



# **MPM 2023**

## **Questionnaire**



# 1. Protection of freedom of expression

This indicator aims to assess the existence and effective implementation of regulatory safeguards for freedom of expression offline and online. 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.

## 1. Is freedom of expression recognized in the Constitution?

This variable aims to assess the existence of regulatory safeguards for freedom of expression in the Constitution or in national laws / jurisprudence (courts) of your country.

### Subindicator / Type

Respect of FoE international standards / T

### Method

National laws and regulations. Constitutional conventions. 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

### Answer options

- Low risk: It is explicitly recognised in the Constitution.
- Medium risk: It is recognised in national laws or in the jurisprudence (courts).
- High risk: It is not recognized.
- Not Applicable
- No Data

## 2. Has the State ratified the European Convention on Human Rights with no significant reservations/declarations?

This variable assesses the ratification of the core European treaty covering freedom of expression - the European Convention on Human Rights (ECHR). 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.

### Subindicator / Type

Respect of FoE international standards / T

### Method

Check whether the state has ratified the European Convention with no significant reservations/declarations relating to freedom of expression. See

Council of Europe webpage: <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=005&CM=&DF=&CL=ENG>

### Answer options

- Low risk: Yes, it has ratified the ECHR with no significant reservations/declarations on freedom of expression.
- Medium risk: Partially. It has ratified the ECHR with reservations/declarations that may affect freedom of expression.
- High risk: No, it has ratified the ECHR with reservations/declarations that clearly affect freedom of expression.
- Not Applicable
- No Data

## 3. Has the State ratified the International Covenant on Civil and Political Rights (ICCPR) with no significant

## reservations/declarations?

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/declarations from this international treaty obligations, specifically relating to freedom of expression.

### Subindicator / Type

Respect of FoE international standards / T

### Method

Check whether the state has ratified the ICCPR with no significant reservations/declarations relating to freedom of expression. See UN webpage: [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg\\_no=IV-4&chapter=4&clang=en#7](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtsg_no=IV-4&chapter=4&clang=en#7)

### Answer options

- Low risk: Yes, it has ratified the ICCPR with no significant reservations/declarations on freedom of expression.
- Medium risk: Partially. It has ratified the ICCPR with reservations/declarations that may affect freedom of expression.
- High risk: No, it has ratified the ICCPR with reservations/declarations that clearly affect freedom of expression.
- Not Applicable
- No Data

## 4. Are restrictions upon freedom of expression clearly defined in law and do restrictions upon freedom of expression pursue a legitimate aim according to those foreseen in Article 10(2) ECHR? Also: are they "proportionate" to the legitimate aim pursued?

**Please, do not consider aspects of freedom of expression online. This issue will be addressed by questions that will follow.** 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.**" 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. 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. A restrictive measure is considered '*foreseeable*' if it is formulated with sufficient precision to enable the citizen to regulate his conduct. 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. 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. A measure is deemed 'proportionate' if the legitimate aim that is pursued by the interference cannot be achieved by less restrictive means. Have any restrictions upon freedom of expression that were introduced in response to the COVID-19 emergency stayed in place?

### Subindicator / Type

Respect of FoE international standards / T

### Method

National laws and regulations. Constitutional conventions. Academic writing on the issue and reports by international and European bodies. Analysis of the legal framework. New legislation introduced or existing one amended, new governmental decrees.

### Answer options

- Low risk: Yes, restrictions are clearly defined by the law, don't go beyond those provided by art 10.2 and are proportionate to the legitimate aim pursued.
- Medium risk: In some cases restrictions are not clearly defined by the law and/or go beyond those provided by art 10.2 and/or are not proportionate to the legitimate aim pursued.
- High risk: Restrictions are not clearly defined by the law and/or either go beyond those provided by art 10.2 and/or are not proportionate to the legitimate aim pursued.
- Not Applicable

No Data

## 5. Do citizens have legal remedies in cases of infringement of their freedom of expression and are these legal remedies effective?

This variable assesses the availability of legal remedies in cases of violations of freedom of expression and whether these methods are effective. Unless legal remedies are adequately enforced, regulatory safeguards on freedom of expression may be useless.

### Subindicator / Type

Respect of FoE international standards / T

### Method

**Method of measurement** National laws and regulations. Constitutional conventions. Case law. Overviews of national media legislation can be found on:

Eпра 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 HUDOC website for those cases that were sent to the European Court of Human

Rights: <https://hudoc.echr.coe.int/eng#%7B%22documentcollectionid%22:%5B%22GRANDCHAMBER%22,%22CHAMBER%22%5D%7D>

### Answer options

- Low risk: yes, they have legal remedies and the remedies are effective
- Medium risk: they have legal remedies but the remedies are not always effective
- High risk: they have no legal remedies or if they have legal remedies, these are not effective
- Not Applicable
- No Data

## 6. Is freedom of expression respected in practice in your country?

This variable assesses the actual risks to freedom of expression in your country. Every country may witness minor violations of freedom of expression, but if there has been a systematic practice over the last year, this will indicate that the laws may be ineffective. Please note that the relevant timeframe is 2022 and it is looking for common practice, not based on one single incident.

Please, in addition, assess if any issues pertaining to freedom of expression that occurred during the COVID-19 emergency still pose actual risks to freedom of expression in your country?

### Subindicator / Type

Respect of FoE international standards / T

### Method

Reports by local and international NGOs working on these issues. Academic writing and reports by international bodies, organizations or experts on the issue.

Media reporting on the issue might serve as a source. Please, note that these have to be several incidents that suggest there is a pattern, not a single incident. For example, consult: <https://www.rcmediafreedom.eu> browsing per country; and <https://www.mfrr.eu>.

### Answer options

- Low risk: There is no evidence of violations.
- Medium risk: There are occasional violations.
- High risk: There are systematic violations.
- Not Applicable
- No Data

## 7. Is freedom of expression online clearly defined in law and/or in the case-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?

This variable aims to assess whether freedom of expression online is limited based on the same grounds it is limited offline and/or national case-law is consistent with international standards of protection of online speech. The variable does not imply/request a specific law for online freedom of expression exists. In case a specific law exists, it must be assessed based on the CoE criteria. 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.**" Restrictive measures must be '*prescribed by law*'. Pursuant to the Courts' 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. 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. A restrictive measure is considered '*foreseeable*' if it is formulated with sufficient precision to enable the citizen to regulate his conduct. 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. 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. A measure is deemed 'proportionate' if the legitimate aim that is pursued by the interference cannot be achieved by less restrictive means. Measures of blocking, filtering and removal of Internet content are interpreted in a restrictive manner, thus complying with the principle of proportionality. Have any restrictions upon freedom of expression online that were introduced in response to the COVID-19 emergency stayed in place?

### Subindicator / Type

Guarantees for FoE online / T

### Method

National laws and regulations. Constitutional conventions.

Academic writing on the issue and reports by international and European bodies. Case-law of the European Court of Human Rights. New legislation introduced or existing one amended, new governmental decrees.

### Answer options

- Low risk: Yes, freedom of expression online is clearly defined in law and/or in the case-law in accordance with international and regional human rights standards and the restrictions to freedom of expression online are 'proportionate' to the legitimate aim pursued.
- Medium risk: Freedom of expression online is clearly defined in law and/or in the case-law in accordance with international and regional human rights standards but the restrictions to freedom of expression online are not 'proportionate' to the legitimate aim pursued.
- High risk: Freedom of expression online is not clearly defined in law and/or in the case-law in accordance with international and regional human rights standards and the restrictions to freedom of expression online are not 'proportionate' to the legitimate aim pursued.
- Not Applicable
- No Data

## 8. Does the State generally refrain from filtering and/or monitoring and/or blocking and/or removing online content in an arbitrary way?

This variable aims to assess whether the government blocks or filters access to the Internet as a whole or to specific online services, applications or websites, and on what grounds. 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 last year this will indicate that the laws may be ineffective. Please note that the relevant timeframe is 2022 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. Has the government refrained from blocking access to the Internet or throttling content in response to COVID-19? Please consider also the circumstances related to the war in Ukraine in 2022.

### Subindicator / Type

Guarantees for FoE online / T

### Method

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.

### Answer options

- Low risk: Yes: no violations. The State is not filtering/removing content in an arbitrary way.
- Medium risk: Occasional violations.
- High risk: No: systematic and/ or severe violations.
- Not Applicable
- No Data

## 9. Does the State report about filtering and removals in a transparent and effective way?

This variable aims to assess, in the case the government blocks or filters access to the Internet as a whole or to specific online services, applications or websites, with what degree of transparency this is exercised.

### Subindicator / Type

Guarantees for FoE online / T

### Method

Reports by the State or national institutions. 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.

### Answer options

- Low risk: Yes.
- Medium risk: Not in all cases.
- High risk: No.
- Not Applicable
- No Data

## 10. Do online platforms generally refrain from filtering and/or monitoring and/or blocking and/or removing online content in an arbitrary way?

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. Please note that the relevant timeframe is 2022 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 art. 10 (1) and (2) of the ECHR and ECtHR case law. Please, consider how online platforms treated the COVID-19 related information if this was still relevant in your country in 2022. Please consider also the circumstances related to the war in Ukraine in 2022.

### Subindicator / Type

Guarantees for FoE online / T

### Method

For the assessment of these variables, we recommend consulting annual transparency reports published by platforms, especially parts on Content Restrictions Based on Local Law in the Facebook and Instagram Transparency Reports: <https://transparency.fb.com/data/content-restrictions/>, and parts on removal requests in the Twitter Transparency reports: <https://transparency.twitter.com/en/reports/removal-requests.html#2020-jul-dec>. 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. See The EC's COVID-19 disinformation monitoring programme: <https://digital-strategy.ec.europa.eu/en/policies/covid-19-disinformation-monitoring>

### Answer options

- Low risk: No violations
- Medium risk: Occasional violations
- High risk: Systematic violations
- Not Applicable
- No Data

## 11. Do individuals have access to effective legal remedies to address violations of rights that were conducted by State or non-State actors in the online environment?

This variable aims to assess whether individuals have effective legal mechanisms to complain against violation of freedom of expression online. This includes whether the traditional appeal mechanisms are effective and/or whether self-regulatory measures used by the platforms are effective in guaranteeing a prompt reaction to an infringement of the freedom of expression.

### Subindicator / Type

Guarantees for FoE online / T

### Method

National laws and regulations. Constitutional conventions. Reports by the State or national institutions. National case law. Case law by European Court on Human Rights in 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.

### Answer options

- Low risk: Yes, there are effective remedies.
- Medium risk: There are remedies but they are not always effective.
- High risk: Appeal systems are not in place; no effective remedy.
- Not Applicable
- No Data

## 12. Do online platforms report about filtering and removals in a transparent and effective way?

This variables aims to assess the transparency and accountability of the online platforms when removing online content, based on their terms of reference or on obligations coming from the legislation. A report is deemed to be transparent when the legal rationale of the online content removal/filtering/blocking is clear, when the cases of removal/filtering/blocking are aggregated based on the logic of the removal. A full repository of the cases should be available.

### Subindicator / Type

Guarantees for FoE online / T

### Method

For the assessment of these variables, we recommend consulting annual transparency reports published by platforms, especially parts on Content Restrictions Based on Local Law in the Facebook and Instagram Transparency Reports and parts on removal requests in the Twitter Transparency reports.

### Answer options

- Low risk: Yes they are transparent. Their reports are clear on the reasoning behind the removal/filtering and about the cases of filtering/removal.
- Medium risk: They are not fully transparent. Their reports are not fully/always clear on the reasoning behind the removal/filter and about the cases of filtering/removal.
- High risk: They are not transparent.
- Not Applicable
- No Data

## 13. Has your State decriminalised defamation?

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. If this was still relevant in 2021, please, consider if the government misused libel and defamation legislation to limit freedom of expression during the COVID-19 emergency. In particular, evaluate if it intimidated media professionals by law suits or disproportionate sanctions in libel and defamation proceedings.

### Subindicator / Type

Proportionate balance between protection of FoE and dignity / T

### Method

National laws and regulations, case law. Academic writing on the issue and reports by international and European bodies. New legislation introduced or existing one amended, new government decree.

### Answer options

- Low risk: Yes, defamation has been decriminalised.
- Medium risk: Defamation is punished with a fine.
- High risk: Defamation may be punished with imprisonment.
- Not Applicable
- No Data

## 14. Do defamation laws provide for sufficient legal defences?

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.

### Subindicator / Type

Proportionate balance between protection of FoE and dignity / T

### Method

National laws and regulations. National case law, relevant case law by European Court on Human Rights. Academic writing on the issue and reports by international and European bodies.

### Answer options

- Low risk: Yes, defamation laws provide for sufficient legal defences.
- Medium risk: Yes, but they are not always properly implemented.
- High risk: No/not implemented.
- Not Applicable
- No Data

## 15. Are court decisions on damages proportionate to the offense of defamation?

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

### Subindicator / Type

Proportionate balance between protection of FoE and dignity / T

### Method

National laws and regulations. National case law, relevant case law by European Court on Human Rights. Academic writing on the issue and reports by international and European bodies.

### Answer options

- Low risk: They are proportionate.
- Medium risk: There are cases in which they are not proportionate.
- High risk: They are not proportionate.
- Not Applicable
- No Data

## 2. Protection of right to information



may have good laws relating to the right to information but they may not be implemented or enforced. The indicator takes also into account the levels of protection of whistle-blowers in a given country.

This indicator aims to assess the existence and effective implementation of regulatory safeguards relating to the right to information. A country

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

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

#### **Subindicator / Type**

Legal protection of right to information / T

#### **Method**

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

#### **Answer options**

- Low risk: It is explicitly recognised in the Constitution.
- Medium risk: It is recognised in national laws or in the jurisprudence (Courts).
- High risk: It is not recognized.
- Not Applicable
- No Data

### 17. 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?

This variable aims to assess whether restrictions to freedom of information on privacy grounds provided in national law are clearly defined in accordance with international standards. Both the right to freedom of information, including the public's right to be informed by the press, and the right to privacy enjoy a high degree of protection under international law. Although both human rights, they are by no means absolute. Notwithstanding the public's interest in the lives of certain individuals, the dissemination of this information should not always come at the cost of invading their privacy. As noted by a former UN Special Rapporteur on freedom of expression, "The overarching notion is that all information in the possession of the State belongs to the public, with limited and qualified exceptions that must be justified by State authorities. [...] National laws should contain a clearly and narrowly defined list of exceptions or an explanation of the grounds for refusing the disclosure of information. Exceptions should apply only where there is a risk of substantial harm to the protected interest and where that harm is greater than the overall public interest in having access to the information, and should be determined by an independent body, preferably a court, and not the body holding the information". The assessment should also consider if anyone can access information or if any specific qualifications are required (eg. public prosecutor, journalist, etc).

#### **Subindicator / Type**

Legal protection of right to information / T

#### **Method**

National laws and regulations (acts, decrees, branch agreements...), constitutional conventions, case law, regulatory decisions (As above). Studies/reports providing overviews of and/or evaluating safeguards for the right to information. See also the Global Right to Information Rating and the assessment of the restrictions to freedom of information for your country: <https://www.rti-rating.org/>

#### **Answer options**

- Low risk: Yes, they are.
- Medium risk: Restrictions are not clearly defined by the law nor/or by case-law.
- High risk: Restrictions are not clearly defined by the law.
- Not Applicable
- No Data

### 18. Are there appeal mechanisms in place for denials to access information?

This variable assesses whether there are appeal mechanisms in place in cases of denials to access information. Such appeal mechanism should be

before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 267 TFEU.

### **Subindicator / Type**

Legal protection of right to information / T

### **Method**

National laws and regulations (acts, decrees, branch agreements...), constitutional conventions, case law, regulatory decisions. See also the Global Right to Information Rating and the assessment of the appeal mechanisms in case of the refusal of an FoI request in your country: <https://www.rti-rating.org/>.

### **Answer options**

- Low risk: Yes, there are appeal mechanisms and they are effective.
- Medium risk: There are remedies but they are not always effective.
- High risk: Appeal systems are not in place; no effective remedy.
- Not Applicable
- No Data

## **19. Does the public administration generally refrain from denying access to information in an arbitrary way?**

This variable aims to assess the effectiveness of the appeal mechanisms in place and test whether they are subject to systematic misuse or delays to limit access to information.

### **Subindicator / Type**

Legal protection of right to information / T

### **Method**

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

### **Answer options**

- Low risk: The procedures are never misused.
- Medium risk: The procedures are occasionally misused.
- High risk: The procedures are very often or always misused.
- Not Applicable
- No Data

## **20. Is there a regulatory framework in place to protect whistleblowers, and is it effective?**

This variable aims to assess whether the country has adopted legal instruments to protect whistleblowers and whether these are effectively implemented. While a country may have adequate laws on the protection of whistleblowers, they may not be implemented fully in practice. The assessment should also consider if the current national legislation satisfies the requirements laid down in the EU Directive 2019/1937 on the protection of persons who report breaches of Union law.

### **Subindicator / Type**

Protection of whistleblowers / T

### **Method**

The EU Directive 2019/1937 on the protection of persons who report breaches of Union law: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L1937&rid=4> National laws and regulations.

### **Answer options**

- Low risk: Low risk: yes, there is a legal framework, and it is effective.
- Medium risk: Medium risk: yes, there is a legal framework but is not always effective.
- High risk: High risk: no, there is no legal framework, and if there is one, it is NOT effective.
- Not Applicable

No Data

## 21. What is the general awareness about the available whistleblowers' protection and its impact?

This variable also assesses the general awareness of the law in the population and the number of filed reports. If the law exists but very few employees are aware of the protection they are entitled to; the law will not have much impact. Consider if the government organised broad awareness-raising campaigns along with the adoption of the law and how (if) that translated into the number of filed reports.

### Subindicator / Type

Protection of whistleblowers / T

### Method

Consider awareness-raising activities by the government and the annual number of filed reports. If there is an Ombudsman for Whistleblowers' Protection or another dedicated body, then investigate their annual reports to collect this information. In the absence of a dedicated legal framework, the answer is 'Not applicable'.

### Answer options

- Low risk: There were several awareness-raising activities, and the number of filed reports is high.
- Medium risk: The awareness-raising activities were limited, and the number of filed reports is average.
- High risk: There were no awareness-raising activities, and the number of filed reports is very low.
- Not Applicable
- No Data

## 22. Is your country free from cases of arbitrary sanctioning of whistleblowers?

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

### Subindicator / Type

Protection of whistleblowers / T

### Method

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

### Answer options

- Low risk: No cases when whistleblowers were arbitrarily sanctioned.
- Medium risk: Some or few cases when whistleblowers were arbitrarily sanctioned.
- High risk: Whistleblowers were arbitrarily sanctioned in many or all of the cases.
- Not Applicable
- No Data

## 3. Journalistic profession, standards and protection

Journalists (and other media actors) are those who, in a functioning democratic society, feed the public debate and ensure that the public is informed on all matters of public interest. In contributing to the public debate, journalists influence public opinion and, in the end, the electoral choices of voters and the accountability of politicians. It is therefore important that, in a democratic society, access to the journalistic profession is not limited; and that journalists can act independently to political and commercial interests and that they may rely on an “enabling environment” to carry out their job. This means also that the countries have a duty to guarantee a safe environment in which journalists and other media actors can work without fear.

## 23. Are journalists' professional associations and/or media councils effective in guaranteeing editorial independence and/or respect for professional standards?

This variable assesses if there are professional associations and/or media councils 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 practices.

**Subindicator / Type**

Working conditions / T

**Method**

Reports by NGOs or journalist organizations. Interviews with journalists' organizations. Other relevant websites: [www.ifj.org](http://www.ifj.org) ; <https://europeanjournalists.org/media-councils-in-the-digital-age/>

**Answer options**

- Low risk: They are highly effective in guaranteeing editorial independence and/or respect for professional standards.
- Medium risk: They are partially effective in guaranteeing editorial independence and/or respect for professional standards.
- High risk: They are NOT effective in guaranteeing editorial independence and/or respect for professional standards.
- Not Applicable
- No Data

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

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.

**Subindicator / Type**

Working conditions / T

**Method**

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

**Answer options**

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

## 25. Are the freelancers and self-employed journalists protected by social security schemes or other forms of financial support in case of unemployment, underemployment, a significant loss in revenues or illness?

This variable assesses if freelance journalists or other self-employed content producers enjoy social protections in situations when their ability to produce journalistic products is limited by outside conditions or personal issues (including illness or pregnancy). These protections have an impact on the viability of the profession, as the lack thereof might lead newcomers, as well as experienced freelancers affected by hardships, to look for different professions.

**Subindicator / Type**

Working conditions / T

**Method**

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

**Answer options**

- Low risk: Yes, they have guaranteed financial support.
- Medium risk: Yes, but just to a small extent (the schemes cover a limited number of professionals or in few cases).
- High risk: No, they are not protected by any social security or collective provisions.
- Not Applicable
- No Data

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

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 2022.

### Subindicator / Type

Physical safety / T

### Method

Please, report how many threats to physical safety were reported by the European Centre for Press and Media Freedom in the last year: <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> The Committee to Protect Journalists offers useful information on this worldwide: <https://cpj.org>

### Answer options

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

## 27. Do physical threats and attacks against women journalists (its amount and extent) represent a significant problem in the country?

While both men and women journalists are targets of attacks and threats, their nature is very different, with women receiving more misogynist and sexualised hate speech. Attacks on women journalists have severe repercussions for journalism practice. Several academic and policy reports concluded that online harassment harms their well-being and mental health, and the conduct of their profession (OSCE Representative on Freedom of the Media 2016; UNESCO 2019). In many cases, women reporters who experienced attacks and threats mentioned that they responded by self-censoring or discontinuing to cover issues that are too polarised in society. Some decided to leave the profession altogether. Through this variable, we would like to acknowledge that violence against women journalists is a self-standing issue and needs to be assessed as such. Please, evaluate the frequency and gravity of the instances of attacks against women journalists in your country. If there are few or no cases, please assess critically whether this is because the issue of violence against women journalists in your country is marginal or remains under-reported/unreported.

### Subindicator / Type

Physical safety / T

### Method

Reports by local and international NGOs working on these issues. Academic writing and reports by international bodies, organizations or experts on the issue. Crime statistics, if available. Some are available through the Committee to Protect Journalists: <https://cpj.org/data/> (though these look at the killings, imprisonment and missing journalists only, they are searchable by gender). See also the Mapping Media Freedom project: <https://www.mappingmediafreedom.org> and the CoE platform on safety of journalists: <http://www.coe.int/en/web/media-freedom/home>. Please consult: <https://www.rcmediafreedom.eu/Dossier-OBCT/Thematic-directories/Thematic-directories/A-series-of-Thematic-Directories.-WOMEN-JOURNALISTS>. Media reporting on the issue might serve as a source. Interviews with women journalists and journalistic associations.

### Answer options

- Low risk: No, there are no or very few physical threats and attacks against women journalists.
- Medium risk: There are some physical threats and attacks against women journalists.
- High risk: There are many physical threats and attacks against women journalists, or there are some, but there are indices that many might go under-reported/unreported.
- Not Applicable
- No Data

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

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

**Subindicator / Type**

Physical safety / E

**Method**

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). Mapping Media Freedom: <https://mappingmediafreedom.org/#/> See media reporting on the issue and available statistics, such as data provided by the Committee to Protect Journalists - the statistics are provided by the type of charges: <https://cpj.org/data>.

**Answer options**

- Yes
- No
- Not Applicable
- No Data

**29. Is your country free from killings of journalists?**

This variable assesses whether journalists were killed in relation to the exercise of the journalistic profession in your country in 2022.

**Subindicator / Type**

Life safety / E

**Method**

CoE Platform to promote the protection of journalism and safety of journalists (<http://www.coe.int/en/web/media-freedom>). Mapping Media Freedom: Index of censorship: <https://mappingmediafreedom.org> Reports by NGOs or professional associations/unions (eg. World Press Freedom). See the available statistics, such as data provided by the Committee to Protect Journalists - the statistics are provided by the type of charges, and they also include a narrative so COVID-19 related cases could possibly be traced: <https://cpj.org/data>.

**Answer options**

- Yes
- No
- Not Applicable
- No Data

**30. Are there threats to the online safety of journalists?**

Threats to the online 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 online 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, **but also online harassment and abuse** coming from different actors. The relevant timeframe should be 2022. If this was still relevant in 2022, please consider if the extent of digital harassment has increased for journalists, e.g. for journalists covering COVID-19 conspiracy theories. Please consider also the circumstances related to the war in Ukraine in 2022.

**Subindicator / Type**

Digital safety / T

**Method**

Reports by international organizations and NGOs. Interviews with journalists or relevant organizations. Index of censorship: <https://mappingmediafreedom.org/#/> as it has been mapping the incidents of online abuse worldwide. Please consider the following risks to digital safety of the journalists and incidents: threats, harassment and abuse, forced exposure of online networks, disinformation and smear campaigns, doxing, surveillance, confiscation of evidence related to investigative stories, etc.

**Answer options**

- Low risk: No threats.

- Medium risk: Some threats.
- High risk: Frequent attacks.
- Not Applicable
- No Data

### 31. Do online threats and attacks against women journalists (its amount and extent) represent a significant problem in the country?

Online threats and attacks against women journalists have been on the rise. The comments women journalists receive are often unrelated to their work but discuss their visual appearance and question their competency to report on the specific issues or in general. Some of these comments can be extremely violent and dehumanising and include rape and death threats. Similarly, as attacks in the physical environmental, online attacks and threats have severe repercussions for journalism practice. Through this variable, we would like to acknowledge that online violence against women journalists is a self-standing issue and needs to be assessed as such. Please, assess the frequency and gravity of the instances of online threats and attacks against women journalists in your country. If there are few or no cases, please assess critically whether this is because the issue of online violence against women journalists in your country is marginal or remains under-reported/unreported. Please, consider that online threats include but are not limited to illegitimate surveillance of journalists; searches and online activities, their email or social media profiles, hacking and other attacks, online abuse etc. In the case of online abuse, please consider the extent and nature of online abuse towards female journalists and include the incidents of sexualised harassment and abuse.

#### Subindicator / Type

Digital safety / T

#### Method

Reports by local and international NGOs working on these issues. Academic writing and reports by international bodies, organizations or experts on the issue. Crime statistics, if available. Please consult: <https://www.rcmediafreedom.eu/Dossier-OBCT/Thematic-directories/Thematic-directories/A-series-of-Thematic-Directories.-WOMEN-JOURNALISTS> . Interviews with women journalists and journalistic associations.

#### Answer options

- Low risk: No, there are no or very few online threats and attacks against women journalists.
- Medium risk: There are some online threats and attacks against women journalists.
- High risk: There are many online threats and attacks against women journalists, or there are some, but there are indices that many might go under-reported/unreported.
- Not Applicable
- No Data

### 32. Are perpetrators of crimes against journalists prosecuted?

Impunity (unsolved murders or other crimes against journalists that do not lead to convictions) remains a widespread problem and affects journalists in a number of ways. For example, impunity hinders independent journalism and encourages self-censorship. This variable assesses whether perpetrators of crimes against journalists are successfully prosecuted, or the impunity is widespread. This is *Not applicable* only when there are no crimes at all and hence, nothing to be investigated, nobody to be prosecuted. Otherwise, risk level has to be assessed.

#### Subindicator / Type

Positive obligations / T

#### Method

See the Committee to Protect Journalists' Global Impunity Index at <https://bit.ly/3knvmyI> . NGO reports. Academic papers. Crime and courts statistics. National case law and case law of European Court on Human Rights.

#### Answer options

- Low risk: Yes, perpetrators of crimes against journalists are commonly prosecuted, and impunity is not a problem at all.
- Medium risk: Perpetrators of crimes against journalists are sometimes prosecuted, and impunity remains a problem in specific cases.
- High risk: Perpetrators of crimes against journalists are rarely prosecuted, and impunity is a widespread systemic problem.
- Not Applicable
- No Data

### 33. Has your country put in place specific anti-SLAPP legislation and is it effective?

SLAPPs (Strategic Lawsuits Against Public Participation) are set out with little or no chance of success, ask a disproportionate amount for damages and primarily aim to silence critics. This variable assesses whether your country introduced anti-SLAPP legislation or other measures to prevent vexatious lawsuits and how these legislation/measures are effective.

#### Subindicator / Type

Positive obligations / T

#### Method

National laws and regulations National case law and case law of European Court on Human Rights Self-regulatory instruments Please consult the EU Proposal for an anti-SLAPP directive: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022PC0177>; materials from the CASE anti-SLAPP coalition: <https://www.the-case.eu>.

#### Answer options

- Low risk: Low risk: yes, there is an anti-SLAPP legal framework, and it is effective.
- Medium risk: Medium risk: yes, there is an anti-SLAPP legal framework but is not always effective.
- High risk: High risk: no, there is no anti-SLAPP legal framework, and if there is one, it is NOT effective
- Not Applicable
- No Data

### 34. Is your country free from SLAPP cases or any other vexatious lawsuits that ask a disproportionate amount for damages and primarily aim to silence critics?

SLAPPs (Strategic Lawsuits Against Public Participation) are set out with little or no chance of success, ask a disproportionate amount for damages and primarily aim to silence critics. This variable assesses if there are SLAPP cases in your country. This variable assesses whether your country is free from SLAPP cases.

#### Subindicator / Type

Positive obligations / T

#### Method

NGO reports Academic papers Interviews Court decisions

#### Answer options

- Low risk: Low risk: no SLAPP cases.
- Medium risk: Medium risk: SLAPP cases occur occasionally.
- High risk: High risk: SLAPP cases are common.
- Not Applicable
- No Data

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

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. Please consider also the 2021 Recommendation on protection, safety and empowerment of journalists and other media professionals in the European Union

<https://digital-strategy.ec.europa.eu/en/library/recommendation-protection-safety-and-empowerment-journalists>.

#### Subindicator / Type

Protection of sources / T



## Method

National laws and regulations. Constitutional conventions. National case law and case law of European Court on Human Rights. Self-regulatory instruments. Studies/reports providing overviews of and/or evaluating safeguards for the protection of journalistic sources.

## Answer options

- Low risk: It is recognised and it is absolute.
- Medium risk: it is recognised, but to a certain extent (e.g. a judge can ask the disclosure).
- High risk: it is not recognized.
- Not Applicable
- No Data

## 36. Is the protection of journalistic sources generally enforced in practice?

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 2021 and it is looking for common practice, not based on one single incident. If this was still relevant in 2021, please, consider if during the COVID-19 emergency there was an increase in the number of incidents when journalists were obliged to disclose their confidential sources (e.g. doctors, nurses who were whistleblowers about the conditions in the national health service facilities). Also, consider if journalists were required by law-enforcement agencies to hand over information or material (for example, notes, photographs, audio and video recordings) gathered in the context of covering COVID-19 or if such material was liable to seizure for use in legal proceedings.

## Subindicator / Type

Protection of sources / T

## Method

National laws and regulations. Constitutional conventions. National case law and case law of European Court on Human Rights. Self-regulatory instruments. Studies/reports providing overviews of and/or evaluating safeguards for the protection of journalistic sources.

## Answer options

- Low risk: It is enforced in practice.
- Medium risk: It is not enforced in some cases.
- High risk: It is not enforced.
- Not Applicable
- No Data

## 37. Does your country have a law that establishes data retention obligations for Electronic Telecommunications Operators and Internet Service Providers which comply with articles 8 and 10 of the European Convention on Human Rights?

This variable aims to assess whether any data retention obligations imposed by national laws to Electronic Telecommunications Operators and Internet Service Providers do not result in an interference on the right to private and family life and on the right to freedom of expression that is not necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

## Subindicator / Type

Journalism and data protection / T

## Method

National Laws and Regulations 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.

### Answer options

- Low risk: There are no data retention obligations in the law or the law establishes obligations which fully comply with articles 8 and 10 of the European Convention on Human Rights.
- Medium risk: The law establishes data retention obligations which only partially comply with articles 8 and 10 of the European Convention on Human Rights.
- High risk: The law establishes data retention obligations which do not comply with articles 8 and 10 of the European Convention on Human Rights.
- Not Applicable
- No Data

### 38. Has your country adopted measures that prevent the illegal monitoring of journalists and media service providers by State authorities, including the deployment of spyware in any device or machine used by journalists or media service providers or, if applicable, their family members?

Building on protections provided by Directive 2002/58/EC (the ePrivacy Directive), Directive 2016/680/EU (the Law Enforcement Directive) and Directive 2013/40/EU on attacks against information systems, this variable aims to assess whether the country has adopted measures to prevent the illegal monitoring of journalists or media service providers and their family members by State authorities. For non EU countries, please consider the existence of national legislation that establishes rules for the processing of personal data for law enforcement authorities. If such a law does not exist, please click on "not applicable".

#### Subindicator / Type

Journalism and data protection / T

#### Method

National Laws and Regulations 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

### Answer options

- Low risk: The country has adopted measures that prevent the illegal monitoring of journalists or media service providers and their family members by State authorities.
- Medium risk: The country has adopted measures that just partially prevent the illegal monitoring of journalists or media service providers and their family members by State authorities.
- High risk: There are no measures in place that prevent the illegal monitoring of journalists or media service providers and their family members by State authorities.
- Not Applicable
- No Data

### 39. Has your country implemented through national legislation the derogation provided for the GDPR on freedom of expression and journalistic activities in a way that complies with article 10(2) of the European Convention on Human Rights?

This variable aims to assess whether the derogation provided for by the GDPR regarding freedom of expression and journalistic activities were implemented through national legislation in a way that ensures that any formalities, conditions, restrictions or penalties to these rights/activities 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. For non EU countries, please consider the existence of GDPR like national. If such a law does not exist, please click on "not applicable".

#### Subindicator / Type

Journalism and data protection / T

#### Method

National Laws and Regulations 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

### Answer options

- Low risk: The derogations are implemented in a way that ensures the proper exercise of the journalistic protection.

- Medium risk: The derogations are implemented but do not properly ensure a right balance between data protection and freedom of expression with regard to journalistic activities.
- High risk: The derogations were not implemented.
- Not Applicable
- No Data

## 4. Independence and effectiveness of the media authority

Media authorities are increasingly becoming key actors in media regulation in Europe. The indicator analyses whether media regulatory authorities are independent from their governments and from other public or private body.

### 40. 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?

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. The assessment should also consider if the current regulation governing the appointment procedures follow the principles laid down in the EU Audiovisual Media Services Directive 2018/1808, in particular, its Article 30, section 5.

#### Subindicator / Type

Appointment procedures / T

#### Method

Please, consider the authority that has regulatory competences on the media sector, list other bodies with residual competences in the comment box). In case of concurring authorities, please, consider as relevant the authority that is part of EPRA or ERGA. <http://www.epra.org/> <https://ec.europa.eu/digital-single-market/en/audiovisual-regulators> The EU Audiovisual Media Services Directive 2018/1808: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1808&from=EN> 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/>

#### Answer options

- Low risk: Procedures are transparent, democratic and objective and designed to minimize the risk of political or economic interference.
- Medium risk: Procedures are designed to minimize the risk of political or economic interference, but are not fully effective.
- High risk: Procedures are not transparent, democratic and objective and designed to minimize the risk of political or economic interference.
- Not Applicable
- No Data

### 41. Are the appointment procedures for the media authority effective in limiting the risk of political and/or economic influence?

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.

#### Subindicator / Type

Appointment procedures / T

#### Method

EPRA website: <http://www.epra.org/> INDIREG: <http://www.indireg.eu/> The EU Audiovisual Media Services Directive 2018/1808: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1808&from=EN> 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

### Answer options

- Low risk: The appointment procedures guarantee political and/or economic independence of the members.
- Medium risk: The appointment procedures are generally respected but are not always effective in safeguarding political 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.
- Not Applicable
- No Data

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

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. Clarity may avoid circumvention of competencies. The assessment should also consider if the current regulation governing the media authority's tasks and responsibilities follow the principles laid down in the EU Audiovisual Media Services Directive 2018/1808, in particular, its Article 30, section 3.

### Subindicator / Type

Competencies / T

### Method

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 authorities; Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/> and Nordicom (for Scandinavian countries): <http://www.nordicmedia.info/> The EU Audiovisual Media Services Directive 2018/1808: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1808&from=EN>

### Answer options

- Low risk: They are clearly defined by the law.
- Medium risk: They are defined by the law, but not in a clear way.
- High risk: They are not defined by the law and/or not clear.
- Not Applicable
- No Data

## 43. Does regulation attribute sanctioning powers to the media authority and are sanctions effective?

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.

### Subindicator / Type

Competencies / T

### Method

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 authorities Merlin database European Audiovisual Observatory: <http://merlin.obs.coe.int/> Nordicom (for Scandinavian countries): <http://www.nordicmedia.info/>

### Answer options

- Low risk: Yes and the sanctions are effective.
- Medium risk: There are sanctions but they are not always effective.
- High risk: There are no sanctions or sanctions are not effective.
- Not Applicable
- No Data

#### 44. With regard to the media authority decisions, are there appeal mechanisms in place?

This variable aims to assess the existence of mechanisms of appeal of the decisions by the media authority. The appeal mechanisms should be before a judicial body or before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 267 TFEU. The assessment should also consider if the appeal mechanisms that are in place satisfy the requirements laid down in the EU Audiovisual Media Services Directive 2018/1808, in particular its Article 30, section 6.

##### **Subindicator / Type**

Competencies / T

##### **Method**

National laws and regulations National case law 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/> 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/> The EU Audiovisual Media Services Directive 2018/1808: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1808&from=EN>

##### **Answer options**

- Low risk: Appeal mechanisms exist, are effective and not misused.
- Medium risk: Appeal mechanisms exist, but are partially effective and/or are occasionally delayed.
- High risk: Appeal mechanisms do not exist or are not effective and/or are systematically misused to delay the enforcement of remedies.
- Not Applicable
- No Data

#### 45. Is the media authority acting independently from political and/or economic influences?

This variable assesses whether the practice of the media authority indicates that it uses its powers in an independent manner and in the interest of the public.

##### **Subindicator / Type**

Independence / T

##### **Method**

The answer should be based on a concrete assessment of its decisional practice and other elements, such as whether the media authority has ever been condemned after an investigation by anti-corruption bodies. EPRA website: <http://www.epra.org/> 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. <http://www.transparencyinternational.org/> Interviews with relevant actors.

##### **Answer options**

- Low risk: The media authority effectively uses its powers in an independent manner.
- Medium risk: The authority sometimes decides in a manner that is not independent from economic and/or political influence.
- High risk: The authority's powers are very often not used in an independent manner.
- Not Applicable
- No Data

#### 46. Is there evidence that the government arbitrarily overrules decisions by the media authority or weakens its role?

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. Also a legislation that weakens the role and the independence of the authority maybe considered arbitrary and aimed to overrule the competences and the independence of the authority.

##### **Subindicator / Type**

Independence / T

## Method

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

## Answer options

- Low risk: The government never overrules decisions by the media authority and respect its independence.
- Medium risk: The government at times arbitrarily overrules decisions by the media authority and/or withdraws competences.
- High risk: The government regularly overrules arbitrarily decisions by the media authority and/or withdraws competences, or the media authority is staffed by people linked to the government, and thus, the government can exert its influence directly.
- Not Applicable
- No Data

## 47. 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?

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. Please, consider if the current regulation governing the media authority's budget allocation follow the principles laid down in the EU Audiovisual Media Services Directive 2018/1808, in particular its Article 30, section 4.

### Subindicator / Type

Budgetary independence / T

## Method

National laws and regulations 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.nordicomedia.info/> The EU Audiovisual Media Services Directive 2018/1808: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1808&from=EN>

## Answer options

- Low risk: The procedures are fair and objective, leaving no room for arbitrary decisions of the government.
- Medium risk: The procedures are not fully fair and objective, leaving some room for arbitrary decisions of the government.
- High risk: No procedures or the procedures are not fair nor objective, leaving room for arbitrary decisions of the government.
- Not Applicable
- No Data

## 48. Are the budget and other resources, such as human and technical resources, adequate for the media authority to perform its functions, to safeguard its independence, and to protect it from coercive budgetary pressures?

This variable assesses whether the budget and other resources, such as human and technical resources, allocated for the media authority is adequate to safeguard its independence. Please, in case it is applicable, take into account whether the State has adopted measures to implement Article 50(1) of the Digital Services Act, in cases in which the Digital Services Coordinator functions will be performed by the media authority.

### Subindicator / Type

Budgetary independence / T

## Method

Websites of national competition authorities Reports by competition authority NGO reports and reports by relevant national and international organizations. National case and European law. Academic writing on the issue. Interviews with relevant actors.

## Answer options

- Low risk: The budget and other resources, such as human and technical resources, are adequate.

- Medium risk: The budget and other resources, such as human and technical resources, are somewhat inadequate but still allows it to perform its function.
- High risk: The budget and other resources, such as human and technical resources, are not adequate and do not safeguard its independence.
- Not Applicable
- No Data

#### 49. Is the media authority transparent about its activities?

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.

##### **Subindicator / Type**

Accountability / T

##### **Method**

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 authorities NGO reports and reports by relevant national and international organizations National and European case law Academic writing on the issue

##### **Answer options**

- Low risk: It is transparent and regularly publishes information about its activities.
- Medium risk: It is generally transparent but does not publish information about its activities on a regular basis.
- High risk: It is not transparent.
- Not Applicable
- No Data

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

The indicator on the universal reach of traditional media and access to the Internet assesses the risks to pluralism that arise from an insufficient level of access to platforms of content distribution. It assesses the risk stemming from traditional broadcasting network coverage, broadband coverage and access to the internet. The indicator also analyses the existence and effectiveness of rules on net neutrality.

#### 50. Is the universal coverage of the PSM guaranteed in your country?

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.

##### **Subindicator / Type**

PSM coverage / E

##### **Method**

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

##### **Answer options**

- Yes
- No
- Not Applicable
- No Data

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

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.

## Subindicator / Type

PSM coverage / N

### Method

Document analysis Latest data available, preferably not older data than 2021. 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%

### Answer options

- Insert the number
- Not Applicable
- No Data

## 52. What percentage of the population is covered by broadband?

This variable assesses the NGA broadband coverage/availability in the country. Next Generation Access includes the following technologies: FTTH, FTTB, Cable Docsis 3.0, VDSL and other superfast broadband (at least 30 Mbps download). **Indicator:** NGA broadband coverage/availability (as a % of households)

- **Definition:** Coverage is a supply indicator defined as the percentage of Households living in areas served by NGA. Next Generation Access includes the following technologies: FTTH, FTTB, Cable Docsis 3.0, VDSL and other superfast broadband (at least 30 Mbps download)
- **Source:** Broadband coverage in Europe, studies for the EC by Point Topic (2011-2012 figures, SMART 2011/0027 and 2012/0035) and IHS and Valdani, Vicari & Associati (2013 figures, SMART 2013/0054) [[More information](#)]

### Breakdown: Total

- **Definition:** Scope: Total number of households

**Unit of measure:** Percentage of households Year: 2021

## Subindicator / Type

Broadband coverage / T

### Method

CMPF uses the following Digital Agenda data: Source: [https://digital-agenda-data.eu/charts/analyse-one-indicator-and-compare-countries#chart={%22indicator-group%22:%22broadband%22,%22indicator%22:%22bb\\_ngacov%22,%22breakdown%22:%22total\\_pophh%22,%22unit-measure%22:%22pc\\_hh\\_all%22,%22ref-area%22:\[%22AT%22,%22BE%22,%22BG%22,%22HR%22,%22CY%22,%22CZ%22,%22DK%22,%22EE%22,%22EU%22,%22FI%22,%22FR%22,%22DE%22,%22EL%22,%22HU%22,%22IE%22,%22IT%22,%22LV%22,%22LT%22,%22LU%22,%22MT%22,%22NL%22,%22PL%22,%22PT%22,%22RO%22,%22SK%22,%22SI%22,%22ES%22,%22SE%22,%22UK%22\]}](https://digital-agenda-data.eu/charts/analyse-one-indicator-and-compare-countries#chart={%22indicator-group%22:%22broadband%22,%22indicator%22:%22bb_ngacov%22,%22breakdown%22:%22total_pophh%22,%22unit-measure%22:%22pc_hh_all%22,%22ref-area%22:[%22AT%22,%22BE%22,%22BG%22,%22HR%22,%22CY%22,%22CZ%22,%22DK%22,%22EE%22,%22EU%22,%22FI%22,%22FR%22,%22DE%22,%22EL%22,%22HU%22,%22IE%22,%22IT%22,%22LV%22,%22LT%22,%22LU%22,%22MT%22,%22NL%22,%22PL%22,%22PT%22,%22RO%22,%22SK%22,%22SI%22,%22ES%22,%22SE%22,%22UK%22]}) Calculate percentiles based on available country scores (28 countries, no data for Albania & Italy), the following percentiles have been calculated: 25 percentiles at 76%  
median at 87%  
75 percentiles at 93%

Thresholds: Below 25 percentiles is considered to be high risk, while above 75 percentiles is considered to be low risk:

high risk: 0-75%  
medium risk: 76-92%  
low risk: 93-100%

### Answer options

- Low risk: more than 92% of 30MBps
- Medium risk: between 76% and 92% of 30MBps
- High risk: less than 76% of 30MBps
- Not Applicable
- No Data



## 53. What is the percentage of broadband subscription in your country?

This variable assesses broadband subscription rate in the country. Broadband connection used by the household includes: DSL, wired fixed (cable, fiber, Ethernet, PLC), fixed wireless (satellite, WiFi, WiMax) and mobile wireless (3G/UMTS). **Indicator:** Households having a broadband connection

- **Definition:** Broadband connection used by the household includes: DSL, wired fixed (cable, fiber, Ethernet, PLC), fixed wireless (satellite, WiFi, WiMax) and mobile wireless (3G/UMTS).
- **Notes:** Scope includes Households with at least one member aged 16-74.
- **Source:** Eurostat, Table isoc\_bde15b\_h: Broadband and connectivity - households [[More information](#)]

**Breakdown:** All households

- **Definition:** All households with at least one individual aged 16-74.

**Unit of measure:** Percentage of households

- **Definition:** Households with at least one member aged 16-74.

**Year:** 2021

### Subindicator / Type

Internet access / N

### Method

CMPF uses the following Digital Agenda

data: [https://digital-agenda-data.eu/charts/analyse-one-indicator-and-compare-countries#chart={%22indicator-group%22:%22broadband%22,%22indicator%22:%22h\\_broad%22,%22breakdown%22:%22hh\\_total%22,%22unit-measure%22:%22pc\\_hh%22,%22ref-area%22:\[%22AT%22,%22BE%22,%22BG%22,%22HR%22,%22CY%22,%22CZ%22,%22DK%22,%22EE%22,%22EU%22,%22FI%22,%22FR%22,%22DE%22,%22EL%22,%22HU%22,%22IE%22,%22IT%22,%22LV%22,%22LT%22,%22LU%22,%22MT%22,%22NL%22,%22PL%22,%22PT%22,%22RO%22,%22SK%22,%22SI%22,%22ES%22,%22SE%22,%22UK%22\]}](https://digital-agenda-data.eu/charts/analyse-one-indicator-and-compare-countries#chart={%22indicator-group%22:%22broadband%22,%22indicator%22:%22h_broad%22,%22breakdown%22:%22hh_total%22,%22unit-measure%22:%22pc_hh%22,%22ref-area%22:[%22AT%22,%22BE%22,%22BG%22,%22HR%22,%22CY%22,%22CZ%22,%22DK%22,%22EE%22,%22EU%22,%22FI%22,%22FR%22,%22DE%22,%22EL%22,%22HU%22,%22IE%22,%22IT%22,%22LV%22,%22LT%22,%22LU%22,%22MT%22,%22NL%22,%22PL%22,%22PT%22,%22RO%22,%22SK%22,%22SI%22,%22ES%22,%22SE%22,%22UK%22]}) Calculate percentiles based on available country scores, the following

percentiles have been calculated: 25 percentiles at 79%

median at 86%

75 percentiles at 89%

Thresholds: Below 25 percentiles is considered to be high risk, while above 75 percentiles is considered to be low risk:

high risk: 0-78%

medium risk: 79-88%

low risk: 89-100%

### Answer options

- Insert the number
- Not Applicable
- No Data

## 54. What is the average Internet connection speed in your country?

This variable assesses the average Internet connection speed in the country. CMPF uses speed data from the Worldwide broadband speed league 2021 (Cable.co.uk).

### Subindicator / Type

Internet access / N

### Method

Source: Worldwide broadband speed league (Cable.co.uk), available at <https://www.cable.co.uk/broadband/speed/worldwide-speed-league/#map>

Thresholds: Calculate percentiles based on available country scores (28 countries, no data for Albania & Italy), the following percentiles have been calculated: 25 percentiles at 18%

median at 25%  
75 percentiles at 31%

Thresholds: Below 25 percentiles is considered to be high risk, while above 75 percentiles is considered to be low risk:  
high risk: 0-17%  
medium risk: 18-30%  
low risk: 31-100%

#### Answer options

- Insert the number
- Not Applicable
- No Data

### 55. What is the percentage of market shares of the TOP 4 ISPs in your country?

Ownership concentration in Internet Service Providers (ISPs). This indicator aims at assessing the concentration of the ISPs in a country.

#### Subindicator / Type

Net neutrality / N

#### Method

Calculation of percentage of market shares of the TOP 4 ISPs within each country.

#### Answer options

- Insert the number
- Not Applicable
- No Data

### 56. Are there regulatory safeguards regarding net neutrality in your country and are they implemented in practice?

From: All you need to know about Net Neutrality rules in the EU <https://berec.europa.eu/eng/netneutrality/> "Net neutrality refers to a debate about the way that Internet Service Providers (ISPs) manage the data or 'traffic' carried on their networks when data is requested by broadband subscribers (known as "end-users" under EU law) from providers of content, applications or services (CAPs) such as YouTube or Spotify, as well as when traffic is exchanged between end-users. The best effort internet is about the equal treatment of data traffic being transmitted over the internet, i.e. that the 'best efforts' are made to carry data, no matter what it contains, which application transmits the data ("application-agnosticism"), where it comes from or where it goes. The benefits of the best effort internet notably include the separation between application and network layers of the internet. This separation enables innovation of applications independent of the ISP, thereby enhancing end-user choice."

#### Subindicator / Type

Net neutrality / T

#### Method

In the EU: Regulation (EU) 2015/2120 of the European Parliament and of the Council of 25 November 2015 laying down measures concerning open internet access and amending Directive 2002/22/EC on universal service and users' rights relating to electronic communications networks and services and Regulation (EU) No 531/2012 on roaming on public mobile communications networks within the Union (Text with EEA relevance) [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2015.310.01.0001.01.ENG&toc=OJ:L:2015:310:TOC](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2015.310.01.0001.01.ENG&toc=OJ:L:2015:310:TOC) For non-EU countries: 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.

#### Answer options

- Low risk: There are and they are implemented.
- Medium risk: There are but not fully implemented.

- High risk: There are not or they are not implemented at all.
- Not Applicable
- No Data

## 57. Do ISPs manage network traffic in a way that is transparent, impartial and neutral, without discriminating against particular types of content or content from particular sources?

This variable aims to assess whether net neutrality is an effective practice amongst ISPs.

### Subindicator / Type

Net neutrality / T

### Method

Case-law; decisions of the communication authority (or the competent authority). Reports Academic papers Statistics.

### Answer options

- Low risk: Yes.
- Medium risk: Most of them.
- High risk: No.
- Not Applicable
- No Data

## 6. Transparency of media ownership

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

### 58. Does the national law contain specific provisions requiring the disclosure of ownership details in the media sector?

This variable assesses if there are media-specific transparency rules on ownership. **Please note that this variable is asking for media-specific rules on transparency.** 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; if the general law guarantees transparency in practice, you could assess this in variable 60. Media specific transparency requirements are defined by the Guidelines in the Appendix to Recommendation CM/Rec (2018)1. (4.4. "Media transparency requirements should be specific and include a requirement for media outlets operating within State jurisdiction to disclose ownership information directly to the public on their website or other publication and to report this information to an independent national media regulatory body or other designated body, tasked with gathering and collating the information and making it available to the public. This body should be provided with sufficient and stable financial resources and staff to enable it to effectively carry out its tasks"). (1). Publicly accessible means that all information should be available in open electronic format at no cost to the public (point 4.8, ibidem). (see also Recital 5 of the AVMSD (2018/1808/EU) (2). Scope: news media providers. These are the media organisations whose core business is to deliver news (and/or opinions and analysis) to the general public or a target public, and include print media (newspapers, newsmagazines), broadcast media (radio and television), and their digital extensions. Please do not consider digital native media, as they are covered in a different question. Disclosure can be to public bodies (and therefore to the public, according to CoE Convention on Access to Public Documents) (3) or directly to the public (you should detail and qualify these informations, e.g. in the case in which access to public documents is not effective, answering variable 60, on effectiveness). In the comment box please specify if the provisions regard broadcasting or print sectors, or all of them. The digital native media sector is covered by a separate question. You can consult the following source for background about this variable: Study on the implementation of the new provisions in the revised Audiovisual Media Services Directive (AVMSD), pp. 128-234 <https://digital-strategy.ec.europa.eu/en/library/study-implementation-new-provisions-revised-audiovisual-media-services-directive-avmsd> Access-Info Transparency of Media Ownership <https://www.access-info.org/media-ownership-transparency/> (1) [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680790e13](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680790e13) (2) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018L1808>; (3) [https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/205?fbclid=IwAR1ywGune6ooFjN1HU4O7fC\\_BHPiHAN8YNBokNcXJB69PvMceOC5bzMkXk8](https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/205?fbclid=IwAR1ywGune6ooFjN1HU4O7fC_BHPiHAN8YNBokNcXJB69PvMceOC5bzMkXk8)

### Subindicator / Type

### Method

Consult the relevant laws or legal experts

### Answer options

- Low risk: Yes for all media
- Medium risk: Only for some media
- High risk: No
- Not Applicable
- No Data

## 59. Does the law stipulate sanctions in case of violations of transparency requirements for the media sector, and are they applied in practice?

This variable contains a follow-up question to variable 58. Hence, if there is no law with media-specific provisions requiring the disclosure of ownership, the answer should be "Not Applicable" to this variable. According to resolution 2065/2015 of the Parliamentary Assembly of the Council of Europe ("Increasing transparency of media ownership") (1), "The national media authority (or other relevant public body) should be entitled to monitor the respect of reporting obligations and failure to comply with these obligations should be effectively ascertained and sanctioned". This variable assesses if there are sanctions for violations of the national law on transparency, e.g for non-reporting or reporting incorrect information. Please specify in the comment which violations are sanctioned. (1) PACE (2015), <http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-EN.asp?fileid=21958>

### Subindicator / Type

Disclosure of media ownership / T

### Method

Consult the relevant laws or legal experts. 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).

### Answer options

- Low risk: Yes
- Medium risk: Yes, but not applied
- High risk: No
- Not Applicable
- No Data

## 60. Is disclosure of media ownership effectively provided to public bodies and to the public?

Please, note that this variable **is not a follow-up of the previous variables**. You should assess **effectiveness** of media ownership transparency, both if it is requested by the law or if it is not. If sufficient information is provided both to public bodies and to the public (e.g., if the law requires disclosure of media ownership to public bodies - usually regulatory authorities focusing on media - and the public can access this informations), you should answer "yes, for public bodies and the public"; if public bodies collect informations, but access is not effectively granted to the public, you should answer "yes, partially"; if disclosure is not effective nor for public bodies nor for the public, you should answer "no". You can consult the following sources for background about this variable: "Study on the implementation of the new provisions in the revised Audiovisual Media Services Directive (AVMSD)", pp. 128-234

(<https://digital-strategy.ec.europa.eu/en/library/study-implementation-new-provisions-revised-audiovisual-media-services-directive-avmsd>) "Media ownership and concentration in Europe: a comparative analysis with reflections on the situation in Slovenia", (pp. 33-35); [https://www.akos-rs.si/fileadmin/user\\_upload/WH-20150126-ownership-concentration-report-final.pdf](https://www.akos-rs.si/fileadmin/user_upload/WH-20150126-ownership-concentration-report-final.pdf) ; Access-Info Transparency of Media Ownership - report and full data <https://www.access-info.org/tmo/12264>

### Subindicator / Type

Disclosure of media ownership / T

### Method

Consult the relevant laws or legal experts

### Answer options

- Low risk: Yes, to public bodies and to the public
- Medium risk: Yes, partially
- High risk: No, neither to public bodies nor to the public
- Not Applicable
- No Data

## 61. Does the national law contain specific provisions requiring financial reporting obligations in the media sector?

This variable assesses if there are media-specific rules on the disclosure of financial information to the competent authorities by media companies. Please note that this variable is asking for media-specific rules. This means that e.g. a national law requiring companies in general to provide information about the companies' financial statement would not be sufficient for a YES-answer to this question.

### Subindicator / Type

Disclosure of media ownership / T

### Method

Consult the relevant laws or legal experts. 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).

### Answer options

- Low risk: Yes, for all media
- Medium risk: Only for some media
- High risk: No
- Not Applicable
- No Data

## 62. Does the national law contain specific provisions requiring the disclosure of ownership details in the digital media sector?

This variable assesses if there are media-specific provisions requiring the disclosure of ownership details for the digital media sector. **For the sake of this indicator 'digital media' are digital native media**, that publish overwhelmingly online, and provide original journalistic content to a general or a selected public. Hence, if there is no law with media-specific provisions on ownership transparency, or if there is a law but it does not cover the digital native media, you should answer "no" to this variable. If there is a law, and it covers digital native media as well as legacy media, your answer should be "yes". If your answer is 'Only some digital media', please specify in the comment which digital media are not included in the provision (e.g. cross border media). Sources: see variables 58-61

### Subindicator / Type

Disclosure of media ownership online / T

### Method

Consult the relevant laws or legal experts

### Answer options

- Low risk: Yes for all digital media
- Medium risk: Only for some digital media
- High risk: No
- Not Applicable
- No Data

## 63. Does the law stipulate sanctions in case of violations of transparency requirements for digital media, and

## are they applied in practice?

This variable contains a follow-up question to variable 61. Hence, if the answer to variable 61 is No, you should mark "Not Applicable" to this variable. This variable assesses if there are sanctions for violations of the national law on transparency, e.g for non-reporting or reporting incorrect information. Please specify in the comment which violations are sanctioned. Sources: see previous variables.

### **Subindicator / Type**

Disclosure of media ownership online / T

### **Method**

Consult the relevant laws or legal experts. 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).

### **Answer options**

- Low risk: Yes
- Medium risk: Yes, but not applied
- High risk: No
- Not Applicable
- No Data

## 64. Is disclosure of digital media ownership effectively provided to public bodies and to the public?

This variable assesses if digital media ownership information is transparent in practice, which means that the public has access to the actual ownership structures of media companies. If sufficient information is provided both to public bodies and to the public (e.g., if the law requires disclosure of media ownership to public bodies - usually regulatory authorities focusing on media - and the public can access this information), you should answer 'yes, for public bodies and the public'; if public bodies collect information, but access is not effectively granted to the public, you should answer 'yes, partially'; if disclosure is not effective nor for public bodies nor for the public, you should answer 'no'. Sources: see previous variables.

### **Subindicator / Type**

Disclosure of media ownership online / T

### **Method**

Consult the relevant laws or legal experts

### **Answer options**

- Low risk: Yes, for public bodies and the public
- Medium risk: Yes, partially
- High risk: No, neither to public bodies nor to the public
- Not Applicable
- No Data

## 65. Does the national law contain specific provisions requiring financial reporting obligations in the digital media sector?

This variable assesses if there are media-specific rules on the disclosure of financial information to the competent authorities by digital native media sector. Please note that this variable is asking for media-specific rules. This means that e.g. a national law requiring companies in general to provide information about the companies' financial statement would not be sufficient for a YES-answer to this question.

### **Subindicator / Type**

Disclosure of media ownership online / T

### **Method**

Consult the relevant laws or legal experts. 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).

### **Answer options**

- Low risk: Yes, for all digital media
- Medium risk: For some digital media
- High risk: No
- Not Applicable
- No Data

## 66. Does the national law contain provisions requiring the disclosure of information on the ultimate owners in the media sector?

This variable assesses if there are media-specific provisions requiring disclosure of information about the ultimate owners of media outlets to the public. Scope: media providers (including: print, radio, television, and their digital extensions. Please do not consider digital native media, as they are covered in a different question). (see Glossary) According to the Transparency requirements set in the Recommendation CM/Rec(2018)1, disclosure's obligations can include, among others, "name(s) and contact details of natural persons with beneficial shareholdings. Beneficial shareholding applies to natural persons who ultimately own or control shares in a media outlet or on whose behalf those shares are held, enabling them to indirectly exercise control or influence on the operation and strategic decision making of the media outlet" (1). For the definition of beneficial owner, see also Transparency International (2). (1) [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=0900001680790e13](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680790e13) (2) "A beneficial owner is the real person who ultimately owns, controls or benefits from a company or trust fund and the income it generates. The term is used to contrast with the legal or nominee company owners and with trustees, all of whom might be registered the legal owners of an asset without actually possessing the right to enjoy its benefits. Complex and opaque corporate structures set up across different jurisdictions, make it easy to hide the beneficial owner, especially when nominees are used in their place and when part of the structure is incorporated in a secrecy jurisdiction" (see Transparency International, [https://www.transparency.org/glossary/term/beneficial\\_ownership](https://www.transparency.org/glossary/term/beneficial_ownership)) Sources: see above For general views and country reports, see also: <https://www.openownership.org/>

### Subindicator / Type

Transparency of ultimate ownership / T

### Method

Consult the relevant laws or legal experts

### Answer options

- Low risk: Yes, for all media
- Medium risk: Only for some media
- High risk: No
- Not Applicable
- No Data

## 67. Is sufficient and updated information to identify the beneficial and ultimate owners of media outlets publicly accessible?

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, regardless of the existence of media-specific provisions. Publicly accessible means that all information should be available in open electronic format at no cost to the public. In answering this question, please take into account the state on implementation of the 5th anti-money laundering directive (EU 2018/843) (which applies, among others, also to the media sector). "Member States are currently required to ensure that corporate and other legal entities incorporated within their territory obtain and hold adequate, accurate and current information on their beneficial ownership", deadline for the transposition expired on 10th January 2020 (1). If your answer is "yes, for some media", please specify in the comment which media are included. (1) <https://eur-lex.europa.eu.eu.idm.oclc.org/legal-content/EN/TXT/PDF/?uri=CELEX:32018L0843&from=EN> Sources: see above For general views and country reports, see also: <https://www.openownership.org/>

### Subindicator / Type

Transparency of ultimate ownership / T

### Method

Consult the relevant laws or legal experts

### Answer options

- Low risk: Yes, for all media
- Medium risk: Only for some media
- High risk: No
- Not Applicable
- No Data

## 68. Does the national law contain provisions requiring the disclosure of information about the ultimate owners of digital media?

This variable assesses if there are media-specific provisions requiring the disclosure of ultimate ownership for the digital native media sector. For the sake of this indicator "digital media" are digital native media, that publish overwhelmingly online, and provide original content to a general or a selected public (the online editions of print and broadcast media having been considered in the previous section). Hence, if there is no law with media-specific provisions on ultimate ownership transparency, or if there is a law but it does not cover the digital native media, you should answer "no" to this variable. If there is a law, and it covers digital native news media as well as legacy media, your answer should be "yes". If your answer is "Only some digital media", please specify in the comment which digital media are not included in the provision (e.g. cross border media).

Sources; see above

### Subindicator / Type

Transparency of ultimate ownership online / T

### Method

Consult the relevant laws or legal experts

### Answer options

- Low risk: Yes, for all digital media
- Medium risk: Only for some digital media
- High risk: No
- Not Applicable
- No Data

## 69. Is sufficient and updated information to identify the beneficial and ultimate owners of digital native news media outlets publicly accessible?

This variable assesses if the ultimate media ownership information on digital native news media is transparent in practice, which means that the public has access to the actual ownership structures of media companies up until their final layer. If your answer is "yes, for some media", please specify in the comment which media are included. For description and sources, see variables above

### Subindicator / Type

Transparency of ultimate ownership online / T

### Method

Consult the relevant laws or legal experts

### Answer options

- Low risk: yes, for all digital media
- Medium risk: Only for some digital media
- High risk: No
- Not Applicable
- No Data

## 7. Plurality of media providers



plurality can arise from concentration of ownership in a single news media sector (AVMS, radio, newspapers, digital native), as well as from concentration of ownership across different sectors. Therefore horizontal and cross media concentration are assessed in Indicator 7. In both cases, digital media business is considered at the extent in which it produces original media content - digital outlet of legacy media as well as digital native media.

This indicator aims to assess concentration in the production of media content, measured via market share and audience share. Risks to market  
**70. Does media legislation contain specific thresholds and/or other limitations that are based on objective criteria in order to prevent a high degree of horizontal concentration of ownership in the media sector (AVMS, radio, newspapers, digital native)?**

This variable assesses the existence of sector-specific regulatory safeguards against a high degree of horizontal concentration of ownership in the media sector. "Objective criteria" can be: number of licences, audience share, circulation, distribution of share capital or voting rights, turnover/revenue, etc.. "Media" has to be meant as media service providers, therefore online platforms must not be considered in this indicator. (see Glossary). If the answer is "yes, but not all media", please specify in the comment which media are not included

### **Subindicator / Type**

Horizontal concentration - Regulatory safeguards / T

### **Method**

Analysis of law and regulation. Given the diversity of thresholds or limits in the national regulations 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.

### **Answer options**

- Low risk: Yes, for all media
- Medium risk: Only for some media
- High risk: No
- Not Applicable
- No Data

**71. Do the regulatory safeguards to prevent a high degree of concentration in the media sector apply to the digital media?**

Please note that this variable **should not be considered** as follow-up to variable 70. Therefore, if the answer to variable 70 is "no", you have to repeat the No answer here (this is to avoid to under-estimate the digital risk in the final calculation). "Media" has to be meant as media service providers, therefore online platforms must not be considered in this indicator. (see Glossary)

### **Subindicator / Type**

Horizontal concentration - Regulatory safeguards / T

### **Method**

Analysis of law and regulation.

### **Answer options**

- Low risk: Yes, for all digital media
- Medium risk: Only for some digital media
- High risk: No
- Not Applicable
- No Data

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

This variable assesses if the law establishes a monitoring system for the regulation of horizontal concentration in the media sector. This variable is a follow-up of variable 70: if the answer to variable 70 is No, you should mark Not Applicable to this variable.

### **Subindicator / Type**

### Method

Analysis of laws and regulation

### Answer options

- Low risk: Yes, for all media
- Medium risk: Only for some media
- High risk: No
- Not Applicable
- No Data

### 73. 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 and are they effective?

This variable assesses whether the law establishes a sanctions system to address horizontal concentration of ownership in media sector, and the effective implementation of sector-specific remedies. Examples of sanctions include: 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. This variable is a follow-up of variable 72: if the answer to variable 72 is No or Not Applicable, you should mark Not Applicable to this variable.

### Subindicator / Type

Horizontal concentration - Regulatory safeguards / T

### Method

Analysis of laws and regulation. 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 and/or evaluating their implementation. Academic reports.

### Answer options

- Low risk: Yes, and they are effective
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

### 74. What is the market share of the Top4 audiovisual media owners in your country?

This variable assesses concentration of ownership in the audiovisual media sector. (for the definition of audiovisual, see Glossary) Please note that the measurement must include all revenues, from legacy as well from online activities (advertising, public funding, subscriptions, etc). **Please specify if data on market shares is provided by the media or competition authority.**

### Subindicator / Type

Horizontal concentration - AVMS / N

### Method

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. 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.

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. Data sources: See annual reports by national (media communications or broadcasting) regulatory authorities through the EPRA website: <https://www.epra.org/>

### Answer options

- Insert the number

Not Applicable

No Data

## 75. What is the audience concentration of the Top4 audiovisual media owners in your country?

This variable assesses audience concentration in the audiovisual media sector. (for the definition of audiovisual see the Glossary) **Please specify in the comment if the data on audience is provided by the media authority**

### Subindicator / Type

Horizontal concentration - AVMS / N

### Method

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. Please specify in the comment if the system available in your country measures linear audience or total audience (reached via digital devices: mobile, smart tv, PC-laptop). 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: <https://www.epra.org/> The European Audiovisual Observatory Dataset (<http://yearbook.obs.coe.int/s/document/pan-european>) provides the Top4 index for audience in the audiovisual services in each country. If you don't have access to EAO, please contact the CMPF team.

### Answer options

Insert the number

Not Applicable

No Data

## 76. What is the market share of the Top4 radio owners?

This variable assesses horizontal concentration of ownership in the radio sector Please note that the measurement must include all revenues, from legacy as well from online activities (advertising, public funding, subscription, etc) **Please specify if data on market shares is provided by the media or competition authority.**

### Subindicator / Type

Horizontal concentration - radio / N

### Method

Please enter a percentage. Concentration is measured by using the Top4 concentration ratio (a description of Top4 ratio is available in the method of measurement of variable 69). 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: <https://www.epra.org/>

### Answer options

Insert the number

Not Applicable

No Data

## 77. What is the audience concentration of the Top 4 radio owners in your country?

This variable assesses audience concentration in the radio sector. **Please specify in the comment if the data on audience is provided by the media authority**

### Subindicator / Type

Horizontal concentration - radio / N

### Method

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/readership/subscription measurement

system available in the country. Please specify in the comment if the system available in your country measures linear audience or total audience (reached via digital devices: mobile, PC-laptop, etc). 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: <https://www.epra.org/>

#### Answer options

- Insert the number
- Not Applicable
- No Data

### 78. What is the market share of the Top4 newspapers owners?

This variable assesses concentration of ownership in newspaper publishing. Please note that the measurement must include all revenues (circulation, subscriptions, advertising, public funding, in the print as well as in the digital outlets of legacy press - electronic versions of printed newspapers and websites) **Please specify if data on market shares is provided by the media or competition authority.**

#### Subindicator / Type

Horizontal concentration - newspapers / N

#### Method

Please enter a percentage. Concentration is measured by using the Top4 concentration ratio (a description of Top4 ratio is available in the method of measurement of variable 69) 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 (print and digital) 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. Data sources: See annual reports by national (media communications or broadcasting) regulatory authorities through the EPRA website: <https://www.epra.org/> Consult local association of publishers, independent research, financial reports

#### Answer options

- Insert the number
- Not Applicable
- No Data

### 79. What is the readership concentration of the Top 4 newspapers owners in your country?

This variable assesses concentration of audience in newspaper publishing, measured by readership data. Please note that this should include readership reached via digital devices (electronic version of newspapers). **Please specify in the comment if data on readership is provided by the media authority**

#### Subindicator / Type

Horizontal concentration - newspapers / N

#### Method

Please enter a percentage. Concentration is measured by using the Top4 concentration measure. Please consider the newspapers owners (not the single headers). Data: The readership share of each of the Top4 owners competing in newspaper publishing, in the paper as well as in the electronic version (digital version of printed newspapers). Share is based on the standard or most widely accepted readership measurement system available in the country (if data about digital are not available, consider the circulation of printed copies). Measurement: The Top4 is obtained by summing the readership shares of the Top4 newspapers owners within the newspaper market. Data sources: See annual reports by national (media communications or broadcasting) regulatory authorities through the EPRA website: <https://www.epra.org/>. Consult local association of publishers' industry, independent research, financial reports

#### Answer options

- Insert the number
- Not Applicable
- No Data

### 80. What is the market share of the Top4 online media in your country?

This variable assesses concentration of ownership in online media (online outlets of legacy media as well as digital native). Please note that the measurement should include all revenues (subscriptions, membership, donations, advertising, public funding) **Please specify if data on market shares is provided by the media or competition authority.**

### Subindicator / Type

Horizontal concentration - digital / N

### Method

Please enter a percentage. Concentration is measured by using the Top4 concentration measure. Data: The share held by each of the Top4 owners competing in the online news media. The term market share refers to the share of total revenues generated in the market of online media.

Measurement: the Top4 is determined as follows: You sum the market shares of the Top4 owners within the online market. Please also report the share for each of the Top4 operators in the 'comment' field. Data sources: See annual reports by national (media communications or broadcasting) regulatory authorities through the EPRA website: <https://www.epra.org/>. Consult local association of publishers' industry, independent research, financial reports Add commercial/specific sources

### Answer options

- Insert the number
- Not Applicable
- No Data

## 81. What is the audience share of the Top 4 online media in your country?

This variable is aimed to assess concentration of total online audience of media, considering all the media (online audience of legacy media - AVMS, radio, newspapers - as well as digital native). **Please specify in the comment if the data on online audience is provided by the media authority**

### Subindicator / Type

Horizontal concentration - digital / N

### Method

Please enter a percentage. Concentration is measured by using the Top4 concentration measure. Data: The audience/reach share of each of the Top4 owners competing in digital market. Audience measurement is based on Unique user/browser access. Measurement: the Top4 is obtained by summing the audience share of the Top4 owners within the digital native media market. Data sources: See annual reports by national (media communications or broadcasting) regulatory authorities through the EPRA website: <https://www.epra.org/>. Consult local association of publishers' industry, independent research, financial reports Add commercial/specific sources

### Answer options

- Insert the number
- Not Applicable
- No Data

## 82. Does media legislation establish specific thresholds and/or other limitations that are based on objective criteria in order to prevent a high degree of cross-media concentration of ownership?

This variable assesses the existence of regulatory safeguards aimed at preventing a high degree of cross-media concentration of ownership. Please note that this variable is aimed to assess if a sector-specific regulation does exist for the media.

### Subindicator / Type

Cross-media concentration / T

### Method

Analysis of laws and regulation. Given the diversity of thresholds or limits that exists in national regulation 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.

### Answer options

- Low risk: Yes, for all media
- Medium risk: Yes, but not for all media

- High risk: No
- Not Applicable
- No Data

### 83. Is there an administrative authority or judicial body (e.g. media authority) overseeing compliance with these ownership limitations and/or hearing relevant complaints?

This variable assesses if the law establishes a monitoring system for the regulation of cross-media concentration of ownership. Being a follow-up to variable 80, if the answer to variable 82 is "no" you should answer "not applicable" to 83.

#### **Subindicator / Type**

Cross-media concentration / T

#### **Method**

Analysis of laws and regulation

#### **Answer options**

- Low risk: Yes, for all media
- Medium risk: Yes, but not for all media
- High risk: No
- Not Applicable
- No Data

### 84. 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 limitations are not respected? And are they effective?

This variable assesses if the law establishes a sanctions system to address cross-media concentration of ownership. Examples include: refusal to grant additional licences; blocking of a merger or acquisition; obligation to allocate windows/space for third party programming; must-carry obligations; obligation to give up licences in other media sectors; divestiture. Please note that this variable asks if the sanction system exists, and the effectiveness of the remedies that are available under the applicable laws in case rules to prevent cross-media concentration are not respected. Therefore, if your answer to variable 82 and 83 is "no" or Not Applicable, you should answer "Not applicable" to variable 84

#### **Subindicator / Type**

Cross-media concentration / T

#### **Method**

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.

#### **Answer options**

- Low risk: Yes, effective
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

### 85. What is the market share of the Top4 media owners across different media markets?

This variable assesses cross-media concentration of ownership in the national market under examination, defined as the sum of the four sectors separately considered in "horizontal concentration". Therefore, AVMS, radio, newspapers and digital native are included, aggregators, social networks and intermediaries are not included. **Please specify if data on cross-media concentration is provided by the media authority.** Please note that this index of cross-media concentration refers to total revenues. Given the difficulty to compare different metrics of audience (tv e radio audience, readership/circulation, reach of digital media), for cross media concentration there is not a specific variable on audience concentration.

But if data are available in your country, you can insert here Top4 audience share, instead of Top 4 market share, reporting in the comment your choice.

### **Subindicator / Type**

Cross-media concentration / N

### **Method**

Please enter a percentage. Concentration is measured by using the Top4 concentration ratio 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. 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 digital native) 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). Data sources: Relevant data is often made available by European Audiovisual Observatory, Eurostat, and the national statistical authorities. See annual reports by national (media communications or broadcasting) regulatory authorities through the EPRA website: <https://www.epra.org/>. Consult local association of publishers'industry, independent research, financial reports Add commercial/specific sources

### **Answer options**

- Insert the number
- Not Applicable
- No Data

## **8. Plurality in digital markets**

This indicator aims to assess risks to market plurality in the new ecosystem of news characterized by the role of digital platforms in access to and consumption of information. It measures concentration in distribution of news, including variables about the way in which consumers access news (gateways to news and exposure to algorithms-driven information), concentration in online advertising and effectiveness of competition provisions in the new media environment.

### **86. What is the market share of the Top4 players in the online advertising sector in your country?**

This variable assesses concentration of the market in the new ecosystem of media, measuring the share of the revenues of the top players in the market of online advertising. Therefore, all the market players should be considered: online platforms, media, others. Competitors should include online platforms and news media, i.e.: - 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 provide packages of news content, originated by others news media and selected via algorithmic methods (e.g. Google News, Yahoo) or with editorial choice - Digital intermediaries, including search engines (e.g. Google) and social media (e.g. Facebook, Whatsapp, Twitter). Sources: See annual reports by national (media communications or broadcasting) regulatory authorities through the EPRA website: <https://www.epra.org/articles/media-legislation>. Consult local association of publishers'industry, independent research, financial reports, business sources.

### **Subindicator / Type**

Online platforms concentration / N

### **Method**

Please enter a percentage. Concentration is measured by using the Top4 concentration ratio. Data: The revenue share held by each of the Top4 competitors. 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. Example of how to proceed:- 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

### **Answer options**

- Insert the number
- Not Applicable
- No Data

### **87. What is the audience share of the Top 4 online players in your country?**

This variable is aimed to measure the online audience concentration, considering all the actors in the digital markets (content providers and digital intermediaries) who compete for users' attention and sell it to advertisers.

### Subindicator / Type

Online platforms concentration / N

### Method

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). To calculate the Top4 audience concentration measure, take the top 10 players in online market (online platforms and news media) 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) . Please note that this variable is slightly different from variable 84 of MPM2017. For the audience concentration measure, you should consider all the players that are included for the measurement of market share, i. e. - 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 provide packages of news content, originated by others news media and selected via algorithmic methods (e.g. Google News, Yahoo) or with editorial choice - Digital intermediaries, including search engines (e.g. Google) and social media (e.g. Facebook, Whatsapp, Twitter Description of the metrics: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). Sources:

### Answer options

- Insert the number
- Not Applicable
- No Data

## 88. Can a high degree of ownership concentration be prevented through the enforcement of competition rules, that take into account the specificities and the digital evolution of the media sector?

This variable assesses the contribution of competition enforcement to addressing concerns over excessive (horizontal, vertical and cross-media) concentration of ownership in the evolving ecosystem of the media, including both media providers and digital intermediaries. Rules on merger control and the evolution of competition law in the digital markets should be taken into account. Examples include: 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); the possibility to overrule the approval of a concentration by the competition authority on media pluralism grounds (or, more generally, on public interest grounds); recent provisions, cases and investigations on the digital markets that affect the news media environment (such as personal data, online advertising market); cooperation between competition, media and data protection authorities. If the answer is "Yes, but non for all media". please specify in the comment which media are not included, and if competition enforcement does apply to online platform. Sources Crémer et al., Competition Policy in the Digital

Era. <https://op.europa.eu/it/publication-detail/-/publication/21dc175c-7b76-11e9-9f05-01aa75ed71a1> IRIS special report: Media pluralism and competition issues (Includes a report on 6 different EU countries - Belgium, Germany, Italy, Latvia, Poland, Slovenia, Sweden - and the UK). <https://rm.coe.int/iris-special-1-2020en-media-pluralism-and-competition-issues/1680a08455>

### Subindicator / Type

Competition enforcement / T

### Method

Analysis of laws and regulations. Analysis of relevant cases

### Answer options

- Low risk: Yes, for all media
- Medium risk: Yes, but not for all media
- High risk: No
- Not Applicable
- No Data



## 89. Can a high degree of concentration in the digital advertising market be prevented through the enforcement of competition rules, that take into account the specificities of the media sector?

This variable aims to assess the state of competition enforcement in the digital advertising market. It asks about rules and interventions by national authorities (competition, data, etc) that affect competition among media actors. Examples include: initiatives and provisions on transparency, consumer control over data, the imposition of data sharing obligations; cases on market abuses. If the answer is "Yes, but not for all media" specify if and at which extent the competition enforcement applies to digital platforms

### Subindicator / Type

Competition enforcement / T

### Method

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.

### Answer options

- Low risk: Yes, for all media
- Medium risk: Yes, but not for all media
- High risk: No
- Not Applicable
- No Data

## 90. Is there an administrative authority or judicial body (e.g. media and/or competition authority) overseeing compliance with competition rules in advertising market, with effective sanctioning/enforcing powers?

This variable assesses the effectiveness of the remedies available under the competition rules in advertising market. Please take into account the evolution of antitrust policies and the relevant cases regarding platforms as well as legacy media.

### Subindicator / Type

Competition enforcement / T

### Method

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 research.

### Answer options

- Low risk: Yes, effective
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

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

June 7th 2021 marked the deadline to transpose the Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC, (1). This variable aims to assess if, following the transposition and implementation of the new EU directive (2) or, in absence of transposition, by means of regulation or self-regulation, financial agreements have been made between commercial news media and the digital platforms who disseminate their content online (search engines, social media, news aggregators). Please consider that, to assess Low Risk in this variable, the basic information on the outcome of the negotiations should be known (amount and conditions, news media involved). Please specify in the answer if the Copyright directive has been

transposed. In case there are financial agreements between publishers and platforms, please provide information (if disclosed) on beneficiaries and amount. Sources: (1) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32019L0790> (2) National transposition of Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC: <https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32019L0790>

### Subindicator / Type

Financial obligations of the online platforms / T

### Method

Law, regulatory decisions. Official statements and reports of regulatory and competition authorities. Industry reports. News sources. Academic research. Info and tracking of the implementation status of DSM also in Communia, the International Association On the Digital Public Domain. <https://eurovision.communia-association.org/>

### Answer options

- Low risk: Yes, there are relevant financial agreements, they have been transparently reported and they are not limited to the main media outlets
- Medium risk: Yes, there is a negotiating process but it is limited or not fully effective, or there is not enough information on the agreements' details
- High risk: No, the directive 2019/790 has not been transposed neither there is any other measure to promote publishers' remuneration by the digital platforms
- Not Applicable
- No Data

## 92. Has your country introduced or scheduled some form of taxation of digital services, and is it effective?

This variable aims to assess if tax rules have been reviewed in light of the impact of digitalization, to guarantee tax compliance and therefore avoid unfair competition between different players in the new digital ecosystem of media. MPM2023 implementation occurs in a transition period, due to the evolution of the international process regarding the taxation of multinational companies (OECD/G20 Inclusive Framework on Base Erosion and Profit Shifting). On 8th October 2021, 136 jurisdictions joined the Statement on a Two-Pillar Solution to Address the Tax Challenges Arising from the Digitalisation of the Economy

(<https://www.oecd.org/tax/beps/statement-on-a-two-pillar-solution-to-address-the-tax-challenges-arising-from-the-digitalisation-of-the-economy-october-2021.htm>). The convention is already under development and will be the vehicle for implementation of the newly agreed taxing right under Pillar One, as well as for the standstill and removal provisions in relation to all existing Digital Service Taxes and other similar relevant unilateral measures. In MPM2022 this variable should be addressed as follows: if your country had introduced an unilateral digital tax and has now suspended its effectiveness in the wait for the international reforming process, please mark "Yes, but not effective". Please provide information and details on the structure of the tax, if existent. Please specify in the comment the eventual revenue of the digital tax, and if a part of the tax revenue is earmarked to support new media industry and media pluralism. Sources:

OECD <https://www.oecd.org/tax/international-community-strikes-a-ground-breaking-tax-deal-for-the-digital-age.htm> Joint Statement from the United States, Austria, France, Italy, Spain, and the United Kingdom, Regarding a Compromise on a Transitional Approach to Existing Unilateral Measures During the Interim Period Before Pillar 1 is in Effect <https://home.treasury.gov/news/press-releases/jy0419>

### Subindicator / Type

Financial obligations of the online platforms / T

### Method

National law and regulations. Reports by media regulators, NGOs and other relevant stakeholders.

### Answer options

- Low risk: Yes, and it is effective (or the general fiscal system already provides taxation of digital services)
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

## 9. Media viability

This indicator aims to assess the sustainability of the news media production, as a pre-requisite for media diversity and media pluralism. The indicator measures the risks related to the lack of sufficient economic resources to finance journalism, assessing the market trends of legacy, digital and convergent media and the potential role of the public support. Whereas the digital transformation impacts all the sectors, a specific assessment is done for the digital native news media viability. News media sectors are examined separately (with a new focus on local media) and as a system, with variables aimed to measure the total amount of advertisement resources that go to media production, to assess the resilience of the sector (alternative business models to finance news production), and the impact of public financing and fiscal incentives. The market trends are evaluated in relation with the GDP trends.

### 93. Have revenues of the audiovisual sector increased or decreased over the past year?

This variable assesses whether the audiovisual sector is viable, thereby encouraging market entry. Please consider all revenues (advertising, pay-TV revenues, on-demand consumer revenues, State funding, etc). Please, evaluate the results of the industry also in relation to the GDP and inflation trends in the same period. **Time span of the assessment: 2022.** MPM2023 assesses the risks for year 2022. Considering that consolidated economic data could not be available at the time of the data collection, for the sake of this indicator you could use data for the first semester 2022 or forecasts, and compare it with the same period of 2021. In case of lack of data by the national regulatory institutions or by the national statistic agency, please consult the industry's associations. **Relationship with GDP and inflation trends:** after assessing if revenues increased, decreased or remained stationary, compare this trend with the trend of the overall economy, and if there is a noticeable difference consider changing the risk score. (e.g.: if the media revenues increased by 1-2%, whereas the GDP increased by 3-4%, you should mark Stationary; if the media revenues decreased by 1-2%, whereas the GDP decreased by 3-4%, you should mark Stationary). Please consider that the comparison must be done sterilizing price effects: this means that if the media revenues are calculated in nominal terms, you have to compare their growth rate to the nominal GDP growth rate (including inflation); viceversa, if media revenues are calculated in real terms (net of inflation), you have to compare their growth rate with the real GDP growth rate. **Please, specify data in the comment.**

#### Subindicator / Type

Revenue trends / T

#### Method

Reports/Data published by national authorities, including statistical authorities and media regulators. If not available: financial reports of the main companies. Estimates and forecasts by industrial associations, independent think-tanks and researchers.

#### Answer options

- Low risk: Increased
- Medium risk: Stationary
- High risk: Decreased
- Not Applicable
- No Data

### 94. Have revenues of the radio sector increased or decreased over the past year?

This variable assesses whether the radio sector is viable, thereby encouraging market entry. Please consider all revenues (advertising, paid services, subscriptions, donations, State funding, etc). Please, evaluate the results of the industry also in relation to the GDP trends in the same period. **Time span of the assessment: 2022.** MPM2023 assesses the risks for year 2022. Considering that consolidated economic data could not be available at the time of the data collection, for the sake of this indicator you could use data for the first semester 2022 or forecasts, and compare it with the same period of 2021. In case of lack of data by the national regulatory institutions or by the national statistic agency, please consult the industry's associations. **Relationship with GDP and inflation trends:** see above. **Please, specify data in the comment.**

#### Subindicator / Type

Revenue trends / T

#### Method

Reports/Data published by national authorities, including statistical authorities and media regulators. If not available: financial reports of the main companies. Estimates and forecasts by industrial associations, independent think-tanks and researchers.

#### Answer options

- Low risk: Increased
- Medium risk: Stationary

- High risk: Decreased
- Not Applicable
- No Data

### 95. Have revenues of the newspapers and press agencies sector increased or decreased over the past year?

This variable assesses whether the newspaper sector is viable, thereby encouraging market entry. Please consider all revenues (advertising, paid copies - printed and digital -, subscriptions, donations, State funding, etc). Please, evaluate the results of the industry also in relation to the GDP trends in the same period. **Time span of the assessment: 2022.** MPM2023 assesses the risks for year 2022. Considering that consolidated economic data could not be available at the time of the data collection, for the sake of this indicator you could use data for the first semester 2021 or forecasts, and compare it with the same period of 2021. In case of lack of data by the national regulatory institutions or by the national statistic agency, please consult the industry's associations. **Relationship with GDP and inflation trend:** see above. **Please, specify data in the comment.**

#### Subindicator / Type

Revenue trends / T

#### Method

Reports/Data published by national authorities, including statistical authorities and media regulators. If not available: financial reports of the main companies. Estimates and forecasts by industrial associations, independent think-tanks and researchers.

#### Answer options

- Low risk: Increased
- Medium risk: Stationary
- High risk: Decreased
- Not Applicable
- No Data

### 96. Have revenues of digital native media increased or decreased over the past year?

This variable assesses whether the digital native media sector is viable, thereby encouraging market entry. Please consider all revenues (advertising, subscriptions, crowdfunding, donations, State funding, etc.). Please, evaluate the results of the industry also in relation to the GDP trends in the same period. **Time span of the assessment: 2022.** MPM2023 assesses the risks for year 2022. Considering that consolidated economic data could not be available at the time of the data collection, for the sake of this indicator you could use data for the first semester 2021 or forecasts, and compare it with the same period of 2021. In case of lack of data by the national regulatory institutions or by the national statistic agency, please consult the industry's associations. **Relationship with GDP and inflation trends:** see above. **Please, specify data in the comment.**

#### Subindicator / Type

Revenue trends / T

#### Method

Reports/Data published by national authorities, including statistical authorities and media regulators. If not available: financial reports of the main companies. Estimates and forecasts by digital publishers associations, independent think-tanks and researchers

#### Answer options

- Low risk: Increased
- Medium risk: Stationary
- High risk: Decreased
- Not Applicable
- No Data

### 97. Have revenues of the local media increased or decreased over the past year?

This variable assesses whether the local media industry sector is viable, thereby encouraging market entry. For 'local media' you should consider all news providers with a local reach (audiovisual, radio, newspapers, digital native). Given the difference across the different EU countries, 'local'

must refer to the most widely accepted definition in your country. Please consider all revenues (e.g. advertising, sales, subscriptions, public funding, donations, etc.). Please, evaluate the results of the industry also in relation to the GDP trends in the same period. **Time span of the assessment: 2022.** MPM2023 assesses the risks for year 2022. Considering that consolidated economic data could not be available at the time of the data collection, for the sake of this indicator you could use data for the first semester 2022 or forecasts, and compare it with the same period of 2021. In case of lack of data by the national regulatory institutions or by the national statistic agency, please consult the industry's associations. **Relationship with GDP trend:** see above. **Please, indicate if in your country there are areas that are not covered at all by original information provided by local-based media outlets.**

### Subindicator / Type

Revenue trends / T

### Method

Reports/Data published by national authorities, including statistical authorities and media regulators. If not available: financial reports of the main two companies. Estimates and forecasts by industrial associations, independent think-tanks and researchers.

### Answer options

- Low risk: Increased
- Medium risk: Stationary
- High risk: Decreased
- Not Applicable
- No Data

## 98. Are news media organizations in your country developing sources of revenue other than traditional revenue streams?

This variable assesses whether news media organizations in your country are addressing challenges posed by the new digital environment through the development of initiatives that would ensure access to alternative sources of revenue, not advertising-based. If so, this is an indication that the media organisations are trying to find viable business models. Please note that you should consider legacy and digital native news media; for-profit organizations as well as non-profits. New business models could be: - crowdfunding; - soft/hard paywalls; - membership; - charity - other sources. I.e. a newspaper may have decided to act as online marketer for local businesses by providing search engine optimization services, organising events or building websites or managing social media platforms for third parties. Please describe briefly and provide links to the initiatives that represent the most innovative or viable models for raising alternative sources of revenue for media in your country. Insert data in the comment, if available.

### Subindicator / Type

Revenue trends / T

### Method

Reports. Websites of media organizations (Sections 'Our Services', 'What we do', etc.). Interviews with journalists and editors/publishers.

### Answer options

- Low risk: There are many initiatives aiming at developing alternative sources of revenue
- Medium risk: There is a limited number of initiatives aiming at developing alternative sources of revenue
- High risk: There is a very limited number of initiatives or no initiatives at all aiming at developing alternative sources of revenue
- Not Applicable
- No Data

## 99. Are news media organisations in your country introducing (or experimenting with) innovations to improve the way the newsroom works and/or the journalistic products provided to audiences?

This variable is an additional assessment whether news media organisations in your country are addressing challenges posed by the new digital environment. It complements the variable looking at the development of initiatives that would ensure access to alternative sources of revenue, not advertising-based. Journalistic innovation is a proxy of the financial wellbeing, sustainability and resilience of media organisations. Please note that you should consider legacy and digital native media; for-profit organizations as well as non-profits. For your assessment, please, consider the medium-term tendency, and not just the developments of the last year. Please also provide a list of newsrooms (or the most important / prominent ones if they are too many) that can be seen as good examples for the sake of this question, including examples of their innovative projects.

Innovations considered in this variable should not include innovations related to business models. Instead, we are looking for innovations that consider content production, content delivery and audience engagement. Innovations could consider, among others, the following areas (based on the categories identified by Posetti, 2018 for the Oxford Reuters Journalism Innovation Project): - storytelling, reporting - audience engagement - distribution - technology and products - people and culture (e.g. skills development and training) - organisation and structure - leadership and management - structural innovations (e.g. workflows, reporting lines, and interdepartmental collaboration) - other forms of non-business related innovations. Please describe briefly and provide links to the initiatives that represent the most innovative or viable models. Insert data in the comment, if available. Source: "Time to step away from the 'bright, shiny things'? Towards a sustainable model of journalism innovation in an era of perpetual change" by Julie Posetti for the Journalism Innovation Project. See:

[https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2018-11/Posetti\\_Towards\\_a\\_Sustainable\\_model\\_of\\_Journalism\\_FINAL.pdf](https://reutersinstitute.politics.ox.ac.uk/sites/default/files/2018-11/Posetti_Towards_a_Sustainable_model_of_Journalism_FINAL.pdf)

### **Subindicator / Type**

Revenue trends / T

### **Method**

Reports. Websites of media organizations (Sections 'Our Services', 'What we do', etc.). Interviews with journalists and editors/publishers.

### **Answer options**

- Low risk: There are many initiatives aiming at innovating in newsrooms
- Medium risk: There is a limited number of innovation
- High risk: There is a very limited amount of innovation
- Not Applicable
- No Data

## **100. Has the number of journalists employed in your country increased or decreased over the past year?**

This variable measures trends of journalistic employment, as a proxy for quantity and quality of information supply. The term "employment" refers to journalists stably engaged in newsrooms (given the diversity of national regulations and job laws, "stably" should be assessed according to the standards of your country, and "journalist" refers to workers performing journalistic activity in all media sectors). Please specify in the comment if the trends of journalistic employment have been better or worse than overall employment trends.

### **Subindicator / Type**

Employment and salary trends / T

### **Method**

Reports/Data published by national authorities, including statistical authorities and media regulators. Data and forecasts provided by industrial associations, Trade unions, independent researchers. If these data are not available, interview two representatives of the sector (1 from audiovisual, 1 from newspapers).

### **Answer options**

- Low risk: Increased
- Medium risk: Stationary
- High risk: Decreased
- Not Applicable
- No Data

## **101. Have news media organizations in your country carried out layoffs and/or salary cuts in the past year?**

This variable, as the previous one, refers to journalists stably engaged in newsrooms, asking if the news media companies have carried out measures (even temporarily) to reduce employed staff and/or remuneration.

### **Subindicator / Type**

Employment and salary trends / T

### **Method**

Reports/Data published by national authorities, including statistical authorities and media regulators, industrial associations, trade unions. If the data are not available, country teams should conduct interviews with representatives of trade unions, enterprise associations or independent

researchers.

### Answer options

- Low risk: No, or to a very limited extent
- Medium risk: Yes, there have been salary cuts
- High risk: Yes, there have been salary cuts and layoffs
- Not Applicable
- No Data

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

This variable has been introduced since MPM2021 implementation, to assess specifically the working conditions of freelance journalists and other journalists not having stable employment. To assess the economic conditions, you should consider if the newsrooms' budgets available for freelancers have increased or decreased, and whether the remuneration received by freelancers has changed in the time period in question. Please specify data in comment.

### Subindicator / Type

Employment and salary trends / T

### Method

Reports/Data published by national authorities, including industrial associations, trade unions. If data are not available, country teams should conduct interviews with representatives from freelancers' associations, or trade unions, journalists, editors, publishers.

### Answer options

- Low risk: Improved
- Medium risk: Stationary
- High risk: Worsened
- Not Applicable
- No Data

## 103. Are there any laws in your country that establish favorable public support schemes for the news media sector? And are they effective?

This variable assesses whether the State offers subsidies to media outlets other than PSM, thereby encouraging market entry, or preventing market exit; and if these schemes are effective. To assess effectiveness, you should consider if the public support schemes are implemented and if they produce positive and proportionate financial effects (considering their amount and their distribution among the news media sectors). (NB the issue of transparency of public funding is addressed in another indicator, in the Political Independence Area) **Please consider if the extraordinary public funds for the media industry eventually provided in 2020 for the COVID-19 crisis have been extended or suspended in 2022.**

### Subindicator / Type

Public incentives to media pluralism / T

### Method

Reports by media regulators. Reports by NGOs or other relevant organizations. Interviews with journalists and editors/publishers. For the audiovisual sector measures, see the Erga data tracker: <https://www.obs.coe.int/en/web/observatoire/covid-19-audiovisual-sector-measures>

### Answer options

- Low risk: Yes, effective
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

## 104. If existent, does the public support schemes for media sector cover online media?

This variable is a follow up to variable 103. Therefore, if support schemes do not exist, you should answer "not applicable". To assess effectiveness, you should consider if the public support schemes cover the online media, if they have been implemented and if they have produced positive effects (e.g. whether the organizations that receive public money have managed to establish or maintain a presence in the market).

### Subindicator / Type

Public incentives to media pluralism / T

### Method

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

### Answer options

- Low risk: Yes, effective
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

## 10. Editorial independence from commercial and owners influence

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

### 105. Are there any mechanisms granting protection to journalists in case of changes of ownership or editorial line and are they effectively implemented?

This variable assesses whether there are any laws or self-regulatory instruments granting protection to journalists in cases of changes in ownership or editorial line, including editors-in-chief, and the effectiveness of such measures. For "protection" here we mean: social protection schemes, or other legal and economic guarantees also set by collective agreements and/or self-regulation. If journalists risk losing their salary in such events, there is a risk that commercial interests undermine journalistic independence. (Please note that should evaluate not only the existence of the law or the self-regulation, but also their effectiveness).

### Subindicator / Type

Appointments and dismissals / T

### Method

National laws and regulations. Contracts. Case law. Self-regulatory instruments. Decisions of self-regulatory bodies. Reports by NGOs or other relevant organizations

### Answer options

- Low risk: Yes, effective
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

### 106. Are there any regulatory safeguards, including internal bodies or self-regulatory instruments, which seek to ensure that decisions regarding appointments and dismissals of editors-in-chief are not influenced by commercial interests and are they effectively implemented?

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, and if these safeguards are effectively implemented. The European Commission's Recommendation on internal safeguards for editorial independence and ownership transparency in the media sector (1), for



example, mentions the establishment of “boards responsible for appointing the editor-in-chief and protecting his or her autonomy and independence” as a possible and effective safeguard; as further safeguards it proposes information rights, consultation rights and participation rights of journalists to allow newsroom workers to be involved in management decisions. Like in variable above, you should evaluate not only the existence of the law/regulation but also its effectiveness. (1) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32022H1634>

### **Subindicator / Type**

Appointments and dismissals / T

### **Method**

National laws and regulations. Contracts. Case law. Self-regulatory instruments. Decisions of self-regulatory bodies. Reports by NGOs or other relevant organizations

### **Answer options**

- Low risk: Yes, effective
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

## **107. 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, and are they effectively implemented?**

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 media owners, advertisers, and other entities that seek to influence editorial decisions in order to protect their respective commercial interests. **See the Catalogue of Safeguards to ensure the independence and integrity of editors**, to guaranteeing the independence of individual editorial decisions, in Section 2 of the COMMISSION RECOMMENDATION (EU) 2022/1634 of 16 September 2022 (1). Please do not include in your answer the prohibition of advertorials; this issue is addressed by another variable below.

(1). <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H1634&from=EN>

### **Subindicator / Type**

Editorial decision-making / T

### **Method**

National laws and regulations. Contracts. Case law. Self-regulatory instruments. Reports by NGOs or other relevant organizations

### **Answer options**

- Low risk: Yes, effective
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

## **108. 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 and are they effectively implemented?**

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. Please consider that, to answer "Yes, effective" to this question, the measures must cover and be effectively implemented in all the media sectors. Please provide examples or references of the existing good practices,

### **Subindicator / Type**

Editorial decision-making / T

### **Method**

National laws and regulations. Contracts. Case law. Self-regulatory instruments. Decisions of self-regulatory bodies. Reports by NGOs or other relevant organizations

#### Answer options

- Low risk: Yes, effective
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

### 109. Are there any laws or self-regulation prohibiting advertorials or other forms of disguised advertisement, and are they effectively implemented?

This variable assesses whether there are measures aimed to guarantee editorial integrity, and specifically that "the editorial content is separated and clearly distinguishable from advertising and promotional content" (Commission Recommendation(EU) 2022/1634, art. 7/d). (1) Please note that for MPM2023 implementation this variable includes the digital sphere. Therefore, you should also evaluate the legal framework and its effectiveness regarding the clear disclosure of native advertising, influencer marketing and other forms of disguised advertisement online without full disclosure to the public. Advertorials = using editorial content in the media to promote a product where a trader has paid for the promotion without making that clear in the content or by images or sounds clearly identifiable by the consumer. (as per Unfair Commercial Practice Directive 2005/29/EC, Annex 1 n. 11, which includes advertorials in the list of the commercial practices that are in all circumstances considered unfair). (2) Native advertising = Paid content realised and provided by an editorial team in the same style as the editorial content of the media in which it appears. Native advertising can include branding or product integration. It can be in form of an article, report, interview, video, podcast or other formats. It should be clearly marked as sponsored content. see also: EC,Behavioural study on advertising and marketing practices in online social media, Annex 1.5 [https://ec.europa.eu/info/sites/info/files/annex-1-5-legal-assessment-of-problematic-practices\\_en.pdf](https://ec.europa.eu/info/sites/info/files/annex-1-5-legal-assessment-of-problematic-practices_en.pdf).

(1) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H1634&from=EN>

(2) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32005L0029>

#### Subindicator / Type

Editorial decision-making / T

#### Method

National laws and regulations. Contracts. Case law. Self-regulatory instruments. Decisions of self-regulatory bodies. Reports by NGOs or other relevant organizations

#### Answer options

- Low risk: Yes, effective
- Medium risk: Yes, but not effective
- High risk: No
- Not Applicable
- No Data

### 110. Are there any self-regulatory schemes guaranteeing a clear separation between editorial and commercial activities of news organisations, and are they effectively implemented?

This variable assesses whether there are measures that make sure that editorial and journalistic content is strictly separated from marketing, advertising and other commercial activities inside the same news organisation. This variable is in line with the Commission Recommendation (EU) 2022/1634 (1) on internal safeguards for editorial independence and ownership transparency in the media sector (see in Section 2 the catalogue of Safeguards to ensure the independence and integrity of editors). Please consider that to answer "Yes, effective" all the media should be covered by the self-regulatory measures. Please indicate in the answer the measures and if existent the best practices.

(1) <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32022H1634&from=EN>

#### Subindicator / Type

Editorial decision-making / T

#### Method

Consult self-regulatory instruments. Decisions of self-regulatory bodies. Reports by NGOs or other relevant organisations, as well as interview with journalist, editor or representative of a journalistic association.

#### Answer options

- Low risk: Yes, effective
- Medium risk: Yes but not effective
- High risk: No
- Not Applicable
- No Data

### 111. Are there any laws and/or self-regulatory schemes asking for disclosure of any actual or potential conflict of interests of the owners of the media that might affect the editorial content?

This variable assesses is in line with the considerations inspiring the European Commission proposal for a Media Freedom Act (1), which in art. 6/2b includes among the "Duties of media service providers providing news and current affairs content" the following: "ensure disclosure of any actual or potential conflict of interest by any party having a stake in media service providers that may affect the provision of news and current affairs content". Even though the proposed law is still not approved at the time of the MPM2023 implementation, this variable aims to assess if in the national legal and self-regulatory framework such an obligation already exists, or if (potential) conflict of interest is already disclosed in practice. To answer "Yes, effective" the measures must include and be effective in all the media sectors. Please indicate if there are good practices, and provide information on them; and/or if there have been relevant cases at this regard in your country.

#### Subindicator / Type

Editorial decision-making / T

#### Method

Consult self-regulatory instruments. Decisions of self-regulatory bodies. Reports by NGOs or other relevant organisations, as well as interview with journalist, editor or representative of a journalistic association.

#### Answer options

- Low risk: Yes, effective
- Medium risk: Yes but not effective
- High risk: No
- Not Applicable
- No Data

### 112. Is editorial content independent from commercial influence in practice?

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. In the digital environment, you should also consider "commercial influence" a systematic and planned link between editorial decision making and reach of the content (clickbait) The term "commercial influence" includes situations where media groups promote their own products.

#### Subindicator / Type

Editorial decision-making / T

#### Method

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

#### Answer options

- Low risk: Media owners and other commercial entities generally abstain from influencing editorial content.
- Medium risk: Media owners and other commercial entities sometimes attempt to influence editorial content.
- High risk: Media owners and other commercial entities systematically influence editorial content.

Not Applicable

No Data

## 11. Political independence of the media

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

### 113. Is the conflict of interests between owners of media and the ruling parties, partisan groups or politicians effectively regulated?

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. A law is **effectively implemented** if there is:

- 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
- sanctioning/enforcement powers are effectively used
- appeal mechanisms with regard to the decisions of the designated body is available and effective 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
- list the elements that confirm effectiveness of implementation from the above list

#### Subindicator / Type

Conflict of interest / T

#### Method

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/>

#### Answer options

- Low risk: Yes, there are adequate and effectively implemented regulatory safeguards to prevent from conflict of interest in the media sector
- Medium risk: There are some regulatory safeguards but these are not adequate for media sector or are not implemented effectively
- High risk: There are no regulatory safeguards to prevent from conflict of interest in the media sector
- Not Applicable
- No Data

### 114. Is the conflict of interests prevented in practice?

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. 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.

#### Subindicator / Type

Conflict of interest / T

#### Method

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

#### Answer options

- Low risk: The conflict of interests is prevented in practice
- Medium risk: There are some sporadic cases of conflict of interests
- High risk: There are systematic cases of conflict of interests
- Not Applicable

No Data

### 115. Is the law containing limitations to direct and indirect control of media by party, partisan group or politicians implemented effectively?

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 laws in general. If there are no specific provisions in the law related to politicians, code 'no'. Do not consider PSM here or the use of state advertising and state subsidies to the media as a mean to exercise political control. A law is **effectively implemented** if there is:

- 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
- sanctioning/enforcement powers are effectively used
- appeal mechanisms with regard to the decisions of the designated body is available and effective 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
- list the elements that confirm effectiveness of implementation from the above list

#### Subindicator / Type

Political control over media outlets / T

#### Method

Analysis of laws and regulations

#### Answer options

- Low risk: Yes, there is an adequate law which is implemented effectively
- Medium risk: There is a law but it is not comprehensive or is not implemented effectively
- High risk: There is no law to regulate such matter
- Not Applicable
- No Data

### 116. How would you evaluate the presence of political control over the audiovisual media?

For the purpose of this evaluation leading media is not strictly defined but it refers to 2-4 market leaders in terms of revenue or audience share, and on different levels, from national to local. This is particularly relevant for the application of medium and high risk. Even if there are few cases of political control, if they involve leading media, they 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). Do not consider PSM here or the use of state advertising and state subsidies to the media as a mean to exercise political control.

#### Subindicator / Type

Political control over media outlets / T

#### Method

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/>

#### Answer options

- Low risk: Audiovisual media in general are not politically controlled
- Medium risk: There are some occasional cases of political control over the audiovisual media
- High risk: At least one of the leading audiovisual media is politically controlled and/or there is a record of repeated discriminatory actions of any audiovisual media
- Not Applicable
- No Data

### 117. How would you evaluate the presence of political control over the radio?

For the purpose of this evaluation leading media is not strictly defined but it refers to 2-4 market leaders in terms of revenue or audience share, and on different levels, from national to local. This is particularly relevant for the application of medium and high risk. Even if there are few cases of political control, if they involve leading media, they 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).

#### **Subindicator / Type**

Political control over media outlets / T

#### **Method**

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/>

#### **Answer options**

- Low risk: Radio stations are not politically controlled
- Medium risk: There are some occasional cases of political control over the radio
- High risk: At least one of the leading radio stations is politically controlled and/or there is a record of repeated discriminatory actions of any radio
- Not Applicable
- No Data

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

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).

#### **Subindicator / Type**

Political control over media outlets / T

#### **Method**

Company registers

Media registers

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

### Answer options

- 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

## 119. How would you evaluate the presence of political control over the digital native media?

NOTE: Please, consider only digital native media with no presence in the traditional media markets. For more detailed definition of digital native media consult the Glossary or get in touch with the CMPF team. For the purpose of this evaluation leading media is not strictly defined but it refers to 2-4 market leaders in terms of revenue or audience share, and on different levels, from national to local. This is particularly relevant for the application of medium and high risk. Even if there are few cases of political control, if they involve leading media, they 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).

### Subindicator / Type

Political control over media outlets / T

### Method

Existing media ownership studies and reports

### Answer options

- Low risk: Digital native media in general are not politically controlled
- Medium risk: There are some occasional cases of political control over the digital native media
- High risk: At least one of the leading digital native media is politically controlled
- Not Applicable
- No Data

## 120. Is the independence of news agencies from political influence regulated effectively?

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 case of public/state owned agencies independence should be understood in terms of management appointments and financing. A law is **effectively implemented** if there is:

- 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
- sanctioning/enforcement powers are effectively used
- appeal mechanisms with regard to the decisions of the designated body is available and effective 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
- list the elements that confirm effectiveness of implementation from the above list

### Subindicator / Type

Political control over news agencies / T

### Method

Analysis of laws and regulations

### Answer options

- Low risk: Yes, the mechanisms are granted in the law and effectively implemented
- Medium risk: The independence is not fully ensured by the law or the law is not effectively implemented
- High risk: There is no such regulation
- Not Applicable
- No Data

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

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

### Subindicator / Type

Political control over news agencies / T

### Method

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

### Answer options

- Low risk: None of the largest news agencies is dependent on political groupings in terms of ownership, affiliation of key personnel or editorial policy.
- 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.
- Not Applicable
- No Data

## 12. Editorial autonomy

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

### 122. Are there common regulatory safeguards to guarantee autonomy when appointing and dismissing editors-in-chief?

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. 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

### Subindicator / Type

Appointment of editor-in-chief / E

### Method

National laws and regulations analysis

### Answer options

- Yes
- No
- Not Applicable
- No Data

### 123. Are the appointments and dismissals of editors-in-chief independent from political influence in practice?

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. Please state which platforms (TV,



radio, print, online) and what type of media organizations (public or private) are most at risk in this regard.

### **Subindicator / Type**

Appointment of editor-in-chief / T

### **Method**

Press reports, reports of independent bodies or NGOs

### **Answer options**

- Low risk: No political interference in appointments and dismissals of editors-in-chief
- Medium risk: Occasional interference concerning appointments and dismissals of editors-in-chief
- High risk: Systematic political interference in appointments and dismissals of editors-in-chief
- Not Applicable
- No Data

## **124. Are self-regulatory measures that stipulate editorial independence from political interference in the news media effectively implemented?**

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. '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. In your reply:

- summarize/copy paste the relevant self-regulatory provisions, as they are written in the law
- mention the code that you refer to, and add it as a source

### **Subindicator / Type**

Effectiveness of self-regulation / T

### **Method**

Examination of the largest media owners in terms of audience/readership shares. Sample: 2 (where available) largest news outlets (newspaper, radio, TV, online)

### **Answer options**

- Low risk: Yes, there are well elaborated and effective self-regulatory measures
- Medium risk: There are self-regulatory measures but they are sometimes not implemented effectively
- High risk: There are no self-regulatory measures or if there are, they are in general not implemented effectively
- Not Applicable
- No Data

## **125. Is editorial content in the news media independent from political influences in practice?**

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.

### **Subindicator / Type**

Effectiveness of self-regulation / T

### **Method**

Press reports, reports of independent bodies or NGOs

### **Answer options**

- 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

## 13. Audio visual media, online platforms and elections

The indicator assesses the existence and implementation of a regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints in audiovisual media and on online platforms, especially during electoral campaigns. The indicator also takes into consideration the regulation of political advertising, and its implementation in practice.

### 126. Is there a media law (including conventions between PSM and the government) that imposes rules aiming at impartiality in news and informative programmes on PSM channels and services, and is the law implemented effectively?

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. A law is **effectively implemented** if there is:

- 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
- sanctioning/enforcement powers are effectively used
- appeal mechanisms with regard to the decisions of the designated body is available and effective 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
- list the elements that confirm effectiveness of implementation from the above list

#### Subindicator / Type

PSM bias / T

#### Method

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/>

#### Answer options

- Low risk: Yes, there is a well elaborated law which is implemented effectively
- Medium risk: There is a law but it is not comprehensive or is not implemented effectively
- High risk: There is no law to regulate such matter
- Not Applicable
- No Data

### 127. Is there a media law (including conventions between PSM and the government) that guarantees access to airtime on PSM channels and services for political actors during election campaigns, and is the law implemented effectively?

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 advertising** rules and practices. A law is **effectively implemented** if there is:

- 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
- sanctioning/enforcement powers are effectively used
- appeal mechanisms with regard to the decisions of the designated body is available and effective 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
- list the elements that confirm effectiveness of implementation from the above list

#### Subindicator / Type

PSM bias / T

## Method

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 media authority 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)

## Answer options

- Low risk: Yes, there is a well elaborated regulation which is implemented effectively
- Medium risk: There is a regulation but it is not comprehensive or is not implemented effectively
- High risk: There is no regulation on this matter
- Not Applicable
- No Data

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

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

## Subindicator / Type

PSM bias / E

## Method

Co- and self-regulation (acts, decrees, branch agreements, codes of conduct...)

## Answer options

- Yes
- No
- Not Applicable
- No Data

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

Fair encompasses proportional and unbiased.

## Subindicator / Type

PSM bias / T

## Method

Practice assessment.

## Answer options

- 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
- Not Applicable
- No Data

### 130. Does audiovisual coverage of the electoral campaign on PSM offer fair representation of the different groups of political actors?

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.

#### Subindicator / Type

PSM bias / T

#### Method

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

#### Answer options

- Low risk: Different groups of political actors are 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
- Not Applicable
- No Data

### 131. 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?

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

#### Subindicator / Type

Commercial audiovisual media bias / E

#### Method

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)

#### Answer options

- Yes
- No
- Not Applicable
- No Data

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

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 'low', 'medium', or 'high' risk. The relevant timeframe for the assessment should be four years.

### **Subindicator / Type**

Commercial audiovisual media bias / T

### **Method**

Academic research on political bias in media, monitoring reports, and similar sources

### **Answer options**

- Low risk: Different groups of political actors are represented in a fair way on private channels
- 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 a biased and non-proportional way, clearly favoring some political actors over others
- Not Applicable
- No Data

## **133. Is there a media law or other statutory measure that prohibits or imposes restrictions to political advertising on PSM during election campaigns to allow equal opportunities for all political parties, and is it implemented effectively?**

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. A law is **effectively implemented** if there is:

- 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
- sanctioning/enforcement powers are effectively used
- appeal mechanisms with regard to the decisions of the designated body is available and effective 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
- list the elements that confirm effectiveness of implementation from the above list

### **Subindicator / Type**

Rules on political advertising in audiovisual media / T

### **Answer options**

- Low risk: The law allows for equal opportunities and is implemented effectively
- Medium risk: There is a law but the law is not implemented effectively
- High risk: There is no law or the existing provisions do not allow for equal opportunities
- Not Applicable
- No Data

## **134. Is the possibility of buying advertising space on commercial audiovisual media available to all contending parties, on equal conditions and rates of payment in practice?**

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.

### **Subindicator / Type**

Rules on political advertising in audiovisual media / T

### **Answer options**

- Low risk: Yes
- Medium risk: Not always
- High risk: No
- Not Applicable
- No Data

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

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. 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.

#### **Subindicator / Type**

Rules on political advertising in audiovisual media / E

#### **Method**

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/>

#### **Answer options**

- Yes
- No
- Not Applicable
- No Data

### 136. Is there a regulation that aims to ensure equal opportunities and transparency of political advertising in online media during electoral campaign?

This variable assesses the existence of legislation that seeks to guard democracy and prevent certain political actors from dominating the online media sphere by buying and targeting 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

#### **Subindicator / Type**

Rules on political advertising online / E

#### **Answer options**

- Yes
- No
- Not Applicable
- No Data

### 137. Is there a regulation that aims to ensure transparency of political advertising on online platforms during electoral campaign?

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. Please consider that digital advertising is cheaper than in traditional media and that platforms and political actors may be not fully transparent on revenues of political ads. Furthermore, the lower costs and broader possibilities have enabled other actors (with political agenda), in addition to registered political parties and candidates, to act in support of a candidate or a party or a specific policy by placing ads on online platforms, including on social media. We are interested in regulation that acknowledges and tackles these issues related primarily with the environment of online platforms (search engines, social media, video sharing platforms etc.). 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

### Subindicator / Type

Rules on political advertising online / E

#### Answer options

- Yes
- No
- Not Applicable
- No Data

### 138. Are the rules for political parties, candidates and lists competing in elections to report on campaign spending on online platforms in a transparent manner implemented effectively?

This variable aims to assess whether there are **any rules** on the national level for political parties to disclose campaign spending on online platforms (e.g. Facebook and Google) in a transparent way, and whether the rules are implemented effectively. European Commission Recommendation of 9 September 2018 (Recommendation on election cooperation networks, online transparency, protection against cybersecurity incidents and fighting disinformation campaigns in the context of elections to the European Parliament) “encourages” and asks Member States to “encourage” further transparency commitments by European and national political parties and foundations, in particular by making “*available on their websites information on their expenditure for online activities, including paid online political advertisements and communications*”; “*as well as information on any targeting criteria used in the dissemination of such advertisements and communications*”. [1]

### Subindicator / Type

Rules on political advertising online / T

#### Answer options

- Low risk: Yes, the rules are well elaborated and implemented effectively. Contenders are reporting on their campaign spendings on online platforms in a transparent way.
- Medium risk: The rules are in place but are not effectively implemented. Or there are no rules but some contenders are reporting on their spendings on online platforms at their own initiative.
- High risk: There are no such rules and overall there is no transparency on campaign spendings on online platforms.
- Not Applicable
- No Data

### 139. Are political parties and candidates in your country transparent about the spendings and techniques used in social media political campaigns?

This variable aims to assess the practice. In addition to the commitments laid down in the Code of Practice on Online Disinformation and relying on social media platforms to increase transparency of political advertising online, the EC Recommendation of 9 September 2018<sup>11</sup>, “encourages” and asks Member States to “encourage” further transparency commitments by European and national political parties and foundations, in particular to “make available on their websites information on their expenditure for online activities, including paid online political advertisements and communications”; “as well as information on any targeting criteria used in the dissemination of such advertisements and communications”.

### Subindicator / Type

Rules on political advertising online / T

#### Answer options

- Low risk: Yes, they make all the materials used in the campaign available on their websites or by other means.

- Medium risk: They are transparent only to some extent or only some parties are transparent.
- High risk: There is a lack of transparency on spending and on techniques used in political campaigning.
- Not Applicable
- No Data

#### 140. Do online platforms and social media take sufficient steps to ensure the transparency of online political advertising?

This variable aims to assess the actual practice, whether or not based in policy, regulation or self-regulation (such as the [Code of Practice on Disinformation](#)) that seeks to make political (and issue-based) advertising online transparent - clearly labeled as such and with a disclaimer of who paid for it. Amounts spent on online political advertising should also be transparent. **Political advertising** is defined as content that appears in paid-for space offered by media or online platforms throughout the year advocating directly or indirectly, for or against, a party, a candidate or position in election, referenda, popular votes, legislative bill or any other policy issue (issue-based advertising). The definition of political advertising derives from the Council of Europe's relevant recommendation, and issue-based political advertising is considered in line with relevant case-law of the European Court of Human Rights, which reasoned that "expressions reflecting controversial opinions pertaining to modern society in general and also lying at the heart of various political debates could be considered as 'political'". As part of the Action plan against disinformation, the Commission recommended to Member States to focus on promoting the transparency of online political advertising, including campaign expenditure, and invited all political parties to respect transparency recommendations. It also envisaged to collect information from the Code signatories on political advertising and issue-based advertising focusing on clear distinguishability from editorial content, enabling public disclosure of political advertising and devising approaches to publicly disclose "issue-based advertising". In 2018, the European Parliament adopted the resolution on the use of Facebook users' data by Cambridge Analytica and the impact on data protection. According to it, Member States should introduce an obligatory system of digital imprints for electronic campaigning and advertising and implement the Commission's Recommendation aimed at enhancing the transparency of paid online political advertisements and communications. Online platforms are urged to ensure full compliance with the GDPR, distinguish political uses of their online advertising products from their commercial uses, and urgently roll out planned transparency features in relation to political advertising. In 2019, the European Parliament adopted a resolution containing a recommendation to the Council and the Vice President of the Commission / High Representative of the Union for Foreign Affairs and Security Policy concerning taking stock of the follow-up taken by the EEAS two years after the EP report on EU strategic communication to counteract propaganda against it by third parties. As part of it, Member States were asked to adapt their electoral rules on online campaigning, and to monitor the transparency features in relation to political advertising introduced by the online platforms. On 19 October 2020, the European Commission presented its 2021 work programme, which included as one of its priorities 'A New Push for European Democracy'. Under this priority, the Commission announced its intention to issue a proposal on greater transparency in paid political advertising. The new legislative proposal (based on Articles 114 and 224 TFEU) is scheduled for the third quarter of 2021 and will be accompanied by an impact assessment.

#### Subindicator / Type

Rules on political advertising online / T

#### Answer options

- Low risk: Yes, political advertising placed on platforms is clearly labeled as such, it is indicated who paid for it, and platforms provide online ad repositories to support independent research and regulatory monitoring of advertising activities.
- Medium risk: There were some issues with the implementation of transparency policies on political advertising by online platforms.
- High risk: Labeling political advertising on platforms as such and clearly indicating who paid for it is not implemented effectively and/or the ad repositories are not available and easily accessible.
- Not Applicable
- No Data

#### 141. Does the data protection authority in your country take a sufficient account and monitor the use of personal data on individuals by political parties for electoral campaigning purposes?

The Commission guidance on the application of GDPR in the electoral context (EC, 2018d) underlines that it "applies to all actors active in the electoral context", including European and national political parties, European and national political foundations, platforms, data analytics companies and public authorities responsible for the electoral process. Any data processing should comply with the GDPR principles such as fairness and transparency, and for specified purposes only. The principles of fairness and transparency require that individuals (data subjects) are informed of the existence of the processing operation and its purposes (GDPR, Art. 5). The Commission's guidance clearly states that data controllers (those who make the decision on and the purpose of processing, like political parties or foundations) have to inform individuals about key aspects related to the processing of their personal data, including why they receive personalised messages from different organisations; which is the source of the data when not collected directly from the person; how are data from different sources combined and used; and whether the



automated decision-making has been applied in processing. In its communication, the EC particularly emphasizes the strengthened powers of authorities and calls them to use these sanctioning powers especially in cases of infringement in the electoral context (think of Cambridge Analytica case here). However, European DPAs have historically been very reluctant to regulate political parties. We want to see whether this has been changed due to the strengthened powers and an explicit call to act more in the political realm.

### **Subindicator / Type**

Rules on political advertising online / E

### **Answer options**

- Yes
- No
- Not Applicable
- No Data

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

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.

### **142. Does the legislation provide fair and transparent rules on spectrum allocation?**

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

### **Subindicator / Type**

Spectrum allocation / E

### **Method**

National laws and regulations 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

### **Answer options**

- Yes
- No
- Not Applicable
- No Data

### **143. Is the legislation on spectrum allocation implemented effectively?**

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 and assess the overall practice.**

### **Subindicator / Type**

Spectrum allocation / T

### **Method**

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.

### Answer options

- Low risk: The legislation on spectrum allocation is implemented effectively
- Medium risk: There were some cases for concern
- High risk: The legislation on spectrum allocation is not implemented effectively
- Not Applicable
- No Data

### 144. Does the legislation provide fair and transparent rules for the distribution of direct subsidies to media outlets?

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. 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 **NOTE: Please, consider specifically subsidies provided to media and journalists because of the COVID-19 crisis. Provide a specific comment on this (whether there were such subsidies or not).**

#### Subindicator / Type

Distribution of government subsidies / E

#### Method

National laws and regulations.

### Answer options

- Yes
- No
- Not Applicable
- No Data

### 145. Are the direct state subsidies distributed to media outlets in a fair and transparent manner?

This variable assesses the general practice of direct state subsidies distribution to media outlets, other than PSM (exact practice assessment). Direct state subsidies are e.g. cash grants, interest-free loans. Please note that this variable focuses on subsidies to media outlets that operate on a **national level**. The MPM contains another variable focusing on direct and indirect subsidies to the local/regional media in the Social Inclusiveness area. **NOTE: Please, consider specifically subsidies provided to media and journalists because of the COVID-19 crisis. Provide a specific comment on this (whether there were such subsidies or not and assess their distribution).**

#### Subindicator / Type

Distribution of government subsidies / T

#### Method

Official sources (e.g. Ministry of culture & media), academic reports, press reports, reports of independent bodies or NGOs.

### Answer options

- Low risk: The direct state subsidies are distributed to media in a fair and transparent manner.
- Medium risk: The direct state subsidies are distributed to media based on a set of criteria but it is unclear whether they are fair, or the distribution is not always transparent.
- High risk: There is no transparency on the criteria, amounts and beneficiaries of direct state subsidies to the media.
- Not Applicable
- No Data

### 146. Does the legislation provide fair and transparent rules for the distribution of indirect subsidies to media outlets?

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. 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 **NOTE: Please, consider specifically subsidies provided to media and journalists because of the COVID-19 crisis. Provide a specific comment on this (whether there were such subsidies or not).**

### **Subindicator / Type**

Distribution of government subsidies / E

### **Method**

National laws and regulations.

### **Answer options**

- Yes
- No
- Not Applicable
- No Data

## **147. Are the indirect state subsidies distributed to media outlets in a fair and transparent manner?**

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. 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?". **NOTE: Please, consider specifically subsidies provided to media and journalists because of the COVID-19 crisis. Provide a specific comment on this (whether there were such subsidies or not).**

### **Subindicator / Type**

Distribution of government subsidies / T

### **Method**

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

### **Answer options**

- Low risk: The indirect state subsidies are distributed to media in a fair and transparent manner.
- Medium risk: The indirect state subsidies are distributed to media based on a set of criteria but it is unclear whether they are fair, or the distribution is not always transparent.
- High risk: The distribution of indirect state subsidies to the media is not transparent in terms of criteria or beneficiaries.
- Not Applicable
- No Data

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

This variable assesses the existence of regulatory safeguards for fair and transparent distribution of state advertising that prevent preferential treatment and/or misconduct. State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, as well as state-owned enterprises or other state-controlled entities in different sectors, at national, regional and local level.

**The content of this advertising does not need to be political.** 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

### **Subindicator / Type**

Distribution of state advertising / E

### **Method**

National laws and regulations.

### Answer options

- Yes
- No
- Not Applicable
- No Data

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

This variable assesses the fairness and transparency of state advertising distribution. State advertising should be understood broadly as covering promotional or self-promotional activities undertaken by, for or on behalf of a wide range of public authorities or entities, including governments, as well as state-owned enterprises or other state-controlled entities in different sectors, at national, regional and local level.

### Subindicator / Type

Distribution of state advertising / T

### Method

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

### Answer options

- Low risk: State advertising is distributed to media outlets in a fair and transparent manner.
- Medium risk: State advertising is distributed to media outlets based on a set of criteria but it is unclear whether they are fair, or the distribution is not always transparent.
- High risk: There is no transparency in the distribution of state advertising to the media.
- Not Applicable
- No Data

## 15. Independence of public service media

The indicator is designed to measure the risks which stem from appointments procedures for top management positions in the public service media, and the risks arising from the PSM funding mechanisms and procedures.

### 150. Does the law provide fair and transparent appointment and dismissal procedures for the management (including director general) of the PSM, which guarantee independence from government or other political influence?

This variable assesses the existence of both fair and transparent appointment and dismissal procedures for management and board functions in PSM, including director general (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 or performance criteria to be evaluated in the procedure for dismissals. 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

### Subindicator / Type

PSM governance / T

### Method

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>

### Answer options

- Low risk: Yes, the law provides for fair and transparent appointment and dismissal procedures, which guarantee independence from government or other political influence, and is implemented effectively
- Medium risk: There is a law but its provisions do not guarantee fully independence from government or other political influence, or there are some deficiencies in the implementation.
- High risk: There is no specific law on appointment and dismissal procedures for the management and director general of PSM or the existing law does not guarantee independence from government or other political influence.
- Not Applicable
- No Data

### 151. Are the appointments and dismissals of PSM management and director general independent from political influences in practice?

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

#### Subindicator / Type

PSM governance / T

#### Method

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

### Answer options

- Low risk: No political interference in the appointments and dismissals
- Medium risk: Rare cases or occasional attempts of political interference in the appointments and dismissals
- High risk: Systematic political interference in the appointments and dismissals
- Not Applicable
- No Data

### 152. Is editorial line of the PSM independent from the government or any other form of political influence in practice?

This variable assesses the effective editorial autonomy and independence in the PSM by examining whether editors and editors-in-chief are appointed and dismissed based on professional and objective standards or there are cases of political interference. The latter may be indicated when changes in the PSM management and/or the changes of government in the country also reflect on the changes in the PSM's editorial line.

#### Subindicator / Type

PSM governance / T

#### Method

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

### Answer options

- Low risk: PSM editors and editors-in-chief are appointed and dismissed based on professional and objective standards
- Medium risk: Rare suspicion of political interference in the appointments and dismissals of editors has been recorded
- High risk: There are cases or there is a systematic political interference in the appointments and dismissals of the PSM's editorial line
- Not Applicable
- No Data

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

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

**Adequate entails (a) adequate to cover all aspects of the public service remit, and (b) stable on a pluri-annual basis.** 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

**Subindicator / Type**

PSM funding / E

**Method**

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/>

**Answer options**

- Yes
- No
- Not Applicable
- No Data

**154. Are there any regulatory safeguards ensuring that State funds granted to PSM do not exceed what is necessary to provide the public service, and are these safeguards effective?**

This variable assesses if the law establishes a monitoring system for State funding of PSM, i.e. safeguards which ensure that State funding of PSM does not cause disproportionate effects on competition), and if these provisions are effective.

**Subindicator / Type**

PSM funding / T

**Answer options**

- Low risk: Yes
- Medium risk: Yes, but not fully effective
- High risk: No
- Not Applicable
- No Data

**155. Does the law provide that funding adequately covers the online public service missions of the PSM without distorting competition with private media actors?**

The financing of PSM is strictly connected to the definition of their remit according to EU state aid rules and to the interpretative indications given by the European Commission as to their application. Yet, if it is to remain relevant in the online sphere and contribute the democratic sphere, "every PSM needs some kind of mechanism allowing it to launch innovative new media services outside the scope of its formal remit in a timely manner, whilst at the same time ensuring that the market is informed and not disproportionately distorted as a result" (AMO, 2015: 87). For additional explanations please consult the [Audiovisual Media Observatory report \(2015\)](#), in particular pages 86-87. 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

**Subindicator / Type**

PSM funding / E

**Method**

National laws and regulations analysis.

**Answer options**

- Yes
- No
- Not Applicable

No Data

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

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

### Subindicator / Type

PSM funding / T

### Method

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>

### Answer options

- 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 the analysis and public discussion, but it is not clear how influential public discussion and other stakeholders' input are
- High risk: Government decides on the level of financing without public discussion
- Not Applicable
- No Data

## 16. Representation of minorities in the media

The indicator assesses whether the minorities (both legally recognised and those that are not) have access to airtime on PSM, private TV and radio. Variables have been elaborated on the basis of CoE and OSCE documents. The OSCE's Oslo Recommendations (1998), p. 6) states: "Persons belonging to national minorities should have access to broadcast time in their own language on publicly funded media. At national, regional and local levels the amount and quality of time allocated to broadcasting in the language of a given minority should be commensurate with the numerical size and concentration of the national minority and appropriate to its situation and needs." The Council of Europe's European Charter for Regional or Minority Languages (Council of Europe 1992, Article 11) and its Framework Convention for the Protection of National Minorities, which emphasises that the Convention Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against but are facilitated in their access to the media (Council of Europe, 1995, Article 9).

## 157. Does the law guarantee access to airtime on PSM to legally recognized minorities?

This variable assesses the legal safeguards for access to airtime on PSM channels of **legally recognised** minorities. 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. This variable has been elaborated on the basis for 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>

### Subindicator / Type

Representation of minorities in PSM / E

### Method

Recommended sources: World Directory of Minorities and Indigenous Peoples: <http://minorityrights.org> Please choose not applicable if the country does not have any legally recognised minorities

### Answer options

- Yes

- No
- Not Applicable
- No Data

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

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.

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.

#### Subindicator / Type

Representation of minorities in PSM / T

#### Method

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. Please choose **not applicable** if the country does not have any legally recognised minorities and you have selected not applicable for the previous question

#### Answer options

- 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

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

This variable assesses, in practice, the access to airtime of **minorities which are not recognised by the law**. Do not assess the situation of legally recognised minorities when you score this variable.

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.

#### Subindicator / Type

Representation of minorities in PSM / T

#### Method

For this variable, the country team 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.

#### Answer options

- Low risk: Minorities which are not legally recognised 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 which are not legally recognised have adequate access to airtime but there are some significant exceptions.



populations in the country.

- High risk: Most minorities which are not legally recognised do not have access to airtime or it is not proportional to the size of their populations in the country.
- Not Applicable
- No Data

## 160. Do the PSM have national news available in minority languages?

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.

### Subindicator / Type

Representation of minorities in PSM / T

### Method

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

### Answer options

- 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.
- Not Applicable
- No Data

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

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

### Subindicator / Type

Representation of minorities in commercial audiovisual media / T

### Method

**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. Please choose not applicable if the country does not have any legally recognised minorities and you have selected not applicable for the previous questions related to legally recognised minorities.

### Answer options

- Low risk: Legally recognised 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 legally recognised minorities have adequate access to airtime but there are some significant exceptions.
- High risk: Most legally recognised 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

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

This variable assesses **in practice** the access to airtime on private TV and radio for **minorities which are not legally recognised**. Do not assess the situation of legally recognised minorities when you score this variable.

## Subindicator / Type

Representation of minorities in commercial audiovisual media / T

### Method

**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.

### Answer options

- Low risk: Minorities which are not legally recognised 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 which are not legally recognised have adequate access to airtime but there are some significant exceptions.
- High risk: Most minorities which are not legally recognised do not have access to airtime or it is not proportional to the size of their populations in the country.
- Not Applicable
- No Data

## 163. Is there any legislation in place in your country that requires access services for people with disabilities and is the law implemented effectively?

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

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

## Subindicator / Type

Media accessibility for people with disabilities / T

### Method

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

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

### Answer options

- Low risk: There is a well-developed and implemented legal framework. The existing measures are coherent and up-to-date with the latest societal changes.
- Medium risk: There is a developed legal framework. However, there is room for improvement, in order to be up to date with the latest societal change.
- High risk: The existing legal framework is underdeveloped or there is no legal framework at all. The existing legal framework is nascent, fragmented and/or not effectively implemented.
- Not Applicable
- No Data

## 164. How would you evaluate the 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. The term “policy” includes regulation, self-regulation and (a set of) laws that govern a certain issue.

### Subindicator / Type

Media accessibility for people with disabilities / T

### Method

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. The interview has to be fully referenced (the name, title, and organisation of the expert interviewed and the date and channel (in-person/telephone) used for the interview). **Other suggested source:** Accessibility Map (in Beta):

<http://www.mapaccess.org/index.php/accessometer>

### Answer options

- Low risk: Well-developed and implemented 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.
- Medium risk: There are existing policies. However, there is significant room for improvement in terms of implementation.
- High risk: Underdeveloped policy or no policy at all. The existing policies are only nascent and the policy measures taken are fragmented, and/or not effectively implemented.
- Not Applicable
- No Data

## 165. How would you evaluate the support available for people with hearing impairments in audiovisual media?

This variable assesses the support for people with hearing impairments to access TV, in particular in terms of subtitles, signing and sound descriptions available.

### Subindicator / Type

Media accessibility for people with disabilities / T

### Method

#### 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](http://g3ict.org/resource_center/country_profiles/country_profile_austria)

### Answer options

- Low risk: Subtitles, signing and sound descriptions are available on a regular basis in different scheduling windows and/or serious effort to improve the access of people with disabilities have been made.
- Medium risk: Subtitles, signing and/or sound descriptions are available on a regular basis but in limited quantity and there is room for improvement.
- High risk: No subtitles, signing and sound descriptions are available or they are available only on an irregular basis or in the least popular scheduling windows (e.g. before 14.00).
- Not Applicable
- No Data

## 166. How would you evaluate the levels of audio description available for blind people?

This variable assesses to what extent audio description are available for blind people on TV.

### Subindicator / Type

Media accessibility for people with disabilities / T

### Method

#### 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](http://g3ict.org/resource_center/country_profiles/country_profile_austria)

### Answer options

- Low risk: Audio descriptions are available on a regular basis in different scheduling windows and/or serious effort to improve the access of people with disabilities have been made.
- Medium risk: Audio descriptions are available on a regular basis, but in limited quantity and there is room for improvement.
- High risk: No audio descriptions are available or they are available only on an irregular basis or in the least popular scheduling windows (e.g. before 14.00).
- Not Applicable
- No Data

## 17. Local/regional and community media

Media at the regional and local level are particularly important for democracy, since their relationship with local audiences tends to be closer if compared to national media. That proximity is confirmed by both the user statistics and by the level of the participation of users in the media. Regional and local media can also serve as alternative spaces for discussion for those identities and languages that are marginalised by the national media. A solid regulatory framework and support measures can help regional media in their democratic mission (Cappello et al., 2016). This is becoming increasingly important now, when more and more local and regional newspapers and broadcasters are struggling to survive.

### 167. Does the law grant regional or local media access to TV/Radio infrastructures and frequencies and is the law implemented effectively?

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

### Subindicator / Type

Regional and local media / T

### Method

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](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)

### Answer options

- Low risk: Yes, the law grants regional or local media access to media platforms and is implemented effectively
- Medium risk: There is a law but it is not implemented effectively
- High risk: There is no law or the law does not grant this access to regional or local media
- Not Applicable
- No Data

### 168. Does the state support local/regional media through subsidies ?

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

### **Subindicator / Type**

Regional and local media / T

### **Method**

Sources: Public documents, press reports, reports of independent bodies or NGOs.

### **Answer options**

- Low risk: The state supports regional/local media with an adequate level of subsidies.
- Medium risk: The state supports regional/local media with a limited number of subsidies.
- High risk: The state does not support regional/local media with subsidies.
- Not Applicable
- No Data

## **169. Are the state subsidies distributed to local and regional media outlets in a fair and transparent manner?**

This variable assesses whether the state distributes direct or indirect subsidies to local/regional media outlets in a fair and transparent manner. Direct subsidies include, among others, cash grants and interest-free loans. Indirect subsidies include tax exemptions, reduced postal service or telephone rates, among others

### **Subindicator / Type**

Regional and local media / T

### **Method**

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

### **Answer options**

- Low risk: The state subsidies are distributed to media in a fair and transparent manner.
- Medium risk: The 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 state subsidies to media outlets or these criteria are unfair.
- Not Applicable
- No Data

## **170. Is the PSM obliged to keep its own local/regional correspondents or branches?**

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.

### **Subindicator / Type**

Regional and local media / E

### **Method**

Sources: National laws and regulations (e.g. acts, decrees, branch agreements), case law and regulatory decisions. EPRA's list of Media Legislation in Europe: [http://www.epra.org/news\\_items/updated-epra-list-on-media-legislation-in-europe](http://www.epra.org/news_items/updated-epra-list-on-media-legislation-in-europe)

### **Answer options**

- Yes
- No
- Not Applicable
- No Data

## 171. In practice, does the PSM keep its own local/regional correspondents or branches?

This variable assesses whether, in practice, the PSM keeps its own regional correspondents or branches. In the opposite case, the PSM can rely on material acquired from news agencies.

### Subindicator / Type

Regional and local media / T

### Method

Sources: Public documents, press reports, reports of independent bodies or NGOs.

### Answer options

- Low risk: The PSM keeps its own local/regional correspondents.
- Medium risk: There are local/regional correspondents, but their number is limited.
- High risk: There are very few or no local correspondent and branches.
- Not Applicable
- No Data

## 172. Does the law grant community media access to TV/Radio infrastructures and frequencies and is the law implemented effectively?

This variable assesses whether the law contains specific provisions granting access to TV/Radio infrastructures and frequencies to community media. Relevant provisions concern reservation of TV or radio frequencies for community media or guarantees for access to radio and TV electronic communication networks via must-carry rules. Please note that if the law does not consider community media at all (as a distinctive category alongside commercial and public media), then the answer to this question is automatically "no". In the context of this study, Community media is defined according to the [CoE standards](#) as follows: "Community media take the form of broadcasting and/or multimedia projects and share some of the following characteristics:

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

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

### Subindicator / Type

Community media / T

### Method

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

### Answer options

- Low risk: Yes, the law grants community media access to TV/Radio infrastructures and frequencies and is implemented effectively.
- Medium risk: There is a law but, in practice, community may have difficulties to make use of that access due to different constraints (financial, social, ...) or there is no law but, in practice, community media have access to TV/Radio infrastructures and frequencies.
- High risk: There is no law or the law does not grant this access to community media. Or Community media are not considered as a distinctive category alongside commercial and public media.
- Not Applicable
- No Data

### 173. Does the law guarantee independence of community media?

This variable assesses the legal safeguards for the independence of community media.

#### Subindicator / Type

Community media / E

#### Method

Sources: 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](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): <http://www.nordicmedia.info/> **If community media is not recognized by law, this variable should be coded as not applicable**

#### Answer options

- Yes
- No
- Not Applicable
- No Data

### 174. Is the independence of community media safeguarded in practice?

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. Please take into account that even in the absence of a legal definition of community media, community media may exist in practice in your country.

#### Subindicator / Type

Community media / T

#### Method

Sources:

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

#### Answer options

- 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.
- Not Applicable
- No Data

### 175. Does the state support community media through subsidies?

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.

#### Subindicator / Type

Community media / T

#### Method

Sources:

Public reports and statistics; civil society or media reports. If it has already been recorded that community media is not recognized by law in the previous variables, please select non applicable as an answer

#### Answer options

- 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.
- Not Applicable
- No Data

## 18. Gender equality in the media

Gender equality is a fundamental value (Treaty on European Union, 2008) and a strategic objective of the EU (European Commission, 201548). The Council of Europe considers gender equality to be an integral part of human rights, inter-related with media freedom, including editorial freedom, and hand-in-hand with freedom of expression, to be a fundamental right (Council of Europe Recommendation, 2013).

### 176. Do the PSM have a comprehensive gender equality policy?

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. This indicator is 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/lisa/137546.pdf](http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lisa/137546.pdf)

#### Subindicator / Type

Gender equality in PSM / T

#### Method

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

#### Answer options

- Low risk: Yes, the PSM has a comprehensive gender equality policy covering both personnel issues and programming content, and it is implemented effectively.
- Medium risk: Yes, the PSM has a gender equality policy but it is limited in scope or not implemented effectively.
- High risk: No, the PSM does not have any gender equality policy.
- Not Applicable
- No Data

### 177. What is the share of women on PSM management boards?

This variable assesses whether the representation of women and men on PSM management boards is balanced. PSM management boards correspond to the group of senior managers who are in charge of, control the company/ organization and is responsible for media content. 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](https://wcd.coe.int/ViewDoc.jsp?id=1908265#P212_20764))

#### Subindicator / Type

Gender equality in PSM / N

#### Method

Calculation: to make the calculation you need to have a list of PSM management board members. You count the number of female members within the management board 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. 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. Please explain your calculation in the comment section. The results should be expressed in %. Thresholds used by the CMPF:

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

#### Answer options

- Insert the number
- Not Applicable
- No Data

### 178. What is the share of women among executives of PSM?

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 181. Here, we want to know if there are any women among the chairs/directors of the management boards of the PSMs assessed in 181.**

#### Subindicator / Type

Gender equality in PSM / N

#### Method

Calculation: To calculate the share of women among executives in PSM, you need to identify the PSM Managing Director(s) within the managing board and divide this number by the total number of directors within the management board. You need to transform the result into a percentage and insert it into the value box (rounded, whole, number with no decimals) 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. Please explain your calculation in the comment section. The results should be expressed in %. For example, the country Atlantis has 3 PSMs: Atlantis Radio, Atlantis Television and Atlantis Educational broadcaster. Atlantis Radio managing director is a woman, 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 woman, Atlantis Television managing director is a man, and Atlantis Educational broadcaster managing director is a man. 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. Thresholds:

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

#### Answer options

- Insert the number
- Not Applicable
- No Data

### 179. What is the share of women among members of management boards of private TV companies?

This variable assesses whether the representation of women and men on the management boards of private media companies is balanced. 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.

### Subindicator / Type

Gender equality in private media / N

#### Method

Sampling method: Select the two private TV companies with the largest audience share in the country. Calculation: 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. Turn this result into a percentage and insert into the value box (rounded, whole, number with no decimals). 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. 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. Source: 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. The number you provide should be in rounded %. Please explain your calculation in the comment section

Thresholds:

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

#### Answer options

- Insert the number
- Not Applicable
- No Data

### 180. What is the share of women among executives of private TV companies?

This variable is a follow-up question to variable 180. In the previous variable, the share of women within the management board was assessed. In the current variable, we want to know more specifically if there are any women occupying executive positions ( e. g. CEO/chairs/directors/president) within the management boards of the PSMs assessed in variable 180. 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.

### Subindicator / Type

Gender equality in private media / N

#### Method

Sampling method: Select the same two private TV companies with the largest audience share in the country as you did for variable 180. Calculation: To calculate the share of women among executives in the managing boards of the two main private TV companies in your country, you need to identify the female Managing Director(s) within the managing board and divide this number by the total number of directors within the management board. You need to transform the result into a percentage and insert it into the value box (rounded, whole, number with no decimals) Source: Check on the media companies websites or contact the Tv companies by email or telephone. In the later case, please state the name of the contacted person, the title, and the date of contact in the sources section Please explain your calculation in the comment section The results should be expressed in a rounded %. 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

#### Answer options

- Insert the number
- Not Applicable
- No Data

### 181. What is the share of women among editors-in-chief in the leading news media in the country?

This variable assesses whether the representation of women and men among editor-in-chiefs of media companies is balanced.

#### Subindicator / Type

Gender equality in private media / N

#### Method

**Sampling method.** Please for the sample of the leading news media consider 2 most relevant (based on readership and/or impact) news media per type (audiovisual, radio, newspapers, digital native). In total, you should calculate the share on the basis of 8 leading news media companies in the country. **Calculation.** To calculate the share of women among editors-in-chiefs in the selected media outlets and divide this number by the total numbers of editor-in-chiefs. You need to transform the result into a percentage and insert it into the value box (rounded, whole, number with no decimals) **Source.** Check on the media companies websites or contact the Tv companies by email or telephone. In the later case, please state the name of the contacted person, the title, and the date of contact in the sources section Please explain your calculation in the comment section The results should be expressed in a rounded %. **Thresholds:**

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

#### Answer options

- Insert the number
- Not Applicable
- No Data

### 182. Are women represented in news and current affairs broadcasting in a way that is proportionate and free from stereotypes?

This variable aims to assess the representation of women in news and current affairs broadcasting content because of the genre's (still) wide reach and role in shaping public perceptions about society. Please, consider here both public service and commercial audiovisual media.

#### Subindicator / Type

Representation of women / T

#### Method

Please consult the academic literature, recent studies and reports that can be based on quantitative or qualitative analysis.

#### Answer options

- Low risk: Women are proportionately represented in news and current affairs broadcasting and free from stereotypes
- Medium risk: Women are in some cases or in some media not represented in a proportionate way and free from stereotypes
- High risk: Women are underrepresented or depicted in a stereotyped way
- Not Applicable
- No Data

### 183. Are female experts participating in informative and political programmes and articles to the same extent as male experts?

This variable aims to assess the female participation in serving as information source (e.g as an expert to comment in informative and political programmes) in comparison with men.

### Subindicator / Type

Representation of women / T

### Method

Please provide your assessment here based on any available evidence, such as: academic papers, NGO reports, interviews with experts, etc. If, for example, media organisations in the country are trying to build a database of women with expertise in a wide variety of fields to ensure more gender balance in their programmes and articles, this should be seen as positive development and as such taken into account for the assessment.

Possible source: Global Media Monitoring Project <https://whomakesthenews.org/gmmp-2020-final-reports/>

### Answer options

- Low risk: Female and male experts are in general equally invited by media to comment on political and other relevant matters and events
- Medium risk: Female experts are not always invited to the same extent as male experts, or there are some prominent media in the country where female experts are underrepresented
- High risk: Male experts are evidently and systematically more often invited by media to comment on political and other relevant matters and events than female experts
- Not Applicable
- No Data

## 19. Media literacy

Media literacy is a fundamental prerequisite of an accessible media system, and a core element of media pluralism. People need to master media literacy skills so as to fully enjoy fundamental rights, such as freedom of expression and access to information (UNESCO, 2013). This indicator assesses the comprehensiveness and implementation of media literacy policies; availability of media literacy activities; presence of media literacy in education; training of teachers on media literacy; digital competencies of individuals; and protection against hate speech.

### 184. How would you evaluate the policy on media literacy in your country?

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. "Media literacy" refers to skills, knowledge and understanding that allow citizens to use media effectively and safely. In order to enable citizens to access information and to use, critically assess and create media content responsibly and safely, citizens need to possess advanced media literacy skills. Media literacy should not be limited to learning about tools and technologies, but should aim to equip citizens with the critical thinking skills required to exercise judgment, analyse complex realities and recognise the difference between opinion and fact." ( Source: [Audiovisual Media Services Directive EU 2018/1808](#))

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 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>

### Subindicator / Type

Media literacy policies / T

### Method

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). 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.

### Answer options

- Low risk: Well-developed and implemented 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: Existing policy presents some room for improvement
- High risk: Underdeveloped or not well implemented policy.
- Not Applicable
- No Data

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

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.

#### **Subindicator / Type**

Media literacy activities / T

#### **Method**

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

#### **Answer options**

- Low risk: Media literacy is present in the education curriculum.
- Medium risk: Media literacy is present but only to a limited extent.
- High risk: Media literacy is absent from the compulsory education curriculum.
- Not Applicable
- No Data

### 186. Is teachers' training in media literacy provided?

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

#### **Subindicator / Type**

Media literacy activities / T

#### **Method**

Public reports and statistics; civil society or media reports.

#### **Answer options**

- Low risk: There is a well-developed and comprehensive training programme in media literacy for teachers
- Medium risk: There are only some occasional training for teachers in media literacy
- High risk: Teachers are not provided with any training in media literacy
- Not Applicable
- No Data

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

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. 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.

**Subindicator / Type**

Media literacy activities / T

**Method**

Sources:

Public reports and statistics; civil society or media reports.

**Answer options**

- Low risk: The subject of media literacy is widespread in non-formal education.
- Medium risk: The subject of media literacy is present but only to a limited extent.
- High risk: Media literacy is absent from non-formal education.
- Not Applicable
- No Data

### 188. Are there any specific media literacy activities targeting vulnerable groups?

This variable aims to assess if there are some media literacy activities targeting vulnerable groups such as people with low literacy skills including out of school young individuals, elders, and rural communities.

**Subindicator / Type**

Media literacy activities / T

**Method**

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

**Answer options**

- Low risk: Media literacy initiatives targeting vulnerable groups are widespread in the country.
- Medium risk: Media literacy initiatives targeting vulnerable groups are present but do not include all vulnerable groups.
- High risk: Media literacy initiatives targeting vulnerable groups are limited or inexistent in the country.
- Not Applicable
- No Data

### 189. How would you evaluate the extent of media literacy activities in your country?

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). Media literacy activities can be carried out by civil society organisations, public or private bodies.

**Subindicator / Type**

Media literacy activities / T

**Method**

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). Public reports and statistics; civil society or media reports.

**Answer options**

- Low risk: Activities on media literacy are conducted both in formal and unformal education. They are widespread across the country and across different groups of people.
- Medium risk: Activities on media literacy present are often conducted but there is some important room for improvement.
- High risk: Activities on media literacy are limited to unformal education, and/or to some part(s) of the country or to certain groups of people.
- Not Applicable
- No Data

## 190. What is the percentage of population that has basic or above basic overall digital skills?

This variable assesses the percentage of population that has basic or above basic overall digital skills in the country.

### Subindicator / Type

Digital competencies / N

### Method

The answer to this variable is centralised by the CMPF Source. [Eurostat](#) Calculation. Based on available country scores (27 member states), the following percentiles have been calculated (Unit: percentiles of the population):

- 25 percentiles: 49%,
- Median: 55%,
- 75 percentiles: 64%.

**Thresholds.** Below 25 percentiles is considered to be high risk, while above 75 percentiles is considered to be low risk..

- High risk: 0-49%
- Medium risk: 50-63%
- Low risk: 64-100%

### Answer options

- Insert the number
- Not Applicable
- No Data

## 20. Protection against disinformation and hate speech

Protection against harmful and illegal speech is essential to demote intentionally false or misleading publications and to withdraw illegal content such as discourses that could cause harm to groups or individuals such as incitement to violence or hatred on the basis of certain characteristics, including race, colour, religion, or ethnic origin. These harmful and illegal speech may jeopardise democratic values and democratic systems, promoting racism and xenophobia or threatening free and fair political processes and policy-making. Harmful and illegal speech refers to disinformation - includes all forms of false, inaccurate, or misleading information designed, presented and promoted to intentionally cause public harm or for profit (Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018DC0236>) and hate speech - "all forms of expression which spread, incite, promote or justify hatred based on intolerance" (Erbakan v. Turkey judgment of 6 July 2006, § 56). This indicator assesses the existence and the efficiency of framework to counter disinformation, hate speech and incitation to violence.

### 191. Is there a national strategy (including legal, co-regulatory or self-regulatory frameworks) to foster cooperation between different stakeholders to tackle disinformation?

The Protection against disinformation sub-indicator aims to assess the impact of disinformation in your country and whether there is an efficient strategy to tackle disinformation while not presenting any risk to freedom of expression. In the context of this sub-indicator, the definition of disinformation used is the one provided by the 2022 Strengthened Code of Practice on disinformation (see glossary for the exact definition). This variable aims to assess whether there is a strategy in place to tackle disinformation in your country.

### Subindicator / Type

Protection against disinformation / T

### Method

Sources: policies, actions, strategy, national laws and regulations (e.g. acts, decrees, branch agreements), soft laws, case law and regulatory decisions, self-regulatory framework, etc.

### Answer options

- Low risk: There is clear national strategy with measurable objectives to foster cooperation between different stakeholders and their role is clearly defined.
- Medium risk: There is a strategy to tackle disinformation yet some stakeholders are not included or their respective roles are not clearly defined.
- High risk: There is a nascent strategy to tackle disinformation or no strategy at all.
- Not Applicable
- No Data

## 192. Are there fact-checking initiatives with high ethical and professional standards conducted to tackle disinformation in your country?

This variable aims to assess whether some independent fact-checking initiatives with high ethical and professional standard are conducted in your country to counter disinformation.

### Subindicator / Type

Protection against disinformation / T

### Method

Please provide the following information if possible: -

- the number of existing fact-checking initiatives in the country (listing them if they are not too many)
- How many of them are self-standing?
- How many are affiliated with or existing within a media organisation?
- How many of them have established collaboration with social media platforms? (for Meta, this information can be found here: <https://www.facebook.com/formedia/mjp/programs/third-party-fact-checking/partner-map>) Sources: Fact checking organisations reports, Social media platforms reports, academic articles, etc.

### Answer options

- Low risk: There are sufficient independent fact-checking initiatives with high ethical and professional standards conducted to tackle disinformation.
- Medium risk: There are some independent fact-checking initiatives with high ethical and professional standards conducted against disinformation but their impact is limited.
- High risk: There are fact-checking initiatives conducted against disinformation yet their ethical and professional standards are unclear.
- Not Applicable
- No Data

## 193. Is the funding of the existing fact-checking initiatives adequate and transparent?

This variable aims to assess whether the funding received by fact-checking initiative is transparent and if it does not alter their independence. Funding can be provided by governments, social media platforms and philanthropic foundations.

### Subindicator / Type

Protection against disinformation / T

### Method

Please provide in the description who are the main funders of fact-checking initiatives in your country. Sources: Public documents, Reports of independent bodies, Academic research, or NGOs reports, etc.

### Answer options

- Low risk: Fact-checking initiatives receive a transparent and adequate level of funding. The fundings does not alter their independence.
- Medium risk: Fact-checking initiatives receive a transparent yet limited amount of funding.



- High risk: Fact-checking initiatives receive no fundings, and/or their funding is not transparent.
- Not Applicable
- No Data

## 194. Are there any initiatives to monitor disinformation and to conduct research on disinformation in your country?

This variable aims to assess whether there is research on disinformation conducted in your country.

### Subindicator / Type

Protection against disinformation / T

### Method

Please provide references to existing research on disinformation conducted in your country. Sources: Public documents, Reports of independent bodies, Academic research, or NGOs reports, etc.

### Answer options

- Low risk: There are numerous initiatives to monitor and conduct research on disinformation in your country. Data on disinformation are widely available.
- Medium risk: There are some occasional initiatives to monitor and conduct research on disinformation in your country, yet there is room for improvement.
- High risk: There a very limited initiatives to monitor and conduct research on disinformation in your country. It is very difficult to understand the extent and characteristics of disinformation in the country.
- Not Applicable
- No Data

## 195. What is the percentage of trust in the media in your country?

This variable aims to assess the level of trust of the media in your country. **This is a centralised variable, answered directly by the CMPF team.**

### Subindicator / Type

Protection against disinformation / N

### Method

Source: European Broadcasting Union - Standard Eurobarometer 94 (EB94) The percentage is calculated as follows: the results of the category *High trust* and *Medium trust* in the media proposed by the Eurobarometer 94 are summed up to evaluate the trust in the media in your country. Percentiles calculation based on the available country scores (27 member states) for 2021 is: 25 percentiles at 57% median at 69% 75 percentiles at 77% Thresholds: Below 25 percentiles is considered to be high risk, while above 75 percentiles is considered to be low risk:

- High risk: 0-57%
- Medium risk: 58-76%
- Low risk: 77-100%

Source: 2021 - Eurobarometer on trust in the media <https://rm.coe.int/ebu-mis-trust-in-media-2021/1680a83792>

### Answer options

- Insert the number
- Not Applicable
- No Data

## 196. How would you assess the impact of disinformation in your country?

The Protection against disinformation sub-indicator aims to assess whether there is a framework to counter disinformation and whether it has been efficient in removing disinformation, while not presenting any risk to freedom of expression. In the context of this sub-indicator, disinformation is defined, following the Definition proposed by the European Commission in its report Tackling online disinformation: a European Approach as "verifiably false or misleading information that is created, presented and disseminated for economic gain or to intentionally deceive the public, and may cause public harm. Public harm comprises threats to democratic political and policymaking processes as well as public goods such as the protection of EU citizens' health, the environment or security. Disinformation does not include reporting errors, satire and parody, or clearly identified partisan news and commentary" Most known cases have involved written articles, sometimes complemented by authentic pictures or audiovisual content taken out of context. But new, affordable, and easy-to-use technology is now available to create false pictures and audiovisual content (so called "deep fakes"), offering more potent means for manipulating public opinion. (Source: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52018DC0236>). The type of disinformation covered in this sub-indicator includes: disinformation that aimed to interfere with elections or referenda, discredit the EU or its Member States, or to target individuals in public positions, or disinformation that were related to the COVID-19 pandemic. (Source: [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653633/EXPO\\_STU\(2021\)653633\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/653633/EXPO_STU(2021)653633_EN.pdf)). This variable aims to assess the importance of the circulation of disinformation in your country and to evaluate its impact on the state actions. Disinformation may have some far-reaching consequences. Disinformation can polarise debates, create or deepen tensions in society, and erode trust in institutions and in news media. In doing so, it can cause public harm, be a threat to democratic political and policy-making processes, undermine electoral systems and may even put the protection of citizens' health and security at risk, as it is hampering the ability of citizens to take informed decisions.

### Subindicator / Type

Protection against disinformation / T

### Method

**Suggested sources:** Public reports and statistics; civil society or media reports, academic literature, eventually interviews with disinformation experts (in this case, 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).

### Answer options

- Low risk: Disinformation is almost nonexistent in the country and/or actions against disinformation have been very efficient. No direct and/or harmful consequences of disinformation on fundamental rights and democracy have been observed in the country.
- Medium risk: Disinformation is moderately spread in the country and/or the consequences of disinformation on fundamental rights and democracy remain limited.
- High risk: Disinformation is widely spread in the country and some clear consequences on fundamental rights and democracy have been observed.
- Not Applicable
- No Data

## 197. How would you assess, in practice, the fight against disinformation in your country?

This variable aims to assess the efficiency of the combined actions currently undertaken to fight disinformation, drawing the big picture of the fight against disinformation in your country and underlining the strengths and the weaknesses of the current strategy. The fight against disinformation should aim at improving detection, analysis and exposure of disinformation and can include the following activities: regulatory framework, campaigns, provision of funding, networking platforms, cooperation, information days, distribution of information packs and any other initiatives to fight disinformation, raise awareness and improve societal resilience to disinformation. Disinformation activities can be carried out by civil society, organisations, public institutions or private bodies.

### Subindicator / Type

Protection against disinformation / T

### Method

For this variable, the country team has to conduct a brief interview with at least one disinformation 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).

### Answer options

- Low risk: Initiatives on disinformation are widespread and efficient across the country. Those initiatives do not restrict or harm freedom of expression.
- Medium risk: Initiatives on disinformation are limited and somehow inefficient.
- High risk: Initiatives on disinformation are hardly ever conducted. They are inefficient or they restrict or harm freedom of expression.

Not Applicable

No Data

## 198. Are there any laws or policies that aim at countering online hate speech in your country and are they effective?

The Protection against hate speech sub-indicator aims to assess whether there is a regulatory framework to counter hate speech online and whether it has been efficient in removing hate speech from online platforms, while not presenting any risk to freedom of expression. In the context of this sub-indicator hate speech is defined as "all types of expression that incite, promote, spread or justify violence, hatred or discrimination against a person or group of persons, or that denigrates them, by reason of their real or attributed personal characteristics or status such as "race", colour, language, religion, nationality, national or ethnic origin, age, disability, sex, gender identity and sexual orientation". In particular, this sub-indicator aims to assess whether the regulatory instruments. (CoE Recommendation CM/Rec(2022)16[1] of the Committee of Ministers to member States on combating hate speech), (Code of conduct on countering illegal hate speech 2016 [ Source:

ec.europa.eu/commission/presscorner/detail/en/qanda\_20\_1135 ], Council of the EU 2008 Framework Decision on combating certain forms and expressions of racism and xenophobia [Source: eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32008F0913 ], and if applicable the EU Directive 2018/1808 (Audiovisual Media Services Directive [URL: eur-lex.europa.eu/eli/dir/2018/1808/oj ]) art 28b on video sharing platforms) are effectively and non-arbitrarily limiting hate speech and foster an online media environment that is inclusive and non-discriminatory. This variable aims to assess whether there is a regulatory framework and whether it is efficient in countering harm speech , while not presenting any risk to freedom of expression. As hate speech covers a range of hateful expressions which vary in their severity, the harm they cause and their impact on members of particular groups in different contexts, hate speech law and policies includes a range of properly calibrated measures depending on the severity of the act:

- Hate speech that is prohibited under criminal law;
- Hate speech that does not attain the level of severity required for criminal liability, but is nevertheless subject to civil or administrative law;
- Policies providing alternative responses for minor cases of offensive or harmful types of expression to be subject to civil and administrative law, (e. g. counter-speech and other countermeasures)

### Subindicator / Type

Protection against hate speech / T

### Method

Sources: National laws and regulations (e.g. acts, decrees, branch agreements), case law and regulatory decisions. Please take into account that law and policies can also include self-regulation initiatives.

### Answer options

- Low risk: Well-developed legal/policy framework with concrete targets, that does not restrict or harm freedom of expression. There is a strong commitment of political actors to fight hate speech and their action shows some effective results
- Medium risk: There is a regulatory framework but it is either not adequate, shows some deficiencies or it is not fully implemented.
- High risk: Only major hate speech subject to criminal law is targeted and/or There is no regulatory framework or the existing one is ineffective and/or restricts or harms freedom of expression.
- Not Applicable
- No Data

## 199. Are there any efficient mechanisms to report online hate speech?

This variable aims to assess whether there are some mechanisms to report online hate speech in the country and whether they are efficient. Please provide a description of the existing mechanisms to report hate speech, either to public authorities or to private actors. Evaluate if there are clear rules for processing such reports.

### Subindicator / Type

Protection against hate speech / T

### Method

**Source:** National laws and regulations (e.g. acts, decrees, branch agreements), case law, regulatory decisions, self-regulation initiatives, civil, society reports, academic literature.

### Answer options

- Low risk: The existing mechanisms to report online hate speech cases are efficient and follow clear rules to process such reports. The existing mechanisms does not present any harm for freedom of expression.
- Medium risk: There are mechanisms to report online hate speech cases to public authorities, however their efficient is limited. The existing mechanisms does not present any harm for freedom of expression.
- High risk: There are no mechanisms to report online hate speech to public authorities, and/or the existing mechanism may harm freedom of expression.
- Not Applicable
- No Data

## 200. How would you assess, in practice, the fight against hate speech in your country?

This variable aims at assessing the efficiency of the combined actions currently undertaken to fight hate speech, drawing the big picture of the fight against hate speech in your country and underlining the strengths and the weaknesses of the current strategy. The fight against hate speech should aim at providing a range of properly calibrated measures to effectively prevent and combat hate speech. This includes laws and policies, but also actions plans to prevent the dissemination of hate speech and to increase awareness-through education, the use of counter and alternative speech. It includes the actions of public officials, political parties, internet intermediaries, media and civil society organisations.

### **Subindicator / Type**

Protection against hate speech / T

### **Method**

For this variable, the country team has to conduct a brief interview with at least one hate speech 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).

### **Answer options**

- Low risk: Initiatives on hate speech are widespread and efficient across the country. Those initiatives do not restrict or harm freedom of expression.
- Medium risk: Initiatives on hate speech are limited and somehow inefficient.
- High risk: Initiatives on hate speech are hardly ever conducted. They are inefficient or they restrict or harm freedom of expression.
- Not Applicable
- No Data

## Appendix: Summary tables

Area	Indicator	Subindicator	N° variables	Digital
Fundamental Protection	Protection of freedom of expression	Respect of FoE international standards	6	0
Fundamental Protection	Protection of freedom of expression	Guarantees for FoE online	6	6
Fundamental Protection	Protection of freedom of expression	Proportionate balance between protection of FoE and dignity	3	0
Fundamental Protection	Protection of right to information	Legal protection of right to information	4	0
Fundamental Protection	Protection of right to information	Protection of whistleblowers	3	0
Fundamental Protection	Journalistic profession, standards and protection	Working conditions	3	0
Fundamental Protection	Journalistic profession, standards and protection	Physical safety	3	0
Fundamental Protection	Journalistic profession, standards and protection	Life safety	1	0
Fundamental Protection	Journalistic profession, standards and protection	Digital safety	2	2
Fundamental Protection	Journalistic profession, standards and protection	Positive obligations	3	0
Fundamental Protection	Journalistic profession, standards and protection	Protection of sources	2	0
Fundamental Protection	Journalistic profession, standards and protection	Journalism and data protection	3	3
Fundamental Protection	Independence and effectiveness of the media authority	Appointment procedures	2	0
Fundamental Protection	Independence and effectiveness of the media authority	Competencies	3	0
Fundamental Protection	Independence and effectiveness of the media authority	Independence	2	0
Fundamental Protection	Independence and effectiveness of the media authority	Budgetary independence	2	0
Fundamental Protection	Independence and effectiveness of the media authority	Accountability	1	0
Fundamental Protection	Universal reach of traditional media and access to the Internet	PSM coverage	2	0
Fundamental Protection	Universal reach of traditional media and access to the Internet	Broadband coverage	1	1

Fundamental Protection	Universal reach of traditional media and access to the Internet	Internet access	2	2
Fundamental Protection	Universal reach of traditional media and access to the Internet	Net neutrality	3	3
Market Plurality	Transparency of media ownership	Disclosure of media ownership	4	0
Market Plurality	Transparency of media ownership	Disclosure of media ownership online	4	4
Market Plurality	Transparency of media ownership	Transparency of ultimate ownership	2	0
Market Plurality	Transparency of media ownership	Transparency of ultimate ownership online	2	2
Market Plurality	Plurality of media providers	Horizontal concentration - Regulatory safeguards	4	1
Market Plurality	Plurality of media providers	Horizontal concentration - AVMS	2	0
Market Plurality	Plurality of media providers	Horizontal concentration - radio	2	0
Market Plurality	Plurality of media providers	Horizontal concentration - newspapers	2	0
Market Plurality	Plurality of media providers	Horizontal concentration - digital	2	2
Market Plurality	Plurality of media providers	Cross-media concentration	4	4
Market Plurality	Plurality in digital markets	Online platforms concentration	2	2
Market Plurality	Plurality in digital markets	Competition enforcement	3	3
Market Plurality	Plurality in digital markets	Financial obligations of the online platforms	2	2
Market Plurality	Media viability	Revenue trends	7	2
Market Plurality	Media viability	Employment and salary trends	3	0
Market Plurality	Media viability	Public incentives to media pluralism	2	1
Market Plurality	Editorial independence from commercial and owners influence	Appointments and dismissals	2	0
Market Plurality	Editorial independence from commercial and owners influence	Editorial decision-making	6	0
Political Independence	Political independence of the media	Conflict of interest	2	0

Political Independence	Political independence of the media	Political control over media outlets	5	1
Political Independence	Political independence of the media	Political control over news agencies	2	0
Political Independence	Editorial autonomy	Appointment of editor-in-chief	2	0
Political Independence	Editorial autonomy	Effectiveness of self-regulation	2	0
Political Independence	Audio visual media, online platforms and elections	PSM bias	5	0
Political Independence	Audio visual media, online platforms and elections	Commercial audiovisual media bias	2	0
Political Independence	Audio visual media, online platforms and elections	Rules on political advertising in audiovisual media	3	0
Political Independence	Audio visual media, online platforms and elections	Rules on political advertising online	6	6
Political Independence	State regulation of resources and support to the media sector	Spectrum allocation	2	0
Political Independence	State regulation of resources and support to the media sector	Distribution of government subsidies	4	0
Political Independence	State regulation of resources and support to the media sector	Distribution of state advertising	2	0
Political Independence	Independence of public service media	PSM governance	3	0
Political Independence	Independence of public service media	PSM funding	4	1
Social Inclusiveness	Representation of minorities in the media	Representation of minorities in PSM	4	0
Social Inclusiveness	Representation of minorities in the media	Representation of minorities in commercial audiovisual media	2	0
Social Inclusiveness	Representation of minorities in the media	Media accessibility for people with disabilities	4	0
Social Inclusiveness	Local/regional and community media	Regional and local media	5	0
Social Inclusiveness	Local/regional and community media	Community media	4	0
Social Inclusiveness	Gender equality in the media	Gender equality in PSM	3	0
Social Inclusiveness	Gender equality in the media	Gender equality in private media	3	0
Social Inclusiveness	Gender equality in the media	Representation of women	2	0
Social Inclusiveness	Media literacy	Media literacy policies	1	0

Social Inclusiveness	Media literacy	Media literacy activities	5	0
Social Inclusiveness	Media literacy	Digital competencies	1	1
Social Inclusiveness	Protection against disinformation and hate speech	Protection against disinformation	7	7
Social Inclusiveness	Protection against disinformation and hate speech	Protection against hate speech	3	3