

Indicator

Country	TestCountry
Indicator Code	1
Indicator Name	Protection of freedom of expression
Description	This indicator aims to assess the existence and effective implementation of regulatory safeguards for freedom of expression. A country may have good laws relating to freedom of expression, but they may not be implemented or enforced. In addition, constitutional guarantees may be eroded by exceptions and derogations from international treaty obligations or by contradictory laws covering, for example, national security or defamation.

Group	#	Type	Question	Description:
Respect of FoE international standards	1	L	<p>Is freedom of expression explicitly recognized in the Constitution and/or national laws?</p> <p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable aims to assess the existence of regulatory safeguards for freedom of expression in the Constitution or in national laws.</p> <p>Method of Measurement</p> <p>National laws and regulations. Constitutional conventions.</p> <p>Overviews of national media legislation can be found on: EPRA website:http://www.epra.org/articles/media-legislation Merlin database European Audiovisual Observatory: http://merlin.obs.coe.int/ Websites of national regulatory and competition authorities</p>
Respect of FoE international standards	2	L	<p>Has the State ratified the International Covenant on Civil and Political Rights (ICCPR) with no significant exemptions?</p> <p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the ratification of the core international treaty (ICCPR) covering standards on freedom of expression, in particular Article 19. The variable also assesses whether there are any reservations/derogations from international treaty obligations, specifically relating to freedom of expression.</p> <p>Method of Measurement</p> <p>Check whether your country has ratified the ICCPR on OHCHR website: http://indicators.ohchr.org/.</p> <p>Check also whether the state has made any declarations or reservations.</p>
Respect of FoE international standards	3	L	<p>Has the State ratified the European Convention on Human Rights with no significant reservations/declarations?</p> <p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the ratification of the core European treaty covering freedom of expression - the European Convention on Human Rights. The variable also assesses whether there are any reservations/declarations made by the State in relation to freedom of expression, in particular in relation to Article 10.</p> <p>Method of Measurement</p> <p>Check whether the state has ratified the European Convention with no significant reservations/declarations relating to freedom of expression.</p> <p>See Council of Europe webpage: http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=&DF=&CL=ENG</p>
Respect of FoE international standards	4	L	<p>Are restrictions upon freedom of expression clearly defined in law in accordance with international and regional human rights standards?</p> <p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>Please, do not consider aspects of freedom of expression online. This issue will be addressed by questions that will follow.</p> <p>Restrictive measures must be 'prescribed by law'. Pursuant to the Court's case law, the expression 'prescribed by law' not only requires that restrictive measures should have a legal basis in domestic law, but also refers to the quality of the law in question, which should be accessible to the person concerned and foreseeable to its effects.[1]A measure that interferes with the exercise of fundamental rights and principles enshrined in the ECHR will usually be regarded as 'accessible' if it is published.[2]A restrictive measure is considered 'foreseeable' if it is formulated with sufficient precision to enable the citizen to regulate his conduct.[3] That is to say, the citizen must be able to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.[4] The Court acknowledges that laws need not be phrased in rigid terms; the law cannot capture all possible eventualities at the time of its adoption and the circumstances surrounding it may evolve. In other words, a law must be sufficiently flexible to leave room for interpretation. However, the legal framework must provide effective safeguards</p>

against arbitrary interference. This has been understood to mean that the law must indicate with sufficient clarity the scope of discretion conferred on the competent authorities and the manner of its exercise.^[5]

(CMPF working paper on FREEDOM OF EXPRESSION ONLINE REPORT, march 2016 9internal use only)

[1]See, for instance, VgT Verein gegen Tierfabriken v. Switzerland, no. 24699/94, paragraph 52, ECHR 2001-VI; Rotaru v. Romania [GC], no. 28341/95, paragraph 52, ECHR 2000-V; Gawęda v. Poland, no. 26229/95, paragraph 39, ECHR 2002-II; and Maestri v. Italy [GC], no. 39748/98, paragraph 30, ECHR 2004-I

[2]See, for instance, Silver and others v. United Kingdom, 1983, 3 EHRR 347

[3]See, for instance, Delfi v. Estonia, 16 June 2015, no. 64569/09, paragraph 121

[4]Ibid. See also The Sunday Times v. United Kingdom (Series A No 30), European Court of Human Rights (1979-80) 2 EHRR 245, 26 April 1979, paragraph 49

[5]See, for instance, Malone, judgment of 2 August 1984, A 82, paragraph 68

Method of Measurement

National laws and regulations. Constitutional conventions.

Freedom of Expression, the Media and Journalists: Case-law of the European Court of Human Rights, IRIS Themes, Vol. III An electronic publication series from the European Audiovisual Observatory: [http://www.obs.coe.int/documents/205595/2667238/IRIS+Themes+III+\(final+9+December+2013\).pdf/2e748bd5-7108-4ea7-baa6-59332f885418](http://www.obs.coe.int/documents/205595/2667238/IRIS+Themes+III+(final+9+December+2013).pdf/2e748bd5-7108-4ea7-baa6-59332f885418)

Respect of FoE international standards 5 L

Do restrictions upon freedom of expression pursue a legitimate aim according to those foreseen in Article 10(2) ECHR and are they 'proportionate' to the legitimate aim pursued?

YES NO Not Applicable No Data

Description:

This variable assesses the respect of CoE standards on FoE. Art 10(2) of the ECHR. "...The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

Method of Measurement

National laws and regulations.

Constitutional conventions.

Academic writing on the issue and reports by international and European bodies.

Analysis of the legal framework.

Freedom of Expression, the Media and Journalists: Case-law of the European Court of Human Rights, IRIS Themes, Vol. III An electronic publication series from the European Audiovisual Observatory: [http://www.obs.coe.int/documents/205595/2667238/IRIS+Themes+III+\(final+9+December+2013\).pdf/2e748bd5-7108-4ea7-baa6-59332f885418](http://www.obs.coe.int/documents/205595/2667238/IRIS+Themes+III+(final+9+December+2013).pdf/2e748bd5-7108-4ea7-baa6-59332f885418)

Comment:

Respect of FoE international standards 6 L

Do citizens have legal remedies in cases of infringement of their freedom of expression?

YES NO Not Applicable No Data

Description:

This variable assesses the availability of legal remedies in cases of violations of freedom of expression. The variable measures solely the existence in law, not its implementation.

Method of Measurement

National laws and regulations.

Constitutional conventions.

Case law.

Overviews of national media legislation can be found on:
EPRA website:<http://www.epra.org/articles/media-legislation>
Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>
Nordicom (for Scandinavian countries):<http://www.nordicmedia.info/>
Websites of national regulatory and competition authorities

Freedom of Expression, the Media and Journalists: Case-law of the European Court of Human Rights, IRIS Themes, Vol. III An electronic publication series from the European Audiovisual Observatory: [http://www.obs.coe.int/documents/205595/2667238/IRIS+Themes+III+\(final+9+December+2013\).pdf/2e748bd5-7108-4ea7-baa6-59332f885418](http://www.obs.coe.int/documents/205595/2667238/IRIS+Themes+III+(final+9+December+2013).pdf/2e748bd5-7108-4ea7-baa6-59332f885418)

Respect of FoE international standards 7 L

Are these legal remedies effective?

YES NO Not Applicable No Data

Description:

This variable assesses the effectiveness of legal remedies against violations of freedom of expression. Unless legal remedies are adequately enforced, regulatory safeguards on freedom of expression may be useless.

Method of Measurement

National case law and case law of the European Court on Human Rights.

Academic writing on the issue and reports by NGOs working on related issues.

Respect of FoE international standards	8	S	Is freedom of expression respected in practice in your country?	<p>Description:</p> <p>This variable assesses the actual risks to freedom of expression in your country. Every country may witness minor violations to freedom of expression, but if there has been a systematic practice over the two years this will indicate that the laws may be ineffective. Please note that the relevant timeframe is two years and it is looking for common practice, not based on one single incident.</p>
			<p>Low risk: There is no evidence of violations <input type="radio"/></p> <p>Medium risk: There are occasional violations <input type="radio"/></p> <p>High risk: There are systematic violations <input type="radio"/></p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Method of Measurement</p> <p>Reports by local and international NGOs working on these issues.</p> <p>Academic writing and reports by international bodies, organizations or experts on the issue.</p>
Guarantees for FoE online	9	L	Are restrictions upon freedom of expression online clearly defined in law in accordance with international and regional human rights standards and are the restrictions to freedom of expression online 'proportionate' to the legitimate aim pursued'?	<p>Description:</p> <p>This variable assesses whether FoE online is limited on the same grounds as FoE offline. The provisions on rights and freedoms set out in the European Convention on Human Rights apply equally online and offline.</p> <p>Restrictive measures must be 'prescribed by law'. Pursuant to the Court's case law, the expression 'prescribed by law' not only requires that restrictive measures should have a legal basis in domestic law, but also refers to the quality of the law in question, which should be accessible to the person concerned and foreseeable to its effects.^[1] A measure that interferes with the exercise of fundamental rights and principles enshrined in the ECHR will usually be regarded as 'accessible' if it is published.^[2] A restrictive measure is considered 'foreseeable' if it is formulated with sufficient precision to enable the citizen to regulate his conduct.^[3] That is to say, the citizen must be able to foresee, to a degree that is reasonable in the circumstances, the consequences which a given action may entail.^[4] The Court acknowledges that laws need not be phrased in rigid terms; the law cannot capture all possible eventualities at the time of its adoption and the circumstances surrounding it may evolve. In other words, a law must be sufficiently flexible to leave room for interpretation. However, the legal framework must provide effective safeguards against arbitrary interference. This has been understood to mean that the law must indicate with sufficient clarity the scope of discretion conferred on the competent authorities and the manner of its exercise.</p> <p>^[5] (from the Report on FREEDOM OF EXPRESSION ONLINE REPORT PREPARED BY THE CENTRE FOR MEDIA PLURALISM AND MEDIA FREEDOM FOR THE COUNCIL OF EUROPE, march 2016). Measures of blocking, filtering and removal of Internet content are interpreted in a restrictive manner, thus complying with the principle of proportionality. See above on the respect of FoE offline according to the CoE-ECHR standards.</p> <p>^[1] See, for instance, <i>VgT Verein gegen Tierfabriken v. Switzerland</i>, no. 24699/94, paragraph 52, ECHR 2001-VI; <i>Rotaru v. Romania</i> [GC], no. 28341/95, paragraph 52, ECHR 2000-V; <i>Gawęda v. Poland</i>, no. 26229/95, paragraph 39, ECHR 2002-II; and <i>Maestri v. Italy</i> [GC], no. 39748/98, paragraph 30, ECHR 2004-I</p> <p>^[2] See, for instance, <i>Silver and others v. United Kingdom</i>, 1983, 3 EHRR 347</p> <p>^[3] See, for instance, <i>Delfi v. Estonia</i>, 16 June 2015, no. 64569/09, paragraph 121</p> <p>^[4] <i>Ibid.</i> See also <i>The Sunday Times v. United Kingdom</i> (Series A No 30), European Court of Human Rights (1979-80) 2 EHRR 245, 26 April 1979, paragraph 49</p> <p>^[5] See, for instance, <i>Malone</i>, judgment of 2 August 1984, A 82, paragraph 68</p>
			<p>YES <input type="radio"/></p> <p>NO <input type="radio"/></p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Method of Measurement</p> <p>National laws and regulations. Constitutional conventions.</p> <p>Academic writing on the issue and reports by international and European bodies.</p> <p>Freedom of Expression, the Media and Journalists: Case-law of the European Court of Human Rights, IRIS Themes, Vol. III An electronic publication series from the European Audiovisual Observatory: http://www.obs.coe.int/documents/205595/2667238/IRIS+Themes+III+(final+9+December+2013).pdf/2e748bd5-7108-4ea7-baa6-59332f885418</p>
Guarantees for FoE online	10	S	Does the state generally refrain from filtering and/or monitoring and/or blocking and/or removing online content in an arbitrary way?	<p>Description:</p> <p>This variable assesses the actual risks to freedom of expression online in your country. Violations of freedom of expression online are growing in frequency and importance. Of course every country may witness minor violations to freedom of expression, but if there has been a systematic practice over the two years this will indicate that the laws may be ineffective. Please note that the relevant timeframe is two years and it is looking for common practice, not based on one single incident. By "in an arbitrary way" we understand that the filtering, monitoring or blocking is not in compliance with the rule of law as set forth by art. 10 (1) and (2) of the ECHR.</p>
			<p>Low risk: yes: no violations <input type="radio"/></p> <p>Not Applicable <input type="radio"/></p>	

Medium risk: occasional violations No Data

High risk: no: systematic and/ or severe violations

Method of Measurement

National case law

Case law by European Court on Human Rights on your country

Reports by local and international NGOs working on these issues

Academic writing and reports by international bodies, organizations or experts on the issue

Guarantees for FoE online 11 S

Do the ISPs generally refrain from filtering and/or monitoring and/or blocking and/or removing online content in an arbitrary way?

Low risk: No violations Not Applicable

Medium risk: Occasional violations No Data

High risk: Systematic violations

Description:

This variable assesses the actual risks to freedom of expression online in your country. Violations of freedom of expression online are growing in frequency and importance. Of course every country may witness minor violations to freedom of expression, but if there has been a systematic practice over the two years this will indicate that the laws may be ineffective. Please note that the relevant timeframe is two years and it is looking for common practice, not based on one single incident. **By "in an arbitrary way" we understand that the filtering, monitoring or blocking is not in compliance with the rule of law as set forth by art. 10 (1) and (2) of the ECHR.**

Method of Measurement

National case law

Case law by European Court on Human Rights on your country

Reports by local and international NGOs working on these issues

Academic writing and reports by international bodies, organizations or experts on the issue

Comment:

Proportionate balance between protection of FoE and dignity 12 L

Has your State decriminalised defamation?

YES NO Not Applicable No Data

Description:

This variable assesses whether the state has decriminalised defamation. While defamation is an important tool to protect people from false statements that damage their reputation, its criminalization may pose risks for journalists' freedom of expression or their ability to carry out their work. **Please check if anything has changed from last year.**

Method of Measurement

National laws and regulations, case law

CMPF maps on defamation, available at: <http://journalism.cmpf.eu.eu/maps/defamation-law/> (please check for any updated information)

Academic writing on the issue and reports by international and European bodies.

IPI <http://legaldb.freemedia.at/>

Proportionate balance between protection of FoE and dignity 13 L

Do defamation laws provide for sufficient legal defences?

YES NO Not Applicable No Data

Description:

This variable assesses whether defamation laws provide for sufficient legal defences, that can be used against a defamation claim, to ensure it does not impose unreasonable limitations on freedom of expression. These may include: - that the disputed statement was an opinion, not an allegation of fact; - that publication or broadcasting of the disputed fact was reasonable or in the public interest; - or that it occurred during a live transmission and/or before a court or elected body

Method of Measurement

National laws and regulations

National case law, relevant case law by European Court on Human Rights

CMPF maps on defamation, available at: <http://journalism.cmpf.eu.eu/maps/defamation-law/> (please check for any updated information)

Academic writing on the issue and reports by international and European bodies.

IPi <http://legaldb.freemedia.at/>

Proportionate balance between protection of FoE and dignity 14 L

Do defamation laws provide for a regime of remedies that allow for proportionate responses to the publication or broadcasting of defamatory statements?

YES NO Not Applicable No Data

Description:

This variable assesses whether national defamation laws provide for a system of remedies that are proportionate to the diffusion of defamatory statements. As with any restriction on freedom of expression, such laws should not have a chilling effect on journalists' work. Such remedies may include financial compensation, a court order to issue an apology or correction, or to publish the judgement on defamatory statements. Imprisonment is not considered a proportionate response for defamation. On this topics see also Article 19: <http://www.article19.org/pages/en/defences-remedies.html>.

Method of Measurement

National laws and regulations

National case law, relevant case law by European Court on Human Rights

CMPF maps on defamation, available at: <http://journalism.cmpf.eu.eu/maps/defamation-law/> (please check for any updated information)

Academic writing on the issue and reports by international and European bodies.

IPI <http://legaldb.freemedia.at/>

Proportionate balance between protection of FoE and dignity

15 L

Is the scope of defamation laws defined as clearly as possible, including as to who may sue?

YES NO Not Applicable
No Data

Description:

This variable assesses the scope of defamation laws in your country, which should always be defined as clearly as possible. In particular defamation laws are justified only if their legitimate aim is to protect a natural person whose reputation has been harmed. Therefore defamation laws should not serve interests other than reputation and should only be brought by natural persons, and not by public bodies whether legislative, executive, judicial or even by political parties).

Method of Measurement

National laws and regulations.

National case law, relevant case law by European Court on Human Rights.

CMPF maps on defamation, available at: <http://journalism.cmpf.eu.eu/maps/defamation-law/> (please check for any updated information)

Academic writing on the issue and reports by international and European bodies.

Proportionate balance between protection of FoE and dignity

16 L

Are court decisions on damage proportionate to the offence of defamation?

YES NO Not Applicable
No Data

Description:

This variable assesses whether the claims for damages in civil proceedings and the pecuniary sanctions in criminal proceedings are not abusive and do not have a chilling effect on journalists.

Method of Measurement

National laws and regulations.

National case law, relevant case law by European Court on Human Rights.

CMPF maps on defamation, available at: <http://journalism.cmpf.eu.eu/maps/defamation-law/> (please check for any updated information)

Academic writing on the issue and reports by international and European bodies.

Indicator

Country TestCountry

Indicator Code 2

Indicator Name Protection of right to information

Description This indicator aims to assess the existence and effective implementation of regulatory safeguards relating to the right to information. A country may have good laws relating to the right to information but they may not be implemented or enforced

Group # Type Question

Legal protection of right to information 17 L

Is the right to information explicitly recognised in the Constitution and/or national laws?

YES NO Not Applicable
No Data

Description:

This variable assesses the existence of regulatory safeguards for the right to information in the Constitut national laws.

Method of Measurement

National laws and regulations (acts, decrees, branch agreements...), constitutional conventions, case law regulatory decisions

CMPF Maps on Freedom of Information: <http://journalism.cmpf.eu.eu/maps/freedom-of-information/>

Overviews of national media legislation can be found on: EPRA website:<http://www.epra.org/articles/mc> legislation

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory:<http://merlin.obs.coe.int/>

Nordicom (for Scandinavian countries):<http://www.nordicmedia.info/>

Comment:

CMPF map: <http://journalism.cmpf.eu.eu/maps/freedom-of-information/> (please, check any update)

<p>Legal protection of right to information</p>	<p>18 L</p>	<p>Are restrictions to freedom of information on grounds of protection of privacy, state secrecy, public order, and national security clearly defined in accordance with international standards?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable aims to assess whether restrictions to freedom of information on privacy grounds p national law are clearly defined in accordance with international standards. Both the right to fi information, including the public's right to be informed by the press, and the right to privacy enjoy a h of protection under international law. Although both human rights, they are by no means Notwithstanding the public's interest in the lives of certain individuals, the dissemination of this ir should not always come at the cost of invading their privacy. As noted by the former UN Special Rap] freedom of expression Frank La Rue, "The overarching notion is that all information in the possession o belongs to the public, with limited and qualified exceptions that must be justified by State authorities. [.. laws should contain a clearly and narrowly defined list of exceptions or an explanation of the grounds f the disclosure of information. Exceptions should apply only where there is a risk of substantial ha protected interest and where that harm is greater than the overall public interest in having acc information", and should be determined by an independent body, preferably a court, and not the body f information".</p> <p>The assessment should also consider if anyone can access information or if any specific qualifications are requirec prosecutor, journalist, etc).</p> <p>Method of Measurement</p> <p>National laws and regulations (acts, decrees, branch agreements...), constitutional conventions, case law regulatory decisions (As above)</p> <p>Also policy documents Council of Europe (2002). Recommendation Rec(2002)2 on access to official docu the Committee of Ministers</p> <p>Studies/reports providing overviews of and/or evaluating safeguards for the right to information</p> <p>OSCE (2008). Access to information by the media in the OSCE region: Country Reports, http://www.osce.org/documents/rfm/2007/06/24251_en.pdf Websites providing more information ww www.freedominfo.org</p> <p>CMPF map: http://journalism.cmpf.eu.eu/maps/freedom-of-information/ (please check any update)</p>
<p>Legal protection of right to information</p>	<p>19 L</p>	<p>Are there appeal mechanisms in place for denials to access information?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses whether there are appeal mechanisms in place in cases of denials to access inform Such appeal mechanism should be before a judicial body or if not, before a body that is independent of t involved, held to provide written reasons for its decisions and whose decisions are subject to review by a tribunal within the meaning of Article 267 TFEU.</p> <p>Method of Measurement</p> <p>National laws and regulations (acts, decrees, branch agreements...), constitutional conventions, case law regulatory decisions</p> <p>CMPF Maps on Freedom of Information: http://journalism.cmpf.eu.eu/maps/freedom-of-information/ (update)</p>
<p>Legal protection of right to information</p>	<p>20 S</p>	<p>Does the public administration generally refrain from denying access to information in an arbitrary way?</p> <p>Low risk: The procedures are never misused <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p> <p>Medium risk: The procedures are occasionally misused <input type="radio"/></p> <p>High risk: The procedures are very often misused <input type="radio"/></p>	<p>Description:</p> <p>This variable aims to assess the effectiveness of the appeal mechanisms in place and test whether they a to systematic misuse or delays to limit access to information.</p> <p>Method of Measurement</p> <p>Academic writing on the issue and reports by NGOs working on related issues</p>
<p>Protection of whistleblowers</p>	<p>21 L</p>	<p>Is there a regulatory framework in place to protect whistleblowers?</p>	<p>Description:</p> <p>This variable aims to assess whether the country has adopted legal instruments to protect whistleblowers.</p> <p>Method of Measurement</p>

YES NO Not Applicable
 No Data

National laws and regulations. OECD STUDY ON WHISTLEBLOWER PROTECTION FRAMEWORKS, COMPENI BEST PRACTICES AND GUIDING PRINCIPLES FOR LEGISLATION: STUDY ON WHISTLEBLOWER PROTECT <https://www.oecd.org/g20/topics/anti-corruption/48972967.pdf> Transparency International. WHISTLEBLOWING IN LEGAL PROTECTIONS FOR WHISTLEBLOWERS IN THE EU. http://www.transparency.org/whatwedo/publication/whistleblowing_in_europe_legal_protections_for_whistleblowers

Comment:

Protection of whistleblowers 22 L

Is the protection of whistleblowers generally enforced in practice?

YES NO Not Applicable
 No Data

Description:

This variable aims to assess the effective implementation of regulatory safeguards for the protection of whistleblowers. W country may have adequate laws on the protection of whistleblowers, they may not be implemented in practice.

Method of Measurement

Court cases. OECD STUDY ON WHISTLEBLOWER PROTECTION FRAMEWORKS, COMPENDIUM OF BEST P AND GUIDING PRINCIPLES FOR LEGISLATION: STUDY ON WHISTLEBLOWER PROTECTION: <https://www.oecd.org/g20/topics/anti-corruption/48972967.pdf> Transparency International. WHISTLEBLOWING IN LEGAL PROTECTIONS FOR WHISTLEBLOWERS IN THE EU. http://www.transparency.org/whatwedo/publication/whistleblowing_in_europe_legal_protections_for_whistleblowers

Comment:

Protection of whistleblowers 23 S

Is your country free from cases of arbitrary sanctioning of whistleblowers?

YES NO Not Applicable
 No Data

Description:

This variable assesses whether there are unlawful arrests/detainment/sanctioning/imprisonment of whistlebl

Method of Measurement

Reports by NGOs or professional associations/unions (eg. World Press Freedom). Index of <https://mappingmediafreedom.org/#/>

Indicator

Country	TestCountry
Indicator Code	3
Indicator Name	Journalistic profession, standards and protection
Description	

Group # Type Question

Access to journalistic profession 24 L

Do laws or self-regulatory instruments that prescribe who may practice journalism or requiring the licensing or registration of journalists impose transparent, objective, proportionate and nondiscriminatory requirements?

YES NO Not Applicable
 No Data

Description:

This variable assesses legal restrictions on who can become a journalist, since these may have a deterring effect and hence a negative influence on media pluralism. In particular it aims to measure whether the laws or self-regulatory instruments that prescribe who may practice journalism or requiring the licensing or registration of journalists impose transparent, objective, proportionate (not synonym for strict conditions; e.g. diploma is a proportionate condition) and nondiscriminatory requirements. Such legal restrictions may include may include burdensome accreditation, registration or licensing schemes.

Method of Measurement

National laws and regulations.
 Constitutional conventions.
 National case law and case law of European Court on Human Rights Self-regulatory instruments.

Comment:

Overviews of national media legislation and self-regulatory codes can be found on: <http://www.mediawise.org.uk/codes-of-conduct/codes/>

EPRA website:<http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Nordicom (for Scandinavian countries):<http://www.nordicmedia.info/>

CMPF map on the status of journalists: <http://journalism.cmpf.eui.eu/maps/journalists-status/>

Access to
journalistic
profession 25 S

Is access to the
journalistic profession
open in practice?

Low risk:
The
conditions
to become
a journalist
impose no
barriers to
exercise the
profession
of
journalists

Not
Applicable

No Data

Medium
risk:
The
conditions
to become
a journalist
impose
some
barriers to
exercise the
profession
of
journalists

High risk:
The
conditions
to become
a journalist
impose
serious
barriers to
exercise the
profession
of
journalists

Description:

This variable assesses whether the implementation of the laws or self-regulatory instruments allowing transparent, objective, proportionate and nondiscriminatory requirements is adequate in practice, and whether any other barriers exist to exercise the profession of journalists. While the legal protection may be adequate, this may not be the case in practice.

Method of Measurement

National case law

Case law of the European Court on human Rights

Reports by NGOs and international organizations working on the issue

Interviews with journalists

CMPF map: <http://journalism.cmpf.eu.eu/maps/journalists-status/> (check, please, for updates)

Professional
associations 26 S

Is a broad section of
journalists represented
by professional
associations or other
journalists'
organizations?

Low risk:
All or almost
all
journalists
are
represented

Not
Applicable

No Data

Medium
risk:
Some
journalists
are
represented

High risk:
Journalists
are not
represented

Description:

This indicator assesses if the representation of the interests of media professionals and media employers in labour relations is established through professional associations, with high levels of participation of media professionals and media publishers in their membership.

For a definition of journalists' associations see CMPF map on the Status of European Journalists: <http://journalism.cmpf.eu.eu/maps/journalists-status/>. These include journalist associations and self-regulatory bodies.

Method of Measurement

National data on journalists, and relevant organizations.

CMPF map: <http://journalism.cmpf.eu.eu/maps/journalists-status/> (check, please, for updates)

European Federation of Journalists: <http://europeanjournalists.org/members/>

Professional
associations 27 S

Are journalists'
professional
associations effective in
guaranteeing editorial
independence and/or
respect for professional
standards?

Description:

This variable assesses if there are professional associations providing advocacy for editorial independence and/or respect for professional standards. It assesses the power and effectiveness of the relevant associations in influencing the journalistic sphere.

Method of Measurement

Low risk: Not
Highly effective Applicable
Medium risk: No Data
Partially effective
High risk: Not effective

Reports by NGOs or journalist organizations.
Interviews with journalists' organizations.
Other relevant websites: www.ifj.org

Comment:

Protection of journalists 28 S

Are there cases of attacks or threats to the physical safety of journalists?

Low risk: No attacks, no threats Not Applicable
Medium risk: No attacks, some threats No Data
High risk: Attacks and threats take place

Description:

The physical safety of journalists is essential to guarantee their freedom of expression and media pluralism. As noted in the UN Plan of Action on the Safety of Journalists and the Issue of Impunity : "In recent years, there has been disquieting evidence of the scale and number of attacks against the physical safety of journalists and media workers". The relevant timeframe should be last year.

Method of Measurement

Please, report how many threats to physical safety were reported by Index on censorship in the last two years: <https://mappingmediafreedom.org/#/>

See, also: Council of Europe Platform to promote the protection of journalism and safety of journalists <http://www.coe.int/en/web/media-freedom/home>

Comment:

Protection of journalists 29 S

Are there threats to the digital safety of journalists?

Low risk: No attacks Not Applicable
Medium risk: Some attacks No Data
High risk: Frequent attacks

Description:

Threats to digital safety have become a serious concern for journalists. In particular digital surveillance endangers the work of journalists and their freedom of expression. This variable assesses the presence of threats to the digital safety of journalists, including through illegitimate surveillance of their searches and online activities, their email or social media profiles, hacking and other attacks by state or non-state actors. The relevant timeframe should be the last year.

Method of Measurement

Reports by international organizations and NGOs.
Interviews with journalists or relevant organizations.

Protection of journalists 30 S

How would you evaluate the working conditions of journalists in your country?

Low risk: Good job security and pay Not Applicable
Medium risk: Some irregularities in payments and some job insecurity No Data
High risk:

Description:

For a genuine pluralistic media landscape to be realised, it is crucial that journalists can work under decent social conditions. This variable aims to assess risks to the working conditions of journalists, including in particular their social security, job security and pay.

Method of Measurement

CMPF maps on the status of journalists: <http://journalism.cmpf.eui.eu/maps/journalists-status/> (please, check for updates)

Interviews with journalists or journalists' organizations.
Reports by NGOs or professional associations/unions.

Frequent irregularities in payments and high job insecurity

Protection of journalists 31 S

Is your country free from arbitrary arrests or imprisonments of journalists because of the exercise of their profession?

YES NO Not Applicable
No Data

Description:

This variable assesses whether there are politically motivated arrests/detainment and imprisonment of journalists.

Method of Measurement

CoE Platform to promote the protection of journalism and safety of journalists (<http://www.coe.int/en/web/media-freedom>). Reports by NGOs or professional associations/unions (eg. World Press Freedom). Index of censorship: <https://mappingmediafreedom.org/#/>

Protection of journalists 32 S

Is your country free from killings of journalists?

YES NO Not Applicable
No Data

Description:

This variable assesses whether journalists are killed in relation to the exercise of the journalistic profession.

Method of Measurement

CoE Platform to promote the protection of journalism and safety of journalists (<http://www.coe.int/en/web/media-freedom>). Reports by NGOs or professional associations/unions (eg. World Press Freedom).

Protection of sources 33 L

Is the protection of journalistic sources explicitly recognised by the law and/or by the highest courts in your country?

YES NO Not Applicable
No Data

Description:

This variable assesses the existence of regulatory safeguards for the protection of journalistic sources. In some countries the protection of sources may be recognised in the case law of the highest courts even if it is not explicitly recognised in national legal instruments. Both in the case law of the European Court of Human Rights, and in Recommendation (2000) 7 on the right of journalists not to disclose their sources of information, it is recognised that the protection of journalists' sources of information constitutes a basic condition for journalistic work and freedom as well as for the freedom of the media. To promote the development of free, independent and pluralist media, it is necessary for journalists to have the right not to disclose their sources of information.

Method of Measurement

National laws and regulations.

Constitutional conventions.

National case law and case law of European Court on Human Rights

Self-regulatory instruments

CMPF map on the protection of journalistic sources: <http://journalism.cmpf.eui.eu/maps/protection-of-sources/> (please, check for updates)

Studies/reports providing overviews of and/or evaluating safeguards for the protection of journalistic sources: For instance: IFJ (2010), Protecting our sources of information. The updated version is available at: <http://europe.ifj.org/en/articles/efj-policy-document-on-protection-of-sources>

Protection of sources 34 L

Is the protection of journalistic sources generally enforced in practice?

YES NO Not Applicable
No Data

Description:

This variable aims to assess the effective implementation of regulatory safeguards for the protection of journalistic sources. While a country may have adequate laws on the protection of journalistic sources, they may not be implemented in practice. If journalists cannot guarantee a source's anonymity, journalists may not be able to report at all. Evidence of systematic infringement may include: - when there is a number of cases where journalists were obliged to disclose their sources and were condemned for not disclosing their sources; - or cases where the Member State did not take measures after a conviction by the European Court on Human Rights for systematic use of domiciliary visits and telephone tapping of journalists. Please note that the relevant timeframe is two years and it is looking for common practice, not based on one single incident.

Method of Measurement

National laws and regulations.

Constitutional conventions.

National case law and case law of European Court on Human Rights

Self-regulatory instruments

CMPF map on the protection of journalistic sources: <http://journalism.cmpf.eui.eu/maps/protection-of-sources/>

Studies/reports providing overviews of and/or evaluating safeguards for the protection of journalistic sources: For instance: IFJ (2010), Protecting our sources of information. The updated version is available at: <http://europe.ifj.org/en/articles/efj-policy-document-on-protection-of-sources>

Indicator

Country	TestCountry
Indicator Code	4
Indicator Name	Independence and effectiveness of the media authority
Description	

Group	#	Type	Question	Description:
Appointment procedures	35	L	<p>Are appointment procedures for the relevant authority transparent, democratic and objective and designed to minimize the risk of political or economic interference, for instance by including rules on incompatibility and eligibility?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>This variable assesses the existence of regulatory safeguards for the independence of the media authority. In particular it aims to assess the existence of rules to guarantee that the members of the media authority are appointed in a democratic and transparent manner, may not receive any mandate or take any instructions from any person or body, do not make any statement or undertake any action which may prejudice the independence of its functions and do not take any advantage of them.</p> <p>Method of Measurement</p> <p><u>Please, consider the authority that has regulatory competences on the media sector, list other bodies with residual competences in the comment box).</u></p> <p><u>In case of concurring authorities, please, consider as relevant the authority that is part of EPRA or ERGA.</u></p> <p>http://www.epra.org/</p> <p>https://ec.europa.eu/digital-single-market/en/audiovisual-regulators</p> <p>National laws and regulations.</p> <p>Overviews of national media legislation can be found on: EPRA website: http://www.epra.org/articles/media-legislation</p> <p>RADAR project: https://ec.europa.eu/digital-single-market/news/study-audiovisual-media-services</p> <p>INDIREG: http://www.indireg.eu/</p> <p>Websites of national regulatory authorities</p> <p>Merlin database European Audiovisual Observatory: http://merlin.obs.coe.int/</p> <p>Nordicom (for Scandinavian countries):http://www.nordicmedia.info/</p>
Appointment procedures	36	S	<p>Are the appointment procedures for the media authority effective in limiting the risk of political and/or economic influence?</p> <p>Low risk: The appointment procedures are fully respected and guarantee political and/or economic independence of the members <input type="radio"/></p> <p>Medium risk: The appointment procedures are generally respected but are not always effective in safeguarding political</p> <p>Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses whether the rules regulating the appointment procedures to the media authority are implemented in practice and whether they effectively guarantee that the members of the media authority are appointed in a democratic and transparent manner, do not receive any mandate or take any instructions from any person or body, and are effectively independent. Members of media authorities should also avoid exercising functions or holding interests in enterprises or other organisations in the media or related sectors, which might lead to a conflict of interest in connection with membership of the media authority.</p> <p>Method of Measurement</p> <p>RADAR project: https://ec.europa.eu/digital-single-market/news/study-audiovisual-media-services</p> <p>EPRA website:http://www.epra.org/</p> <p>INDIREG: http://www.indireg.eu/</p>

and/or economic independence of the members

High risk:
The appointment procedures are not respected and/or do not safeguard political and/or economic independence of the members

Websites of national regulatory authorities

NGO reports and reports by relevant national and international organizations

National case law

Academic writing on the issue

Interviews with relevant actors

Competencies 37 L

Are the tasks and responsibilities of the media authority defined in detail in the law?

YES NO Not Applicable
No Data

Description:

This variable assesses the existence of laws and regulations clearly defining the tasks and responsibilities of the media authority (-ies). These may include regulatory powers and/or the power to grant licences, compliance monitoring, including sanctioning powers.

Method of Measurement

National laws and regulations.

Overviews of national media legislation can be found on:

EPRA website: <http://www.epra.org/articles/media-legislation>

RADAR project: <https://ec.europa.eu/digital-single-market/news/study-audiovisual-media-services>

EU Study: INDIREG: <http://www.indireg.eu/>

Websites of national regulatory authorities;

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/> and

Nordicom (for Scandinavian countries): <http://www.nordicmedia.info/>

Hans Bredow Institute et al. (2011). Indicators for independence and efficient functioning of audiovisual media services regulatory bodies. Study conducted on behalf of the European Commission, findings available at: <http://www.indireg.eu/>

Council of Europe (2008). Declaration of the Committee of Ministers on the independence and functions of regulatory authorities for the broadcasting sector, 26 March 2008, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1266737&Site=CM> Council of Europe (2000).

Council of Europe REC (2000) 23 Recommendation of the Committee of Ministers on the independence and functions of regulatory authorities for the broadcasting sector, 20 December 2000 and efficiency of the media authority (-ies), available at: <https://wcd.coe.int/ViewDoc.jsp?id=393649&>

Related studies/Reports: Cullen International (2006). Study on the regulation of broadcasting issues under the new regulatory framework prepared for the European Commission Information Society and Media Directorate-General.

Open Society Institute (2005) and follow-up reports. Television Across Europe: Regulation, Policy and Independence, available at: <http://www.opensocietyfoundations.org/reports/television-across-europeregulation-policy-and-independence>

Competencies 38 L

Does regulation attribute sanctioning powers to the media authority?

YES NO Not Applicable
No Data

Description:

This indicator assesses specifically whether the law attributes sanctioning powers to the authority. Sanctioning powers may include warning, fine, suspension or revocation of licence, refusal of additional licences, blocking of a merger or acquisition, obligation to allocate windows for third party programming, obligation to give up licences/activities in other media sectors, and/or divestiture.

Method of Measurement

National laws and regulations.

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

RADAR project: <https://ec.europa.eu/digital-single-market/news/study-audiovisual-media-services>

EU Study: INDIREG: <http://www.indireg.eu/>

Websites of national regulatory authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Nordicom (for Scandinavian countries): <http://www.nordicmedia.info/>

often not used in an independent manner

<http://www.transparencyinternational.org/>

Interviews with relevant actors.

Competencies 42 S

Is there evidence that the Government arbitrarily overrules decisions by the media authority?

Low risk: The government never overrules decisions by the media authority

Medium risk: The government at times arbitrarily overrules decisions by the media authority

High risk: The government regularly overrules arbitrarily decisions by the media authority

Not Applicable
No Data

Description:

This variable assesses whether the government in your country arbitrarily overrules decisions by the media authority. Decisions to overrule are considered arbitrary if they are not foreseen by law, not reasonable or in bad faith.

Method of Measurement

RADAR project: <https://ec.europa.eu/digital-single-market/news/study-audiovisual-media-services>

EPRA website: <http://www.epra.org/>

EU Study: INDIREG: <http://www.indireg.eu/>

Websites of national regulatory authorities

NGO reports and reports by relevant national and international organizations

National and European case law

Academic writing on the issue

Interviews with relevant actors

Budgetary independence 43 L

Are the procedures for allocation of budgetary resources for the media authority transparent and objective, i.e. leaving no scope for arbitrary decisions by the government?

YES NO Not Applicable
No Data

Description:

This variable assesses the existence of regulatory safeguards concerning the procedures of budget allocation for the media authority. Arrangements for the funding of the media authority should be specified in law in accordance with a clearly defined plan (transparent), with reference to the estimated cost of its activities (objective), so as to allow the authority to carry out its functions fully and independently. Public authorities should not use their financial decision-making power to interfere with the independence of the media authority.

Method of Measurement

National laws and regulations

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

RADAR project: <https://ec.europa.eu/digital-single-market/news/study-audiovisual-media-services>

INDIREG: <http://www.indireg.eu/> Websites of national regulatory authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Nordicom (for Scandinavian countries): <http://www.nordicmedia.info/>

Hans Bredow Institute et al. (2011). Indicators for independence and efficient functioning of audiovisual media services regulatory bodies. Study conducted on behalf of the European Commission, findings available at: <http://www.indireg.eu/>

Council of Europe (2008). Declaration of the Committee of Ministers on the independence and functions of regulatory authorities for the broadcasting sector, 26 March 2008, available at: <https://wcd.coe.int/ViewDoc.jsp?id=1266737&Site=CM>

Council of Europe (2000). Council of Europe REC (2000) 23 Recommendation of the Committee of Ministers on the independence and functions of regulatory authorities for the broadcasting sector, 20 December 2000 and efficiency of the media authority (-ies), available at: <https://wcd.coe.int/ViewDoc.jsp?id=393649&>

Related studies/Reports: Cullen International (2006). Study on the regulation of broadcasting issues under the new regulatory framework prepared for the European Commission Information Society and Media Directorate-General.

Open Society Institute (2005) and follow-up reports. Television Across Europe: Regulation, Policy and Independence, available at: <http://www.opensocietyfoundations.org/reports/television-across-europeregulation-policy-and-independence>

Budgetary independence 44 S

Is the budget adequate for the media authority to perform its functions, to safeguard its independence, and to protect it from coercive budgetary pressures?

Low risk: The budget is adequate

Medium risk: The budget is

Not Applicable
No Data

Description:

This variable assesses whether the budget allocated for the media authority is adequate to safeguard its independence.

Method of Measurement

Websites of national competition authorities

Reports by competition authority

NGO reports and reports by relevant national and international organizations.

somewhat inadequate but still allows it to perform its function

National case and European law.
Academic writing on the issue.

High risk:
The budget is not adequate and does not safeguard its independence

Interviews with relevant actors.

Accountability 45 S

Is the media authority transparent about its activities?

Description:

This variable assesses whether the media authority is transparent about its activities and therefore accountable to the public. Being transparent about its activities may include the publication of its activities, including through regular or ad hoc reports relevant to their work or the exercise of their missions.

Low risk:
It is transparent and regularly publishes information about its activities

Not Applicable

No Data

Method of Measurement

National laws and regulations

Medium risk:
It is generally transparent but does not publish information about its activities on a regular basis

Overviews of national media legislation can be found on: EPRA website:<http://www.epra.org/articles/media-legislation>

RADAR project: <https://ec.europa.eu/digital-single-market/news/study-audiovisual-media-services>

EU Study: INDIREG: <http://www.indireg.eu/>

High risk:
It is not transparent

Websites of national regulatory authorities

NGO reports and reports by relevant national and international organizations

National and European case law

Academic writing on the issue

Indicator

Country	TestCountry
Indicator Code	5
Indicator Name	Universal reach of traditional media and access to the Internet
Description	

Group # Type Question

PSM coverage 46 L

Is the universal coverage of the PSM guaranteed in your country?

Description:

This variable assesses whether the universal coverage of the PSM is guaranteed by law or through a charter/agreement/convention between the PSM and public authorities.

YES NO Not Applicable

No Data

Method of Measurement

Analysis of laws and regulations

Sources: National laws and regulations (acts, decrees, branch agreements), case law and regulatory decisions).

Comment:

PSM coverage 47 S

What percentage of the population is covered by signal of all public TV and radio channels?

Description:

This variable assesses the probability of a threat arising to accessibility of PSM content and services. It shows the population coverage of public service television **and radio** broadcasters.

Value:

15 Not Applicable

No Data

Method of Measurement

Document analysis

Latest data available, preferably not older data than 2015

Based on the percentage indicated by you, we are calculating the level of risk according to the following formula: Low: >99% Medium: >98% and <99% High: <98%

Comment:

Broadband coverage	48	S	What percentage of the population is covered by broadband?	<p>Description:</p> This variable assesses the broadband coverage (30MBps) in the country. <p>Method of Measurement</p> CMPf uses the following Eurostat data: Source: https://ec.europa.eu/digital-single-market/en/news/study-broadband-coverage-europe-2016
			Low risk: more than 82% of 30MBps <input type="radio"/>	Not Applicable <input type="radio"/>
			Medium risk: between 78% and 82% of 30MBps <input type="radio"/>	No Data <input type="radio"/>
			High risk: less than 78% of 30MBps <input type="radio"/>	

Internet access	49	S	What is the percentage of broadband subscription in your country?	<p>Description:</p> This variable assesses broadband subscription rate in the country. <p>Method of Measurement</p> Thresholds: Low risk: 81-100 Medium risk: 71-80 High risk: 0-70 <p>Source:</p> CMPf uses the following Eurostat data: "Broadband and connectivity – individuals" ("Internet access at home", "Percentage of individuals", year 2013): http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=isoc_bde15b_i&lang=en DATASET: Broadband and connectivity - individuals [isoc_bde15b_i] TIME: 2013 LAST UPDATE: 16.06.16 INDIC_IS: Internet access at home IND_TYPE: All Individuals UNIT: Percentage of individuals <p>SOURCE: http://appsso.eurostat.ec.europa.eu/</p>
			Value:	Not Applicable <input type="radio"/>
			No Data <input type="radio"/>	

Internet access	50	S	What is the average Internet connection speed in your country?	<p>Description:</p> This variable assesses the average Internet connection speed in the country. CMPF uses speed data from the content distribution management company Akamai, which has servers around the world and is reported to handle a large percentage of global Internet traffic. Akamai regularly tests network latency between cities and monitors network traffic worldwide. Akamai's connection speed measures how quickly (in kilobits per second) data can be transferred from the Internet to a local computer. The data averages all of the connection speeds calculated over a period of time from the unique IP addresses determined to be in a specific country. <p>Method of Measurement</p> Thresholds: The thresholds of 10 Mbps and 15 Mbps have been established in line with broadband adoption tiers used by Akamai. Akamai used the following broadband tiers globally: 4 Mbps 10 Mbps, 15 Mbps, and 25 Mbps. Of the European countries considered by the MPM, no country currently has speed under 7.1 Mbps or over 22.8 Mbs. Low risk: 16 Mbps or more
			Value:	Not Applicable <input type="radio"/>
			No Data <input type="radio"/>	

Medium risk: 11 to 15

High risk: 10 or less

Source:

Akamai's (2016). State of the internet. Q4 2016 report. <https://content.akamai.com/https://www.akamai.com/us/en/multimedia/documents/state-of-the-internet/q4-2016-state-of-the-internet-connectivity-report.pdf>

Net neutrality	51	E	<p>What is the percentage of market shares of the TOP 4 ISPs in your country?</p> <p>Value:</p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Description:</p> <p>Ownership concentration in Internet Service Providers (ISPs). This indicator aims at assessing the concentration of the ISPs in a country.</p> <p>Method of Measurement</p> <p>Calculation of percentage of market shares of the TOP 4 ISPs within each country.</p>
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Net neutrality	52	L	<p>Are there regulatory safeguards regarding net neutrality in your country?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Description:</p> <p>Existence of regulatory safeguards for the impartial transmission of information, without regard to content, destination or source, that aims to safeguard the neutrality of the internet infrastructure. Regulatory safeguards: broad sense as laws, regulations or case law, decisions of the authorities. Examples: -regulatory safeguards regarding net neutrality; -policy measures to avoid blocking of certain internet content and/ or application providers -policies to avoid quality discrimination between content and service providers; - regulation on the information of the quality of the services offered by the ISPs; obligation of transparency concerning discriminatory practices in ISP services.</p> <p>Method of Measurement</p> <p>Analysis of laws and regulations. Case law, regulatory decisions.</p>
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Indicator

Country	TestCountry
Indicator Code	6
Indicator Name	Transparency of media ownership
Description	

Group	#	Type	Question	Description:
Ownership transparency policy	53	L	<p>Does the national law contain media-specific provisions requiring the disclosure of ownership details to public bodies?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>This variable assesses if there are media-specific provisions requiring the disclosure of ownership details to public bodies. Public bodies concerned are usually regulatory authorities focusing on media.</p> <p>Please note that this variable is not identical to variable 57 in MPM2016, which had a broader scope and asked about any type of legal provisions. The new MPM2017 variable is asking about media-specific provisions. This means that e.g. a national law requiring companies in general to provide information about ownership in the Commercial Register would not be sufficient for a YES-answer to this question.</p> <p>In the comment box, please specify if the provisions regard broadcast, print or online (or all three) sectors.</p> <p>You can consult the following source for background about this variable:</p> <p>Open Society Foundations and Access Info (2012). Transparency of Media Ownership in Europe: A Report for the High-Level Group on Media Freedom and Pluralism.</p> <p>https://www.opensocietyfoundations.org/sites/default/files/Transparency_Media_Ownership_Europe_20121217_0.pdf</p> <p>Method of Measurement</p> <p>Consult the relevant laws or legal experts.</p>

Ownership transparency policy	54	L	<p>Does the national law contain media-specific provisions requiring the disclosure of</p>	<p>Description:</p> <p>This variable assesses whether the law contains media-specific provisions requiring the disclosure of ownership details directly to the public. Disclosure to the public should be the ultimate aim of ownership transparency policies.</p> <p>Please note that this variable is not identical to variable 53 in MPM2016, which had a broader scope and asked about any type of legal provisions. The new MPM2017 variable is asking about media-specific</p>
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ownership details directly to the public?

YES NO Not Applicable
 No Data

provisions. This means that e.g. a national law requiring companies in general to provide information about ownership in the Commercial Register would not be sufficient for a YES-answer to this question.

In the comment box, please specify if the provisions regard broadcast, print or online (or all three) sectors.

You can consult the following source for background about this variable:

Open Society Foundations and Access Info (2012).Transparency of Media Ownership in Europe: A Report for the High-Level Group on Media Freedom and Pluralism.

https://www.opensocietyfoundations.org/sites/default/files/Transparency_Media_Ownership_Europe_20121217_0.pdf

Method of Measurement

Consult the relevant laws or legal experts.

Ownership transparency policy 55 L

Does the law require that the ownership information provided is regularly updated?

YES NO Not Applicable
 No Data

Description:

This variable contains a follow-up question to variable 54 above (Does the national law contain media-specific provisions requiring the disclosure of ownership details directly to the public?). **Hence, if there is no law with media-specific provisions requiring the disclosure of ownership to the public, the answer should be "Not Applicable" to this variable.**

This variable (55) assesses if the law ensures that the public has up-to-date information on media ownership. For instance, there may be a legal requirement to submit regular reports or provide details where there is a stock transfer or a change in ownership of a broadcasting or other operating licence to a publicly accessible register. If you answer YES for this variable, please state in the comment box how "regularity" is defined in the law.

Please note that the variable question has changed slightly compared to variable 54 in MPM2016, which was asking about disclosure to the public of every change in the ownership structure.

Method of Measurement

Consult the relevant laws or legal experts.

Ownership transparency policy 56 L

Does the law require disclosure of information about the ultimate owners of media outlets?

YES NO Not Applicable
 No Data

Description:

This variable contains a follow-up question to variable 54 above (Does the national law contain media-specific provisions requiring the disclosure of ownership details directly to the public?). **Hence, if there is no law with media-specific provisions requiring the disclosure of ownership to the public, the answer should be "not applicable" to this variable.**

This variable assesses if the law requires disclosure of information about the ultimate owners of media outlets to the public. For example, it is good practice to require disclosure if shares are held on behalf of another, e.g. through brokerage, the name of the beneficial owner. It is also good practice to require disclosure details of companies or individuals with an indirect controlling or significant interest in the media outlet.

Definition:

The 'ultimate beneficial owner': "A company's beneficial owners are the individuals (or single individual) who ultimately own or control the company, either directly or indirectly. This means the persons who control the actions of the company and/or who ultimately receive the profits. Significantly, a beneficial owner must be a real, live human being, and not another company or a trust. For companies with complicated ownership structures, involving many different corporate vehicles and, in some cases, private agreements over ownership and/or control, the beneficial owners are the individuals who are right at the very top of the chain." (1)

Method of Measurement

Consult the relevant laws or legal experts.

Ownership transparency policy 57 L

Does the law stipulate sanctions for non-reporting or for reporting incorrect information?

YES NO Not Applicable
 No Data

Description:

This variable contains a follow-up question to variable 54 above (Does the national law contain media-specific provisions requiring the disclosure of ownership details directly to the public?). **Hence, if there is no law with media-specific provisions requiring the disclosure of ownership to the public, the answer should be "Not Applicable" to this variable.**

This variable assesses if there are sanctions for non-reporting or for reporting incorrect information to the public.

In good practice cases,

"(...) (T)he media authority (or other relevant public body) should be tasked with overseeing the reporting to obligation. They should be able to demand that media that fail to comply with the law— either by failing to report or by reporting false information—should do so within specified timeframe. Failure to comply with the demand should lead to proportionate fines (perhaps calculated by GDP—it is essential that the fines are sufficient to ensure accurate and timely reporting)." Please note that "in a number of countries, there are possible sanctions for non-reporting of information to media regulators and company registers but not sanctions for reporting inaccurate information; media regulators are often not empowered or sufficiently resourced to verify what is reported." (1)

Source:

(1) Open Society Foundations and Access Info (2012).Transparency of Media Ownership in Europe: A Report for the High-Level Group on Media Freedom and Pluralism.

https://www.opensocietyfoundations.org/sites/default/files/Transparency_Media_Ownership_Europe_20121217_0.pdf

Method of Measurement

Ownership transparency policy	58	L	<p>Are sanctions applied in practice in the case of violations?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable contains a follow-up question to variable 57 above. Hence, if sanctions are not envisioned by the law, the answer should be "Not applicable" to this variable.</p> <p>Method of Measurement</p> <p>Case law, regulatory decisions.</p> <p>Official statements and websites of national regulatory authorities.</p> <p>Reports by credible institutions (national and international bodies, NGOs/CSOs, trade unions, etc.).</p>
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Effectiveness of ownership transparency	59	S	<p>Is sufficient information to identify the beneficial and ultimate owners of media outlets publicly accessible?</p> <p>Low risk: Generally, YES <input type="radio"/> Not Applicable <input type="radio"/></p> <p>Medium risk: Partially, YES (in some cases) <input type="radio"/> No Data <input type="radio"/></p> <p>High risk: Generally, NO <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses if media ownership information is transparent in practice, which means that the public has access to the actual ownership structures of media companies up until their final layer.</p> <p>Definitions:</p> <p>The 'ultimate beneficial owner': "A company's beneficial owners are the individuals (or single individual) who ultimately own or control the company, either directly or indirectly. This means the persons who control the actions of the company and/or who ultimately receive the profits. Significantly, a beneficial owner must be a real, live human being, and not another company or a trust. For companies with complicated ownership structures, involving many different corporate vehicles and, in some cases, private agreements over ownership and/or control, the beneficial owners are the individuals who are right at the very top of the chain." (1)</p> <p>Publicly accessible means that all information should be available in open electronic format, at no cost to the public.</p> <p>"Access to ownership information in electronic format should be free of charge. The charge for accessing hard copies of the information should cover only actual delivery costs (e.g. copying costs and postage) and should never be so high as to deter those wishing to obtain the information" (2). This definition was embraced by the Parliamentary Assembly of the Council of Europe (3).</p> <p>Sources:</p> <p>(1) Global Witness; https://www.globalwitness.org/sites/default/files/Myanmar/WhatIs.pdf and http://www.fatf-gafi.org/media/fatf/documents/reports/Guidance-transparency-beneficial-ownership.pdf and Financial Action Task Force (FATF) Guidance on Transparency and Beneficial Ownership</p> <p>(2) Recommendations on Transparency of Media Ownership (2013), prepared by Access Info Europe and the Open Society Program on Independent Journalism.</p> <p>(3) Report of the CoE Parliamentary Assembly (2015). Increasing transparency of media ownership. Assembly debate on 24 June 2015 (24th Sitting) (see Doc. 13747, report of the Committee on Culture, Science, Education and Media, rapporteur: Ms Gülsün Bilgehan). Text adopted by the Assembly on 24 June 2015 (24th Sitting). See also Recommendation 2074 (2015). Summary at: http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=21958&lang=en</p> <p>Method of Measurement</p> <p>Search for the relevant information on the web, e.g. on the website of the regulatory authorities. You can also check academic studies and independent reports on this subject.</p>
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Indicator

Country	TestCountry
Indicator Code	7
Indicator Name	Media ownership concentration (horizontal)
Description	

Group	#	Type	Question	Description:	Method of Measurement
Media Ownership Concentration (AVMS horizontal)	60	L	Does media legislation contain specific thresholds and/or other limitations that are based on objective criteria (e.g. number of licences, audience share, circulation, distribution of share capital or voting rights, turnover/revenue, etc.) in order to prevent a high degree of horizontal concentration of ownership in the audiovisual media sector?	This variable assesses the existence of (sector-specific) regulatory safeguards against a high degree of horizontal concentration of ownership in the audiovisual media sector.	Analysis of laws and regulations. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership, 'high' should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.
			<p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>		

Comment:

Media Ownership Concentration (AVMS horizontal)	61	L	Is there an administrative authority or judicial body (e.g. media and/or competition authority) overseeing compliance with ownership limitations in the audiovisual sector and/or hearing relevant complaints?	<p>Description:</p> <p>This variable assesses if the law establishes a monitoring system for the regulation of horizontal concentration in the audiovisual sector.</p>
			<p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Method of Measurement</p> <p>Analysis of laws and regulations.</p>
			Comment:	
Media Ownership Concentration (AVMS horizontal)	62	L	Does the law grant this body sanctioning/enforcement powers in order to impose proportionate remedies (behavioral and/or structural) where the applicable thresholds and/or other ownership limitations are not respected?	<p>Description:</p> <p>This variable assesses whether the law establishes a sanctions system to address horizontal concentration of ownership in the audiovisual sector. Examples of sanctions include:</p> <ul style="list-style-type: none"> Refusal to grant additional licenses; Blocking of a merger or acquisition; Obligation to allocate windows for third party programming; Obligation to give up licenses/media-related economic activities; and divestiture.
			<p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Method of Measurement</p> <p>Analysis of laws and regulations.</p>
			Comment:	
Media Ownership Concentration (AVMS horizontal)	63	L	Are these sanctioning/enforcement powers effectively used?	<p>Description:</p> <p>This variable assesses the effective implementation of sector-specific remedies against a high degree of horizontal concentration in the audiovisual sector.</p>
			<p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Method of Measurement</p> <p>Case law, regulatory decisions. Official statements and websites of national regulatory authorities. Reports by credible institutions (national and international bodies, NGOs/CSOs, trade unions, etc.) on the enforcement of measures to prevent concentration of ownership. Studies/Reports evaluating the effectiveness of the laws in question.</p>
			Comment:	
Media Ownership Concentration (AVMS horizontal)	64	E	What is the market share of the Top4 audiovisual media owners in your country?	<p>Description:</p> <p>This variable assesses concentration of ownership in the audiovisual media sector.</p>
			<p>Value:</p> <p>Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Method of Measurement</p> <p>Please enter a percentage. Concentration is measured by using the Top4 (or C4 or four-firm) concentration ratio. The four-firm concentration ratio is an indicator of the size of the four largest firms within an industry, compared to the output of the entire industry.</p> <p>Data: The share held by each of the Top 4 audiovisual media owners. The term market share refers to the share of total revenues generated in the audiovisual market.</p> <p>Measurement: The Top4 ratio is determined as follows: You sum the market shares of the Top4 owners within the market. Please also report the share of each of the Top4 owners in the "comment" field.</p> <p>Data sources: See annual reports by national (media, communications or broadcasting) regulatory authorities through the EPRA website: http://www.epra.org/news_items/updated-epra-list-on-media-legislation-in-europe</p>
Media Ownership Concentration (AVMS horizontal)	65	E	What is the audience concentration in the audiovisual media market in your country?	<p>Description:</p> <p>This variable assesses audience concentration in the audiovisual media sector.</p>
			<p>Not Applicable <input type="radio"/></p>	<p>Method of Measurement</p>
			Value:	

No Data

Please enter a percentage. Concentration is measured by using the Top4 concentration measure.

Data: The audience share of each of the Top4 owners competing in the audiovisual media market. Share is based on the standard or most widely accepted audience/readership/subscription measurement system available in the country.

Measurement: The Top4 is obtained by summing the audience shares of the Top4 audiovisual media owners.

Data sources: See annual reports by national (media, communications or broadcasting) regulatory authorities through the EPRA website: http://www.epra.org/news_items/updated-epra-list-on-media-legislation-in-europe

Media Ownership Concentration (Radio horizontal) 66 L

Does media legislation contain specific thresholds and/or other limitations that are based on objective criteria (e.g. number of licenses, audience share, distribution of share capital or voting rights, turnover/revenue, etc.) in order to prevent a high degree of horizontal concentration of ownership in the radio sector?

YES NO Not Applicable No Data

Description:

This variable assesses the existence of (sector-specific) regulatory safeguards against a high degree of horizontal concentration of ownership in the radio sector.

Method of Measurement

Analysis of laws and regulations. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership, 'high' should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.

Media Ownership Concentration (Radio horizontal) 67 L

Is there an administrative authority or judicial body (e.g. media and/or competition authority) overseeing compliance with ownership limitations in the radio sector and/or hearing relevant complaints?

YES NO Not Applicable No Data

Description:

This variable assesses if the law establishes a monitoring system for the regulation of horizontal concentration in the radio sector.

Method of Measurement

Analysis of laws and regulations.

Media Ownership Concentration (Radio horizontal) 68 L

Does the law grant this body sanctioning/enforcement powers in order to impose proportionate remedies (behavioral and/or structural) where the applicable thresholds or other limitations are not respected?

YES NO Not Applicable No Data

Description:

This variable assesses if the law is providing a sanctions system to address cases where sector-specific regulation is not respected. Examples of sanctions include:

- Refusal of additional licenses;
- Blocking of a merger or acquisition;
- Obligation to allocate windows for third-party programming;
- Obligation to give up licenses/other media-related economic activities; and
- Divestiture.

Method of Measurement

Analysis of laws and regulations.

Media Ownership Concentration (Radio horizontal) 69 L

Are these sanctioning/enforcement powers effectively used?

YES NO Not Applicable No Data

Description:

This variable assesses the effective implementation of sector-specific remedies against a high degree of horizontal concentration of ownership in the radio sector.

Method of Measurement

Case law and regulatory decisions. Official statements and websites of national regulatory authorities. Reports by credible institutions (national and international bodies, NGOs/CSOs, trade unions) on the enforcement of measures aimed at preventing a high degree of concentration of ownership. Studies/Reports evaluating the implementation of the laws in question.

Media Ownership Concentration (Radio horizontal) 70 E

What is the market share of the Top4 radio owners?

Value:

Not Applicable No Data

Description:

This variable assesses horizontal concentration of ownership in the radio sector.

Method of Measurement

Please enter a percentage. Concentration is measured by using the Top4 concentration ratio (a description of the Top4 ratio is available in the method of measurement of variable 65).

Data: The share held by each of the Top4 radio owners. The term market share refers to the share of total revenues generated in the radio market.

Measurement: The Top4 is determined as follows: You sum by the market shares of the Top 4 owners within the radio market. Please also report the share for each of the top 4 operators in the "comment" field.

Data sources: See annual reports by national (media, communications or broadcasting) regulatory authorities through the EPRA website: http://www.epra.org/news_items/updated-epra-list-on-media-legislation-in-europe

Media Ownership Concentration (Radio horizontal) 71 E

What is the audience concentration in the radio market in your country?

Value:

Not Applicable
No Data

Description:
This variable assesses audience concentration in the radio sector.

Method of Measurement
Please enter a percentage. Concentration is measured by using the Top4 concentration measure.

Data: The audience share of each of the Top4 owners competing in the radio sector. Share is based on the standard or most widely accepted audience measurement system available in the country.

Measurement: The Top4 is obtained by summing the audience shares of the 4 major radio owners within the radio market. Data sources: See annual reports by national (media, communications or broadcasting) regulatory authorities through the EPRA website: http://www.epra.org/news_items/updated-epra-list-on-media-legislation-in-europe

Media Ownership concentration (Newspapers horizontal) 72 L

Does media legislation contain specific thresholds and/or other limitations that are based on objective criteria (e.g. circulation, distribution of share capital or voting rights, turnover/revenue, etc.) in order to prevent a high level of horizontal concentration of ownership in newspaper publishing?

YES NO Not Applicable
No Data

Description:
This variable assesses the existence of sector-specific regulatory safeguards against a high degree of horizontal concentration of ownership and/or control in newspaper publishing.

Method of Measurement
Analysis of laws and regulations. Newspaper definition includes the electronic version of the newspaper. It excludes the website of the newspaper. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, 'high' should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.

Media Ownership concentration (Newspapers horizontal) 73 L

Is there an administrative authority or judicial body (e.g. media and/or competition authority) actively monitoring compliance with limitations on ownership in newspaper publishing and/or hearing relevant complaints?

YES NO Not Applicable
No Data

Description:
This variable assesses if the law establishes a monitoring system for the regulation of horizontal concentration in newspaper publishing.

Method of Measurement
Analysis of laws and regulations.

Media Ownership concentration (Newspapers horizontal) 74 L

Does the law grant this body sanctioning/enforcement powers in order to impose proportionate remedies (behavioral and/or structural) in cases where the applicable thresholds and/or other limitations are not respected?

YES NO Not Applicable
No Data

Description:
This variable assesses if the law establishes a sanctions system to address excessive concentration in newspaper publishing. Examples of sanctions include:
Blocking of a merger or acquisition;
Obligation to give up licences in other media sectors; and divestiture.

Method of Measurement
Analysis of laws and regulations.

Media Ownership concentration (Newspapers horizontal) 75 L

Are these sanctioning/enforcement powers effectively used?

YES NO Not Applicable
No Data

Description:
This variable assesses the effective implementation of sector-specific remedies against a high degree of horizontal concentration of ownership and/or control in newspaper publishing.

Method of Measurement

Case law and regulatory decisions. Official statements and websites of national communications regulatory authorities. Reports by credible agencies (national and international bodies, NGOs/CSOs, trade unions) on the enforcement of measures aimed at preventing excessive concentration of ownership. Studies/reports providing overviews of the applicable law and/or evaluating their implementation. Academic reports.

<p>Media Ownership concentration (Newspapers horizontal)</p>	<p>76 E</p>	<p>What is the market share of the Top4 newspapers owners?</p> <hr/> <p>Value:</p> <p style="text-align: right;">Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses concentration of ownership in newspaper publishing.</p> <p>Method of Measurement</p> <p>Please enter a percentage. Concentration is measured by using the Top4 concentration ratio (a detailed description of the Top4 concentration ratio is available in the method of measurement of variable 65).</p> <p>Data: The share held by each of the Top4 newspaper owners. The term market share refers to the share of total revenues generated in the newspaper market.</p> <p>Measurement: The Top4 is determined as follows: You sum the market shares of the Top4 owners within the newspaper market. Please also report the share for each of the top 4 operators in the comment field.</p> <p>Data sources: See annual reports by national (media, communications or broadcasting) regulatory authorities through the EPRA website: http://www.epra.org/news_items/updated-epra-list-on-media-legislation-in-europe</p>
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<p>Media Ownership concentration (Newspapers horizontal)</p>	<p>77 E</p>	<p>What is the readership concentration in newspaper publishing in your country?</p> <hr/> <p>Value:</p> <p style="text-align: right;">Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses concentration of audience in newspaper publishing.</p> <p>Method of Measurement</p> <p>Please enter a percentage. Concentration is measured by using the Top4 concentration measure.</p> <p>Data: The readership share of each of the Top4 owners competing in newspaper publishing. Share is based on the standard or most widely accepted readership measurement system available in the country.</p> <p>Measurement: The Top4 is obtained by summing the readership shares of the Top4 newspapers owners within the newspaper market.</p> <p>Data sources: See annual reports by national (media, communications or broadcasting) regulatory authorities through the EPRA website: http://www.epra.org/news_items/updated-epra-list-on-media-legislation-in-europe</p>
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Indicator

Country	TestCountry
Indicator Code	8
Indicator Name	Cross-media concentration of ownership and competition enforcement
Description	

Group	#	Type	Question	Description:
<p>Cross-media Concentration of Ownership</p>	<p>78</p>	<p>L</p>	<p>Does media legislation establish specific thresholds and/or other limitations that are based on objective criteria (e.g. number of licences, audience share, circulation, distribution of share capital or voting rights, turnover/revenue, etc.) in order to prevent a high degree of cross-media concentration of ownership?</p> <hr/> <p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>This variable assesses the existence of regulatory safeguards aimed at preventing a high degree of cross-media concentration of ownership.</p> <p>Method of Measurement</p> <p>Analysis of laws and regulations. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, 'high' should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.</p>

Comment:

Cross-media Concentration of Ownership	79	L	Is there an administrative authority or judicial body (e.g. media authority) overseeing compliance with these ownership limitations and/or hearing relevant complaints?	<p>Description:</p> <p>This variable assesses if the law establishes a monitoring system for the regulation of cross-media concentration of ownership.</p> <p>Method of Measurement</p> <p>Analysis of laws and regulations.</p>
			<p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p> <p style="padding-left: 100px;">No Data <input type="radio"/></p>	

Comment:

Cross-media Concentration of Ownership	80	L	Does the law grant body sanctioning/enforcement powers in order to impose proportionate remedies (behavioral and/or structural) where the applicable thresholds and/or limitations are not respected?	<p>Description:</p> <p>This variable assesses if the law establishes a sanctions system to address cross-media concentration of ownership. Examples include:</p> <p>Refusal to grant additional licences;</p> <p>Blocking of a merger or acquisition;</p> <p>Obligation to allocate windows/space for third party programming;</p> <p>Must-carry obligations;</p> <p>Obligation to give up licences in other media sectors; and divestiture.</p> <p>Method of Measurement</p> <p>Case law and regulatory decisions. Official statements and websites of national regulatory authorities, competition authorities. Reports by credible agencies (national and international bodies, NGOs/CSOs, trade unions) on the enforcement of measures aimed at preventing excessive concentration of ownership. Studies/reports providing overviews of the applicable and/or evaluating their implementation. Academic reports.</p>
			<p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p> <p style="padding-left: 100px;">No Data <input type="radio"/></p>	

Comment:

Cross-media Concentration of Ownership	81	L	Are these sanctioning/enforcement powers effectively used?	<p>Description:</p> <p>This variable assesses the effectiveness of the remedies that are available under the applicable laws in cases where rules to prevent cross-media concentration of ownership are not respected.</p> <p>Method of Measurement</p> <p>Case law and regulatory decisions. Official statements and websites of national communications regulatory authorities, competition authorities. Reports by credible agencies (national and international bodies, NGOs/CSOs, trade unions) on the enforcement of measures aimed at preventing undue concentration of ownership. Studies/reports providing overviews of and/or evaluating national anti-concentration rules: Academic reports.</p>
			<p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p> <p style="padding-left: 100px;">No Data <input type="radio"/></p>	

Comment:

Cross-media Concentration of Ownership	82	E	What is the market share of the Top4 owners across different media markets?	<p>Description:</p> <p>This variable assesses cross-media concentration of ownership in the national market under examination.</p> <p>Method of Measurement</p> <p>Please enter a percentage. Concentration is measured by using the Top4 concentration ratio (a detailed description of the Top4 concentration ratio is available in variable 65).</p> <p>Data: The share held by each of the Top4 owners. The term market share refers to the share of total revenues generated in the markets concerned.</p> <p>Measurement: The Top4 measure is determined as follows: You sum the market shares of the Top4 owners within the different sectors of the media market. Identify which are the Top4 firms with the highest revenue across all media sectors (audiovisual, radio, newspaper publishing, and internet content provision) and sum their total revenues (e.g. Firm1 revenue across all media sectors + Firm 2 revenue across all media sectors + Firm 3 revenue across all media sectors... up to Firm 4).</p> <p>Data sources: Relevant data is often made available by European Audiovisual Observatory, Eurostat, and the national statistical authorities.</p>
			<p>Value:</p> <p style="padding-left: 100px;">Not Applicable <input type="radio"/></p> <p style="padding-left: 100px;">No Data <input type="radio"/></p>	

Cross-media Concentration of Ownership	83	E	What is the market share of the Top4 internet content providers?	<p>Description:</p> <p>This variable assesses concentration of ownership in markets where online content providers operate.</p> <p>Method of Measurement</p> <p>Please enter a percentage. Concentration is measured by using the Top4 concentration ratio (a detailed description of the Top4 concentration ratio is available in the description of the method of measurement of variable 65).</p> <p>Data: The share held by each of the Top4 internet content providers. The term market share refers to the share held in the market for online advertising. In the absence of data for online advertising, please refer to revenue data that you have at your disposal.</p> <p>Method of measurement: To calculate the Top4 concentration measure, take the top 10 operators in the online advertising market and then calculate the share of the top 4 operators. Please report the share for each of the top 4 operators in the "comment" field.</p> <p>Example of how to proceed:</p> <ul style="list-style-type: none"> - Find the top 10 operators in the online advertising market (total share equal to 100) - Calculate the share of each of the top 4 operators out of 100 (e.g. Google 30%, Facebook 15% and so on) - Sum up the share of the top 4 and insert the final value <p>Internet content providers include:</p> <ul style="list-style-type: none"> - Traditional news media with a presence online (e.g. BBC, the Guardian) - Native digital news media (e.g. Huffington Post) - News aggregators, i.e. websites that are close to established news media since they provide carefully curated packages of news content, and sometimes originating new content themselves (e.g. Google News, Yahoo) - Digital intermediaries, including search engines (e.g. Google) and social media (e.g. Facebook and Twitter).
			<p>Value:</p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	
Cross-media Concentration of Ownership	84	E	What is the audience concentration for internet content providers in your country?	<p>Description:</p> <p>This variable assesses audience concentration in markets where internet content providers operate.</p> <p>Method of Measurement</p> <p>Concentration is measured by using the Top4 audience concentration measure. Audience share is calculated by using "Unique audience" as the main metric. In the absence of data for unique audience, please use data for "Time spent" (first option) or "Active reach" (second option).</p> <p>To calculate the Top4 audience concentration measure, take the top 10 internet content providers according to the Unique audience metric (or the other metrics in case Unique audience is missing) and then calculate the share of the top 4 operators. Please report the share for each of the top 4 operators in the "comment" field. Example of how to proceed (see variable above) .</p> <p>For the audience concentration measure, internet content providers include only the following:</p> <ul style="list-style-type: none"> - Traditional news media with a presence online (e.g. BBC, the Guardian) - Native digital news media (e.g. Huffington Post) - News aggregators, i.e. websites that are close to established news media since they provide carefully curated packages of news content, and sometimes originating new content themselves (e.g. Google News, Yahoo) <p>Description of the metrics:</p> <ol style="list-style-type: none"> 1) Unique audience: the total number of unique persons who visited a specific website or used a specific application at least once in a given month. Persons visiting the same website more than once in the month are counted only once. 2) Time spent: the average time spent browsing a website per unique visitor per month (excludes time spent watching online video and listening to streamed audio). 3) Active reach (%): the unique audience of a website as a proportion of the total number of people who visited any website, or used any internet-connected application, at least once in a given month (the active audience).
			<p>Value:</p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	
Competition Enforcement	85	L	Can a high degree of (horizontal, vertical and/or cross-media) concentration be prevented through the enforcement of competition rules, including rules on merger control, that take into account the specificities of the media sector?	<p>Description:</p> <p>This variable assesses the contribution of competition enforcement to addressing concerns over excessive concentration of (horizontal, vertical and cross-media) concentration of ownership. Examples include:</p> <p>The mandatory intervention of a media authority in M&A cases (e.g. the obligation for the competition authority to ask the advice of the media authority in M&As affecting the media markets); and</p> <p>The possibility to overrule the approval of a concentration by the competition authority on media pluralism grounds (or, more generally, on public interest grounds).</p> <p>Method of Measurement</p> <p>Analysis of laws and regulations.</p>
			<p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	
Competition Enforcement	86	L	Is there an administrative authority or judicial body (e.g. media and/or competition authority) overseeing	<p>Description:</p> <p>This variable assesses if the law establishes a monitoring system for regulating media concentration through competition enforcement.</p>

compliance with these rules and/or hearing relevant complaints?

Method of Measurement

Analysis of laws and regulations.

YES NO Not Applicable
 No Data

Comment:

Competition Enforcement 87 L

Does the law grant this body sanctioning/enforcement powers in order to impose proportionate remedies (behavioral and/or structural) in order to prevent (horizontal, vertical and/or cross-media) concentration in the media sector?

Description:

This variable assesses if the law establishes a sanctions system to address media concentration through competition enforcement that is specific to the media sector. Examples of sanctioning/enforcement powers and remedies:

Blocking of a merger or acquisition;

Obligation to give up licences in other media sectors; and divestiture.

Method of Measurement

Analysis of laws and regulations.

YES NO Not Applicable
 No Data

Comment:

Competition Enforcement 88 L

Are these sanctioning/enforcement powers effectively used?

Description:

This variable assesses the effectiveness of the remedies available under the applicable media-specific competition rules.

Method of Measurement

Case law and regulatory decisions. Official statements and websites of national communications regulatory authorities, competition authorities. Reports by credible agencies (national and international bodies, NGOs/CSOs, trade unions) on the enforcement of measures aimed at preventing excessive concentration of ownership. Studies/reports providing overviews of the applicable rules and/or evaluating the contribution of competition enforcement to media pluralism. Academic reports.

YES NO Not Applicable
 No Data

Comment:

Competition Enforcement 89 L

Are there any regulatory safeguards ensuring that State funds granted to PSM do not exceed what is necessary to provide the public service (i.e. safeguards which ensure that State funding of PSM does not cause disproportionate effects on competition)?

Description:

This variable assesses the existence of regulatory safeguards against disproportionate State aids.

Method of Measurement

Analysis of laws, regulations, Charters and service contracts regulating the provision of public service media organizations. Examples of safeguards to ensure proportionality of State funding include: -the explicit duty of the competent body to ensure that State funds are granted to the PSM in a proportionate manner; -safeguards to avoid cross-subsidization (the subsidization of commercial activities of the PSM with State funds); -the obligation of the PSM to keep separate accounts between public and commercial services. For more examples of rules that ensure proportionality of State funding to the public service please see the 2009 European Commission Communication on the application of State aid rules to Public Service Broadcasting, paragraphs 60-97. The Communication is available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2009:257:0001:0014:EN:PDF>

YES NO Not Applicable
 No Data

Comment:

Competition Enforcement 90 L

Is there an administrative authority or judicial body (e.g. media authority) overseeing whether State funding has exceeded what is necessary to deliver the public service and/or hearing relevant complaints?

Description:

This variable assesses if the law establishes a monitoring system for illegal State aids.

Method of Measurement

Analysis of laws, regulations, Charters and service contracts regulating the provision of public service media organizations.

YES NO Not Applicable
 No Data

Comment:

Competition Enforcement	91	L	Does the law grant this body sanctioning/enforcement powers in order to impose remedies in cases where State funding exceeds/has exceeded what is necessary to deliver the public service?	Description: This variable assesses if the law establishes a sanction system to address the granting of disproportionate State aids to public service media organizations.
			YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/>	Method of Measurement Analysis of laws, regulations, Charters and service contracts regulating the provision of public service media organizations.

Comment:

Competition Enforcement	92	L	Are these sanctioning/enforcement powers effectively used?	Description: This variable assesses the effectiveness of the remedies provided by the regulation in order to avoid distortions in the market that may generate from illegal State aids.
			YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/>	Method of Measurement Case law and regulatory decisions. Official statements and websites of national communications regulatory authorities, competition authorities (including the European Commission). Reports by credible agencies (national and international bodies, NGOs/CSOs, trade unions) on the enforcement of measures against disproportionate State aids. Studies/reports providing overviews of the applicable law and/or evaluating national State aid laws and policies. Academic reports.

Indicator

Country	TestCountry
Indicator Code	9
Indicator Name	Commercial & owner influence over editorial content
Description	

Group	#	Type	Question	Description:
Appointments and Dismissals	93	L	Are there any mechanisms granting social protection to journalists in case of changes of ownership or editorial line?	This variable assesses whether there are any laws or self-regulatory instruments granting social protection to journalists in cases of changes in ownership or editorial line. If journalists risk losing their employment in such events, there is a risk that commercial interests undermine journalistic independence.
			YES <input type="radio"/> NO <input checked="" type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/>	Method of Measurement National laws and regulations. Contracts. Case law. Self-regulatory instruments.
			Comment:	

Appointments and Dismissals	94	L	Are these mechanisms effectively implemented?	Description: This variable assesses the implementation of measures that seek to ensure that appointments and dismissals of journalists, including editors-in-chief, are not dependent on the commercial interests of a media organization.
			YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/>	Method of Measurement Case law. Decisions of self-regulatory bodies. Reports by NGOs or other relevant organizations.
			Comment:	

Appointments and Dismissals	95	L	Are there any regulatory safeguards, including self-regulatory instruments,	Description:
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which seek to ensure that decisions regarding appointments and dismissals of editors-in-chief are not influenced by commercial interests?

This variable assesses whether there are any regulatory safeguards ensuring that decisions regarding appointments and dismissals of editors-in-chief are not dependent on the commercial interests of media organizations.

YES NO Not Applicable
No Data

Method of Measurement

National laws and regulations. Self-regulatory instruments.

Editorial Decision-Making 96 L

Are there any laws and/or self-regulatory measures stipulating the obligation of journalists and/or media outlets not to be influenced by commercial interests?

Description:

This variable assesses whether editorial decisions are made by media organisations on the basis of professional criteria and the public's right to information without commercial interference. The term "commercial interference" is broadly defined to cover interference from a media owner, advertisers, and other entities that seek to influence editorial decisions in order to protect their respective **commercial** interests.

YES NO Not Applicable
No Data

For example, there may be laws and/or self-regulatory measures that address situations where journalists are offered gifts in order to refrain from covering a story that can be harmful to a commercial entity. Please do not include in your answer the prohibition of advertorials; this issue is addressed by a question that follows.

Method of Measurement

National laws and regulations. Self-regulatory instruments.

Editorial Decision-Making 97 L

Are there any laws and/or self-regulatory measures stipulating that the exercise of the journalistic profession is incompatible with activities in the field of advertising?

Description:

This variable assesses whether there are measures that prevent journalists from having the ability and/or incentive to base editorial decisions on commercial interests. If so, the applicable measures are deemed to introduce safeguards in order to ensure that journalists make editorial decisions that respect the standards of the profession and the public's right to information.

YES NO Not Applicable
No Data

Method of Measurement

National laws and regulations. Self-regulatory instruments.

Editorial Decision-Making 98 L

Are there any laws prohibiting advertorials?

Description:

This variable assesses whether there are measures that prevent the use of advertorials. As per the Unfair Commercial Practices Directive, the term advertorials refers to the "use of 'testimony style' advertising in the media to promote a product but where a trader has paid for the promotion and this is not made clear".

YES NO Not Applicable
No Data

Method of Measurement

National laws and regulations.

Comment:

Editorial Decision-Making 99 L

If there are laws prohibiting advertorials, are these laws effectively implemented?

Description:

This variable assesses the implementation of measures that prevent the use of advertorials.

YES NO Not Applicable
No Data

Method of Measurement

Case law. Reports by NGOs or other relevant organizations.

Comment:

Editorial Decision-Making 100 S

Is editorial content independent from commercial influence in practice?

Description:

This variable assesses whether commercial entities and/or the owners of media companies generally abstain from influencing editorial content. It is not concerned with influence by political parties/politicians. Please note that the relevant timeframe is two years and it is looking for common practice, not one single incident. "Common practice" refers to systematic influence or systematic attempts to influence.

Low risk: Media owners and other commercial entities generally abstain from influencing editorial content.

Not Applicable
No Data

The term "commercial influence" includes situations where media groups promote their own products (e.g. a reality show) during news transmission.

Medium risk: Media owners and other commercial entities sometimes attempt to influence editorial content.

Method of Measurement

Reports by NGOs or other relevant organizations. Interviews with journalists and editors/publishers.

High risk:
Media owners and
other commercial
entities systematically
influence editorial
content.

Comment:

Indicator

Country TestCountry
Indicator Code 10
Indicator Name Media viability
Description

Group # Type Question

<p>Media Market Revenue Trends 101 E</p> <p>Have revenues of the audiovisual sector increased over the past two years?</p> <p>Low risk: increased <input checked="" type="radio"/> Not Applicable <input type="radio"/></p> <p>Medium risk: stationary <input type="radio"/> No Data <input type="radio"/></p> <p>High risk: decreased <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses whether the audiovisual sector is viable, thereby encouraging market entry. The term "revenues" here refers to overall revenues (e.g. advertising revenues, revenues from the sale of licensing rights, State funding, etc.). Please, consider the results of the industry also in relation to the GDP trends in the same period.</p> <p>Method of Measurement</p> <p>Reports/Data published by national authorities, including statistical authorities and media regulators.</p>
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Comment:

<p>Media Market Revenue Trends 102 E</p> <p>Have revenues of the radio sector increased over the past two years?</p> <p>Low risk: increased <input checked="" type="radio"/> Not Applicable <input type="radio"/></p> <p>Medium risk: stationary <input type="radio"/> No Data <input type="radio"/></p> <p>High risk: decreased <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses whether the radio sector is viable, thereby encouraging market entry. The term "revenues" here refers to overall revenues (e.g. advertising revenues, revenues from the sale of licensing rights, State funding, etc.). Please, consider the results of the industry also in relation to the GDP trends in the same period.</p> <p>Method of Measurement</p> <p>Reports/Data published by national authorities, including statistical authorities and media regulators.</p>
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Comment:

<p>Media Market Revenue Trends 103 E</p> <p>Have revenues of the newspaper publishing sector increased over the past two years?</p> <p>Low risk: increased <input checked="" type="radio"/> Not Applicable <input type="radio"/></p> <p>Medium risk: stationary <input type="radio"/> No Data <input type="radio"/></p> <p>High risk: decreased <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses whether the newspaper publishing sector is viable, thereby encouraging market entry. The term "revenues" here refers to overall revenues (e.g. advertising revenues, revenues from the sale of licensing rights, State funding etc.). Please, consider the results of the industry also in relation to the GDP trends in the same period.</p> <p>Method of Measurement</p> <p>Reports/Data published by national authorities, including statistical authorities and media regulators.</p>
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Comment:

allowed media organizations to enter the market or to overcome financial difficulties, thereby enabling them to maintain their market presence. Most media firms that benefited from support schemes still exist.

Medium risk: The support schemes designed by the State allowed some media organizations to enter the market or to overcome financial difficulties. Many media firms that benefited from support schemes no longer exist.

High risk: The support schemes designed by the State failed to facilitate market entry or to enable media organizations to overcome financial difficulties. Most firms that were granted State funds no longer exist.

Indicator

Country	TestCountry
Indicator Code	11
Indicator Name	Access to media for minorities
Description	

Group	#	Type	Question	Description:
Access to PSM	108	L	Does the law guarantee access to airtime on PSM to legally recognized minorities? YES <input type="radio"/> NO <input checked="" type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/>	<p>Description:</p> <p>This variable assesses the legal safeguards for access to airtime on PSM channels of legally recognised minorities. The definition of minorities is here restricted to national minorities recognised by the law.</p> <p>Minority definition: For the purpose of the MPM “minority” is defined as a cultural or social group:</p> <ul style="list-style-type: none"> • numerically inferior to the rest of the population of a state, • minority groups should be smaller than the majority group in the respective country; • in a non-dominant position, • whose members possess ethnic, religious or linguistic characteristics differing from those of the rest of the population.
			Comment:	

This variable has been elaborated on the basis of CoE and OSCE documents. In particular, on the basis of OSCE's Oslo Recommendations (p. 6): "Persons belonging to national minorities should have access to broadcast time in their own language on publicly funded media. At national, regional and local levels the amount and quality of time allocated to broadcasting in the language of a given minority should be commensurate with the numerical size and concentration of the national minority and appropriate to its situation and needs."

Source: OSCE (1998). The Oslo Recommendations Regarding the Linguistic Rights of National Minorities & Explanatory Note. <http://www.osce.org/hcnm/67531?download=true>

PLEASE ALSO CONSULT THE GLOSSARY FOR FURTHER DETAILS.

Method of Measurement

Recommended sources:

"Filling the Frame: Five Years of Monitoring the Framework Convention for the Protection of National Minorities".

In particular, consult (i) State Periodical Report (ii) Committee of Experts' evaluation report and (iii) Committee of Ministers' Recommendation reports, especially sections discussing Article 11 on Media:

http://www.coe.int/t/dg4/education/minlang/Report/default_en.asp

World Directory of Minorities and Indigenous Peoples: <http://minorityrights.org>

Access to PSM 109 S

Do legally recognised minorities have access to airtime on PSM channels in practice?

Low risk: Minorities have access to airtime and the access is proportional to the size of their populations in the country, without any significant exception.

Medium risk: Most of the minorities have adequate access to airtime but there are some significant exceptions.

High risk: Most minorities do not have access to airtime or it is not proportional to the size of their populations in the country.

Not Applicable
No Data

Description:

This variable assesses access to airtime of **legally recognised minorities** in practice. The definition of minorities is also here restricted to national minorities recognised by the law.

Minority definition: For the purpose of the MPM "minority" is defined as a cultural or social group:

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

Method of Measurement

For this variable, the country team also has to conduct a brief interview with at least one expert on minorities in the country. The interview has to be referenced. Please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview.

You might want to consult the list of experts of the CMFE Experts Group: <http://cmfe.eu/?cat=10>

Other sources: Case law, decision practice, press reports, reports of independent bodies or NGOs.

Comment:

Access to PSM 110 S

Do minorities, which are not recognised by law, have access to airtime on PSM channels in practice?

Low risk: Minorities have access to airtime and the access is proportional to the size of their populations in the country, without any significant exception.

Medium risk: Most of the minorities have adequate access

Not Applicable
No Data

Description:

This variable assesses access to airtime of minorities in practice. **Here, the definition of minorities is expanded to include also minorities not recognized by the law.** Do not assess the situation of legally recognised minorities when you score this variable but focus only on the other minorities present in the country.

Minority definition: For the purpose of the MPM "minority" is defined as a cultural or social group:

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

Please note that PSM stands for Public Service Media.

Method of Measurement

to airtime but there are some significant exceptions.

High risk: Most minorities do not have access to airtime or it is not proportional to the size of their populations in the country.

For this variable, the country team also has to conduct a brief interview with at least one expert on minorities in the country. The interview has to be referenced. Please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview.

Other sources: Case law, decision practice, press reports, reports of independent bodies or NGOs.

Comment:

Access to PSM 111 S

Do the PSM have national news available in minority languages?

Low risk: National news in most minority languages are available on a regular basis (at least once a week)

Medium risk: National news in some of the minority languages are available on a regular basis OR national news in most minority languages are available but only sporadically.

High risk: National news are not available in any of the minority languages.

Description:

This variable assesses whether the PSM broadcasts national news in minority languages. This variable concerns languages of both **minorities that are legally recognised and those who are not**.

"Regional or minority languages" are defined in accordance with the "European Charter for Regional or Minority Languages" as: traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and different from the official language(s) of that State.

Method of Measurement

Sources: Please check the programming schedule of all PSMs in the country.

Comment:

Access to private broadcasters 112 S

Do legally recognised minorities have access to airtime on private TV and radio?

Low risk: Minorities have access to airtime and the access is proportional to the size of their populations in the country, without any significant exception.

Medium risk: Most of the minorities have adequate access to airtime but there are some significant exceptions.

High risk: Most minorities do not have access to airtime or it is not proportional to

Description:

This variable assesses access to airtime of **legally recognised minorities** in practice. The definition of minorities is here restricted to national minorities recognised by the law.

Method of Measurement

Media sample: Two private TV channels and two private radio channels with the largest audience shares in the country.

For this variable, the country team also has to conduct a brief **interview with at least one expert on minorities in the country**. The interview has to be referenced. Please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview.

Other sources: European Audiovisual Observatory (EAO), National Regulatory Authorities.

the size of their populations in the country.

Comment:

Access to private broadcasters 113 S

Do minorities, which are not recognised by law, have access to airtime on private TV and radio?

Low risk: Minorities have access to airtime and the access is proportional to the size of their populations in the country, without any significant exception.

Medium risk: Most of the minorities have adequate access to airtime but there are some significant exceptions.

High risk: Most minorities do not have access to airtime or it is not proportional to the size of their populations in the country.

Description:

This variable assesses access to airtime of minorities in practice. Here, **the definition of minorities is expanded to include also minorities not recognized by the law.** Do not assess the situation of legally recognised minorities when you score this variable but focus only on the other minorities present in the country.

Method of Measurement

Media sample: Two private TV channels and two private radio channels with the largest audience shares in the country.

For this variable, the country team also has to conduct a brief interview with at least one expert on minorities in the country. The interview has to be referenced. Please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview.

Other sources:
European Audiovisual Observatory (EAO), National Regulatory Authorities.

Comment:

Indicator

Country	TestCountry
Indicator Code	12
Indicator Name	Access to media for local/regional communities and for community media
Description	

Group # Type Question

Access to media for local/regional communities 114 L

Does the law grant regional or local media access to media platforms?

YES NO Not Applicable No Data

Description:

This variable assesses whether the law contains specific provisions granting access to media platforms to regional or local media. Relevant provisions concern reservation of TV or radio frequencies; or guarantees for access to radio and TV networks via must-carry rules.

Method of Measurement

National laws and regulations (e.g. acts, decrees, branch agreements), case law and regulatory decisions.
Overviews of national media legislation can be found at:

Comment:

EPRA's list of Media Legislation in Europe:
http://www.epra.org/news_items/updated-epra-list-on-media-legislation-in-europe
Websites of national regulatory and competition authorities:
Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>
Nordicom (for Scandinavian countries)

Access to 115 L

Description:

Comment:

Access to media for local/regional communities	118	L	<p>Is the PSM obliged to keep its own local/regional correspondents or branches?</p> <p>YES <input type="radio"/> NO <input checked="" type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses whether the PSM is obliged (either via legislation or a functional equivalent) to have its own regional correspondents or branches. In the opposite case, the PSM can rely on material acquired from news agencies.</p> <p>Method of Measurement Sources: National laws and regulations (e.g. acts, decrees, branch agreements), case law and regulatory decisions.</p> <p>EPRA's list of Media Legislation in Europe: http://www.epra.org/news_items/updated-epra-list-on-media-legislation-in-europe</p>
Access to media for community media	119	L	<p>Does the law grant community media access to media platforms?</p> <p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses whether the law contains specific provisions granting access to media platforms to community media. Please not that if the law does not consider community media at all (as category), then the answer to this question is automatically "no". Relevant provisions concern reservation of TV or radio frequencies for community media or guarantees for access to radio and TV networks via must-carry rules.</p> <p>Community media is defined as media that are non-profit and accountable to the community that they seek to serve. They are open to participation by members of the community for the creation of content. As such, they are a distinct group within the media sector alongside commercial and public media. Community media are addressed to specific target groups and social benefit is their primary concern.</p> <p>Method of Measurement Sources: UNESCO (2013). Tuning into development: an international comparative survey of community broadcasting 2013. http://unesdoc.unesco.org/images/0022/002246/224662e.pdf Community Media Forum Europe: http://cmfe.eu/?cat=11</p>
Access to media for community media	120	L	<p>Is the law implemented effectively?</p> <p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the effectiveness of regulatory safeguards for access to media platforms by community media.</p> <p>The effective implementation of the law usually involves several or all of the following aspects:</p> <ul style="list-style-type: none"> • Availability of a designated body monitoring compliance with the law/ functional equivalent to the law. • This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law/functional equivalent to the law. • Effective use of these sanctioning/enforcement powers. • Availability of appeal mechanisms with regard to the decisions of the designated body. • The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies. <p>Method of Measurement Sources: UNESCO (2013). Tuning into development: an international comparative survey of community broadcasting 2013. http://unesdoc.unesco.org/images/0022/002246/224662e.pdf Community Media Forum Europe: http://cmfe.eu/?cat=11</p>
Access to media for community media	121	L	<p>Does the law guarantee independence of community media?</p> <p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the legal safeguards for the independence of community media.</p> <p>Method of Measurement Sources: UNESCO (2013). Tuning into development: an international comparative survey of community broadcasting 2013. http://unesdoc.unesco.org/images/0022/002246/224662e.pdf</p> <p>National laws and regulations (e.g. acts, decrees, branch agreements), case law and regulatory decisions. Overviews of national media legislation can be found at: EPRA's list of Media Legislation in Europe: http://www.epra.org/news_items/updated-epra-list-on-media-legislation-in-europe</p>

Websites of national regulatory and competition authorities:

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Nordicom (for Scandinavian countries): <http://www.nordicmedia.info/>

Access to media for community media 122 S

Is the independence of community media safeguarded in practice?

- Low risk: Community media is present in the country and independent.
- Medium risk: Community media is present in the country but is not fully independent.
- High risk: Community media is absent or, if present, not independent.

Description:

This variable assesses if community media is present in the country and independent or if there is evidence of systematic political censorship, interference or manipulation of this type of media.

Method of Measurement

Sources:

Case law, decision practice, press reports, reports of independent bodies or NGOs.

Comment:

Access to media for community media 123 S

Does the state support community media through subsidies?

- Low risk: The state supports community media with an adequate level of subsidies.
- Medium risk: The state supports community media with a limited number of subsidies.
- High risk: The state does not support community media with subsidies.

Description:

This variable assesses whether the state ((national/regional/local levels) distributes direct or indirect subsidies to community media. Direct subsidies are e.g. cash grants and interest-free loans. Indirect subsidies are e.g. tax exemptions, and reduced postal service or telephone rates.

Please note that the variable has been slightly re-formulated compared to variable 125 in MPM2016. The description is more detailed and focused on subsidies (in contrast to broader policy measures).

Method of Measurement

Sources:

Public reports and statistics; civil society or media reports.

Comment:

Indicator

Country	TestCountry
Indicator Code	13
Indicator Name	Access to media for people with disabilities
Description	

Group # Type Question

Regulatory 124 S **Description:** How would you evaluate the

framework

policy on access to media content by people with disabilities in your country?

This variable assesses the existence and coherence of policies for the promotion of access to media content and services by persons with disabilities.

People with disabilities are defined here as blind, partially sighted, deaf and hard of hearing people.

Low risk: Well-developed policy. There is already a strong tradition of policy making in this area. The existing measures are coherent and up-to-date with the latest societal changes.

Not Applicable

No Data

The term "policy" includes regulation, self-regulation and (a set of) laws that govern a certain issue.

Method of Measurement

Analysis of policies and support measures.

For this variable, the country team also has to conduct a brief **interview with at least one representative of an academic institution specialising in media accessibility or a non-governmental organisation (NGO) representing the interests of people with disabilities**. You can consult the list of media accessibility experts, mostly academics, provided by the CMPF or check out the website of the Academic Network of European Disability experts at: <http://www.disability-europe.net/about-us>

However, note that you are also free to find experts of your choice.

Medium risk: Underdeveloped policy. The existing policies are only nascent and the policy measures taken are fragmented.

The interview has to be referenced. Please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview.

Other suggested source:

Accessibility Map (in Beta): <http://www.mapaccess.org/index.php/accessometer>

High risk: No policy.

Comment:

Regulatory framework 125 S

Is the policy implemented effectively?

Description:

Low risk: Well-implemented policy.

Not Applicable

No Data

This variable assesses the implementation of policies for the promotion of access to media content and services by persons with disabilities.

People with disabilities are defined here as blind, partially sighted, deaf and hard of hearing people.

If policy measures related to one of the two related categories of people (people with visual or people with hearing impairments) are under-implemented, please state so in the comment box.

Medium risk: Partly implemented policy. Only some of the policy measures are taken.

Method of Measurement

Analysis of the implementation of policies and support measures.

For this variable, the country team also has to conduct a brief **interview with at least one representative of an academic institution specialising in media accessibility or a non-governmental organisation (NGO) representing the interests of people with disabilities**. You can consult the list of media accessibility experts, mostly academics, provided by the CMPF but you are also free to find experts of your choice.

High risk: There are no steps taken for the implementation of the policy measures.

The interview has to be referenced. Please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview.

Regulatory framework 126 L

Is there any legislation in place in your country that requires access services for people with disabilities?

Description:

YES NO Not Applicable No Data

This variable assesses the existence of legal requirements for access services, including signing and audio description, for people with disabilities.

People with disabilities are defined here as blind, partially sighted, deaf and hard of hearing people.

Method of Measurement

Sources:

National laws and regulations (e.g. acts, decrees, branch agreements), case law and regulatory decisions

Comment:

Regulatory framework 127 L

Is the law implemented effectively?

Description:

YES NO Not Applicable No Data

This variable assesses the implementation of legal requirements for access services, including signing and audio description, for people with disabilities. **If the law is not implemented effectively, please state in the Comment Box the reason for its ineffectiveness.** For example, "There is a body monitoring the implementation of the law (name of the body) but it does not have any sanctioning powers".

Comment:

Method of Measurement

The effective implementation of the law usually involves several or all of the following aspects:

- Availability of a designated body monitoring compliance with the law/ functional equivalent to the law.
- This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law/functional equivalent to the law.
- Effective use of these sanctioning/enforcement powers effectively used.
- Availability of appeal mechanisms with regard to the decisions of the designated body.
- The effectiveness of these appeal mechanisms effective, including the fact that they are NOT systematically misused to delay the enforcement of remedies.

For this variable, the country team also has to conduct a brief **interview with at least one representative of an academic institution specialising in media accessibility or a non-governmental organisation (NGO) representing the interests of people with disabilities**. You can consult the list of media accessibility experts, mostly academics, that will be provided by the CMPF but you are also free to find experts of your choice. The interview has to be referenced. Please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview.

Additional sources: case law and regulatory decisions

Regulatory framework	128	L	Does the legislative requirement for audio description apply also for on-demand audiovisual media?	<p>Description:</p> <p>This variable assesses the existence of legal requirements for audio description for blind and partially sighted people.</p> <p>Method of Measurement</p> <p>Sources: National laws and regulations (e.g. acts, decrees, branch agreements), case law and regulatory decisions</p>
			<p>YES <input type="radio"/> NO <input checked="" type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p> <p>Comment:</p>	

Support services	129	S	How would you evaluate the support available for people with hearing impairments in audiovisual media?	<p>Description:</p> <p>This variable assesses the support for people with hearing impairments to access TV, in particular in terms of subtitles, signing and sound descriptions available.</p> <p>Method of Measurement</p> <p>Media sample: Two private TV channels with the largest audience share in the country, and all TV channels of the PSM.</p> <p>As a starting point, you could consult this website of the Zero project, which provides a map of accessible broadcasting services (TV and radio programs) readily available to persons with disabilities. The map is not very complete and the information has to be cross checked but can work as a starting point. https://zeroproject.org/indicator/4-broadcasting-systems</p> <p>You can also check the G3ict – the Global Initiative for Inclusive Information and Communication Technologies that provides country fiches with relevant information. Again, the information should be cross checked for reliability and recent developments: http://g3ict.org/resource_center/country_profiles/country_profile_austria</p>
			<p>Low risk: Subtitles, signing and sound descriptions are available on a regular basis in different scheduling windows. <input type="radio"/></p> <p>Medium risk: Subtitles, signing and sound descriptions are available only on irregular basis or in the least popular scheduling windows (e.g. before 14.00). <input type="radio"/></p> <p>High risk: No subtitles, signing and sound descriptions are available. <input checked="" type="radio"/></p> <p>Comment:</p>	

Support services	130	S	How would you evaluate the levels of audio description available for blind people?	<p>Description:</p> <p>This variable assesses to what extent audio description are available for blind people on TV.</p> <p>Method of Measurement</p>
			<p>Low risk: <input type="radio"/> Not <input type="radio"/></p>	

Applicable

No Data

Medium risk:
Audio descriptions are available only on irregular basis or in the least popular scheduling windows (e.g. before 14.00).

High risk:
No audio descriptions are available.

Media sample:
Two private TV channels with the largest audience share in the country, and all TV channels of the PSM.

As a starting point, you could consult this website of the **Zero project**, which provides a map of accessible broadcasting services (TV and radio programs) readily available to persons with disabilities. The map is not very complete and the information has to be cross checked but can work as a starting point. <https://zeroproject.org/indicator/4-broadcasting-systems>

You can also check the **G3ict – the Global Initiative for Inclusive Information and Communication Technologies** that provides country fiches with relevant information. Again, the information should be cross checked for reliability and recent developments: http://g3ict.org/resource_center/country_profiles/country_profile_austria

Comment:

Support services 131 S

Is adequate information provided about the existing audiovisual access services?

Description:

This variable assesses whether TV channels provide information about the available access services.

Low risk:
Most TV channels provide adequate information about access services.

Not Applicable

No Data

In an ideal situation, there is a central online repository of all available access files for country/language specific programmes. In other cases, the services are marked in the TV programme, highlighted in local or national newspapers where the TV programmes are advertised, or icons or "earcons" are used on TV. Technologically speaking at the header of the programme, you have the possibility of "tagging" the accessibility services. In several countries, information about access services is lacking, which means that accessibility is deployed and offered but people are not aware of it.

Method of Measurement

Media sample:

Two private TV channels with the largest audience share in the country, and all TV channels of the PSM.

For this variable, the country team also has to conduct a brief **interview with at least one representative of an academic institution specialising in media accessibility or a non-governmental organisation (NGO) representing the interests of people with disabilities**. You can consult the list of media accessibility experts, mostly academics, provided by the CMPF but you are also free to find experts of your choice.

Comment:

Support services 132 S

Does the PSM in your country carry out consultations to collect accessibility suggestions from end users?

Description:

This variable assesses to what extent the PSM carry out consultations to collect suggestions about support services for people with disabilities from end users.

Low risk:
The PSM carries out regular consultations with end-users

Not Applicable

No Data

The term "consultation" is defined broadly as obtaining "**public feedback on analysis, alternatives and/or decisions**" (source: IAP2 spectrum at: <http://iap2canada.ca/page-1020549>) and can involve activities ranging from large-scale consultations that involve tens of thousands of people to focus group research, public meetings, and online discussion forums or surveys.

The consultations can be carried out either **online or offline**, and target either individuals or organised civil society (e.g. NGOs).

Medium risk:
The PSM carries out consultations with end-users but only rarely or sporadically.

The time-frame is **2015-2017**. In order to qualify for the low risk-score, at least one of the PSMs in the country have to had carried out at least two consultation over the past three years (2015-2017). Please indicate in the comment box which PSM you refer to and list the type of consultations held and their dates.

Method of Measurement

High risk:
The PSM has not carried out

any consultations in the period 2015-2017.

In order to answer to this question, you can contact the contact point/head of access services of the PSM in your country.

Alternatively, you can contact the national regulatory authority. Under the newly revised "Audiovisual Media Services Directive" (AVMSD) it will be down to national regulators to supervise accessibility in each country. Hence, they should know or should be able to refer you to the right person. As a third alternative, you could get in touch with EBU or ACT. EBU is the association of public broadcasters and the head of access services is Gion Linder <Gion.Linder@swisstxt.ch>.

Comment:

Indicator

Country	TestCountry
Indicator Code	14
Indicator Name	Access to media for women
Description	

Group # Type Question

PSM policies on gender equality	133	S	Do the PSM have a comprehensive gender equality policy?
			<p>Low risk: Yes, the PSM has a comprehensive gender equality policy covering both personnel issues and programming content. <input checked="" type="radio"/></p> <p>Medium risk: Yes, the PSM has a gender equality policy but it is limited in scope. <input type="radio"/></p> <p>High risk: No, the PSM does not have any gender equality policy. <input type="radio"/></p>
			<p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>

Description:

This variable assesses if the PSM(s) in the country have gender equality policies in place and whether they are comprehensive. To be considered comprehensive the policy should **cover both personnel issues and programming content**.

In the comment box please summarise the policy (if any) and state what kind of measures are in place regarding programming or personnel.

Background: The MPM2017 indicator on women and media are partly based on the indicators proposed by the EIGE report "Advancing gender equality in decision-making in media organisations" (<http://eige.europa.eu/node/344>). The European Council in June 2013 adopted the EIGE report and recommended the EC and the Member States to monitor the presence of women in decision-making roles in the print and broadcast media by using the indicators as set out in the EIGE report.

Source: European Council conclusions (2013). "Advancing Women's Roles as Decision-makers in the Media". http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/137546.pdf

Method of Measurement

Check on the PSM website or contact the PSM by email or telephone to verify it there is a policy and whether it is comprehensive, i.e. it covers personnel issues and programming content.

Comment:

PSM policies on gender equality	134	S	Is the policy implemented effectively?
			<p>Low risk: Well-implemented policy. <input type="radio"/></p> <p>Medium risk: Partly implemented policy. Only some of the policy measures are taken. <input type="radio"/></p> <p>High risk: There are no steps taken for the implementation of the policy measures. <input checked="" type="radio"/></p>
			<p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>

Description:

This variable assesses the extent of implementation of PSM's gender equality policies.

Method of Measurement

For this variable, the country team also has to conduct a brief interview with at least one expert in media and gender equality. The interview has to be referenced. Please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview.

Other sources: Case law, decision practice, press reports, reports of independent bodies or NGOs. "

Comment:

Representation 135 S

What is the share of women on PSM management boards?

Value:

Not Applicable

No Data

Comment:**Description:**

This variable assesses whether the representation of women and men on PSM management boards is balanced. Please note that the name of the Board may vary across countries (PSM management board is not a standard name) but what we are focusing on is the PSM board responsible for media content, e.g. in the case of the BBC it would be the Executive Committee.

This variable is based on CoE recommendations. The CoE recommends a balanced representation of men and women in decision-making bodies of public service media (see reference below).

Source: Council of Europe Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance (Adopted by the Committee of Ministers on 15 February 2012 at the 1134th meeting of the Ministers' Deputies. https://wcd.coe.int/ViewDoc.jsp?id=1908265#P212_20764

Method of Measurement

To make the calculation you need to have a list of PSM management board members. You count the number of female members and then divide it by the total number of members. This will give you a percentage that you insert into the value box (rounded, whole, number with no decimals).

In case there are more than one PSM in the country, you make this calculation for each of the PSM. Then, you add up the averages and divide by the number of PSM in the country.

For example, the country Atlantis has 3 PSM: Atlantis Radio, Atlantis Television and Atlantis Educational broadcaster. Atlantis Radio management board has 1 of 5 women, Atlantis Television 3 of 6, and Atlantis Educational broadcaster has 5/5 women. In percentages this would be: Atlantis Radio 20% women, Atlantis Television 50% women, and Atlantis Educational broadcaster 100% women. In sum: $20+50+100=170$. 170 is divided by 3 (the number of PSMs), which equals 56,66. Round this up to 57%. 57 is also the number you insert on the platform.

Please also put a description of the underlying information in the "comment box", i.e. There are 3 PSMs in Atlantis. Atlantis Radio management board has 1 of 5 women, Atlantis Television 3 of 6, and Atlantis Educational broadcaster has 5/5 women.

Thresholds used by the CMPF:

Low risk: 40% or higher are women
 Medium risk: 30-39%
 High risk: 29% or lower are women

Source:

Check on the PSM website or contact the PSM by email or telephone. In the latter case, please state the name of the contacted person, the title, and the date of contact in the sources section.

Representation 136 S

What is the share of women among executives of PSM?

Value:

Not Applicable

No Data

Comment:**Description:**

This variable assesses whether the representation of women and men among executives of PSM is balanced. Please note that the name of the position may vary across countries but what we are focusing on management or executive boards, e.g. in the case of Sweden it would be positions such as SVT Managing Director and in the case of the UK it would include BBC Director General of the Executive committee.

This is a follow-up question to variable 135. Here, we want to know if there are any women among the chairs/directors of the management boards of the PSMs assessed in 135.

Method of Measurement

To make provide a figure you need to identify the PSM Managing Director(s).

In case there are more than one PSM in the country, you count the number of female directors and then divide it by the total number of directors. This will give you a percentage that you insert into the value box (rounded, whole, number with no decimals).

For example, the country Atlantis has 3 PSMs: Atlantis Radio, Atlantis Television and Atlantis Educational broadcaster.

Atlantis Radio managing director is a women, Atlantis Television managing director is a man, and Atlantis Educational broadcaster managing director is a man. In percentages this would be: Atlantis Radio 100% women, Atlantis Television 0% women, and Atlantis Educational broadcaster 0% women. In sum: $100+0+0=100$. 100 is divided by 3 (the number of PSMs), which equals 33,33 (etc.). Round this to 33%. 33 is also the number you insert on the platform.

Please also put a description of the underlying information in the "comment box", i.e. Atlantis has 3 PSMs: Atlantis Radio, Atlantis Television and Atlantis Educational broadcaster. Atlantis Radio managing director is a women, Atlantis Television managing director is a man, and Atlantis Educational broadcaster managing director is a man.

Thresholds:

Low risk: 40% or higher are women

Medium risk: 30-39%

High risk: 29% or lower are women

Source:

Check on the media companies websites or contact the PSMs by email or telephone. In the latter case, please state the name of the contacted person, the title, and the date of contact in the sources section.

Representation	137	S	<p>What is the share of women among members of management boards of private TV companies?</p> <p>Value:</p> <p>0</p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p> <p>Comment:</p>	<p>Description:</p> <p>This variable assesses whether the representation of women and men on the management boards of private media companies is balanced.</p> <p>Please note that the name of the Board may vary across countries but what we are focusing on is the boards responsible for media content.</p> <p>Method of Measurement</p> <p>Media sample:</p> <p>Two private TV companies with the largest audience share in the country.</p> <p>To make the calculation you need to have a list of management board members. You count the number of female members and then divide it by the total number of members. This will give you a percentage that you insert into the value box (rounded, whole, number with no decimales).</p> <p>You make this calculation for each private TV company in the sample. Then, you add up the averages and divide by the number of companies that make up the sample.</p> <p>For example, in the country Atlantis the 2 largest TV companies are: ATV and TV Alba. ATV management board has 1 of 5 women, TV Alba 3 of 6. In percentages this would be: ATV 20% women, TV Alba 50% women. In sum: 20+50= 70. 70 is divided by 2 (the number of companies), which equals 35%. 35 is also the number you insert on the platform. Please also put a description of the underlying information in the "comment box", i.e. Th 2 largest TV companies are ATV and TV Alba. ATV management board has 1 of 5 women, Alba TV 3 of 6.</p> <p>Thresholds:</p> <p>Low risk: 40% or higher are women</p> <p>Medium risk: 30-39%</p> <p>High risk: 29% or lower are women</p> <p>Source:</p> <p>Check on the media companies websites or contact the companies by email or telephone. In the latter case, please state the name of the contacted person, the title, and the date of contact in the sources section.</p>
Representation	138	S	<p>What is the share of women among executives of private TV companies?</p> <p>Value:</p> <p>0</p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p> <p>Comment:</p>	<p>Description:</p> <p>This variable assesses whether the representation of women and men among executives of media companies is balanced. Please note that the name of the position may vary across countries but what we are focusing on management or executive boards.</p> <p>This is a follow-up question to variable 137. Here, we want to know if there are any women among the chairs/directors of the management boards of the two private TV companies assessed in 137.</p> <p>Method of Measurement</p> <p>Thresholds:</p> <p>Low risk: 40% or higher are women</p> <p>Medium risk: 30-39%</p> <p>High risk: 29% or lower are women</p>
Representation	139	S	<p>What is the share of women in news?</p> <p>Value:</p> <p>0</p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p> <p>Comment:</p>	<p>Description:</p> <p>This variable assesses the presentation of women in news. The percentage inserted represent the share of women as subjects and sources in news and covers newspapers, radio and television news.</p> <p>Method of Measurement</p> <p>Thresholds:</p> <p>Low risk: 40% or higher are women</p> <p>Medium risk: 30-39%</p> <p>High risk: 29% or lower are women</p> <p>Source:</p> <p>Secondary data from Global Media Monitoring Project (GMMP).</p> <p>The relevant GMMP indicator asks "What is the overall presence of women as subjects and sources in news?" and covers newspapers, radio and television news. The Global Media Monitoring Project</p>

(GMMP) is the world's longest-running and most extensive research on gender in the news media (since 1995). (2015)

http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2015/regional/Europe.pdf

<http://whomakesthenews.org/media-monitoring/methodology-guides-and-coding-tools>

Representation 140 S

What is the share of women in online news?

Value:

Not Applicable

No Data

Description:

This variable assesses the presentation of women in online news. The percentage inserted represent the share of women as subjects and sources in Internet news websites and news media tweets.

Method of Measurement

Thresholds:

Low risk: 40% or higher are women

Medium risk: 30-39%

High risk: 29% or lower are women

Source:

Secondary data from Global Media Monitoring Project (GMMP).

The relevant GMMP indicator asks "What is the overall presence of women as subjects and sources in online news? (Internet news websites and news media tweets).

The Global Media Monitoring Project (GMMP) is the world's longest-running and most extensive research on gender in the news media (since 1995). (2015) http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2015/regional/Europe.pdf

Representation 141 S

What is the share of women among news reporters?

Value:

Not Applicable

No Data

Description:

This variable assesses the ratio of women among news reporters. Please note that the GMMP is a study of media content, and not a study of media employment. So it actually measures the % of women and men who reported the news on the day of the study, and not the % of women and men who were employed as reporters. The percentage inserted represents the share of women among reporters in newspapers, radio and television news.

Method of Measurement

Thresholds:

Low risk: 40% or higher are women

Medium risk: 30-39% women

High risk: 29% or lower are women

Source:

Secondary data from Global Media Monitoring Project (GMMP).

The relevant GMMP indicator asks "What is the ratio of female reporters in newspapers, radio and television news?."

The Global Media Monitoring Project (GMMP) is the world's longest-running and most extensive research on gender in the news media (since 1995). (2015) http://cdn.agilitycms.com/who-makes-the-news/Imported/reports_2015/regional/Europe.pdf

Indicator

Country TestCountry

Indicator Code 15

Indicator Name Media literacy

Description This variable assesses the level of media literacy and has two sub-indicators: "Media literacy environment" and "Digital competencies". These sub-indicators follow the logic of the categorization used by EAVI (2009, p. 5) (see reference below), summarized here: Environmental Factors is a set of contextual factors (affecting Individual Competences) that impact the broad span of media literacy, including informational availability, media policy, education and the roles and responsibilities of stakeholders in the media community. Individual Competences is an individual capacity to exercise certain skills (including inter alia cognitive processing, analysis, communication). These competences draw on a broad range of capabilities, and embrace increasing levels of awareness, the capacity for critical thought and an ability to produce and communicate a message.

Group # Type Question

Media literacy policies 142 S How would you evaluate the policy on media literacy in your country?

Description:

Low risk: Well-developed policy. There is already a strong tradition of policy making in this area. The policy has concrete targets, and the existing measures are coherent and up-to-date with the latest societal changes.

Medium risk: Underdeveloped policy. The existing policies are only nascent and the measures taken are fragmented.

High risk: No policy.

Not Applicable

No Data

This variable assesses the public policies on media literacy in a given country. The term "policy" includes regulation, self-regulation and (a set of) laws that govern a certain issue. **Please note that the answer options have changed slightly compared to MPM2016.**

The definition of media literacy used by the MPM:

To be media literate means to be able to use the media well. It means to have the ability to understand how messages and meanings are produced and shared.

Going more into the detail of the definition:

"Media literacy is an umbrella expression that includes all the technical, cognitive, social, civic and creative capacities that allow a citizen to access, have a critical understanding of the media and interact with it" (1). "Media-literate people are able to exercise informed choices, understand the nature of content and services and take advantage of the full range of opportunities offered by new communications technologies (2). "(Media literacy) refers to all kind of media (television, radio, press), through all kind of channels (traditional, internet, social media) and to all ages. (...) (A) key stone in all possible definitions of media literacy is the development of critical thinking by the user." (1).

Sources: (1) Mandate of the EC's Expert Group on Media Literacy. <https://ec.europa.eu/digital-single-market/en/news/meetings-media-literacy-expert-group> (2) Audiovisual Media Services Directive (2010). Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive). <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32010L0013>

Method of Measurement

Comment:

For this variable, the country team has to conduct a brief **interview with at least one media literacy expert in the country**. The interview has to be referenced (please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview).

You can consult the **list of media literacy experts provided by the CMPF** but you are also free to find experts of your choice. Please avoid interviewing government or public agency representatives given that they might have been involved in the development or implementation of related policies (if any) and might have a biased opinion.

Other sources: Public reports and statistics; civil society or media reports.

Media literacy policies 143 S

Is the policy implemented effectively?

Low risk: Well-implemented policy.

Medium risk: Partly implemented policy. Only some of the policy measures are taken.

High risk: There are no steps taken for the implementation of the policy measures.

Not Applicable

No Data

Description:

This variable assesses the extent of implementation of media literacy policies.

Method of Measurement

For this variable, the country team has to conduct a brief **interview with at least one media literacy expert in the country**. The interview has to be referenced (please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview).

You can consult the **list of media literacy experts provided by the CMPF** but you are also free to find experts of your choice. Please avoid interviewing government or public agency representatives given that they might have been involved in the development or implementation of related policies (if any) and might have a biased opinion.

Other sources: Public reports and statistics; civil society or media reports.

Comment:

Media literacy activities 144 S

To what extent is media literacy present in the education curriculum?

Low risk: Media literacy is present in the education curriculum.

Medium risk: Media literacy is present but only

Not Applicable

No Data

Description:

This variable assesses whether media literacy is present in the education curriculum, as a separate subject, as a cross-cutting subject or as part of another subject (e.g. ICT or language).

Introduction of media literacy in the compulsory education curriculum is recommended in the COMMISSION RECOMMENDATION of 20 August 2009 on media literacy in the digital environment for a more competitive audiovisual and content industry and an inclusive knowledge society (2009/625/EC) and is part of the provision of key competences for lifelong learning, set out in the Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning.

Method of Measurement

Sources:

to a limited extent.

High risk: Media literacy is absent from the compulsory education curriculum.

Public reports and statistics; civil society or media reports.

Comment:

Media literacy activities 145 S

How would you assess the quality of teachers' training in media literacy?

Description:

This variable assesses the quality of media literacy training of school teachers.

Low risk: The training programme in media literacy of teachers is well-developed and comprehensive. The programme comprises the study of critical skills and is up-to-date with the latest societal changes.

Not Applicable

No Data

Method of Measurement

For this variable, the country team has to conduct a brief interview with at least one media literacy expert in the country. The interview has to be referenced (please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview).

You can consult the list of media literacy experts provided by the CMPF but you are also free to find experts of your choice. Please avoid interviewing government or public agency representatives given that they have probably been involved in the development of the training programme (if any) and might have a biased opinion.

Other sources: Public reports and statistics; civil society or media reports.

Medium risk: The training programme in media literacy of teachers is limited. The programme does not comprise the study of critical skills or is not up-to-date with the latest societal changes.

High risk: Teachers are not provided with any training in media literacy.

Comment:

Media literacy activities 146 S

To what extent is media literacy present in non-formal education?

Description:

Non-formal education is defined as learning and training which takes place outside recognized educational institutions (Tight 2012, p. 70). As a general rule of thumb, formal education is linked with schools and training institutions; while non-formal education takes place with community groups and other organizations, but the two categories can sometimes overlap.

Low risk: The subject of media literacy is widespread in non-formal education.

Not Applicable

No Data

Please note that In many northern countries the notion of non-formal education is not common in internal policy debates – preferred alternatives being community education and community learning, informal education and social pedagogy.

The types of non-formal education considered are training, research and studies of media literacy.

Medium risk: The subject of media literacy is present but only to a limited extent.

Method of Measurement

Sources: Public reports and statistics; civil society or media reports.

High risk: Media literacy is absent from non-formal education.

Comment:

Media literacy activities	147	S	<p>How would you evaluate the extent of media literacy activities in your country?</p> <p>Low risk: Activities on media literacy are widespread across the country and across different groups of people. <input checked="" type="radio"/></p> <p>Medium risk: Activities on media literacy are limited to some part(s) of the country or to certain groups of people. <input type="radio"/></p> <p>High risk: Activities on media literacy are hardly ever conducted. <input type="radio"/></p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Description:</p> <p>Media literacy activities should aim at educating users (e.g. young people, parents and teachers) and can include the following activities: campaigns, provision of funding, networking platforms, information days, distribution of information packs (e.g. about the risks involved in processing personal data through information and communication networks).</p> <p>Media literacy activities can be carried out by civil society organisations, public or private bodies.</p> <p>Method of Measurement</p> <p>For this variable, the country team has to conduct a brief interview with at least one media literacy expert in the country. The interview has to be referenced (please attach a note listing the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) for the interview).</p> <p>Other valuable sources: European Audiovisual Observatory (2016). "Mapping of media literacy practices and actions in EU-28": http://www.obs.coe.int/documents/205595/8587740/Media+literacy+mapping+report+-+EN+-+FINAL.pdf/c1b5cc13-b81e-4814-b7e3-cc64dd4de36c</p> <p>Public reports and statistics; civil society or media reports.</p>
Comment:				

Digital competencies	148	S	<p>What is the percentage of population that has at least basic digital skills?</p> <p>Value:</p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the basic digital skills of the population in the country.</p> <p>SOURCE OF DATA: Eurostat</p> <p>DATASET: Individuals' level of digital skills [isoc_sk_dskl_i]</p> <p>TIME 2016</p> <p>IND_TYPE All Individuals</p> <p>UNIT Percentage of individuals</p> <p>Method of Measurement</p> <p>The percentage in the answer corresponds to the sum of these two answer categories of the indicator:</p> <ul style="list-style-type: none"> Individuals who have basic communication skills Individuals who have above basic communication skills <p>Calculate percentiles based on available country scores (30 countries, no data for Serbia), the following percentiles have been calculated:</p> <p>25 percentiles at 44% median at 53% 75 percentiles at 66%</p> <p>Thresholds: Below 25 percentiles is considered to be high risk, while above 75 percentiles is considered to be low risk: high risk: 0-43% medium risk: 44-66% low risk: 67-100%</p> <p>Source: Eurostat http://ec.europa.eu/eurostat/data/database?node_code=isoc_sk_dskl_i http://ec.europa.eu/newsroom/dae/document.cfm?doc_id=9979</p>
Comment:				

Indicator

Country	TestCountry
Indicator Code	16
Indicator Name	Political independence of media

Description This indicator assesses the existence and effective implementation of regulatory safeguards against control of media by government and politicians.

Group	#	Type	Question	Description:
Conflict of interest	149	L	<p>Does the law regulate conflict of interests between owners of media and the ruling parties, partisan groups or politicians?</p> <p>YES <input type="radio"/> NO <input checked="" type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the existence of regulatory safeguards that make government office incompatible with media ownership or prohibit media proprietors from holding government office. Please consider general conflict of interest law if it applies for media companies.</p> <p>In your reply:</p> <ul style="list-style-type: none"> - summarize/copy paste the relevant legal provisions, as they are written in the law - mention the Law and the article(s) of the law that you refer to, and add it as a source <p>Method of Measurement</p> <p>National laws and regulations</p> <p>Comment:</p> <p>Overviews of national media legislation can be found on: EPRA website:http://www.epra.org/articles/media-legislation</p> <p>Websites of national regulatory and competition authorities</p> <p>Merlin database European Audiovisual Observatory:http://merlin.obs.coe.int/</p>
Conflict of interest	150	L	<p>Is the law implemented effectively?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the effectiveness of the legal framework for the prevention of conflict of interests.</p> <p>The effective implementation usually involves several or all of the following aspects:</p> <ul style="list-style-type: none"> Availability of a designated body monitoring compliance with the law. This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law. Effective use of these sanctioning/enforcement powers. Availability of appeal mechanisms with regard to the decisions of the designated body. The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies. <p>To motivate your reply, please add in the comment box which of the aspects listed above are in place, if any.</p> <p>Method of Measurement</p> <p>National legislation analysis, Case law, Official reports, Expert analysis.</p>
Conflict of interest	151	S	<p>Is the conflict of interests prevented in practice?</p> <p>Low risk: The conflict of interests is prevented in practice <input type="radio"/></p> <p>Medium risk: There are some sporadic cases of conflict of interests <input type="radio"/></p> <p>High risk: There are systematic cases of conflict of interests <input type="radio"/></p> <p>Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the risk of conflict of interests in practice. The aim here is to address whether there are some cases of conflict between media ownership and holding government office, encompassing all levels - from local to national.</p> <p>In your reply, in the comment box, please indicate which media are most at risk: audiovisual, radio, newspapers or online; and on what level: local or national.</p> <p>Method of Measurement</p> <p>Case law, decision practice, press reports, reports of independent bodies or NGOs.</p>
Political control over media outlets	152	L	<p>Does the law contain limitations to direct and indirect control of media by party, partisan group or politicians?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses if the law (e.g. media law, competition law, or company law) contains safeguards against excessive control of media by politicians. In this context, control is to be understood as broader than ownership and it includes both direct ownership and indirect control. Indirect control implies that party, partisan group or politicians are not directly involved in the ownership structure but they use intermediaries (e.g. family members). Only code 'yes' if there are specific provisions in law(s) related to control/ownership by political and politically affiliated persons and organisations, and specify to what kind of media law refers to. Do not consider e.g. competition</p>

At least one of the leading radio stations is politically controlled and/or there is a record of repeated discriminatory actions of any radio

Article 19 databases: <http://www.article19.org/> European Audiovisual Observatory, <http://www.obs.coe.int/>

Political control over media outlets

156

S

How would you evaluate the presence of political control over the newspapers?

Low risk: Newspapers in general are not politically controlled

Medium risk: There are some occasional cases of political control over the newspapers

High risk: At least one of the leading newspapers is politically controlled and/or there is a record of repeated discriminatory actions of any newspaper

Not Applicable
No Data

Description:

Note: this variable is the old 156

For the purpose of this evaluation leading media is not strictly defined but it refers to 2-4 market leaders in terms of revenue, circulation or readership, and on different levels, from national to local. This is particularly relevant for the application of medium and high risk. Even rare cases of political control, if they involve leading media, present more risk than political control over the minor market players. Therefore, please, consider all levels, from national to local, when providing this evaluation.

In this context control is to be understood as broader than ownership and it includes both direct ownership and indirect control. Indirect control implies that party, partisan group or politicians are not directly involved in the ownership structure but they use intermediaries (e.g. family members).

Method of Measurement

Company registers

Media registers

Existing media ownership studies and reports, including: Transparency International data bases: <http://www.transparency.org/>

Article 19 databases: <http://www.article19.org/> European Audiovisual Observatory, <http://www.obs.coe.int/>

Political control over news agencies

157

L

Does the law contain limitations to direct and indirect control of news agencies by party, partisan group or politicians?

YES NO Not Applicable
No Data

Comment:

Description:

This variable assesses if the law (e.g. media law, competition law, or company law) contains safeguards against excessive control of news agencies by politicians.

In this context control is to be understood as broader than ownership and it includes both direct ownership and indirect control. Indirect control implies that party, partisan group or politicians are not directly involved in the ownership structure but they use intermediaries (e.g. family members).

Only code 'yes' if there are specific provisions in law(s) related to control/ownership by political and politically affiliated persons and organisations. Do not consider e.g. competition laws in general. If there are no specific provisions in law related to politicians, code 'no'.

In your reply:

- summarize/copy paste the relevant legal provisions, just as they are written in the law
- mention the Law and the article(s) of the law that you refer to

Method of Measurement

Analysis of laws and regulations

Political control over news agencies

158

L

Is the law implemented effectively?

YES NO Not Applicable
No Data

Comment:

Description:

This variable assesses effectiveness of the safeguards against excessive control of news agencies by politicians.

The effective implementation usually involves several or all of the following aspects:

- Availability of a designated body monitoring compliance with the law/ functional equivalent to the law.
- This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law/functional equivalent to the law.
- Effective use of these sanctioning/enforcement powers.

Availability of appeal mechanisms with regard to the decisions of the designated body. The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies.

To motivate your reply, please add in the comment box which of the aspects listed above are in place, if any.

Method of Measurement

National laws and regulations

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Nordicom (for Scandinavian countries):<http://www.nordicmedia.info/>

Case law, decision practice, press reports, reports of independent bodies or NGOs

Political control over news agencies 159 S

How would you evaluate the relationship between the leading news agencies and political groupings?

Description:

This variable assesses the political independence of the largest news agencies in the country.

Method of Measurement

Sample: All news agencies with at least 15% audience market share at the national level.

Low risk: None of the largest news agencies is dependent on political groupings in terms of ownership, affiliation of key personnel or editorial policy.

Not Applicable
No Data

Medium risk: At least one of the largest news agencies is dependent on political groupings in terms of ownership, affiliation of key personnel or editorial policy.

High risk: Most or all of the largest news agencies are dependent on political groupings in terms of ownership, affiliation of key personnel or editorial policy.

Political control over distribution networks 160 L

Does the law contain limitations to direct and indirect control of media distribution networks by party, partisan group or politicians?

Description:

This variable assesses if the law (e.g. media law, competition law, or company law) contains safeguards against excessive control of media distribution networks by politicians.

In this context control is to be understood as broader than ownership and it includes both direct ownership and indirect control. Indirect control implies that party, partisan group or politicians are not directly involved in the ownership structure but they use intermediaries (e.g. family members).

YES NO Not Applicable

Only code 'yes' if there are specific provisions in law(s) related to control/ownership by political and politically

No Data

affiliated persons and organisations. Do not consider e.g. competition laws in general. If there are no specific provisions in law related to politicians, code 'no'.

Method of Measurement

Analysis of laws and regulations

Political control over distribution networks 161 L

Is the law implemented effectively?

YES NO Not Applicable
 No Data

Description:

This variable assesses effectiveness of the safeguards against excessive control of media distribution networks by politicians.

The effective implementation usually involves several or all of the following aspects:

- Availability of a designated body monitoring compliance with the law/ functional equivalent to the law.
- This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law/functional equivalent to the law.
- Effective use of these sanctioning/enforcement powers.
- Availability of appeal mechanisms with regard to the decisions of the designated body.
- The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies.

Method of Measurement

National laws and regulations

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Nordicom (for Scandinavian countries): <http://www.nordicmedia.info/>

Case law, decision practice, press reports, reports of independent bodies or NGOs

Political control over distribution networks 162 S

How would you assess the conduct of the leading media distribution networks?

Low risk: Leading distribution networks are not politically affiliated
 Not Applicable
 No Data

Medium risk: At least one of the leading distribution networks is politically affiliated or takes occasional discriminatory actions

High risk: At least one of the leading distribution networks is politically affiliated and has a record of repeated discriminatory actions

Description:

This variable assesses the risk of political affiliations and control over media distribution networks. It addresses the transparency of data about the political affiliations of owners, and the level of discrimination by politically affiliated media distribution networks.

Leading distribution network is defined as a network covering more than 15% of the national market.

Political affiliation means that the network belongs, directly or indirectly, to a party, a partisan group, a party leader or a clearly partisan person.

Discriminatory actions include unfavourable pricing and posing barriers to media accessing the distribution channel.

Method of Measurement

Sample: Two distribution networks (If two networks covering more than 15% of the national market are available in the country. If not, one distribution network is sufficient as a sample)

Sources:

Company registers

Media registers

Existing media ownership studies and reports, including: Transparency International data bases: <http://www.transparency.org/>

Article 19 databases: <http://www.article19.org/> European Audiovisual Observatory, <http://www.obs.coe.int/>

Indicator

Country TestCountry

Indicator Code 17

Indicator Name Editorial autonomy

Description This indicator assesses the existence of regulatory and self-regulatory measures that guarantee freedom from interference in editorial

decisions and content.

Group	#	Type	Question	Description:
Appointment of editor-in-chief	163	L	<p>Are there common regulatory safeguards to guarantee autonomy when appointing and dismissing editors-in-chief?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>This variable assesses the existence of regulatory safeguards (e.g. law, statute) that prevent political influence over the appointments and dismissals of editors-in-chief that could harm editorial autonomy.</p> <p>In your reply: - summarize/copy paste the relevant legal provisions, as they are written in the law - mention the Law and the article(s) of the law that you refer to, and add it as a source</p> <p>Method of Measurement National laws and regulations analysis</p>
Appointment of editor-in-chief	164	S	<p>Are the appointments and dismissals of editors-in-chief independent from political influence in practice?</p> <p>Low risk: No political interference in appointments and dismissals of editors-in-chief <input type="radio"/></p> <p>Medium risk: Occasional interference concerning appointments and dismissals of editors-in-chief <input type="radio"/></p> <p>High risk: Systematic political interference in appointments and dismissals of editors-in-chief <input type="radio"/></p> <p>Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>This variable assesses whether the autonomy of appointment and dismissal procedures for editors-in-chief is implemented in practice, or whether there is evidence of systematic political interference concerning appointments and dismissals of editors-in-chief.</p> <p>Please state which platforms (TV, radio, print, online) and what type of media organizations (public or private) are most at risk in this regard.</p> <p>Method of Measurement Press reports, reports of independent bodies or NGOs</p>
Effectiveness of self-regulation	165	L	<p>Are there self-regulatory measures that stipulate editorial independence from political interference in the news media?</p> <p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p> <p>Comment:</p>	<p>Description: Consider "yes" only if the two largest media outlets in each category (TV, radio, newspapers), as in the indicated sample, have a self-regulatory measure in place.</p> <p>'Self-regulatory measures' are defined as e.g. journalistic codes, codes of ethics. If there is both a regulatory and a self-regulatory framework, code 'yes', and make a note in the comment box of the type of formal regulation that exists.</p> <p>In your reply: - summarize/copy paste the relevant legal provisions, as they are written in the law - mention the Law and the article(s) of the law that you refer to, and add it as a source</p> <p>Method of Measurement Examination of the largest media owners in terms of audience/readership shares.</p> <p>Sample: 2 (where available) largest news outlets (newspaper, radio, TV, online)</p>
Effectiveness of self-regulation	166	L	<p>Do these self-regulatory measures consider online news media?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	<p>Description: This variable assesses the specific recognition of online news media within existing self-regulatory framework.</p> <p>Please state whether these measures explicitly refer to online news media or they are drafted in a way to encompass different media platforms. Please also add whether the leading media in the country (according to status and/or audience share) have social media guidelines for their journalists. Note that all documents you refer to should be added in Sources.</p> <p>Method of Measurement Analysis of 'Self-regulatory measures', e.g. journalistic codes, codes of ethics.</p>
Effectiveness of self-regulation	167	L	<p>Are self-regulatory measures that stipulate editorial independence in</p>	<p>Description: The effective implementation usually involves several or all of the following aspects:</p>

the news media implemented effectively?

YES NO Not Applicable
 No Data

Availability of a designated body monitoring compliance with the measures.
 This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the measures.
 Effective use of these sanctioning/enforcement powers.
 Availability of appeal mechanisms with regard to the decisions of the designated body.
 The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies.

To motivate your reply, please add in the comment box which of the aspects listed above are in place, if any.

Method of Measurement

Professional codes of conduct.

Effectiveness 168 S
 of self-regulation

Is editorial content in the news media independent from political influences in practice?

Low risk: There is no evidence on the influence of party, partisan group or politicians over the editorial contents in the news media

Medium risk: There are some cases

High risk: There are systematic cases of influence

Not Applicable
 No Data

Description:

This variable assesses whether the self-regulatory instruments that guarantee editorial independence are effectively implemented in practice. Please consider both traditional and online media. The answer should be based on the average state of affairs.

Method of Measurement

Press reports, reports of independent bodies or NGOs

Indicator

Country	TestCountry
Indicator Code	18
Indicator Name	Media and democratic electoral process
Description	This indicator assesses existence and implementation of regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints on PSM and private channels and services, especially during the electoral campaign.

Group	#	Type	Question	Description:
PSM bias	169	L	Does media law (including conventions between PSM and the government) impose rules aiming at fair representation of political viewpoints in news and informative programmes on PSM channels and services?	<p>This variable assesses the existence of regulatory safeguards that guarantee that in news and informative programmes on PSM channels and services all political viewpoints existing in society are represented in a fair manner. Fair encompasses proportional and unbiased.</p> <p>In your reply: - summarize/copy paste the relevant legal provisions, as they are written in the law - mention the Law and the article(s) of the law that you refer to, and add it as a source</p> <p>Method of Measurement National laws and regulations</p> <p>Overviews of national media legislation can be found on: EPRA website: http://www.epra.org/articles/media-legislation</p> <p>Websites of national regulatory and competition authorities</p> <p>Merlin database European Audiovisual Observatory: http://merlin.obs.coe.int/</p>
			<p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	
			Comment:	

PSM bias	170	L	Is the law implemented effectively?	<p>Description: The effective implementation usually involves several or all of the following aspects: Availability of a designated body monitoring compliance with the law/ functional equivalent to the law. This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law/functional equivalent to the law. Effective use of these sanctioning/enforcement powers.</p>
			<p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p>	

Availability of appeal mechanisms with regard to the decisions of the designated body.
 No Data The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies.

To motivate your reply, please add in the comment box which of the aspects listed above are in place, if any.

Method of Measurement

National laws and regulations

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Case law, decision practice, press reports, reports of independent bodies or NGOs

PSM bias 171 L

Is there an internal charter of PSM or other self-regulatory instrument that guarantees access to PSM channels for political actors?

YES NO Not Applicable
 No Data

Description:

In some countries the rules aiming at the fair representation of political viewpoints in news and informative programmes on PSM channels and services may be governed by self-regulatory instruments. This variable assesses the existence of and internal charter of PSM or other self-regulatory instruments guaranteeing proportional representation on PSM channels to political actors.

In your reply:

- summarize/copy paste the relevant provisions, as they are written in the (self)regulation
 - mention the (self)regulation and the article(s) of that you refer to, and add it as a source

Method of Measurement

Co- and self-regulation (acts, decrees, branch agreements, codes of conduct...), case law, regulatory decisions etc.

PSM bias 172 S

Do PSM channels and services provide fair representation of political actors and political viewpoints in news and informative programmes in practice?

Low risk: PSM channels and services provide fair representation of political actors and political viewpoints

Medium risk: The representation of political actors and political viewpoints on PSM is not always fair

High risk: Different groups of political actors and/or political viewpoints are represented in a biased way, clearly favoring some political actors and/or viewpoints over others

Description:

This variable assesses whether the self-regulatory instruments that guarantee access to PSM channels for political actors are effectively implemented and guarantee fair representation of political viewpoints in news and informative programmes on PSM channels and services. Fair encompasses proportional and unbiased.

Method of Measurement

Case law, decision practice, press reports, reports of independent bodies or NGOs

Audiovisual media bias in electoral campaigns 173 L

Does media law (including conventions between PSM and the

Description:

This variable assesses the existence of regulatory safeguards for fair access to airtime on PSM channels during electoral campaigns. It does NOT aim to capture the political

government) impose rules aiming at guaranteeing access to airtime on PSM channels and services for political actors during election campaigns?

YES NO Not Applicable
No Data

advertising rules and practices.

In your reply:

- summarize/copy paste the relevant legal provisions, as they are written in the law
- mention the Law and the article(s) of the law that you refer to, and add it as a source

Method of Measurement

National laws and regulations, including co- and self-regulation (acts, decrees, branch agreements, codes of conduct...), case law, regulatory decisions etc.

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

See also: Council of Europe (2007) Recommendation CM/Rec(2007)15 of the Committee of Ministers to Member States on Measures concerning Media Coverage of Election Campaigns (+ Explanatory Memorandum CM(2007)155 add)

Comment:

Audiovisual media bias in electoral campaigns 174 L

Is the law implemented effectively?

YES NO Not Applicable
No Data

Description:

The effective implementation usually involves several or all of the following aspects: Availability of a designated body monitoring compliance with the law/ functional equivalent to the law.

This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law/functional equivalent to the law.

Effective use of these sanctioning/enforcement powers.

Availability of appeal mechanisms with regard to the decisions of the designated body.

The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies.

To motivate your reply, please add in the comment box which of the aspects listed above are in place, if any.

Method of Measurement

National laws and regulations

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Case law, decision practice, press reports, reports of independent bodies or NGOs

Audiovisual media bias in electoral campaigns 175 L

Do the measures apply to all types of political elections, including presidential, legislative, regional and local elections and referenda?

YES NO Not Applicable
No Data

Description:

This variable assesses whether the rules aimed at guaranteeing access to airtime on PSM channels and services for political actors during election campaigns apply to all types of political elections, including presidential, legislative, regional and local elections and referenda.

In your reply:

- summarize/copy paste the relevant legal provisions, as they are written in the law
- mention the Law and the article(s) of the law that you refer to, and add it as a source

Method of Measurement

National laws and regulations, including co- and self-regulation (acts, decrees, branch agreements, codes of conduct...), case law, regulatory decisions etc.

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Nordicom (for Scandinavian countries): <http://www.nordicmedia.info/>

See also: Council of Europe (2007) Recommendation CM/Rec(2007)15 of the Committee of Ministers to Member States on Measures concerning Media Coverage of Election Campaigns (+ Explanatory Memorandum CM(2007)155 add)

Audiovisual media bias in electoral campaigns 176 S

Does audiovisual coverage of the electoral campaign on PSM offers fair representation of the different groups of political actors?

Low risk: Different groups of political actors Not Applicable

Description:

This variable assesses the proportions of representation of various political and ideological viewpoints and interests in the audiovisual media, as well as the existence of dominant one-sided (negative or positive) media portrayal of specific political actors during the election campaigns. Fair encompasses proportional and unbiased.

Method of Measurement

National Regulatory Agencies monitoring and various monitoring reports by NGOs and/or scholars (e.g. academic research on political bias)

See also:

are No Data

represented in a fair way on PSM

Medium risk: The representation of different political actors on PSM is not always fair

High risk: Different groups of political actors are represented in a biased and non-proportional way, clearly favoring some political actors over others

Council of Europe (2007) Recommendation CM/Rec(2007)15 of the Committee of Ministers to Member States on Measures concerning Media Coverage of Election Campaigns (+ Explanatory Memorandum CM(2007)155 add).

Studies/reports:

Open Society Institute (2005) and follow-up reports. Television Across Europe: Regulation, Policy and Independence, available at: <http://www.opensocietyfoundations.org/reports/television-across-europeregulation-policy-and-independence>

Election monitoring reports by OSCE Election Monitoring Mission, available through: <http://www.osce.org/>

Audiovisual media bias in electoral campaigns 177 L

Are there any laws and/or self-regulatory measures that guarantee access to airtime on private channels and services for political actors during election campaigns?

YES NO Not Applicable No Data

Description:

This variable assesses the existence of regulatory (e.g. law obliging private media to be fair and objective) and/or self-regulatory (e.g. codes of ethics) safeguards for fair access to airtime on private channels and services for political actors during election campaigns. It does NOT aim to capture the political advertising rules and practices.

In your reply:

- summarize/copy paste the relevant legal provisions, as they are written in the law
- mention the Law and the article(s) of the law that you refer to, and add it as a source

Method of Measurement

National laws and regulations, including co- and self-regulation (acts, decrees, branch agreements, codes of conduct...), case law, regulatory decisions etc.

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

See also: Council of Europe (2007) Recommendation CM/Rec(2007)15 of the Committee of Ministers to Member States on Measures concerning Media Coverage of Election Campaigns (+ Explanatory Memorandum CM(2007)155 add)

Audiovisual media bias in electoral campaigns 178 S

Does audiovisual coverage of the electoral campaign on private channels and services offer fair representation of the different groups of political actors?

Low risk: Different groups of political actors are represented in a fair way on private channels Not Applicable No Data

Medium risk: The representation of different political actors on private channels is not always fair

High risk: Different groups of political actors are represented in

Description:

This variable assesses the ways in which various political and ideological viewpoints and interests are represented in the commercial, privately owned audiovisual media, as well as the existence of dominant one-sided (negative or positive) media portrayal of specific political actors. Private radio and television channels are sometimes not captured by formal regulation, and are therefore allowed to follow an editorial line which might show specific political preferences. Fairness and accuracy, however, are mentioned in codes of ethics worldwide as basic journalistic principles which should be respected when covering any (also opposing) political viewpoints. Please elaborate in the comment box why political coverage is judged as at 'low', 'medium', or 'high' risk. The relevant timeframe for the assessment should be four years.

Method of Measurement

Case law, decision practice, press reports, reports of independent bodies or NGOs

Reports of ethics councils, press councils, press complaints commissions, media ombudsman, readers' editors etc.

Academic research on political bias in media

a biased and non-proportional way, clearly favoring some political actors over others

Rules on political advertising

179 L

Does media law or any other statutory measure prohibit or impose restrictions to political advertising on PSM during election campaigns to allow equal opportunities for all political parties?

YES NO Not Applicable
No Data

Comment:

Description:

This variable assesses the existence of regulatory safeguards (e.g conventions between PSM and the government and legislation on the financing of political parties or on elections) that prevent financially stronger political actors from obtaining a large amount of airtime for political advertising while other political actors, who do not have similar financial resources, are relatively suppressed from those channels. The relevance and impact of political advertising increases significantly during election periods. This question refers to PSM.

In your reply:

- summarize/copy paste the relevant legal provisions, as they are written in the law
- mention the Law and the article(s) of the law that you refer to, and add it as a source

Method of Measurement

National laws and regulations, including conventions between PSM and the government and legislation on the financing of political parties or on elections, co- and self-regulation (acts, decrees, branch agreements, codes of conduct...), case law, regulatory decisions etc.

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Rules on political advertising

180 L

Are these measures implemented effectively?

YES NO Not Applicable
No Data

Comment:

Description:

The effective implementation usually involves several or all of the following aspects: Availability of a designated body monitoring compliance with the law/ functional equivalent to the law.

This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law/functional equivalent to the law.

Effective use of these sanctioning/enforcement powers.

Availability of appeal mechanisms with regard to the decisions of the designated body.

The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies.

To motivate your reply, please add in the comment box which of the aspects listed above are in place, if any.

Method of Measurement

National laws and regulations

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Case law, decision practice, press reports, reports of independent bodies or NGOs

Rules on political advertising

181 L

Is the possibility of buying advertising space available to all contending parties, on equal conditions and rates of payment in practice?

YES NO Not Applicable
No Data

Comment:

Description:

This variable assesses the general practices of leading commercial audiovisual media as regards the sale of advertising spaces to political actors during electoral campaigns and referenda.

Method of Measurement

Case law, decision practice, press reports, reports of independent bodies or NGOs.

Rules on political advertising

182 L

Does the regulatory framework ensure that the public is aware that the message is a paid political advertisement?

YES NO Not Applicable

Comment:

Description:

This variable assesses the existence of regulatory safeguards to ensure that the public is aware of paid political advertisements on both PSM and private channels and services. It can be achieved through proper identification, e.g. a complete sponsorship identification that fully and fairly discloses the true identity of the person, corporation, committee, association, or other group that paid for the advertisement.

No Data

In your reply: - summarize/copy paste the relevant legal provisions, just as they are written in the law - mention the Law and the article(s) of the law that you refer to.

Method of Measurement

National laws and regulations, including conventions between PSM and the government and legislation on the financing of political parties or on elections, co- and self-regulation (acts, decrees, branch agreements, codes of conduct...), case law, regulatory decisions etc.

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Nordicom (for Scandinavian countries):<http://www.nordicmedia.info/>

Rules on political advertising

183 L

Is there a regulation that aims to ensure fairness and transparency of online political advertising during electoral campaign?

YES NO Not Applicable
No Data

Description:

This variable assesses the existence of legislation that seeks to guard democracy and prevent certain political actors from capturing online political communication by buying and targeting online political advertising in a non transparent manner.

In your reply:
- summarize/copy paste the relevant legal provisions, just as they are written in the law
- mention the Law and the article(s) of the law that you refer to

Method of Measurement

This variable assesses the existence of legislation that seeks to guard democracy and prevent certain political actors from capturing online political communication by buying and targeting online political advertising in a non transparent manner.

In your reply:
- summarize/copy paste the relevant legal provisions, just as they are written in the law
- mention the Law and the article(s) of the law that you refer to

Indicator

Country TestCountry

Indicator Code 19

Indicator Name State regulation of resources and support to media sector

Description This indicator assesses the existence and implementation of regulations that ensure fair and transparent distribution of state advertisements and subsidies, as well as spectrum allocation. Lack of clear and transparent rules might serve favouritism and channeling money to specific media outlets.

Group # Type Question

Spectrum allocation 184 L

Does the legislation provide fair and transparent rules on spectrum allocation?

YES NO Not Applicable
No Data

Description:

This variable assesses the existence of the legal framework that respects general regulatory principles and policy objectives of the Radio Spectrum Policy Programme (RSPP 2012).

In your reply:
- summarize/copy paste the relevant legal provisions, as they are written in the law
- mention the Law and the article(s) of the law that you refer to, and add it as a source

Method of Measurement

National laws and regulations

Comment:

Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme - Text with EEA relevance

Spectrum allocation 185 L

Is the legislation on spectrum allocation implemented effectively?

YES NO Not Applicable
No Data

Description:

The effective implementation usually involves several or all of the following aspects:
Availability of a designated body monitoring compliance with the law/ functional equivalent to the law.

This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law/functional equivalent to the law. Effective use of these sanctioning/enforcement powers.

Availability of appeal mechanisms with regard to the decisions of the designated body. The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies.

To motivate your reply, please add in the comment box which of the aspects listed above are in place, if any.

Comment:

Method of Measurement

National laws and regulations

Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive)

Decision No 243/2012/EU of the European Parliament and of the Council of 14 March 2012 establishing a multiannual radio spectrum policy programme Text with EEA relevance.

Distribution of government subsidies	186	L	<p>Does the legislation provide fair and transparent rules for the distribution of direct subsidies to media outlets?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the existence of regulatory safeguards for fair and transparent distribution of direct state subsidies (e.g. cash grants, interest-free loans) to media outlets, other than PSM.</p> <p>In your reply: - summarize/copy paste the relevant legal provisions, as they are written in the law - mention the Law and the article(s) of the law that you refer to, and add it as a source</p> <p>Method of Measurement</p> <p>National laws and regulations.</p>
Distribution of government subsidies	187	S	<p>Are the direct state subsidies distributed to media outlets in a fair and transparent manner?</p> <p>Low risk: The direct state subsidies are distributed to media in a fair and transparent manner. <input type="radio"/></p> <p>Medium risk: The direct state subsidies are distributed to media based on a set of criteria but it is unclear whether they are fair. <input type="radio"/></p> <p>High risk: There are no clear criteria regarding the distribution of direct state subsidies to media outlets or these criteria are unfair. <input type="radio"/></p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the general practice of direct state subsidies distribution to media outlets, other than PSM. Direct state subsidies are e.g. cash grants, interest-free loans.</p> <p>Please note that this variable focuses on subsidies to media outlets that operate on a national level. The MPM2017 also contains another variable focusing on direct and indirect subsidies to the local/regional media (117) "Are the state subsidies distributed to local and regional media outlets in a fair and transparent manner?".</p> <p>Method of Measurement</p> <p>National laws and regulations analysis, academic reports, press reports, reports of independent bodies or NGOs.</p>
Distribution of government subsidies	188	L	<p>Does the legislation provide fair and transparent rules for the distribution of indirect subsidies to media outlets?</p> <p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the existence of regulatory safeguards for fair and transparent distribution of indirect state subsidies (e.g. tax exemptions, reduced postal service and telephone rates) to media outlets, other than PSM.</p> <p>In your reply: - summarize/copy paste the relevant legal provisions, as they are written in the law - mention the Law and the article(s) of the law that you refer to, and add it as a source</p> <p>Method of Measurement</p> <p>National laws and regulations.</p>
Distribution of government subsidies	189	S	<p>Are the indirect state subsidies distributed to media outlets in a fair and transparent manner?</p> <p>Low risk: The indirect state subsidies are distributed to media in a fair and transparent manner. <input type="radio"/></p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	<p>Description:</p> <p>This variable assesses the general practice of indirect state subsidies distribution to media outlets, other than PSM. Indirect state subsidies are e.g. tax exemptions, reduced postal service and telephone rates.</p> <p>Please note that this variable focuses on subsidies to media outlets that operate on a national level. The MPM2017 also contains another variable focusing on direct and indirect subsidies to the local/regional media (117) "Are the state subsidies distributed to local and regional media outlets in a fair and transparent manner?".</p> <p>Method of Measurement</p>

Medium risk:
The indirect state subsidies are distributed to media based on a set of criteria but it is unclear whether they are fair.

High risk:
There are no clear criteria regarding the distribution of indirect state subsidies to media outlets or these criteria are unfair.

National laws and regulations analysis, academic reports, press reports, reports of independent bodies or NGOs.

Distribution of state advertising 190 L

Does the legislation provide fair and transparent rules on the distribution of state advertising to media outlets?

YES NO Not Applicable
No Data

Description:

This variable assesses the existence of regulatory safeguards for fair and transparent distribution of state advertising that prevent preferential treatment and/or misconduct.

In your reply:

- summarize/copy paste the relevant legal provisions, as they are written in the law
- mention the Law and the article(s) of the law that you refer to, and add it as a source

Method of Measurement

National laws and regulations.

Distribution of state advertising 191 S

Is state advertising distributed to media outlets in a fair and transparent manner?

Low risk:
The state advertising is distributed to media outlets in a fair and transparent manner.

Not Applicable
No Data

Medium risk:
The state advertising is distributed to media outlets based on a set of criteria but it is unclear whether they are fair.

High risk:
There are no clear criteria regarding the distribution of state advertising to media outlets or these criteria are unfair.

Description:

This variable assesses the fairness and transparency of state advertising distribution. State advertising should be understood as any advertising paid by governments (national, regional, local) and state-owned institutions and companies. While addressing this question, please also consider the possible use of state advertising to channel money to media (directly or indirectly via intermediaries).

Method of Measurement

Please consider all: TV, radio, newspapers and online media.

Indicator

Country TestCountry

Indicator Code 20

Indicator Name Independence of PSM governance and funding

Description

Group # Type Question

PSM management board 192 L

Does the law provide fair and transparent appointment procedures for management and board functions in

Description:

PSM, which guarantee independence from government or other political influence?

YES NO Not Applicable
No Data

This variable assesses the existence of both fair and transparent appointment procedures for management and board functions in PSM (stipulated in the e.g. media law, administrative law, company law, labour law, conventions between PSM and the government) that guarantee independence from political interference. These requirements could be met for example by applying merits-based appointment procedures.

In your reply:

- summarize/copy paste the relevant legal provisions, as they are written in the law
- mention the Law and the article(s) of the law that you refer to, and add it as a source

Method of Measurement

Analysis of national laws and regulations, including media law, administrative law, company law, labour law, conventions between PSM and the government.

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>;

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

See also:

Council of Europe (2012). Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on 15 February 2012

EBU – European Broadcasting Union: <http://www.ebu.ch/en/>

European Audiovisual Observatory: <http://www.obs.coe.int/>

National media regulation databases (available on web sites of relevant state bodies)

Open Society Institute (2005) and follow-up reports. Television Across Europe: Regulation, Policy and Independence, available at: <http://www.opensocietyfoundations.org/reports/television-across-europeregulation-policy-and-independence>

PSM management board 193 L

Are the legal safeguards for appointment and dismissal procedures for management and board functions in PSM implemented effectively?

YES NO Not Applicable
No Data

Description:

The effective implementation usually involves several or all of the following aspects:
Availability of a designated body monitoring compliance with the law/ functional equivalent to the law.
This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law/functional equivalent to the law.
Effective use of these sanctioning/enforcement powers.
Availability of appeal mechanisms with regard to the decisions of the designated body.
The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies.

To motivate your reply, please add in the comment box which of the aspects listed above are in place, if any.

Method of Measurement

National laws and regulations

Overviews of national media legislation can be found on: EPRA website: <http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

Case law, decision practice, press reports, reports of independent bodies or NGOs

PSM management board 194 S

Are the appointments and dismissals of PSM management and board functions independent from political influence in practice?

Low risk: No political interference in the appointments and dismissals of managers and board members of PSM

Not Applicable
No Data

Medium risk: Occasional political interference in the appointments and dismissals of managers and board members of PSM

High risk: Systematic political

Description:

This variable assesses whether the legal safeguards for appointment and dismissal procedures for management and board functions in PSM are implemented in practice, or whether there is evidence of systematic conflicts concerning appointments and dismissals of managers and board members of the PSM.

Method of Measurement

Academic reports, press reports, reports of independent bodies or NGOs

interference in the appointments and dismissals of managers and board members of PSM

PSM Director General	195	L	Does the law provide fair and transparent appointment procedures for Director General of the PSM, which guarantee independence from government or other political influence?	<p>Description:</p> <p>This variable assesses the existence of both fair and transparent appointment procedures for Director General of PSM (stipulated in the e.g. media law, administrative law, company law, labour law, conventions between PSM and the government) that guarantee independence from political interference. These requirements could be met for example by applying merits-based appointment procedures.</p> <p>In your reply: - summarize/copy paste the relevant legal provisions, as they are written in the law - mention the Law and the article(s) of the law that you refer to, and add it as a source</p>
			<p>YES <input checked="" type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	
			Comment:	<p>Method of Measurement</p> <p>Analysis of national laws and regulations, including media law, administrative law, company law, labour law, conventions between PSM and the government.</p> <p>Overviews of national media legislation can be found on: EPRA website: http://www.epra.org/articles/media-legislation;</p> <p>Websites of national regulatory and competition authorities</p> <p>Merlin database European Audiovisual Observatory: http://merlin.obs.coe.int/</p> <p>See also:</p> <p>Council of Europe (2012). Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on 15 February 2012</p> <p>EBU – European Broadcasting Union: http://www.ebu.ch/en/</p> <p>European Audiovisual Observatory: http://www.obs.coe.int/</p> <p>National media regulation databases (available on web sites of relevant state bodies)</p> <p>Open Society Institute (2005) and follow-up reports. Television Across Europe: Regulation, Policy and Independence, available at: http://www.opensocietyfoundations.org/reports/television-across-europeregulation-policy-and-independence</p>
PSM Director General	196	L	Are the legal safeguards for appointment and dismissal procedures of the PSM Director General implemented effectively?	<p>Description:</p> <p>The effective implementation usually involves several or all of the following aspects: Availability of a designated body monitoring compliance with the law/ functional equivalent to the law. This body having sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the law/functional equivalent to the law. Effective use of these sanctioning/enforcement powers. Availability of appeal mechanisms with regard to the decisions of the designated body. The effectiveness of these appeal mechanisms, including the fact that they are NOT systematically misused to delay the enforcement of remedies.</p> <p>To motivate your reply, please add in the comment box which of the aspects listed above are in place, if any.</p>
			<p>YES <input type="radio"/> NO <input type="radio"/> Not Applicable <input type="radio"/> No Data <input type="radio"/></p>	
				<p>Method of Measurement</p> <p>National laws and regulations</p> <p>Overviews of national media legislation can be found on: EPRA website: http://www.epra.org/articles/media-legislation</p> <p>Websites of national regulatory and competition authorities</p> <p>Merlin database European Audiovisual Observatory: http://merlin.obs.coe.int/</p> <p>Case law, decision practice, press reports, reports of independent bodies or NGOs</p>
PSM Director General	197	S	Are the appointments and dismissals of PSM Director General independent from political influence in practice?	<p>Description:</p> <p>This variable assesses whether the legal safeguards for appointment and dismissal procedures for PSM Director General are implemented in practice, or whether there is evidence of systematic conflicts concerning appointments and dismissals of PSM Director General.</p> <p>Method of Measurement</p> <p>Academic reports, press reports, reports of independent bodies or NGOs</p>
			<p>Low risk: No political interference in the appointments and dismissals of PSM Director General <input type="radio"/></p> <p>Not Applicable <input type="radio"/></p> <p>No Data <input type="radio"/></p>	
			Medium risk:	

Occasional political interference in the appointments and dismissals of PSM Director General

High risk: Systematic political interference in the appointments and dismissals of PSM Director General

PSM funding 198 L

Does media law prescribe transparent and fair procedures in order to ensure that the funding of PSM is adequate?

YES NO Not Applicable
No Data

Description:

This variable assesses the existence of regulatory safeguards for fair and transparent procedures of funding and against the under-funding of PSM.

In your reply:

- summarize/copy paste the relevant legal provisions, as they are written in the law
- mention the Law and the article(s) of the law that you refer to, and add it as a source

Method of Measurement

Analysis of national laws and regulations, including media law, administrative law, company law, labour law, conventions between PSM and the government

Case law

Overviews of national media legislation can be found on: EPRA website:
<http://www.epra.org/articles/media-legislation>

Websites of national regulatory and competition authorities

Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/>

PSM funding 199 L

Does media law prescribe that the PSM needs to be consulted over the level of funding required to meet their mission and purposes?

YES NO Not Applicable
No Data

Description:

This variable assesses the national application of the Recommendation of Council of Europe (Recommendation CM/Rec(2012)1 of the Committee of Ministers to member States on public service media governance).

In your reply:

- summarize/copy paste the relevant legal provisions, as they are written in the law
- mention the Law and the article(s) of the law that you refer to, and add it as a source

Method of Measurement

National laws and regulations analysis.

PSM funding 200 S

How would you evaluate the mechanism of providing financing to the PSM by the government?

Low risk: Level of financing (licence fee or other) depends on the economic indicator set in the law

Medium risk: Government decides on the level of financing based on thorough analysis with public discussion and taking into account others' views

High risk: Government decides on the level of financing without public discussion

Not Applicable
No Data

Description:

This variable assesses the effective implementation of regulatory safeguards that ensure that the funding of PSM is adequate.

Method of Measurement

Case law, decision practice, press reports, reports of independent bodies or NGOs

EBU – European Broadcasting Union: <http://www.ebu.ch/en/>

See in particular documents available at: <http://www3.ebu.ch/policies/initiatives/sustainable-psm>

European Audiovisual Observatory: <http://www.obs.coe.int/>

National media regulation databases (available on web sites of relevant state bodies).

Open Society Institute (2005) and follow-up reports. Television Across Europe: Regulation, Policy and Independence, available at: <http://www.opensocietyfoundations.org/reports/television-across-europeregulation-policy-and-independence>