened vulnerability to political pressures (Carlini & al., 2023). In Spain, the members of the CNMC's (Comisión Nacional de los Mercados y la Competencia) are directly appointed by the government. While the higher chamber (Congreso de Diputados) does possess the authority to veto these appointments, it necessitates the approval of the majority of its deputies to do so. In practical terms, this implies that the ruling party or coalition can decide on appointments without having to engage in negotiations with the opposition (Jaume et al., 2023). The political appointments do not automatically mean that the authority will act in line with political pressure, but they clearly pose the risk of interference.

Universal Reach of Traditional Media and Access to the Internet

The Indicator on the Universal reach of traditional media and access to the Internet describes 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 2.1.g. Universal Reach of Traditional Media and Access to the Internet. Average risk per country (DE, FR, IT, ES, UK).



Except for France, all the countries studied score a low risk on the indicator of **Universal reach of traditional media and access to the Internet**. The UK's risk score is 15% which is the second best of all the countries studied.

The universal coverage of the public service media (PSM) is guaranteed by law in all the countries under examination. Considering the high threshold for assessing the risk levels (Low: >99% coverage; Medium: >98% and 99% coverage; High: 98% coverage), the PSM coverage is generally satisfactory. Only in Germany, the coverage in 2022 was 100%. In Italy and the UK, the coverage was between 99%. In Spain, the coverage was 98%. France does not have consolidated data to establish precisely how much of its area is covered by PSM signal.

Broadband coverage and *Internet access* have seen improvement in all the countries studied. In 2021 (the latest available data), the highest Next Generation Access broadband coverage was in the UK and Italy, with 97.5% and 97% of households covered, respectively. This was followed by Germany and Spain, with 95.9% and 94.4% of households covered. France fared the worst in this variable, with only 73.7% of households covered. However, except for the UK, all countries have observed a substantial year-to-year improvement in their risk score. The percentage of households with broadband subscriptions has also increased.

Harmonised rules on *Net neutrality* have been applied throughout the EU as of 30 April 2016 and following the adoption of Regulation (EU) 2015/2120 on 25 November 2015. The principle of net neutrality was therefore introduced directly in all 27 EU member states. In the UK, the net neutrality rules became part of domestic UK law at the end of 2020. OFCOM, the British regulator for communication services, concluded in its 2021 Monitoring Compliance report that both fixed and mobile networks had effectively managed increased demands during the Covid-19 pandemic and anticipated further enhancements in the user experience. It also confirmed that internet service providers (ISPs) complied with the Open Internet Regulation (Ofcom, 2021).

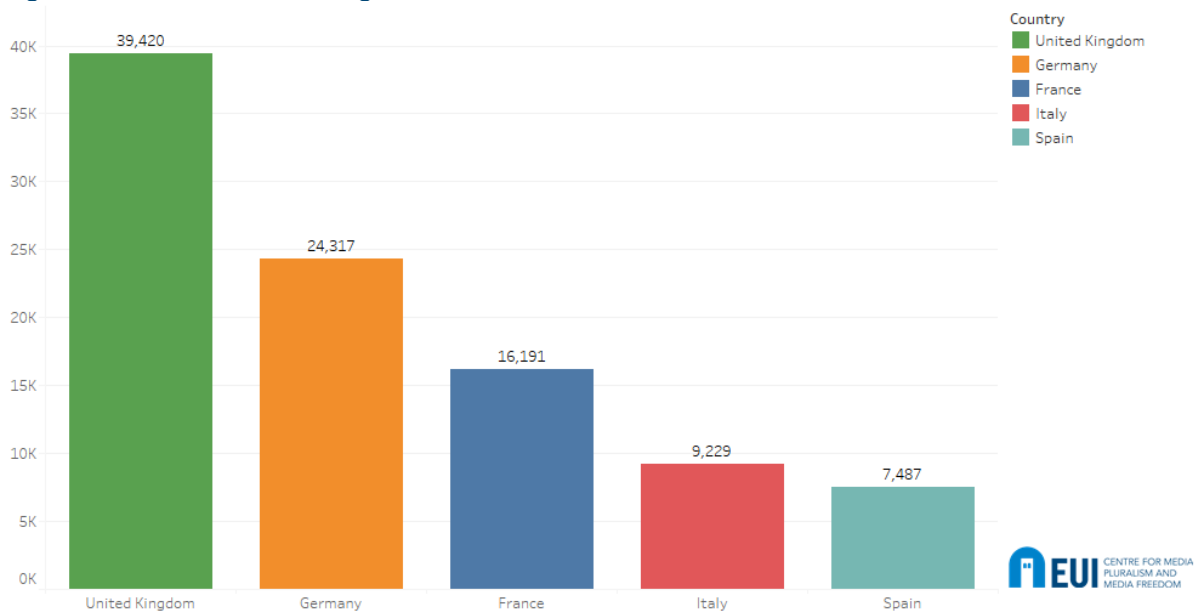
The main high-risk factor within this sub-indicator (Net neutrality) is the concentration of the four largest ISPs. In France, the concentration was the highest, with the four largest ISPs representing 99% shares of the market. The situation was most favourable in the UK, where the four largest ISPs represent 73% of the market.

2.2. Market Plurality

The Market Plurality area considers the economic dimension of media pluralism, assessing the risks deriving from insufficient transparency in media ownership, the concentration of the market in terms of both production and distribution, the sustainability of media content production, and the influence of commercial interests and ownership on editorial content. The actors included in the assessment are media content providers, with indicators including Transparency of media ownership, Plurality of media providers, Media viability, Editorial independence from commercial and ownership influence, and digital intermediaries (with the indicator on Plurality in digital markets).

The dimensions of the media markets in the countries compared in this report are very different. The United Kingdom is the largest market for advertising, exceeding by far the German market, which is the largest in the EU.

Figure 2.2.a. The advertising market

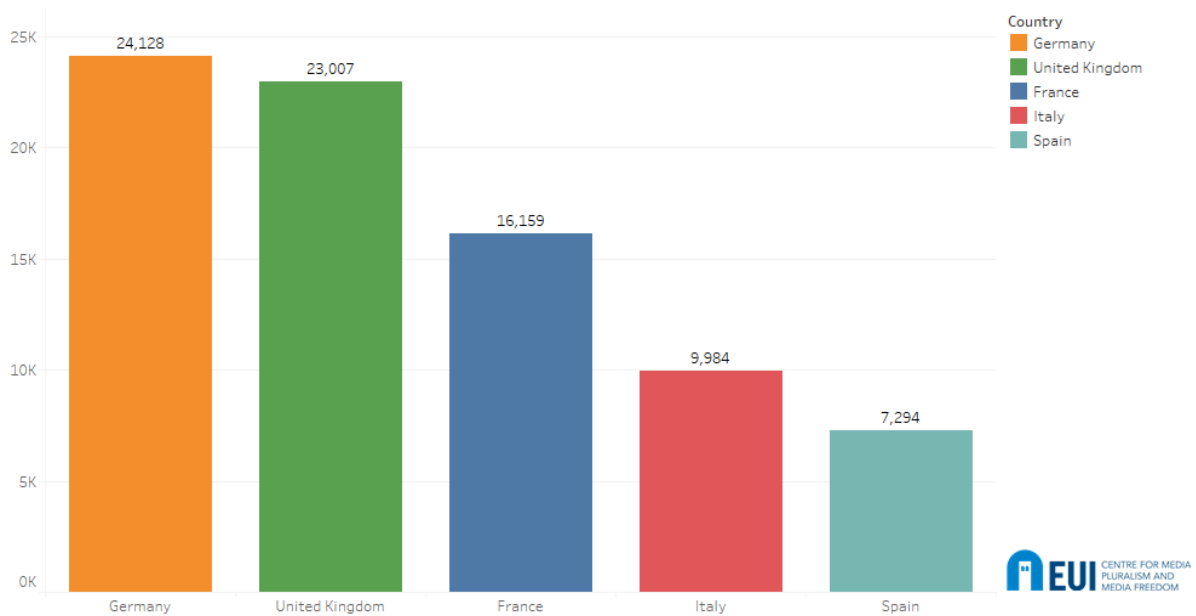


Source: WARC. Total Advertising Expenditure Across All Media Sectors (encompassing newspapers, magazines, television, radio, cinema, outdoor, and internet) for the Year 2022

The difference is due to the online advertising sector, which in the UK is more than double that of Germany's. Advertising spending in the traditional media sectors is comparable, in UK and Germany, for the audiovisual sector, and higher in Germany, for all other sectors. Nonetheless, the increase in the online advertising which characterised the media sector worldwide, has been particularly fast and strong in the UK: in this country, online advertising spending overtook the sum of all the other sectors' advertising since 2016; when the advertising market of the EU in addition to the UK is considered, online advertising surpassed all other sectors combined in 2020. (see also European Commission 2022, pp. 254-257). Because only a small part of the online advertising goes to media content providers, the dimension of this market is not to be considered as a proxy of a healthy media market (as we will see analysing the results for the indicator of Media Viability), but as a powerful factor

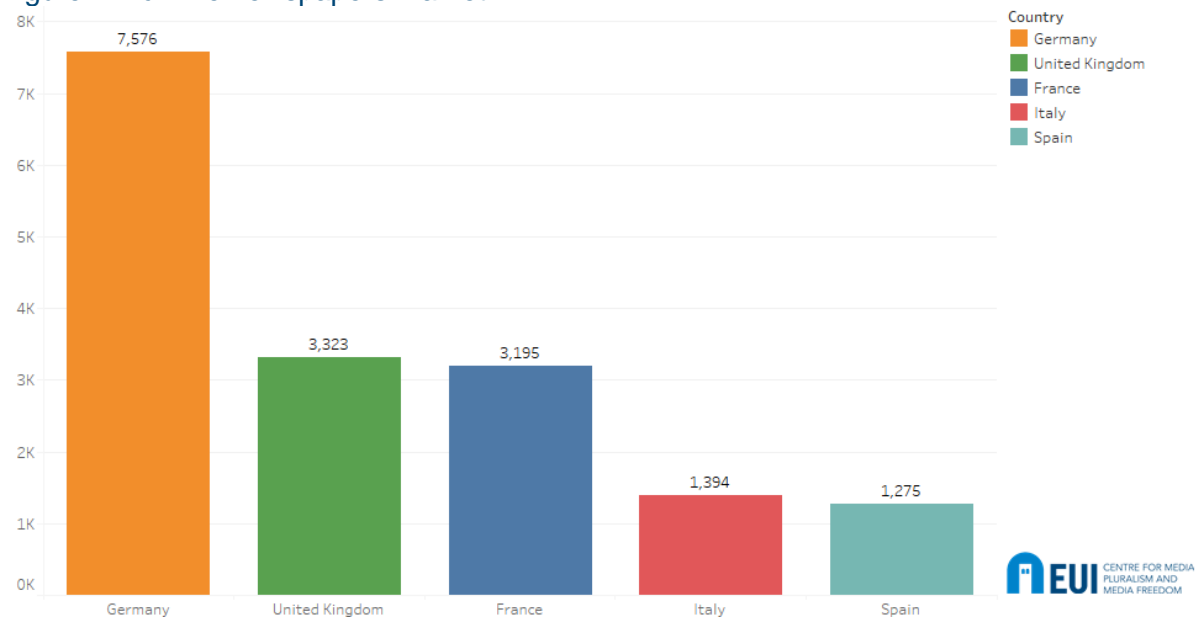
shaping its evolution, and impacting the regulatory and competition framework, as well. When it comes to the media sectors, Germany leads in the audiovisual and newspapers market, followed by the UK, with the other countries maintaining similar positions. In this comparison, advertising revenues are included together with the other sources of revenues for media, essentially deriving from the paying audience and from public funding, mainly for public service media (PSM).

Figure 2.2.b. The audiovisual market (in Million EUR)



Source: European Audiovisual Observatory, Yearbook 2022. Includes public funding, TV & radio advertising, pay-TV revenues, on-demand revenues. Year: 2021

Figure 2.2.c. The newspapers market

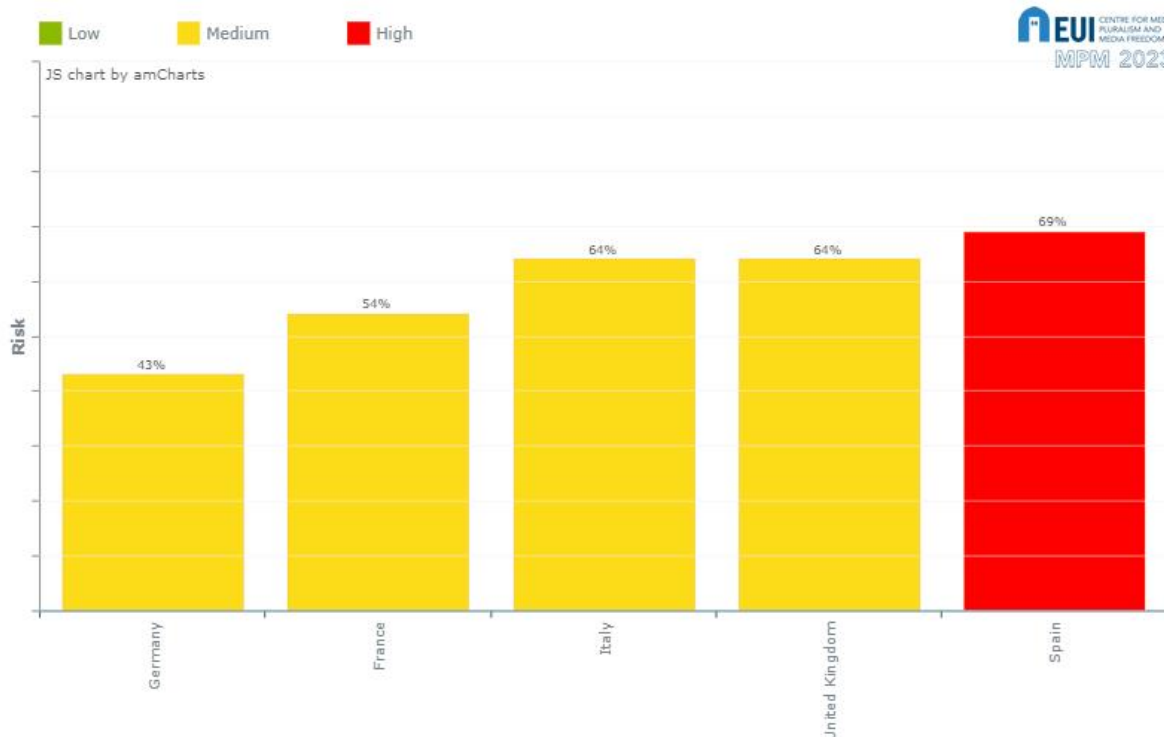


Source: PwC, Global Entertainment & Media Outlook 2021 - 2025. Circulation + advertising revenues. Digital included. Estimate for 2022.

In the Market Plurality area, the United Kingdom ranks medium risk, closely approaching the high-risk level category, like Italy. Germany, France are at medium risk as well, but at a lower

level compared to the UK and Italy, whereas Spain ranks as high risk. It is worth highlighting that for all the five countries analysed in this report, Market Plurality is the area with the highest risk score⁸.

Figure 2.2.d. Market Plurality area. Average risk in France, Germany, Italy, Spain and the United Kingdom



In the **Market Plurality** area, the risks are mainly driven by the threats to media pluralism related to the ownership concentration in the media and in the digital market, and – particularly in recent times – by the worsening economic conditions of the media.

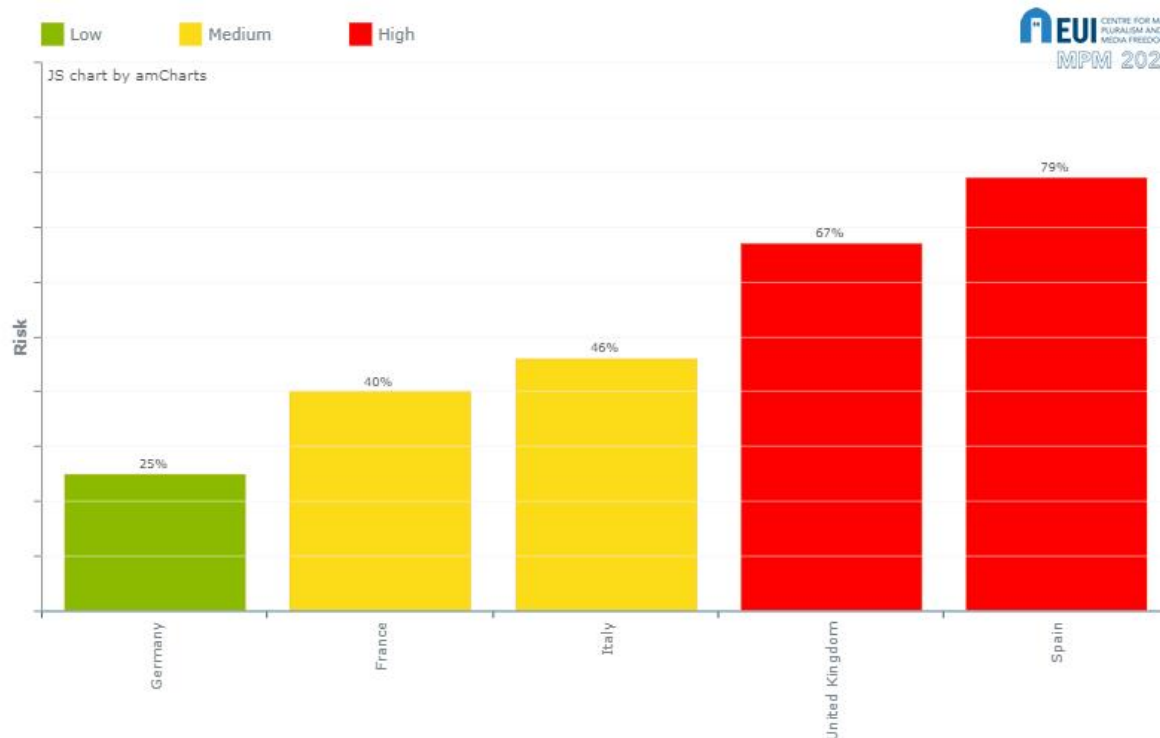
The average result of the Market Plurality area for the UK is only partially in line with this scenario. In fact, in the UK the main drivers of risk are related to a lack of transparency, high concentration of media ownership and poor economic sustainability of the media industry (indicators on: Transparency of media ownership, Plurality of media providers, Media viability, respectively), whereas a medium risk level emerges from the indicators related to commercial and owner pressure over editorial content and to the concentration in the digital environment (respectively, Editorial independence from commercial and owner influence and Plurality in digital markets: in the latter indicator, the UK has the lowest level of risk among the countries analysed in this report).

Transparency of media ownership

This indicator aims to assess the existence and implementation of regulatory safeguards regarding transparency of news media ownership. It also aims to assess the effectiveness of the transparency rules on ownership disclosure, with regard to the ultimate and beneficial owner of news media businesses.

⁸ The same can be said for the average of the European countries. Market Plurality is the area with the highest risk level in the implementation of the Media Plurality Monitor for the European Union and five candidate countries in 2023, with an average risk score of 69% (high risk). (Centre for Media Pluralism and Media Freedom 2023)

Figure 2.2.e. Transparency of media ownership. Average risk per country (France, Germany, Italy, Spain, United Kingdom)

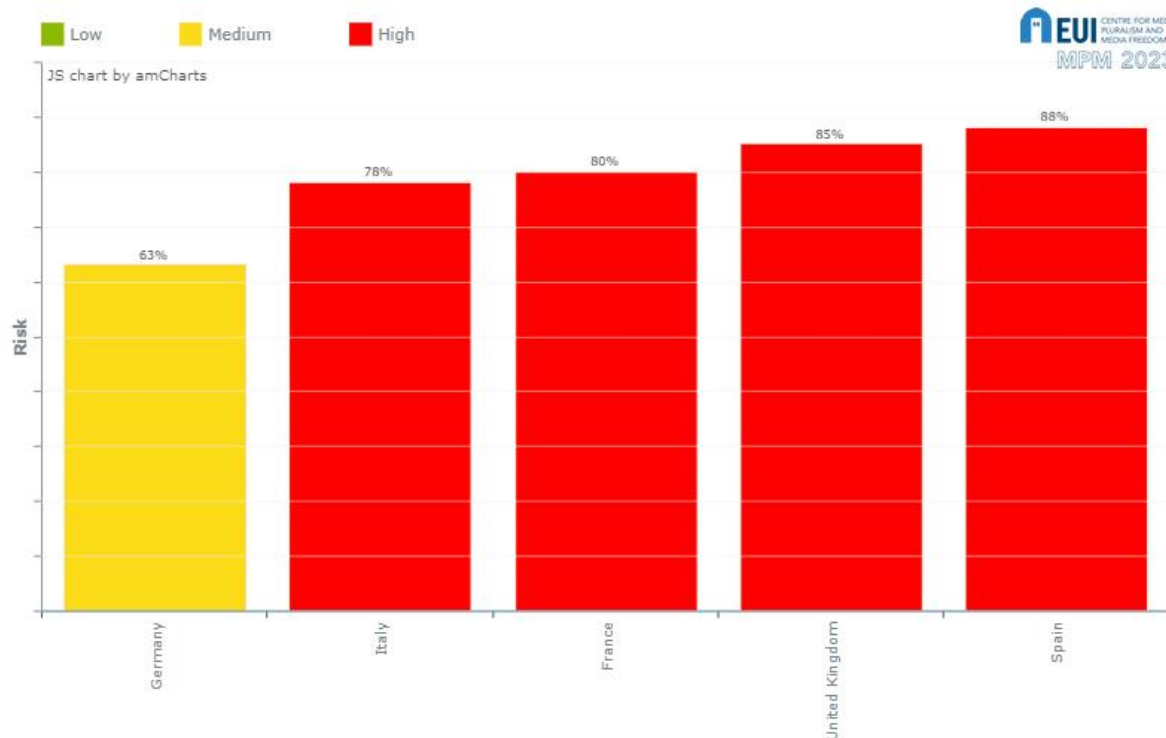


In the indicator on **Transparency of media ownership**, the United Kingdom performs at high risk, Germany is at low risk, France and Italy are at medium risk, and Spain is at high risk. These results are based on scores related to several requirements that can guarantee transparency: the existence and effectiveness of media-specific obligations, the availability of the relevant information to the public, up to beneficial ownership, the application of these rules to all the media sectors, and the existence of financial reporting obligations. In the UK there are no media-specific rules on ownership disclosure – up to the beneficial ownership structure - in all the media sectors. Similarly to Spain, some rules providing obligations to disclose details of the ownership exist, but they are limited to the audiovisual sector. Germany, France and Italy do have overall media-specific rules, but these countries differ in the risk scores because of the effectiveness of the rules, and the degree in which the information on media ownership is accessible to the public. In France, even though “various national laws impose the publication of all direct and indirect/final owners of media outlets, ensuring an important degree of transparency (...), transparency is however often limited to the first layer of the shareholding structure” (Ouakrat & Laroche, 2023). Italy’s law, on paper, is one of the most complete, asking for detailed communication to the media authority, including the ultimate/beneficial owners; nonetheless, the information is not fully and easily accessible to the public. Italy’s law also imposes financial reporting obligations on media companies, whereas in the other 4 countries there are no provisions of this kind, or they are limited to some media only.

Plurality of media providers

This indicator aims to assess risks related to ownership’s concentration of media providers in audiovisual, newspaper, radio, and digital sectors. It takes into consideration the existence and effectiveness of rules to prevent or limit concentration, and the actual concentration indexes, measured via market share and audience share. Horizontal and cross media concentration are assessed.

Figure 2.2.f. Plurality of media providers. Average risk per country (France, Germany, Italy, Spain, United Kingdom)

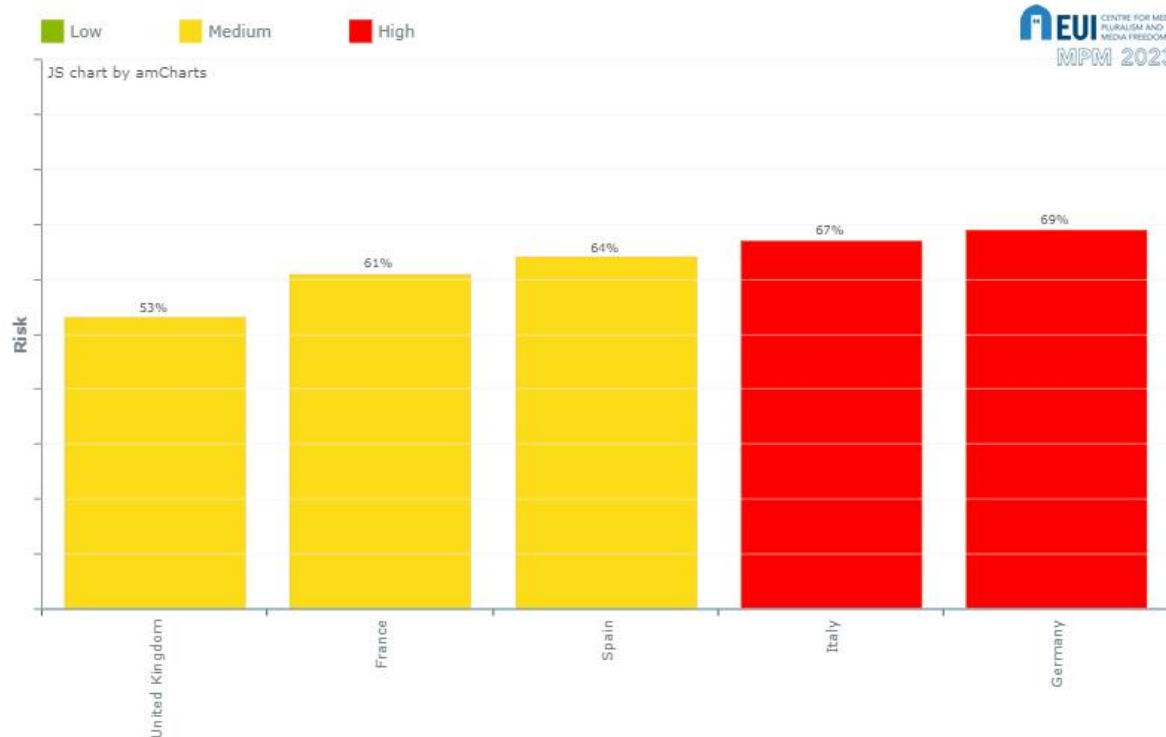


The indicator on **Plurality of media providers** scores high risk for the UK and all the countries under examination, except Germany. As noted in the MPM2023 final report, “in the assessment of this indicator, the legal variables are those that contribute to reducing the risk, introducing regulatory 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” (CMPF 2023, p. 64). The most important example comes from the economic indicator on the Top-4 concentration index in audiovisual, which is close or above 80% in all the countries analysed in this report; the highest level of the concentration indexes is in UK, with the Top4 audiovisual groups getting 92% of the revenues). In this context, Germany’s medium risk in this indicator must be attributed to the regulatory framework, which contains media-specific rules to prevent concentration of ownership and gives enforcement powers to a special regulatory body, the Commission on Concentration in the Media (KEK). Moreover, there are provisions at regional level, with all state media laws preventing the formation of monopolies through cross-shareholdings of press and broadcasting companies. Nonetheless, “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). In all the examined countries there is a recognised need to update rules originally designed for the audiovisual sector, as the anti-concentration legal framework and its enforcement face challenges in adapting to the digital environment. In this regard, some reforms are ongoing or planned across the countries (for example, in Italy, new rules were approved in 2021 but are still not fully effective at the time of the MPM implementation). A common trend toward growing concentration emerges from the national reports, with alternate decisions by the media and/or competition authorities. In addition, a specific source of concern is that in France as well as in Italy, conglomerates with mixed interests in the media and in other economic sectors play a role, with the consequent risk of using the media for other purposes; these risks are particularly concerning when the media owners have undertakings in sectors whose revenues depend on public expenditure or which are highly regulated.

Plurality in digital markets

This indicator aims to assess risks to market plurality in the new ecosystem of news characterized by the role of digital platforms.. It measures concentration in distribution of news, concentration in online advertising, evolution of the competition enforcement in the digital sphere and the state of economic relationships between publishers and platforms.

Figure 2.2.g. Plurality in digital markets. Average risk per country (France, Germany, Italy, Spain, United Kingdom)



In the indicator on **Plurality in digital markets**, the United Kingdom performs better than the other countries analysed in this report. As for the indicator on the concentration of media providers, in this indicator as well, the average result depends on the regulatory framework and the economic situation on the ground; the latter is similar in all the countries, and it is measured with the Top-4 index on the online advertising market and online audience, that are dominated by the digital intermediaries (Alphabet-Google and Meta dominate the market, and the Top-4 index results indicated by the MPM reports range from 66% in France to 82% in Germany). The regulatory framework of these countries adopt a similar approach: to update competition tools – and in some cases competition law – in order to face the digital challenge and its tendency toward high concentration. In recent years, several inquiries and cases by the competition and/or media authorities focused on the online advertising market, in all the countries analysed in this report. As the UK report points out, the improving medium risk score in the United Kingdom can be understood in light of the recent establishment of the Digital Market Unit by the UK Competition and Markets Authority⁹. However, as highlighted by the UK team of researchers, there is need for improvement in terms of regulating the online platforms and the digital advertising sector (Tambini & Madrazo, 2023). A feature contributing to a lower the risk for UK in this indicator is the fiscal regime of the big platforms: a Digital Service Tax has been introduced in 2020 in the UK, and it is a 2% tax on search engines,

⁹ For this indicator, the MPM methodology asks to evaluate the ongoing evolution of a country's regulatory framework, which in the case of the UK is evaluated positively as while no notable measures have yet been implemented by the Digital Market Unit (DMU), its recent establishment represents the UK's commitment to improving the competitiveness of the media market in the UK.

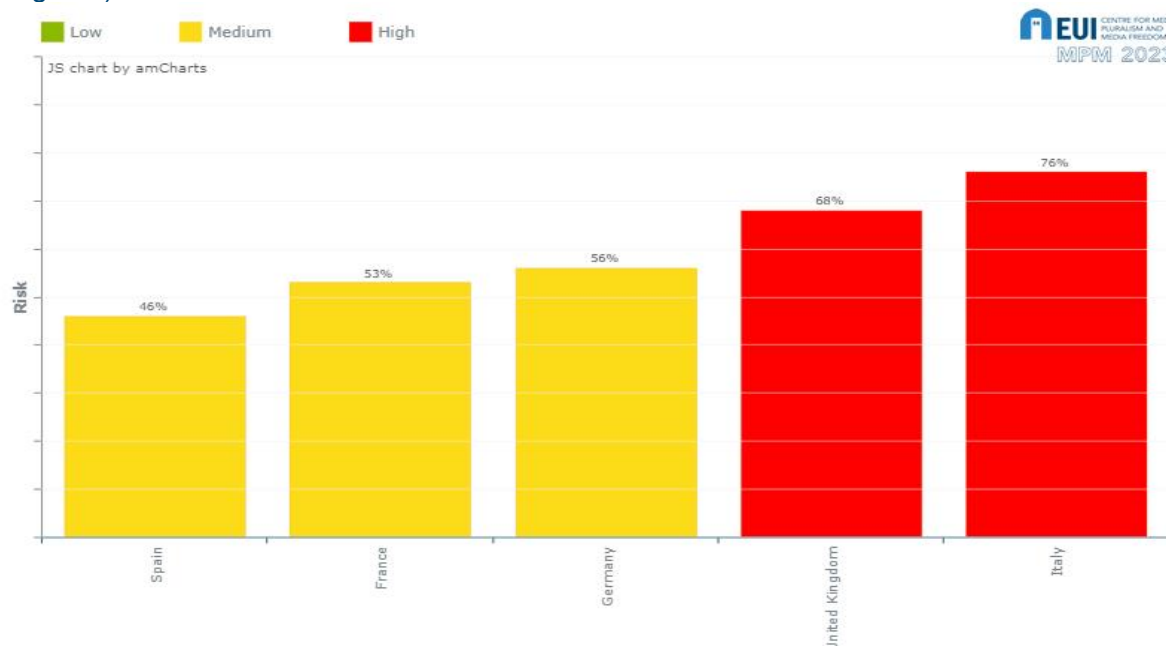
social media and online marketplaces on the revenues that they generate from UK users; similar taxes introduced in Spain, France and Italy are still not effective (as their implementation was suspended in the wait of the international reform on the taxation of corporate profits), whereas “no digital tax has yet been introduced in Germany and none is foreseeable.” (Holznagel & Kalbhenn, 2023)

Another element which contributes to the risk level in this indicator is the state of the economic relationship between publishers and platforms. No agreements to compensate the publishers for the use of copyrighted content by the platforms is reported in the UK and Germany; in Italy and Spain, where the existence of agreements between the mainstream media and the platform is reported, a general lack of transparency on those agreements is highlighted. In France, which was among the first EU member states implementing the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market, the Competition authority stepped in, and the protracted dispute between the French publishers and the online platforms concluded with a deal and several agreements, whose details are not public and whose effective impact on the media sector is highly debated. As the MPM2022 French report assesses, “an ad hoc Parliamentary mission (Mission d’information sur l’application du droit voisin, 2022) has stressed the numerous problems raised by the entire sequence of negotiations: bilateral, individualised agreements, the exclusion of whole categories of media outlets (magazines, local press, digital native independent outlets...), the twofold economic and informational asymmetry, the latter stemming from the lack of transparency on the amounts negotiated (...), meaning there is no guarantee of fair and equal treatment in the following deals”. (Ouakrat et al. 2022)

Media viability

This indicator aims to assess the economic sustainability of media production. The indicator measures the revenue trends for each media sector, as well as the employment and salary trends of journalists. The existence and effectiveness of public support schemes for the media is included in the assessment. To evaluate the resilience of the sector, variables on innovation in business models or in the newsrooms are considered.

Figure 2.2.h. Media viability Average risk per country (France, Germany, Italy, Spain, United Kingdom)



In the indicator on **Media viability**, Italy and the United Kingdom present a concerning high risk, whereas Spain, France and Germany are at medium risk. In all the countries under examination, the media sector has been impacted by a low, or very low, rate of growth, and by high inflation (see figures 2,3 and 4). It is worth noting that the trend of the overall economy does not coincide with the trends of media viability (e.g., in 2022 Spain has the best outcome both for GDP growth and media viability, but Germany, who had the lowest GDP growth, has a medium risk score for media viability), but all the national reports highlight the impact of the increasing energy costs, and audiences' decreasing willingness to pay the services of the media providers. For the sake of this indicator, revenues of the different media sectors are considered, together with indications on the innovation in the business models and in the newsroom, employment and salary of journalists and public subsidies.

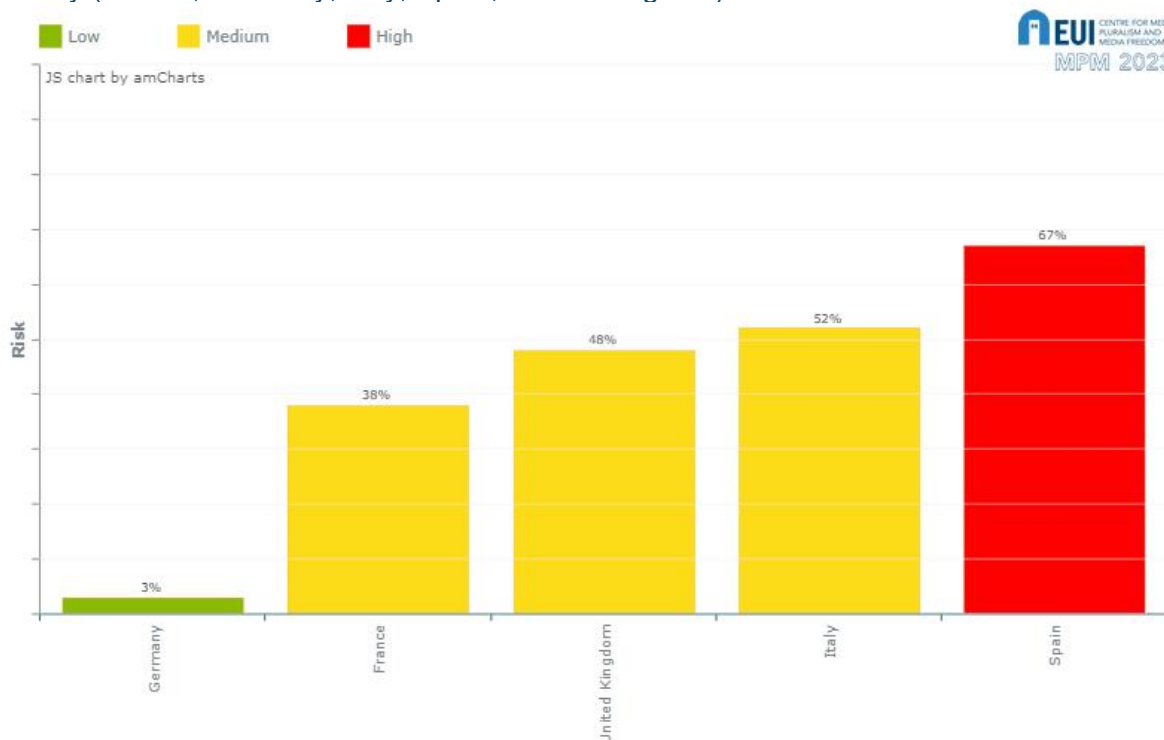
Italy has the highest risk in this indicator; revenues from sales and advertising “decreased in almost all sectors after the weak recovery that was registered in 2021; the journalistic employment trend continues to be negative, with an alarming deterioration of working conditions for freelance journalists; and the regime of public subsidies, even if reinforced during the COVID 19 pandemic, falls short of compensating for the disruption of the industry and in stimulating innovation and resilience.” (Carlini et al. 2023). In the UK, a stationary situation for revenues in the audiovisual sector is reported, whereas revenues of print newspapers and magazines continue to decline by 10-20% annually. Cases of layoffs in media organisations are reported, and the number of professional journalists in the UK decreased by 6,500 in one year (minus 6%). “Even with this not so healthy media market, newsrooms are not innovating at a rapid speed” in the UK (Tambini & Madrazo). Germany reports a better trend in revenues for audiovisual and particularly for the digital media sector, highlighting that “innovations and new business models are constantly emerging”; on the other hand, “working conditions for journalists are currently deteriorating because the big publishing houses (Springer, Bertelsmann) are laying off staff in the course of digital strategies” (Holznagel & Kalbhenn, 2023). The relatively better result in Spain should be interpreted with caution, especially given the provisional and unclear data on revenues; in Spain, a relatively better picture on the recovery in the number of employed journalists emerges, although this is counteracted by the worsening conditions of freelancers. The French report highlights that the situation seems to be improving compared with the period during the COVID-19 crisis, but the impact of a prolonged inflation rate risks threatening media viability in the future. When it

comes to the innovation in the business models and in the newsrooms, the growing tendency towards paywall systems, which is positive for media financing, should also be evaluated for its impact on the social divide in access to media and information: “such solutions, among others, tend to attract people with relatively solid cultural and economic capital, and can accentuate the ‘social duality’ of media practices (Charon, 2015) – serious, print content for graduates, and commercial, audiovisual for the less educated.” (Oukrat & Larochelle, 2023).

Editorial independence from commercial and owners’ influence

This indicator aims to assess risks to market plurality posed by business interests on production of editorial content, both from commercial and owners influence. To assess this risk, it considers the existence of rules and regulatory safeguards about professional journalism as well as effective independence and autonomy of editorial decision/making.

Figure 2.2.i. Editorial independence from commercial and owner influence. Average risk per country (France, Germany, Italy, Spain, United Kingdom)

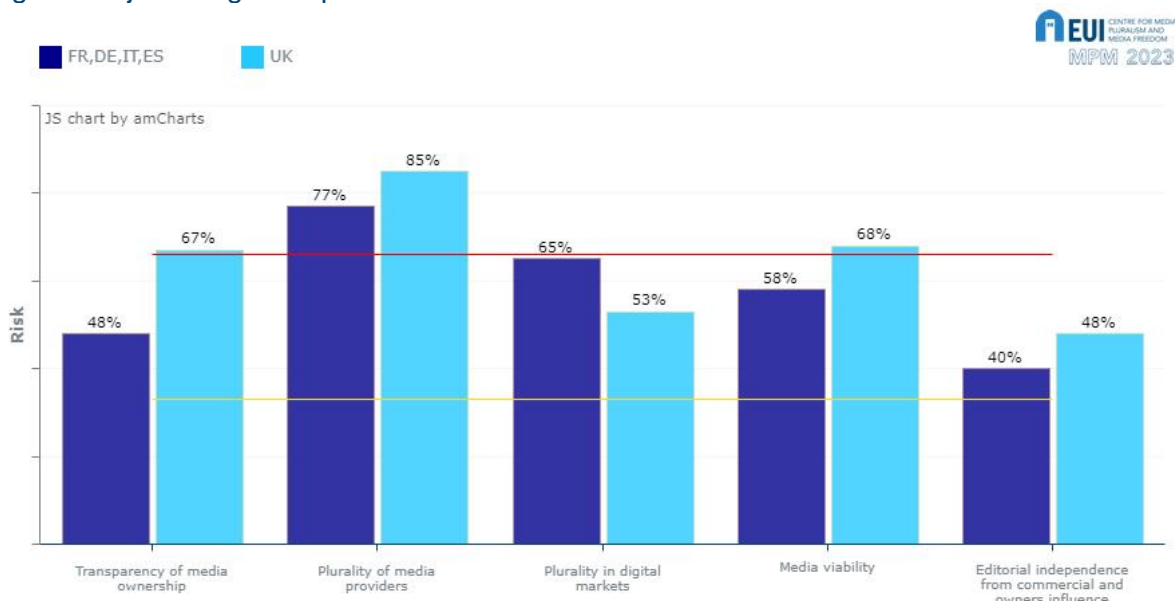


The indicator on **Editorial independence from commercial and owners’ influence** presents a medium risk in the UK, like in Italy and France, whereas Spain is at high risk. The outlier for this indicator is Germany, which presents the lowest level of risk, thanks to its strong self-regulatory rules. Compliance to the Press Code is monitored by the German Press Council, which also has powers to enforce it. Separation between journalistic content and advertising is guaranteed. Despite some episodes of attempts of interference by the owners reported in recent times, the self-regulatory framework in the country appears to guarantee the protection of the newsrooms against undue interferences; at the same time, it must be noted that according to the German law, publishers have the so-called “Tendenzschutz”, (protection of certain interests) which includes the right to determine, maintain or change the editorial line of a newspaper. In the rest of the countries, the (self-)regulatory framework to protect editorial independence from business influence is considered insufficient or at times ineffective. In France, Spain and Italy, worsening economic conditions of journalists contribute to an increase in the risk in this indicator, as the journalists may be more vulnerable toward owner pressure and requests from the commercial/marketing sector. For the same reason, in the United Kingdom, the separation between editorial and commercial activities (also referred to as separation between “church and state” to highlight its fundamental role in quality journalism)

has blurred in the past few years. In France, many media owners have interests in sectors that are dependent on public procurement or subject to strong regulation, thus increasing the risk of interference in editorial work. Journalists have the right to leave the company they work for with monetary compensation, in cases when owner interference might harm their reputation or require them to act in a way that is against their values. The national collective agreement signed between the two main associations representing journalists and publishers in Italy has a similar “conscience clause” but its effectiveness is weak.¹⁰ The Spanish Conscience clause is codified in law, but has only been used in a small number of cases. Spain’s high risk score is, among other things, an outcome of an “absence of specific legislation that divides commercial interests and the interests of media owners from information practices, except in the case of the formal differentiation of advertising and information”, while “the control of journalistic independence is left in the hands of self-regulation, without sanctioning capacity”, surveys show that interferences in journalistic work are seen as a major problem (Suau et al., 2023). Rules prohibiting advertorials, or stipulating incompatibility of journalistic profession with activity in the advertising field, or asking for a clear disclosure of paid content in the media, when existing - are challenged in the digital environment. In France, the General Directorate of Competition, Consumer Affairs and Fraud Control in 2021 started an investigation on the commercial practices of influencers. In the UK, advertorials are prohibited, but there are no rules stipulating that the exercise of journalistic profession is not compatible with activities in the field of advertising. (Tambini & Madrazo, 2023)

Disclosure of actual or potential conflicts of interests of the media owners is generally not required by the law or via self-regulation in the countries analysed in this report. In the UK, one self-regulatory Code (the Impress Standards Code) states that “publishers must take all reasonable steps to identify a significant conflict of interest”, but most commonly adopted codes have no such rule. (Tambini & Madrazo, 2023)

Figure 2.2.j. Average risk per indicator. EU-4 vs UK



In the Market Plurality area, the United Kingdom has three indicators at high risk and two at medium risk, whereas the four EU countries under examination have a high risk score just in one indicator of this area, the one on Plurality of media providers. This is because the indexes of revenues and audience concentration are above the threshold of high risk everywhere, and for almost all of the media sectors. In the comparison of the indicators, the United Kingdom

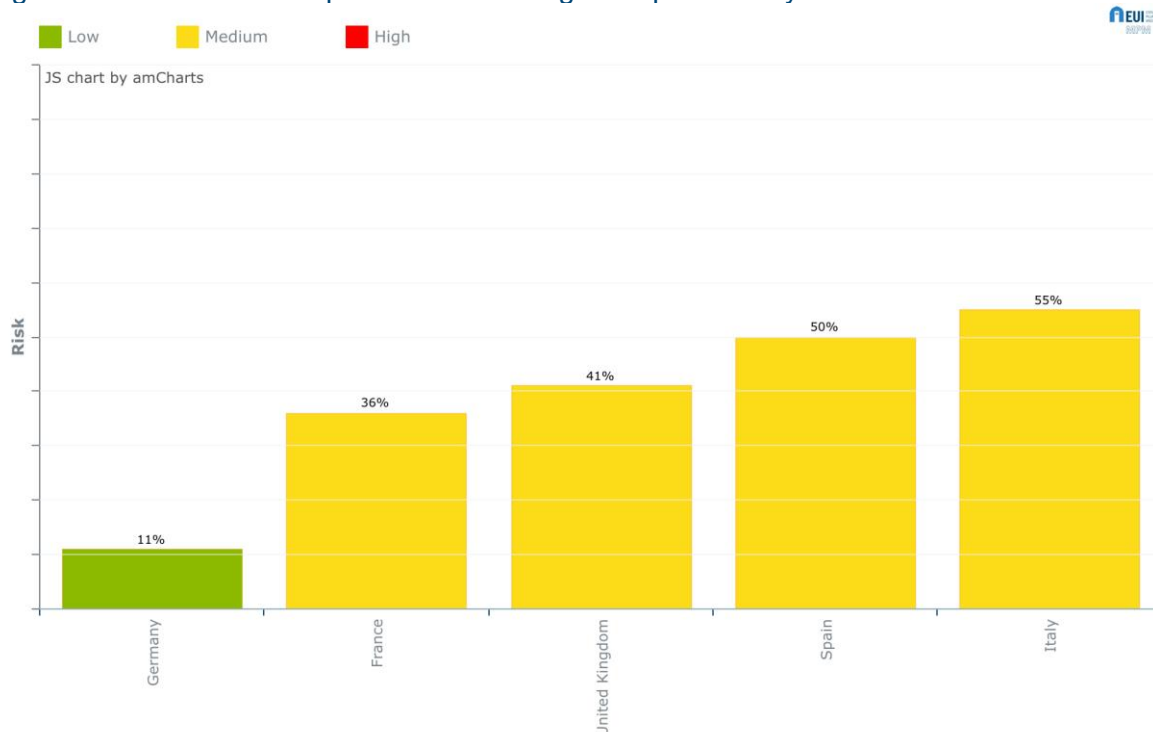
¹⁰ The protection provided by self-regulatory codes and by the national contract can be invoked just by professional journalists and in the media entities in which the contract applies. Recently, a growing number of journalists work as independent, without a regular contract, or with a different type of contract. (Carlini et al. 2023).

performs worse than the average EU-4 for all the indicators except the one on Plurality in digital markets. For the latter, the relatively better result for the UK must be related to the developments in the competition and regulatory framework, and not to the actual concentration of the market - which is as high as in the other countries. However, it should also be stressed that this comparison is influenced by the weight of the German scores which are at a lower level of risk in the EU-4 average. When comparing the results disaggregated by country, as seen above, the situation is more varied, and the UK risk score is not so high.

2.3. 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.

Figure 2.3.a. Political Independence - Average risk per country

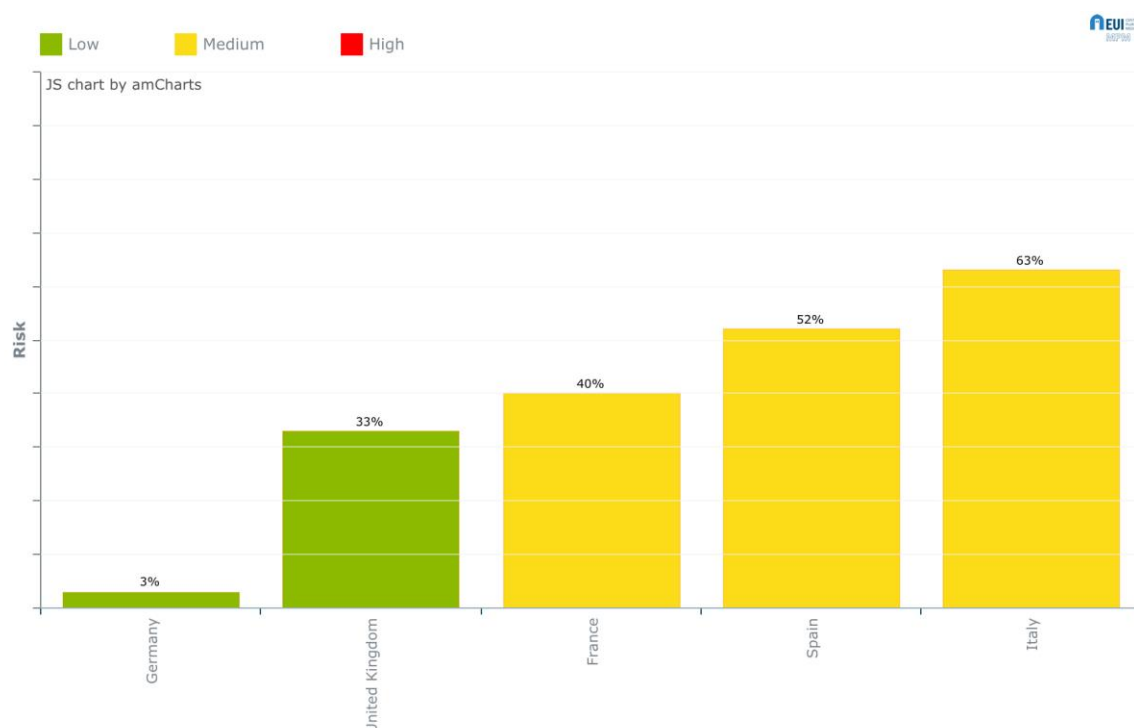


In this area, the United Kingdom scores within the medium-risk band, at 41%. Only Germany registers a low-risk (11%), while the rest of countries under examination present a medium level of risk, ranging between 36% (France) and 55% (Italy). As with most of the countries assessed in this analysis, the results indicate that the United Kingdom is not exempt from the risks of political influence, with significant levels of concern when it comes to **Editorial autonomy**. At the same time, these risks are not as evident as in Spain, or Italy, where the extent of political influence is spread across most of the indicators, and with a higher intensity. Germany's result reflects a low-risk scoring across all the indicators analysed in this area, due to the good performance of the regulatory and self-regulatory framework and a general absence of political control, although some issues can be detected.

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.

Figure 2.3.b. Political independence of the media. Average risk per country (DE, UK, FR, ES, IT)



In the indicator **Political independence of the media**, the United Kingdom presents a low-risk level of 33%. In this context, the United Kingdom is second only to Germany, which scores a very-low risk (3%), while the rest of countries range between 40% (France) and 63% (Italy), in the medium-risk band. At the same time, it should be underlined that the United Kingdom scores just below the medium-risk band, which indicates some deficiencies that are specifically related to regulation governing conflict of interests and the extent of political control exerted via indirect ownership means. News agencies operating in the country appear to be more resilient towards means of political control.

The sub indicator *Conflict of Interest*, assessing the existence and effectiveness of regulatory safeguards making government office incompatible with media ownership, shows that no general conflict of interest law is available in the United Kingdom. However, the Ministerial Code, Chapter 7, imposes Ministries to declare private, financial or otherwise interests, from which might arise conflict; moreover, the 1990 Broadcasting Act contains prohibitions for officers of local authorities and bodies to hold broadcasting licences. In the context of this sub-indicator, Italy scores the worst, due to the delays in reforming the ineffective law 215/2004 (the “Fratini law”) and the cases observed in the assessed year.

Concerning the sub indicator *Political control over the media*, addressing the situation related to political control expressed via direct or indirect ownership means, the main differences between Germany’s very low risk and the United Kingdom’s medium one, are evident in both regulatory measures and actual practices: the two of them lack specific regulation preventing politicians to hold positions in the ownership structures in the print and online sectors.

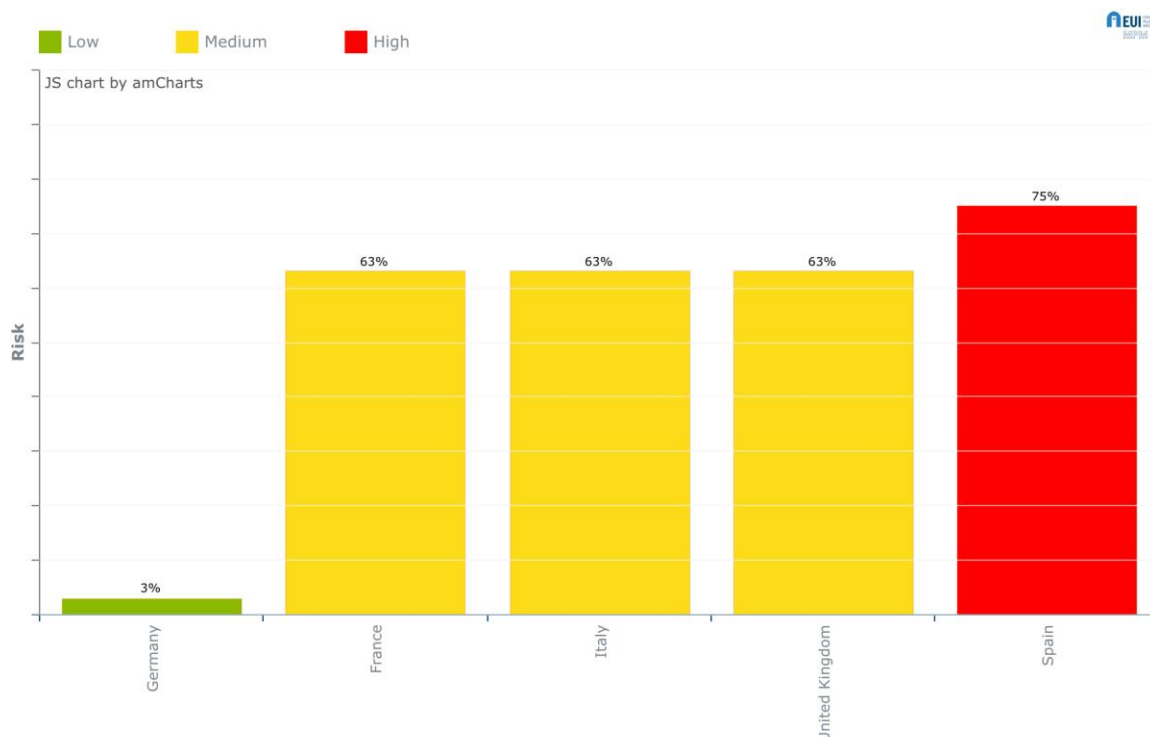
However, regulatory safeguards in the audiovisual and the radio domains are deemed as not comprehensive in the United Kingdom. Moreover, actual practice demonstrates occasional cases of indirect control exerted through intermediaries with political aims, evident in both the audiovisual and print media sectors (e.g. Rupert Murdoch).

At the same time, when compared to France, Spain, and Italy, the extent of political control via ownership means is less concerning, in the United Kingdom. In Italy, the link between media ownership and political actors remained clear-cut in 2022, as evidenced by the control that Berlusconi¹¹ has exerted on the Media for Europe broadcasting giant, and the editorial activity of politician and entrepreneur Antonio Angelucci (Carlini et al., 2023). In France, the situation related to political control seems to manifest in a more indirect manner, akin to the United Kingdom. However, “the control that Bollorè has acquired over an important segment of the mediascape, and the orientation he has given to the media he owns by redefining newsrooms and content” (Ouakrat & Larochelle, 2023: 21) is disconcerting.

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.

Figure 2.3.c. Editorial Autonomy. Average risk per country (DE, FR, IT, UK, ES)



In the indicator **Editorial autonomy**, the United Kingdom, France and Italy all exhibit a medium-risk level of 63%. The best performing country is Germany with a very-low risk score of 3%, while Spain shows the most concerning results with a high-risk level score of 75%. Against the other countries under assessment, the optimal result of Germany reflects both the availability and practical effectiveness of above-mentioned safeguards.

With regard to the sub indicator *Appointment of editors-in-chief*, specifically designed to assess the risks in the appointment and dismissal of editors-in-chief, that might harm editorial

¹¹ Please note that Silvio Berlusconi died on June 13, 2023. The results are based on the assessment of the year 2022.

autonomy, all countries present high-risk results save for Germany, where broadcasting laws of federal states seem to work effectively. In the United Kingdom, France, Spain, and Italy, regulatory safeguards to guarantee autonomy when appointing and dismissing editors-in-chief are either absent or not comprehensive enough, with actual practice symptomatic of political influence. In the United Kingdom, for example, legal barriers protecting editorial independence of the Times and the Sunday Times have been recently lifted.¹²In France, no legal safeguards are available for private media. In Italy, “the postponement of the new National Journalism Contract is deemed to be highly concerning, as it governs the role of the editor-in-chief and its relationship with both publishers and journalists” (Carlini et al., 2023: 29).

If compared with previous sub indicator, the situation regarding the *Effectiveness of self-regulation* improves to a medium-risk level of 50% for all the countries. Germany scores a low risk of 3% due to the effective implementation of the self-regulatory framework instituted by the German Press Council. In the United Kingdom, self-regulatory measures that stipulate editorial independence from political interference are not available across the news media sector. In the context of the press sector, “neither the IPSO nor IMPRESS code of conduct provides for editorial independence” (Tambini & Madrazo, 2023: 19). In Italy, the main reference text (Consolidated Text of the Journalist's Duties) is accompanied by the codes of ethics of all of the major publishing groups. However, “these self-regulatory mechanisms (...) are only partially respected and implemented, whereas the MPM analysis continues to register the lack of effectiveness of the sanctioning measures in cases of violation of ethical standards by journalists and, in some cases, the blatant dependency of editorial/decisional lines on the political activity of the owners/publishers” (Carlini et al., 2023: 29). Similarly, in Spain, codes and regulations “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: 17).

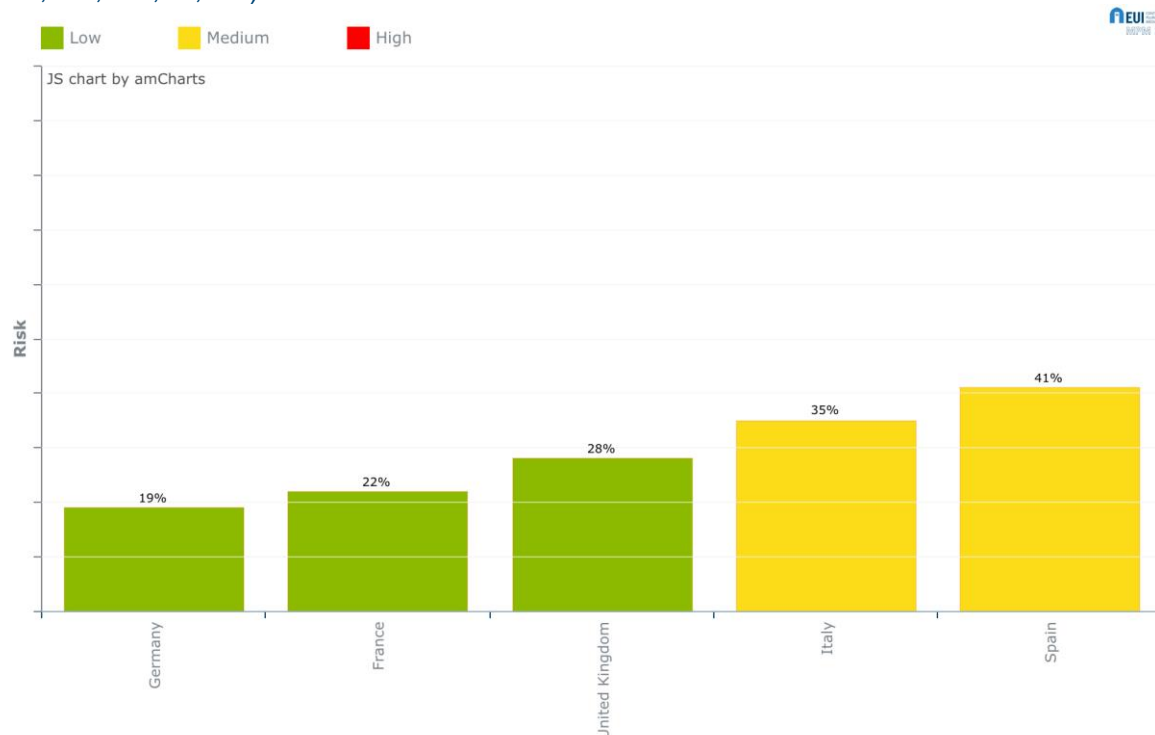
As for France, in spite of “a solid tradition of protecting journalists’ rights (...), “unionised journalists are in most cases not strong enough to resist top-down transformations in newsrooms, as clearly shown by recent cases within the Bolloré empire” (Ouakrat & Laroche, 2023: 22).

Audiovisual media, online platforms, and elections

This indicator 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.

¹² See: <https://www.theguardian.com/media/2022/feb/10/ban-on-rupert-murdochs-interference-in-times-and-sunday-times-ended>

Figure 2.3.d. Audio visual media, online platforms and elections. Average risk per country (DE, FR, UK, IT, ES)



For the indicator **Audiovisual media, online platforms, and elections**, the United Kingdom scored a low-risk of 28%. Again, Germany represents the best performing country (19%), closely followed by France (22%). Italy and Spain show a medium-risk level, with 35% and 41%, respectively.

With specific regard to the sub indicator *PSM bias*, assessing the availability and effectiveness of rules on impartiality and fair political representation on the public service media, all countries are in the low-risk category save for Italy, which scores a medium-risk level of 42%. All the countries under analysis have rules aiming at impartiality in news and informative programmes on PSM services, both for the electoral and the non-electoral period. However, their effectiveness varies from country to country, and only in Germany can the risk be considered at a very low level of risk. In Italy, the medium-risk level depends on the RAI's limited ability to guarantee political pluralism both in the electoral, and the non-electoral period.

Rules granting access to airtime and defining impartiality in informative programmes are generally established and applied also in the commercial sphere (*Commercial audiovisual bias*), with media regulators generally enforcing their supervisory and sanctioning functions. However, as with the previous sub indicator, only in Germany does the representation of political actors and political viewpoints appear to be consistently fair and impartial. Spain, in particular, emerges as the only country scoring a medium-risk level, in contrast to all the other countries which demonstrate a low-risk level. While regulation is available, representation of different groups of political actors is not fair and proportional.

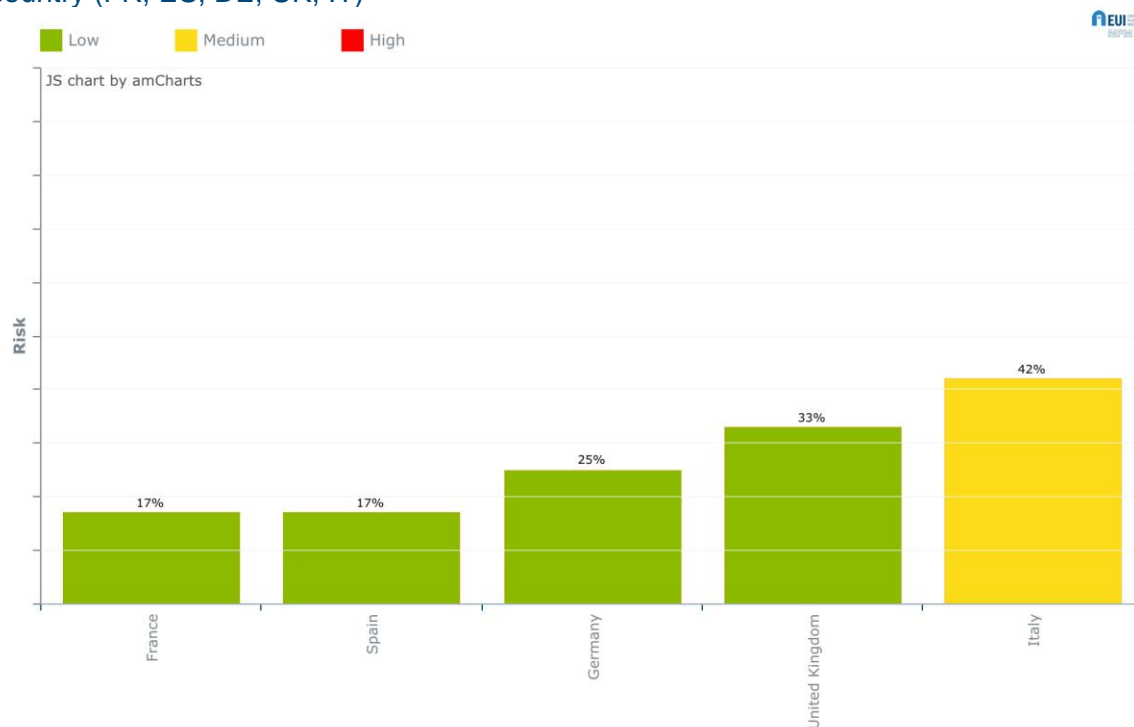
As for the *Rules on political advertising in audiovisual media*, these appear to be generally in place in all the countries assessed, as evidenced by the low-risk level results. However, the reality behind political advertising online (*Rules on political advertising online*) presents a different picture: only France scores a low-risk level, while Germany and Spain score high-risk due to the lack of regulation on the matter, as well as concerns related to transparency. Italy and the United Kingdom fall in the medium-risk band. In the United Kingdom, "reporting requirements apply to advertising of any kind, including the likes of websites or YouTube videos (...). However, there is a lack of transparency on spending and on techniques used in

political advertising” (Tambini & Madrazo, 2023: 20). In Italy, there is no obligation for political parties to detail expenditure for political advertising on the Internet and on online platforms.

State regulation of resources and support to the media

This indicator assesses the legal and practical situation in relation to the allocation of frequencies, state subsidies (direct and indirect), and state advertising. In a situation in which media organisations face economic difficulties, it is 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.

Figure 2.3.e. State regulation of resources and support to the media sector. Average risk per country (FR, ES, DE, UK, IT)



When it comes to the indicator **State regulation of resources and support to the media sector**, most of the countries score in the low-risk band. Only Italy presents a medium-risk result of 42%. However, it has to be highlighted that the United Kingdom falls on the cusp of a medium risk rating, registering at 33%, due to the negative impact of the results in the sub indicator *Distribution of state advertising*. The allocation of frequencies (i.e. *Spectrum allocation*) is generally regulated by state laws and these appear to be implemented in all the countries in a fair manner by relevant authorities. *Distribution of government subsidies* is at a low-risk level in all the countries save for Italy, which shows a considerable medium-risk level of 50%. This is because legislation on the matter has been sanctioned for “internal inconsistency” by the Constitutional Court (Sentence no. 209/2019), and has not been improved since then. Actual practice shows that eligibility criteria are often respected only formally (Carlini et al., 2023).

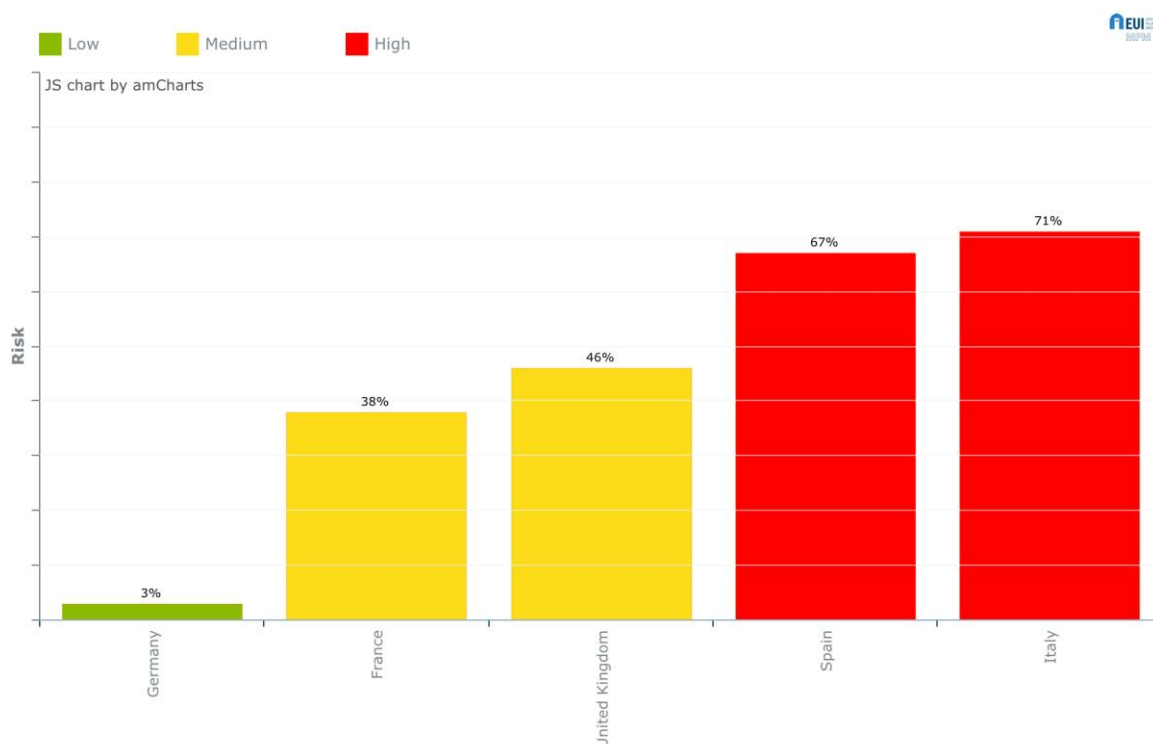
By contrast, the sub-indicator *Distribution of state advertising* evidenced high-risk levels in three countries, namely the United Kingdom (97%), Italy (75%), and Germany (75%). France and Spain are both at a low-risk level, at 25%. In the United Kingdom, problems were detected when it comes to the guidelines for distribution. According to Tambini & Madrazo (2023: 20), “the guidance [is] not fully transparent and prioritisation and approval is conducted by the Cabinet Office Minister. As a result, the potential for opaque discrimination among the media is evident. The government is reasonably transparent on overall spending but not on

breakdown by beneficiary outlet”. In the Italian case, as reported by the national research team, “provisions do not apply to publicly-owned companies, whose advertising expenditure – in a declining market – has acquired a growing role and may thus raise some concerns about political and commercial influence” (Carlini et al., 2023: 31). Notably, Germany, as well, scores a high risk in this indicator, due to a lack of regulatory safeguards for ensuring transparency in the procedures. The German country team reports that “this is traditionally done through large media agencies, and this practice has not been challenged in any debate to date. For example, the ministry responsible spent EUR 67 million on the advertising campaign promoting a Corona vaccination (WELT). There is also no obligation to report on public spending on advertising. There is only the parliamentary right to information, which is occasionally used by the opposition” (Holznagel, B., & Kalbhenn. J., 2023: 17).

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.

Figure 2.3.f. Independence of public service media. Average risk per country (DE, FR, UK, ES, IT)



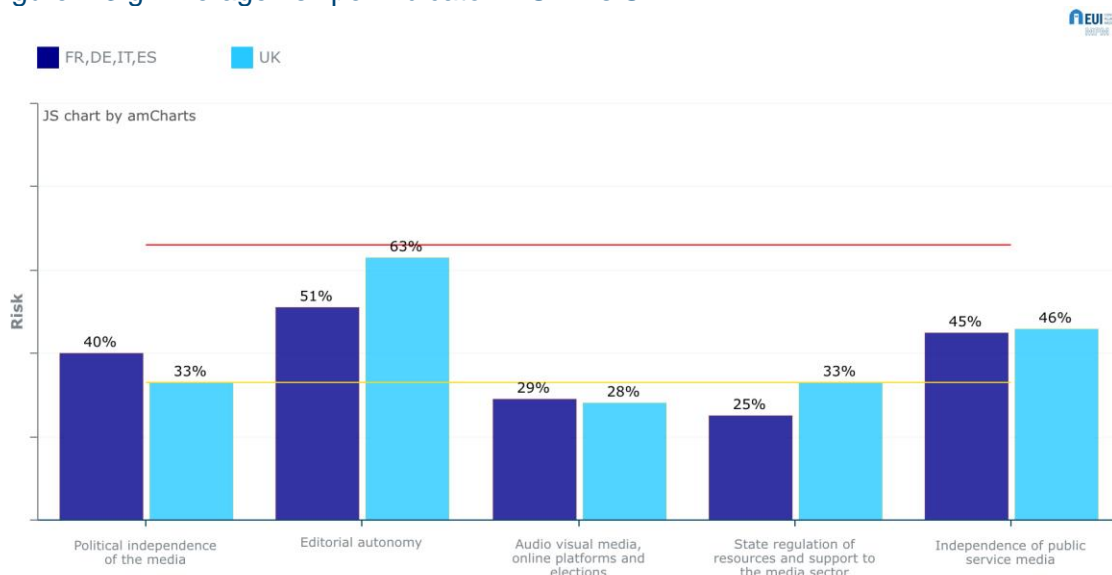
The indicator **Independence of public service media** shows high-risk levels for two countries, namely Italy (71%) and Spain (67%). The UK and France fall within the medium-risk band, with 46% and 38%, respectively. Germany is the only low-risk country, in this context.

With regard to the sub-indicator *PSM governance*, the high-risk result for Italy depends on the involvement of parliamentary and governmental forces in the process of appointment of top management bodies of *Radiotelevisione italiana* (RAI) as the law allows for. Actual practice demonstrated how, right after the political elections held on September 25, 2022, the process of revolutionising the governance structure of the Italian PSB was already ongoing: this process was finalised in early 2023 with the appointment of new figures in the top

management, including the CEO (Carlini et al., 2023). In Spain, law 5/2017 proves ineffective against political influence, too: as reported by Suau et al. (2023: 18), “a new example of this occurred in 2022, when the president of RTVE’s board of directors, José Manuel Pérez Tornero, the first one elected following the law 5/2017, of September 29, resigned as he considered that he had lost the confidence of the parties that integrated the coalition government presided by Pedro Sánchez, PSOE and Unidas Podemos”. Although at a lower risk level, the United Kingdom and France also show problems when it comes to appointments in the governance structures of their respective PSMs. In France, the 2022 has seen “the nomination of a politician considered to be a close ally of President Macron at a key position within PSM” (Ouakrat & Larochele, 2023: 23). In the United Kingdom, “the laws governing PSM do not guarantee full independence of the BBC from the government because they do not set out sufficient safeguards in terms of senior appointments”, as demonstrated by cases that came to the fore in 2021 (Tambini & Madrazo, 2023: 20). Concerning Germany, regulatory safeguards appear to be consistently fair and transparent, with “no indications of attempts to influence the appointment or dismissal of intendants or the management of public broadcasters” (Holznagel, B., & Kalbhenn. J., 2023: 18).

In terms of funding (sub-indicator *PSM funding*), all the countries score a medium-risk level save for Germany, which falls in the low-risk band. As reported by Ouakrat & Larochele (2023: 23), in France, “the abolition of the audiovisual tax raises the question of the financing of public service media. Submitting PSM directly to the state budget could force these media to negotiate their budget each year with the government and the parliament”. In Italy, funding mechanisms have proved “not sufficient to ensure the stability of the Italian PSM, nor are they effective in avoiding governmental discretionary power” (Carlini et al., 2023: 33). In the United Kingdom, funding for PSM has been considered “adequate and transparent in the Secretary of State’s funding settlement. However, there are no regulatory safeguards to ensure that funds do not exceed what is necessary to provide the public service” (Tambini & Madrazo, 2023: 20).

Figure 2.3.g. Average risk per indicator. EU-4 vs UK



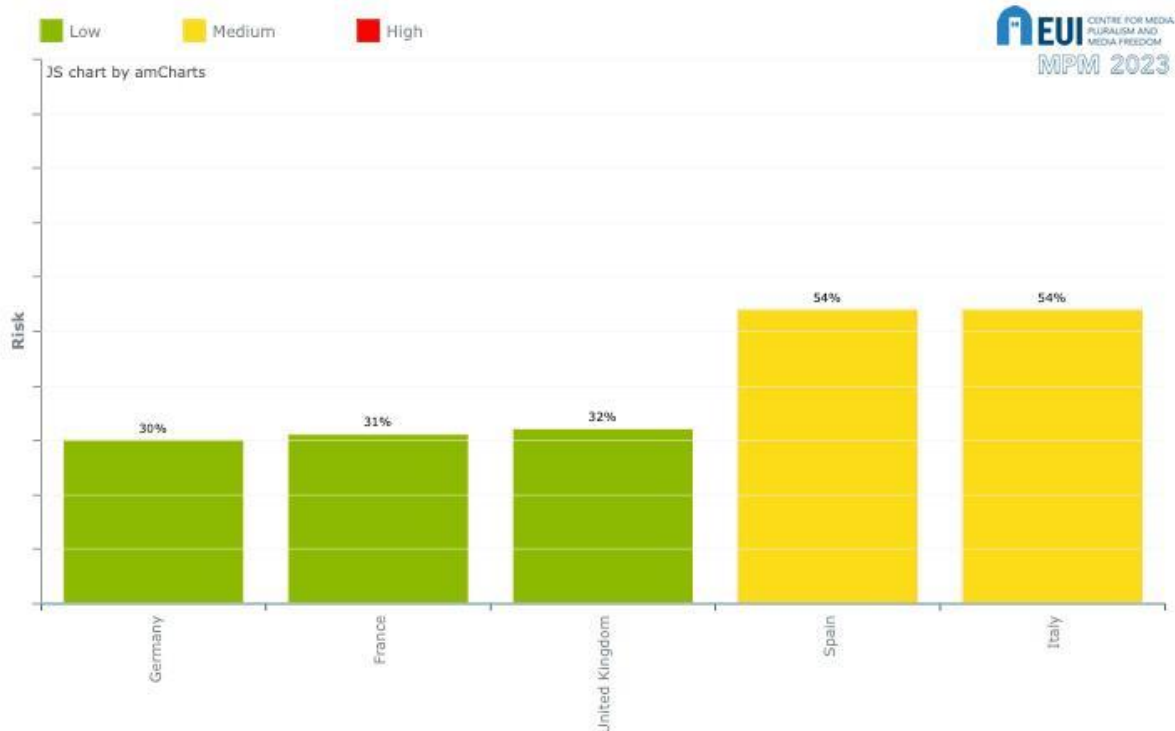
In the Political Independence area, the United Kingdom has three indicators at a low-risk level: Political independence of the media (33%), Audio visual media, online platforms and elections (28%), and State regulation of resources and support to the media sector (33%). Two indicators are at medium-risk: Editorial autonomy (63%) and Independence of public service media, with the first approaching the high-risk level band. When compared with the average risk level of the other countries under assessment, the UK performs worse under the indicators

of Editorial autonomy, State regulation of resources and support to the media sector, and Independence of public service media. By contrast, it performs better in the indicators of Political independence of the media and Audio visual media, online platforms and elections, although it should be underlined that both these indicators are just below the medium-risk level thresholds. At the same time, it has to be highlighted that Germany's low risk scoring highly impacts the result of the EU-4 average.

2.4. Social Inclusiveness

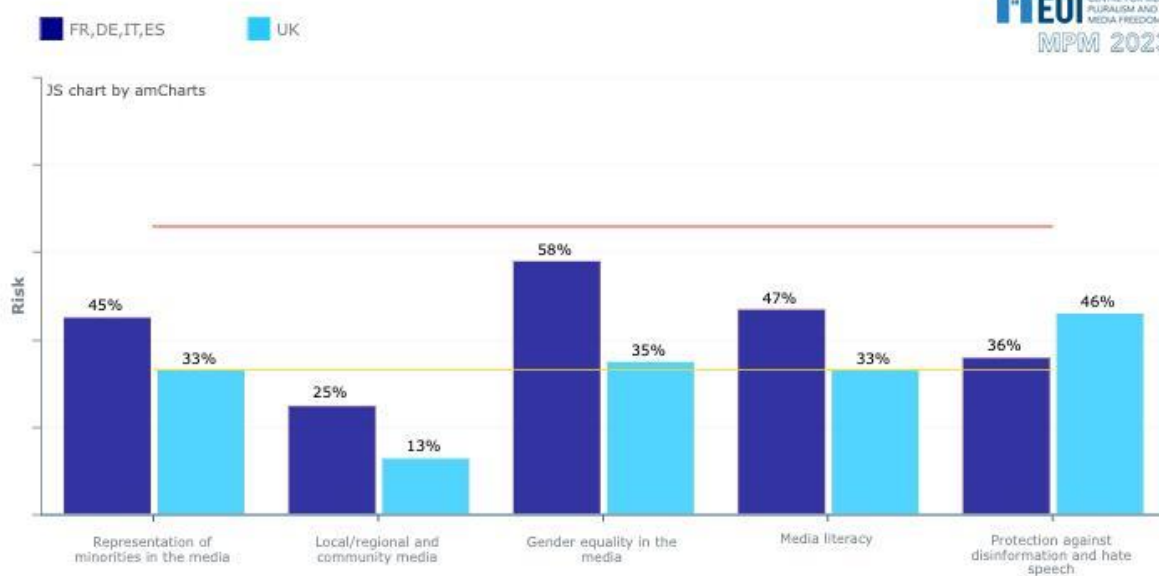
Social Inclusiveness is a key aspect of a participatory media system, and is a core element of media pluralism. This area therefore examines the representation in the media, both in terms of media production and media content, of diverse groups, including cultural, ethnic and linguistic minorities, local 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.

Figure 2.4.a. Social Inclusiveness Area - Risks per Country



As far as **Social Inclusiveness** is concerned, the United Kingdom scores within the low-risk band, bordering the medium-risk band, with a score of 32%, comparable to Germany (30%) and France (31%). Such a risk level is lower to the average risk level for the five countries studied, evaluated at 40% within the medium-risk band.

Figure 2.4.b. Social Inclusiveness Area – Average risk per Indicator

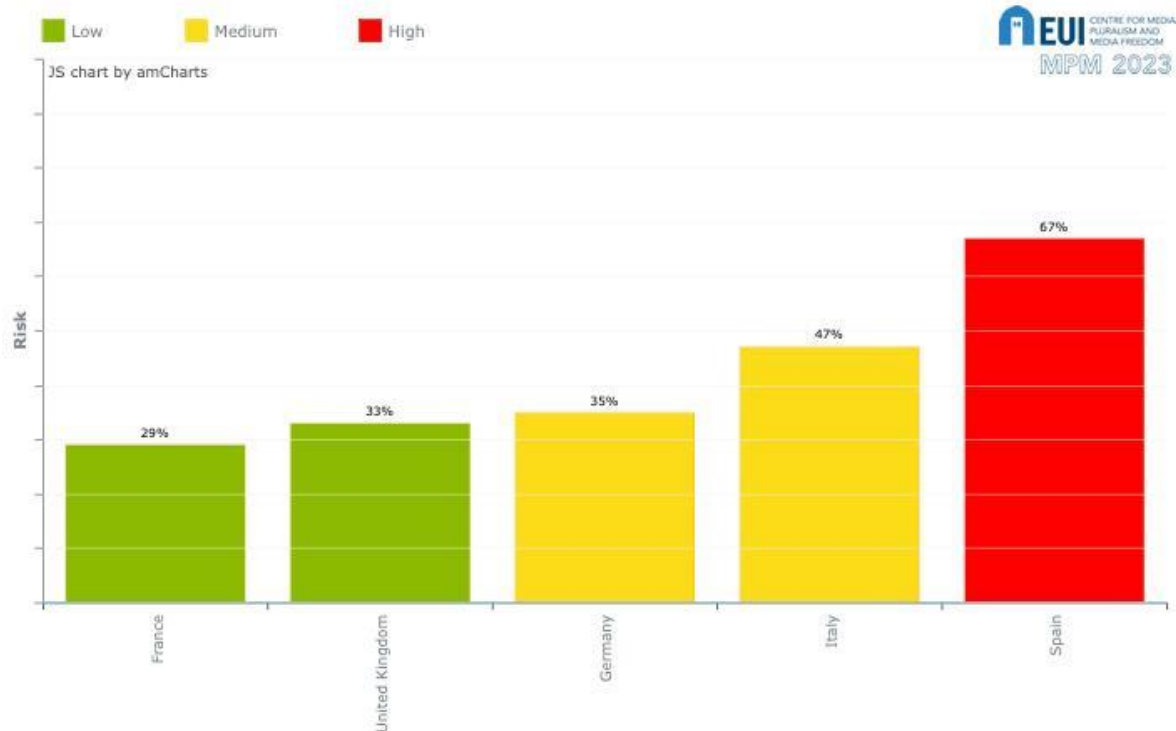


As per indicator, the United Kingdom scores well under the EU-4 average in most of the indicators for Social Inclusiveness, except for Protection against disinformation and hate speech, which is due to the delay in the adoption of the Online Safety Bill. The United Kingdom performs better than the other countries studied in terms of Gender equality in the media despite scoring in the medium risk band, with a score of 35%. However, an analysis per indicator below provides more nuances, as the average risk per indicator often hides important differences between countries.

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. 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.

Figure 2.4.c. Representation of minorities in the media - Risks per Country



Regarding the **Representation of minorities in the media** indicator, the United Kingdom ranks second, after France, with both countries falling in the low-risk band. At the sub-indicator level, the *Representation of minorities in PSM* is associated with a low risk in all the countries studied with the noticeable exception of Spain (75% - high risk). In most of the countries, the representation of minorities in PSM is legally guaranteed, and monitored by a competent authority. There are some initiatives to promote diversity on screen.

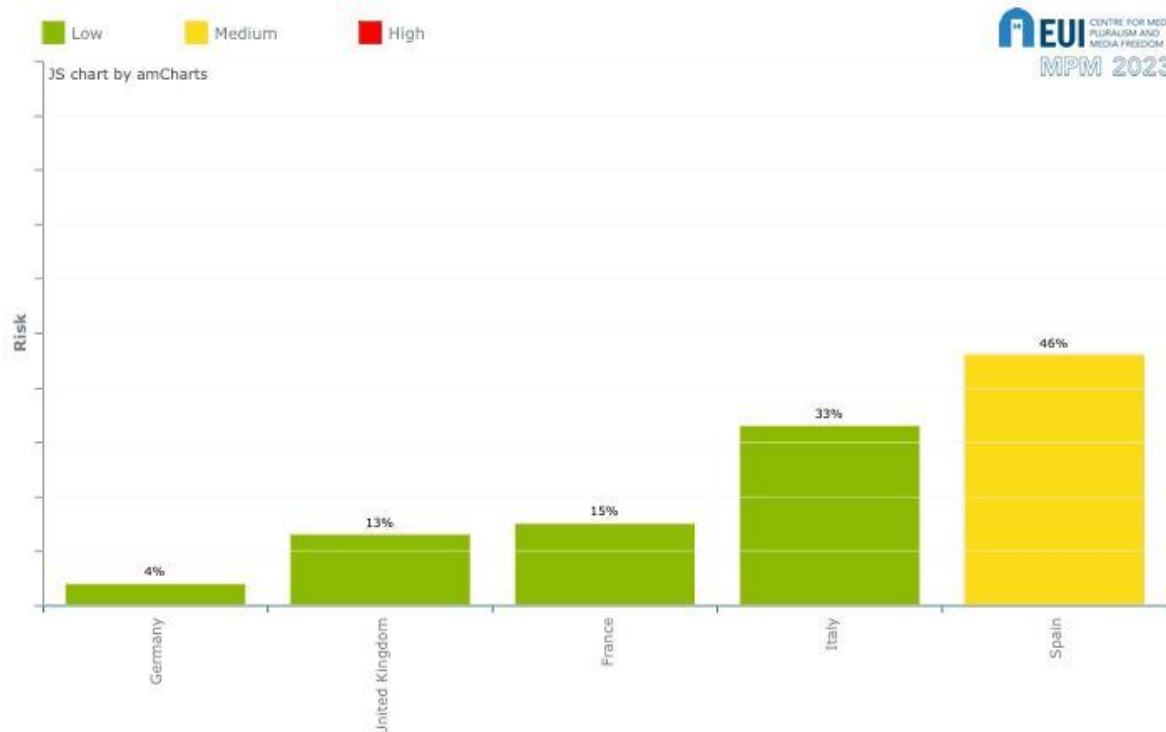
However, the *Representation of minorities in commercial audiovisual media* is not as satisfactory. While France, Germany and the United Kingdom score within the medium risk band, Italy and Spain are associated with a high risk. In France, private media have adopted the Diversity Charter and made some effort to gain a diversity label. However, the evolution is very slow. As pointed out by Ouakrat & Larochelle (2023, p. 25), “studies on the endogamic nature of the top layers of media groups (as in most professions) clearly show the persistence of *de facto* statutory and socioeconomic segregation”. Such an observation can be applied to most of the countries studied.

France and the United Kingdom are the best performing countries in terms of *Media accessibility for people with disabilities*, with a score of 12%, which is in the low-risk band. However, such a low-risk score hides differences between media accessibility for people with visual impairment and people with hearing impairment. Media accessibility for people with hearing impairment is associated with the lowest risk possible (3%) in both countries. Among the best practices observed, a charter on the “accessibility of State communication” was adopted in March 2021 by the French government. The presence of a sign interpreter is now required for all official state communications (Ouakrat & Larochelle, 2023). The estimated low risk for these two countries may, however, not take into account some qualitative aspect of media accessibility for people with hearing impairment, such as issues regarding the quality of subtitles provided (Ouakrat & Larochelle, 2023). On the contrary, media accessibility for people with visual impairment is associated with a medium risk in all the countries studied. Audio-descriptions were found to be not as widely available as subtitles and sign language transcription.

Local, regional and community media

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.

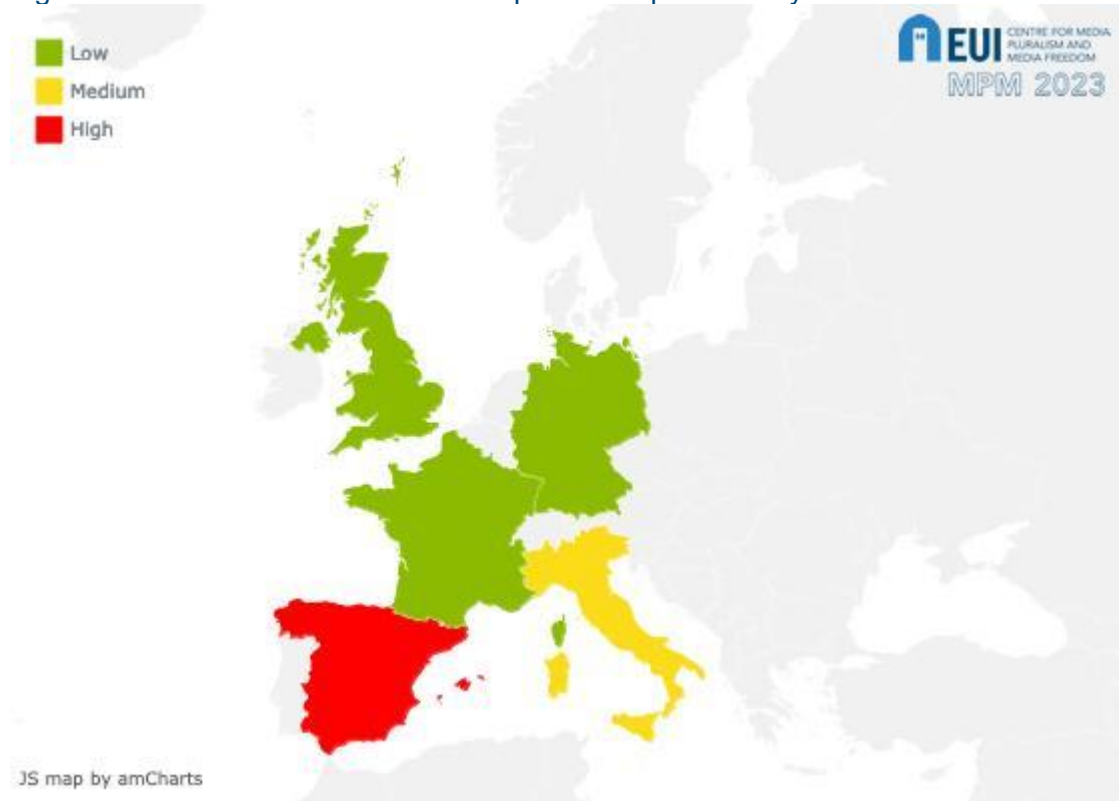
Figure 2.4.d. Local, regional and community media - Risks per Country



Except for Spain, all the countries studied scored within the low-risk band regarding **Local, regional and community media**. With a risk level estimated at 13%, the United Kingdom ranks second, after Germany. It is important to note that the United Kingdom scores well below the average risk level for the five countries studied regarding the sub-indicator on community media, with 14 % against 25% (EU-4).

Local/regional media were scored at a low risk level in the five countries studied. Access to TV/Radio infrastructures and frequencies is guaranteed by the law in all the countries studied. The main issue regarding local and regional media is linked to subsidies. Only Spain provides a satisfactory level of subsidies to local media. On the one hand, Autonomous Communities are responsible for the development of aid policies for regional and local media, on the other hand, the state provides some aid such as subsidies provided by the Ministry of Culture for arts & culture magazines (Suau et al., 2023). In all the countries studied, PSM maintains local branches. In Germany, the PSM network at the local level is dense, combining state broadcasters and federal broadcasters. The federal PSM broadcasters have regional mandates, which obliges them to keep regional correspondents. Local branches may be established in compliance with the regional structure of the broadcasting area (§ 2 WDRG). Online PSM is permitted to broadly report locally in order to protect local newspapers. (Holznagel & Kahlbenn, 2023)

Figure 4.e. Local media subsidies - Map of Risks per Country

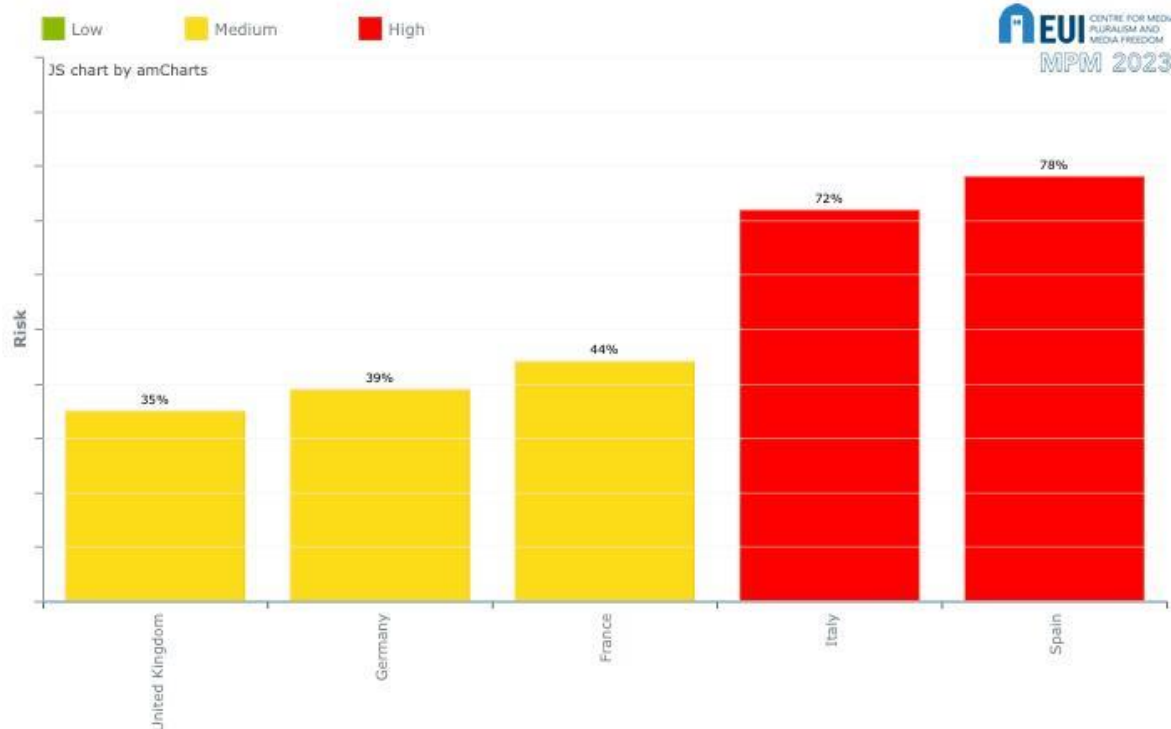


Community media is scored at a low risk in Germany (3%), France (12%) and the United Kingdom (12%). In these three countries, community media are legally defined. Their access to infrastructures as well as their independence is legally guaranteed. The main risk factor for community media is funding. In France, community radio is well supported through a specific public fund - designed to foster pluralism - called the Fonds de Soutien à l'Expression Radiophonique Locale (FSER). However, there is no equivalent for community television (Ouakrat & Laroche, 2023). In Germany, subsidies are provided at the state level. All state media authorities provide support to community media in the name of regional diversity (Holznagel & Kahlbenn, 2023).

Gender equality in the media

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.

Figure 4.f. Gender equality in the media - Risks per Country



In terms of **Gender equality in the media**, none of the countries studied score within the low-risk band. The United Kingdom is the closest to the low-risk band with 35%, which is inferior to the 58% average of the four EU countries (see the paragraphs on gender equality in private media and gender equality PSM above for more detailed information).

The *Representation of women in the media* is problematic in all the countries studied. Except for Germany (50% - medium risk), the other countries score within the high-risk band. In Germany, the medium risk is linked to a visible effort in 2022 made by the PSM stations to ensure parity regarding the presentation of the Football World Cup in Qatar, a domain that has long been almost completely male-dominated in Germany (Holznagel & Kahlbenn, 2023). Despite some clear effort in the last year to redress the gender imbalance in media representation in Germany, female experts tend to be systematically less interviewed than men in the German media. It is also important to note that there is, in most countries, a lack of systematic monitoring to evaluate the representation of women in the media (Bleyer et al., 2023).

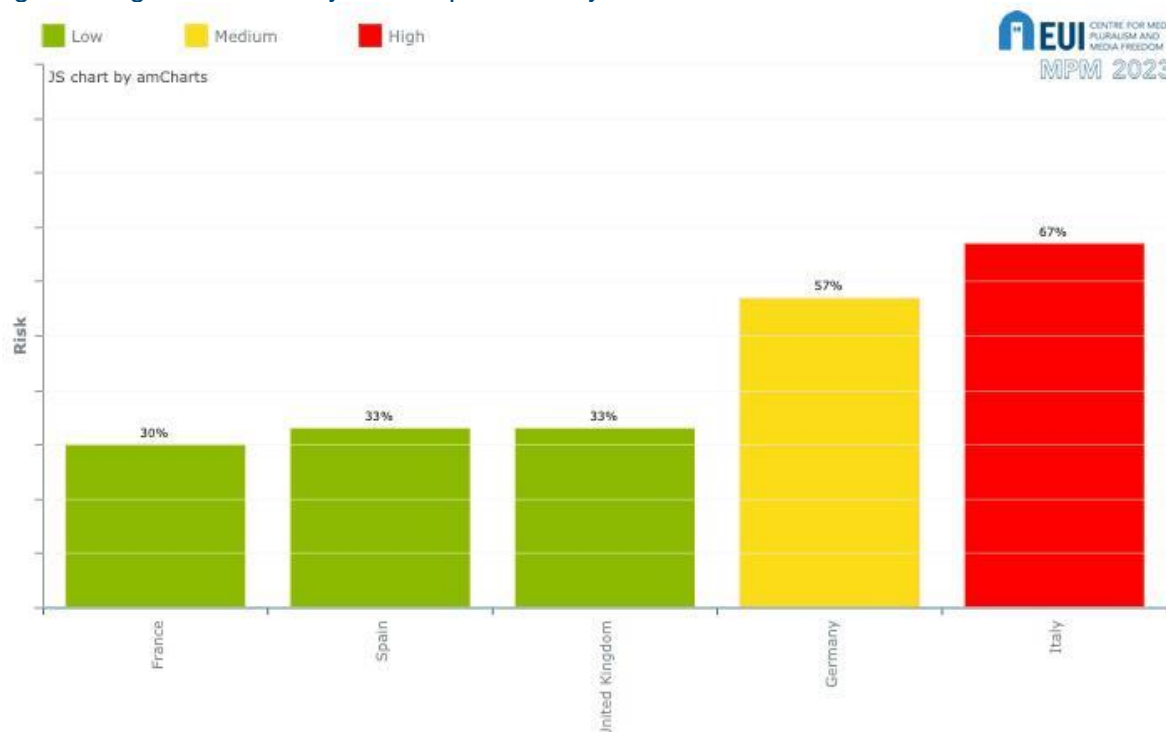
In respect of the *Gender equality in PSM* sub-indicator, France and the United Kingdom achieve the lowest risk level possible in terms of Gender equality in PSM. Such a score demonstrates the existence of a comprehensive gender as well as a share of women in the management and in executive positions superior to 40%. In the United Kingdom, the share of women on PSM management boards is 46% for BBC board (46%), 31% for Channel 4 board, and 46% for ITV board; Whereas the share of women among executives of PSM is 46% for BBC, 46% for Channel4, and 45% for ITV (Tambini & Madrazo, 2023).

In terms of *Gender equality in private media*, the United Kingdom is performing better than the other countries studied, with a score of 17%. The share of women in the management board of the main private TV companies as well as the share of women among executives is estimated to be over 40%. The share of women in the management board of the two main private companies is 50% for Bauer and 58% for Paramount, whereas the share of women in executive positions is 38% for Bauer, 47% for Global, and 48% for Paramount (Tambini & Madrazo, 2023).

Media Literacy

The Media Literacy 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).

Figure 2.4.g. Media literacy - Risks per Country



In terms of **Media literacy**, three countries fall in the low-risk band (namely France, Spain and the United Kingdom) while Germany and Italy score in the medium and high-risk band respectively. France is the only country to have scored in the low-risk band regarding its *Media literacy policies*. According to Ouakrat & Larochelle (2023), media literacy has been included in the common core of French education since the mid-2000s. It is mandatory for all middle-school pupils (ages 11-15) that media literacy (as per Art. 53 of the July 2013 law (no. 2013-595) is part of civic education classes. The definition of Media literacy was implemented in 2018 (Law 2018-1202), and now includes a “training in critical analysis of news”, media use, online privacy, “news trustworthiness”, intercultural dialogue, and intellectual property. School teachers are provided with online resources by the Ministry of Education via various platforms (e.g. Eduscol, Clémi etc.). In addition, the ARCOM proposes training activities, in cooperation with national organisations.

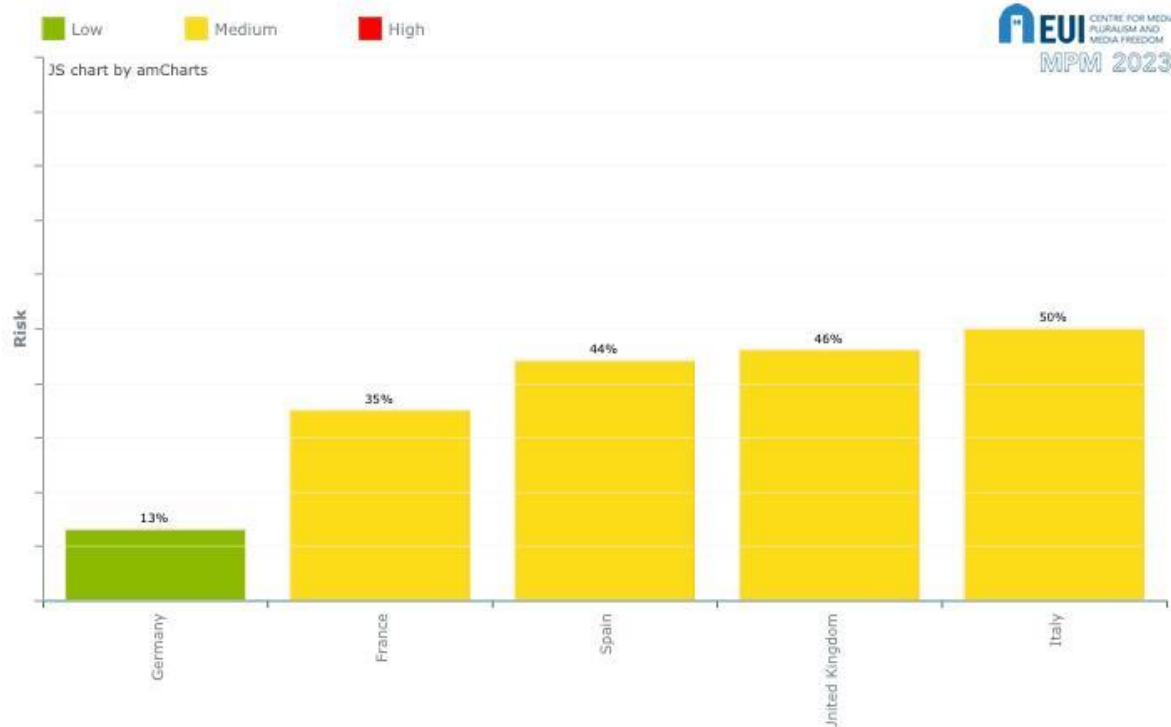
In terms of *Media literacy activities*, only Germany scores within the medium-risk band while all the other countries score within the low-risk band. Despite a comprehensive media literacy policy in France, there is some room for improvement, in practice. Ouakrat & Larochelle (2023) highlighted some elements that reveal some limitations. For example, a survey (OpinionWay) pointed out the lack of training received by schoolteachers and the fact that they devote, on average, only 3 hours per trimester for teaching the principles of digital citizenship. In Germany, on the contrary, media literacy activities are widespread. However, media literacy is dealt with by the local media authorities, instead of at national level.

Therefore, in some states, media literacy is part of the core curriculums, while in some others, it is optional. According to Hannah Waegner, interviewed by Holznagel & Kahlbenn (2023), such a local approach is problematic to tackle national problems such as disinformation. With 81% of its population having basic or above average *Digital competencies*, the United Kingdom is performing much better than the other countries studied. Spain comes second with 64%, followed by France (62%), Germany (49%), and finally Italy (45%). Despite its performance, the media literacy activities in schools could be strengthened in the United Kingdom. As highlighted by Tambini & Madrazo (2023), the programmes of study for Citizenship, History and English should be actualised to add digital media or media literacy skills such as identifying disinformation.

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.

Figure 2.4.h. Protection against disinformation and hate speech - Risks per Country



Only Germany is associated with a low risk in terms of **Protection against disinformation and hate speech**. All the other countries studied fall within the medium-risk band, while France hovers at the limit of the low-risk band with a score of 35%. The good performance of Germany can be attributed to its well-established legal framework, specifically the Network Enforcement Act and the Interstate Media Treaty. While the Network Enforcement Act introduces deletion obligations (NetzDG), the Interstate Media Treaty imposes journalistic due diligence obligations (§ 19 MStV), and transparency and non-discrimination obligations (§ 93, 94 MStV). However, “the extent to which the law can provide a remedy to disinformation and hate speech has not yet been proven. The extent to which the law can provide a remedy here has not yet been proven. The requirements of the Interstate Media Treaty initially had to be fleshed out by the media institutions in statutes and have not yet been able to prove themselves in practice” (Holznagel & Kahlbenn, 2023).

As far as *Protection against disinformation* is concerned, two countries score in the low-risk band: namely, Germany and France. Like Germany, France has developed some legislation to fight disinformation, including the Avia Law introduced in December 2018. Among the measures contained in the law, some of them concern electoral periods. For example, the Electoral Code (EC) is now applicable to online platforms and imposes upon them some obligations such as respecting “educated information”, the “sincerity of the elections” and “transparency” (especially with regard to their algorithms) for a period of 3 months prior to the month elections will take place (Art. 1). Some judicial responses in case of voluntary disinformation have been added to the Electoral Code (Art. L163-2). In addition, online platforms have to fight against the dissemination of false information which could trouble public order or alter the sincerity of the elections (Art. 11).). The Avia Law also instated *Autorité de régulation de la communication audiovisuelle et numérique* (ARCOM) as the responsible monitoring authority. ARCOM’s competences have been enlarged by the October 25, 2021 Law (chap. 1 & 2), to include issues related to disinformation, as well as holding a regular dialogue with online platforms on their actions against disinformation (although, as of now, there are no binding measures) (Ouakrat & Larochelle, 2023).

In the *Protection against hate speech* sub-indicator, Germany is the only country in the low-risk band, with a risk scored at 12%. The low risk is due to a set of well-coordinated measures at the federal level (including the Network Enforcement Act) and at the state levels. However, according to Dr. Maximilian Hemmert-Halswick, Legal Clerk at Regional Court of Essen, (cited in Holznagel & Kahlbenn, 2023), hate speech continues to spread and becomes more and more immune to the initiatives already in place in Germany. Therefore, the solution to hate speech might not lie in a legal response.

3. Conclusion

Regarding the area of Fundamental Protection, the UK has robust legal frameworks to protect freedom of expression in the offline and online environment, the right to information, whistle-blowers, and the independence and effectiveness of media regulators. However, the implementation and enforcement of some of these legal frameworks has fallen short of their intended objectives. In the Market Plurality area, high risks derive from the concentration and opacity of media ownership, as well as from the economic sustainability of the professional media. It can be asserted that digital disruption manifested in the UK first, and, as a result, so did their responses to it. As a consequence, the economic impact of the shifting of resources towards online advertising has been stronger and the media have struggled to find a new sustainable business model; in parallel, the evolution of the regulatory framework to address digital challenges to competitive and fair markets has positively impacted one of the indicators in this area and thus contributed to mitigating the risk. Concerning Political Independence, the results show that the United Kingdom is not exempt from the risks of political influence. Particularly, the indicator Editorial autonomy suggests that the UK is under threat from political interference in editorial decisions and content. At the same time, some risks emerge when considering appointments in the governance structure of PSM, as well as in terms of political control exerted via ownership means. In terms of Social Inclusiveness, the United Kingdom has high standards, despite some room for improvement. The risk associated with Protection against disinformation and hate speech is the most concerning, and deserves some attention. The situation should, however, improve with the adoption of the Online Safety bill.

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