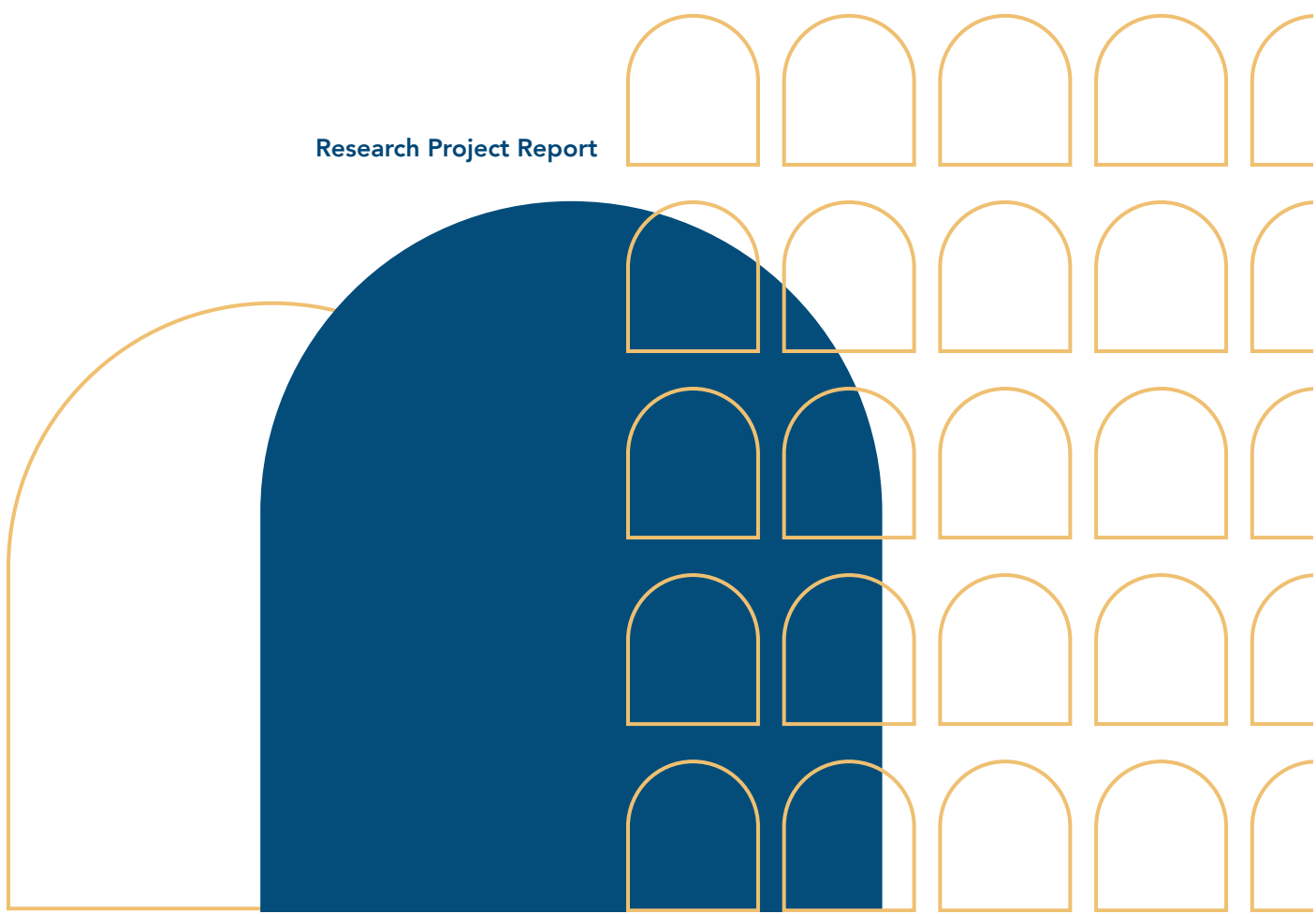


# MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

Application of the Media Pluralism Monitor in the European Union, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey in the year 2021

Centre for Media Pluralism and Media Freedom

Research Project Report



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Published by

European University Institute (EUI)

Via dei Roccettini 9, I-50014

San Domenico di Fiesole (FI)

Italy

ISBN:978-92-9466-259-0

doi:10.2870/064168

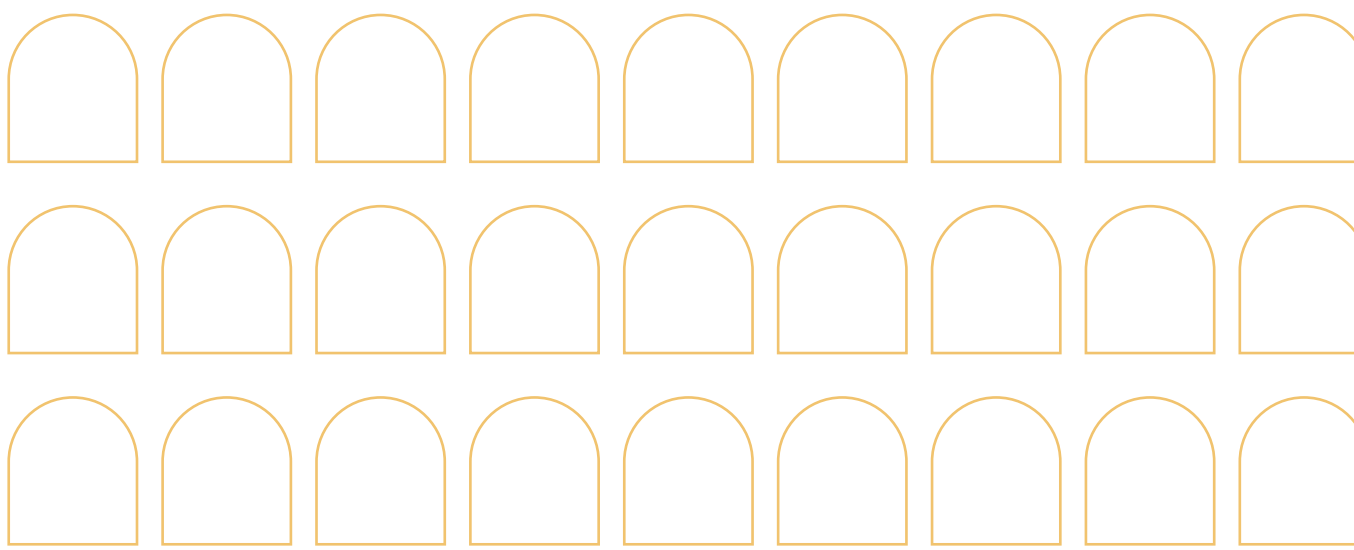


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# TABLE OF CONTENT

<b>1. Executive Summary</b>	<b>1</b>
Fundamental Protection	1
Market Plurality	3
Political Independence	5
Social Inclusiveness	6
Media pluralism in a digital environment	7
General ranking	9
<b>2. Introduction</b>	<b>10</b>
<b>3. Analysis</b>	<b>16</b>
3.1 Fundamental protection	16
3.2 Market Plurality	41
3.3 Political Independence	73
3.4 Social Inclusiveness	97
3.5 General ranking	119
<b>4. Media Pluralism in a digital environment</b>	<b>123</b>
4.1 Fundamental Protection - digital	123
4.2 Market Plurality - digital	129
4.3 Political Independence - digital	137
4.4. Social Inclusiveness - digital	142
<b>5. Conclusions and recommendation</b>	<b>148</b>
Fundamental Protection	148
Market Plurality	151
Political Independence	155
Social Inclusiveness	158
<b>References</b>	<b>161</b>
<b>Annexe 1. Methodology</b>	<b>172</b>
Research design	172
Research and the fine-tuning of the questionnaire	174
MPM2022 structure and calibration	176
Assessing the risk of lack of data	177
MPM2022 aggregation method	180
Data collection and research network	181



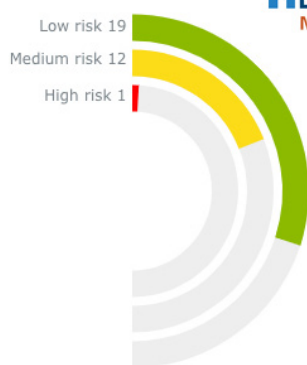


# 1. EXECUTIVE SUMMARY

This report presents the results and the methodology of the Media Pluralism Monitor 2022, based on its implementation in 32 countries (27 EU Member States and 5 candidate countries) for the year 2021. The Media Pluralism Monitor (MPM) is a tool that is geared to assessing the risks to media pluralism in both EU Member States and in candidate countries. Since 2013/2014, it has been implemented on a regular basis by the Centre for Media Pluralism and Media Freedom, and on a yearly basis since 2020. This tool is based on a holistic perspective, taking into account the legal, political economic variables that are relevant in analysing the levels of plurality in media systems in a democratic society.

## Fundamental Protection

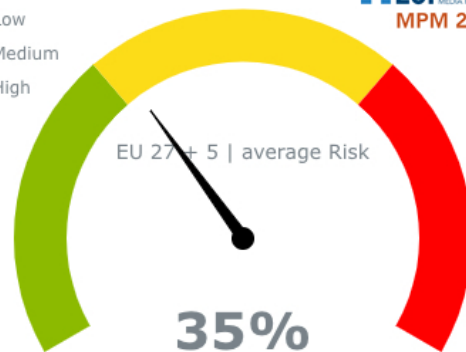
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 CENTRE FOR MEDIA PLURALISM AND MEDIA FREEDOM  
MPM 2022

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■ Low  
■ Medium  
■ High



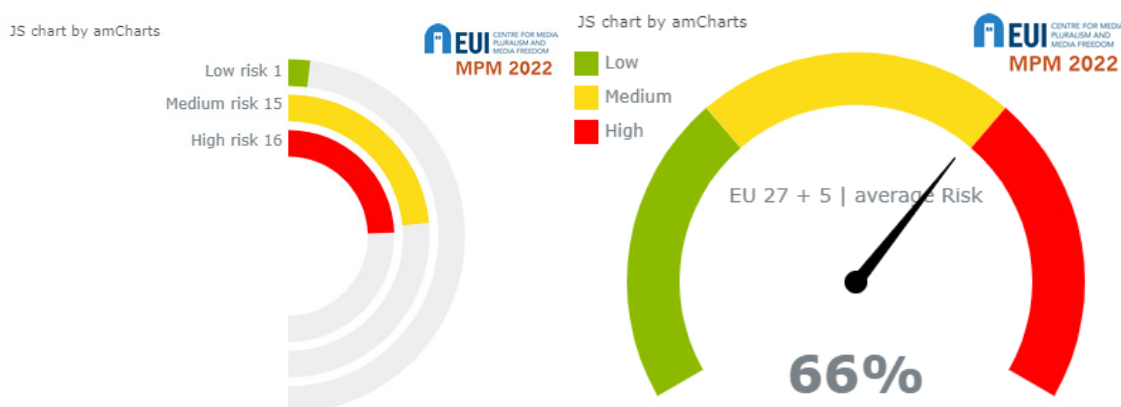
 CENTRE FOR MEDIA PLURALISM AND MEDIA FREEDOM  
MPM 2022

The **Fundamental Protection** area of the MPM considers the necessary preconditions for media pluralism and freedom, namely, the existence of effective regulatory safeguards to protect the freedom of expression and the right to seek, receive and impart information; favourable conditions for the free and independent conduct of journalistic work; independent and effective media authorities; and the universal reach of both tradi-

tional media and access to the Internet. As in the previous round of the MPM, the Fundamental Protection area also focuses on the challenges that are posed by the online environment to the plurality of the media landscape. It thus assesses the protection of freedom of expression online, data protection online, the safety of journalists online, the levels of Internet connectivity, and the implementation of European net neutrality obligations. The general risk score for the Fundamental Protection area in the MPM 2022 has remained at 35%, which is in the medium-risk range, the same risk score as last year. Similarly to the previous round of the MPM, the majority of the countries analysed scored as being a low risk, and, in relation to the Fundamental Protection area, 19 of the 32, namely, Austria, Belgium, Cyprus, Denmark, Estonia, Finland, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Portugal, The Republic of North Macedonia, Slovakia, Sweden, and The Czech Republic. The sole difference, in comparison to the MPM 2021, is that Italy has joined the low risk group in 2022. The countries which scored a medium risk are 12 in number, and they include Albania, Bulgaria, Croatia, France, Greece, Hungary, Montenegro, Poland, Romania, Serbia, Slovenia and Spain. As in the MPM2021, the only country which scored as a high risk is Turkey. The Fundamental Protection area shows a stable trend, in comparison to the MPM2021. Indeed, three out of the five indicators show the same, or a one percentage point difference, in the general average risk. This is the case of the indicator on the 'Protection of freedom of expression', 'Independence and effectiveness of the media authority', and 'Universal reach of traditional media and access to the Internet'. The indicator on the 'Protection of the right to information' shows a slight improvement of 3%, in comparison to the MPM2021, with four countries shifting from a medium risk to a low risk score, namely, Denmark, Luxembourg, Portugal and Sweden. This positive shift can be attributed to the transposition into national law, in 2021, of *EU-Directive 2019/1937* on the protection of whistleblowers, as was the case in Denmark and in Sweden. By contrast, the indicator on 'Journalistic profession, standards and protection' shows a slight deterioration of 3%, in comparison to the MPM2021, with two countries shifting from a low risk to a medium risk score, namely, Austria and The Republic of North Macedonia, and another two shifting from a medium risk to a high risk: Croatia and Greece. This negative shift, already seen in 2021, can be explained, amongst other things, by the absence of anti-SLAPP frameworks ('strategic lawsuits against public participation frameworks'). In effect, a growing number of SLAPPs was reported in various countries, such as Bulgaria, Croatia, Malta and Romania. For instance, some of the SLAPPs were also reported on the Council of Europe's Platform for the Safety of Journalists. Likewise, the growing threats to the safety of journalists also contributed to the negative shift in relation to this indicator, as mentioned by some of the country reports (Seethaler & Beaufort, 2022; Trpevska & Micevski, 2022). Indeed, while, in 2020, no journalist was murdered in the EU, the Member and candidate countries, in 2021, three journalists were killed. In April 2021, the Greek journalist, Giorgos Karaivaz, was shot dead outside his

house (Papadopoulou, 2022) and in July 2021, the famous Dutch journalist, Peter R. de Vries, died after a shooting in the evening of 6 July, while walking away from a television studio in central Amsterdam. In March 2021, the Turkish Radio presenter, Hazım Özsu, was shot in his house in Bursa. In Turkey, the indicator on the ‘Protection of Freedom of Expression’ has shown a slight improvement, decreasing from 95% in MPM2021 to 87% in MPM2022. This improvement is due to the decreasing number of imprisoned journalists in the country. However, the trend to punish professionals and news media which are critical of the government persists in Turkey. For instance, in 2021, 71 fines were imposed on TV networks critical of the government, whereas no fines were imposed on pro-government networks in the same period (Inceoglu et al., 2022).

## Market Plurality



The **Market Plurality** area considers the economic dimension of media pluralism, assessing the risks that are related to the context in which market players operate. As in the other areas of MPM, the risks are evaluated taking into consideration the legal framework and its effectiveness, and quantitative economic variables. The players included in the assessment for this area are the media content providers and other actors that, even though they do not produce original news content, have a relevant role and a substantial impact on the distribution of the media content, such as digital intermediaries. Threats to market plurality may emerge from the lack of transparency in media ownership; from highly concentrated markets, both on the production and on the distribution side; from the poor economic sustainability of the media industry and from the influence of commercial interests on editorial content. As in the previous MPM exercises, this area presents the highest level of risk across all the areas of the Monitor. The historical and structural factors that contribute to raising the risk to Market Plurality, such as a high concentration in the traditional media sectors, still characterise the European media market; indeed, the tendency to concentration has intensified across the years and is confirmed in the MPM2022 assessment. The market power of a few digital intermediaries also con-

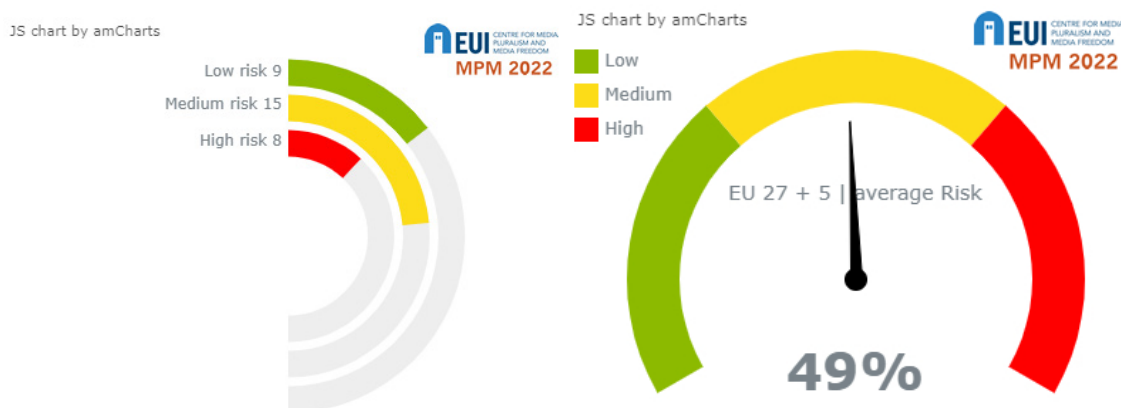
tributes to raising the risk, together with a reduction in the effectiveness of national legal anti-concentration frameworks that, when existent, are modelled on the legacy media environment. On a positive note, the year 2021 has been characterised by economic recovery in all the EU Member States after the first wave of the COVID-19 pandemic. This led to a decrease of the risk in the indicator that measures the economic sustainability of media production, from high to medium risk; nonetheless, it must be noticed that the improvement for this indicator is not very significant, from a quantitative point of view, and is not generalised to all the media sectors. In most countries, media revenues are still not back to the pre-COVID-19 level. All these phenomena have impacted upon the independence of editorial content from commercial and/or owners' influence. The result of these different trends is an average risk of 66% for the Market Plurality area in MPM2022, which has declined from 69% (high risk) in MPM2021. In this area, there is only one country at low risk (Germany, with 30%), 15 countries at medium risk (Austria, Belgium, Croatia, Denmark, Estonia, Finland, France, Italy, Latvia, Lithuania, Luxembourg, Portugal, Sweden, The Netherlands, The Republic of North Macedonia), and 16 at high risk (Albania, Bulgaria, Cyprus, Greece, Ireland, Malta, Montenegro, Hungary, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, The Czech Republic, Turkey). It is worth mentioning that many countries at medium risk are close to the border of high risk, and that three countries exceed the risk score of 80%, therefore presenting a very high level of risk.

For this area, two indicators are, on average, at a very high risk level, and they assess **News media concentration and Online platforms concentration and competition enforcement**. The ownership concentration risk score is slightly increased in comparison with the MPM2021, due to a growing tendency in the traditional media industry to merge and consolidate; the online advertising market, which also continues to be highly concentrated, whereas the slight decrease in the risk score for the indicator on the digital platforms is to be explained by some signals of an evolving situation in the regulation and competition tools in some of the Member States. The indicator on **Media viability** - assessing the economic sustainability of media, in terms of revenues, employment and resilience, and registering also the eventual contribution by public support - shows a sizable decrease in the risk level: it is now, on average, at 56% (medium risk), whereas it was at 69% (high risk) in the MPM2021. The improvement in revenues did not come, in the majority of cases, with an improvement in the working conditions of the journalists. The indicator on **Transparency of media ownership** is at medium risk (55%), improving from the 58% seen in the previous assessment, because of legislative initiatives, and the establishment of media ownership registers in some Member States (following the transposition of the Anti-money Laundering Directive V, EU 2018/843). Nonetheless, the transparency of ultimate and beneficial ownership and effective access by the public to the relevant information remain matters of concern in many Member States. The indicator on **Commercial & owner influence over editorial content** registered a slight



increase, from 62% to 63%, and so is still at medium risk, signalling that the high concentration of media ownership, often intertwined with other economic and political interests, as well as the persistent risks in media viability, contribute to the menacing of journalistic independence.

## Political Independence



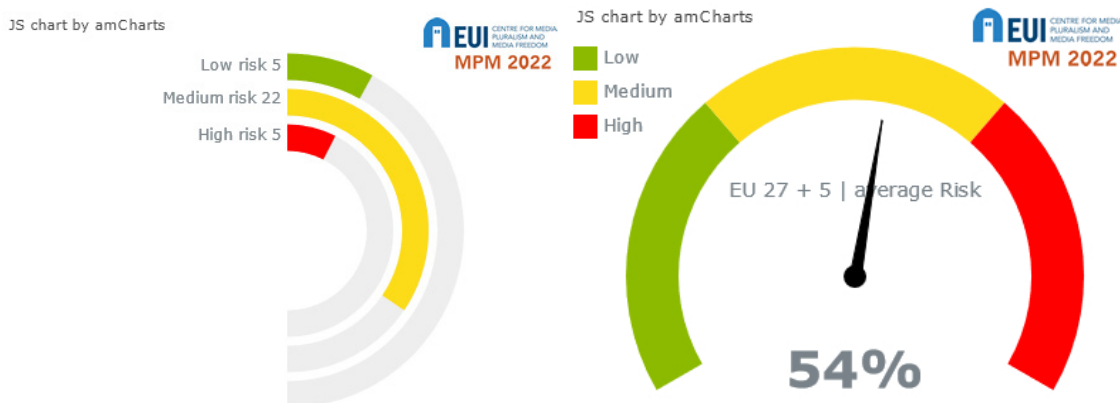
The **Political Independence** area is designed to evaluate the risks of the politicisation of the distribution of resources to the media; political interference with media organisations and news-making; and, especially, political interference with the public service media. Further, it looks at the availability of safeguards against manipulative practices in political advertising in the audiovisual media and on online platforms (including the social media).

Political pluralism, as a potential for actively representing the diversity of the political spectrum and of ideological views in the media and other relevant platforms, is one of the crucial conditions for democratic citizenship. The Political Independence area, on average, continues to show a medium risk (49%), one percentage point higher than last year, indicating that no significant progress has been achieved in ensuring higher levels of political independence and political pluralism in the media across the European Union and in the candidate countries. There are eight countries that score high risk on Political Independence, three of which are EU candidates (Albania, Serbia, and Turkey) and the other five belong to the group of more recent EU Member States that joined in 2004 (Hungary, Malta, Poland, Slovenia) and 2007 (Bulgaria). On the other end of the scale, nine countries are found to be at low risk (Belgium, Denmark, Estonia, France, Germany, Ireland, Portugal, Sweden, and The Netherlands). The largest number of countries, namely, 15, register a medium risk.

It is of particular concern that **Editorial autonomy**, as one of the key guarantees of journalistic freedom, and as a protection against undue external interference in the editorial newsmaking process, continues to be the indicator with the highest risk score in this area, in the upper medium risk band. In the vast majority of the countries encompassed by the MPM2022 there are no efficient mechanisms to protect editorial autonomy. This stands as a growing challenge in a context where the media struggle to survive, and thus experiment with business models and new business practices, which are often blurring the line between the news and advertising, or which rely more on public aid and government subsidies. Furthermore, the MPM2022 findings show that, in many countries, some of the major media organisations, in particular, newspapers and the audiovisual sector, are under political control related to ownership, and in half of the countries there is evidence that the appointments and dismissals of public service media management are, to some extent, politicised.

The indicator **Audiovisual media, online platforms and elections** continues to show the lowest risk score in this area, which is mainly due to the fact that political advertising in audiovisual media, especially in the public service media, is strongly regulated across Europe, and so is the impartiality of PSMs' reporting during electoral campaigns. However, the online environment draws a much more gloomy picture, as many countries remain without adequate rules and the consideration of risks that are related to political advertising online, including that on social media platforms. Instruments, like those that ensure transparency in political advertising during election campaigns in the audiovisual media, are not common in the online sphere, where different possibilities are offered, various actors engage in placing political ads, and different techniques are used to influence political opinions.

## Social Inclusiveness



With an average risk that is estimated at 54%, the **Social Inclusiveness** area shows a slight improvement (two percentage points lower) in comparison with the previous edition of the MPM. Of 32 countries, 22 are in the medium risk band (Albania, Austria, Belgium, Croatia, Estonia, Finland, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Serbia, Slovakia, Spain, Slovenia, The Czech Republic, The Republic of North Macedonia); five countries are associated with a high risk (Bulgaria, Cyprus, Montenegro, Romania, and Turkey), and five countries are in the low-risk band (Denmark, France, Germany, Sweden, and The Netherlands).

The risk associated with three of the Social Inclusiveness indicators - **Access to media for local/regional communities and for community media**, **Access to media for women** and **Media literacy** - has decreased. In the context of the COVID-19 pandemic, some governments have provided some *ad hoc* subsidies to help local and regional media. The “infodemic”<sup>1</sup> linked to the pandemic has also highlighted the need to reinforce media literacy policies in order to prevent the spreading of misinformation. The indicator **Access to media for women** remains in the upper fringe of the medium-score band for all of the countries, despite a significant improvement in comparison with the previous edition of the MPM (four percentage points lower when measuring the risk for the EU Member States, as well as when measuring the risk for all of the countries). In almost half of the countries studied, there is no comprehensive gender policy in the public service media and women are still under-represented in management positions.

The overall risk that is associated with the indicator **Protection against illegal and harmful speech** remains stable within the EU Member States at 58%, and almost stable at 60% for all of the countries (one percentage point lower, when compared to the previous edition of the MPM).

## Media pluralism in a digital environment

In the **Fundamental Protection** area, the average score of the digital variables is in the same range as the overall score, medium risk, but is three percentage points higher, at 38%. Although comparable to the overall score of the offline Fundamental protection area, the slightly higher score in the digital environment can be attributed to the increasing risk to journalists’ safety online, as described in some of the country reports (Papadopoulou, 2022; Holznagel & Kalbhenn, 2022; Kies et al., 2022), including ransomware attacks on news media websites (Cádima et al., 2022) and the use of spyware technologies against journalists (Bátorfy et al., 2022).

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1 According to the WHO ,an infodemic is” too much information including false or misleading information in digital and physical environments during a disease outbreak .“[https://www.who.int/health-topics/infodemic#tab=tab\\_](https://www.who.int/health-topics/infodemic#tab=tab_)

In the **Market Plurality** area the average score of the digital variables is in line with the overall score (65% vs. 66%). This is because the main drivers of risk in this area are in the indicators on media concentration, and those indicators are at high risk in the digital environment too. The assessment, in this case, is derived mostly from the market dominance of digital platforms, whereas, in the field of the digital news media, the evaluation is limited by the lack of consistent and transparent data.

As regards the Transparency of media ownership, the digital risk is higher in comparison with the overall risk, as, in most countries, the obligations for transparency do not include the digital media, or they do not cover them effectively (for example, in the case in which those media are cross-border outlets). On the contrary, a lower level of digital risk emerges in the indicator on media viability, as the digital media are more competitive in the tight conditions of the media market, and, in some countries, the signals of the resilience of alternative business models are growing. To conclude, the commercial and owner influence over editorial content in the digital media shows a lower risk.

In the **Political Independence** area, the average score of the digital variables is slightly higher than the overall score, but is still in the same medium risk range. This elevated risk is mainly a reflection of the lack of regulation in the vast majority of the countries under analysis, especially regulation that will ensure the transparency of political advertising on online platforms during electoral campaigns. Furthermore, in more than two thirds of the countries, the local experts have assessed that online platforms and social media do not take sufficient steps to ensure the transparency of online political advertising, and in almost all of the countries, the political parties and the candidates are not fully transparent about the spending and techniques that are used in social media political campaigns. The digital dimension recorded additional risks in relation to a lack of effective regulation that adequately covers the online public service mission of the PSMs, while considering its potential implications for commercial media actors. Meanwhile, a positive note comes from the political independence of the digital native news media sector. Although concerns emerge in several countries in relation to a lack of transparency in the ownership data in relation to the digital native media, these outlets are, on average, still less susceptible to political control, if compared to traditional media, in particular, the newspapers and audiovisual media.

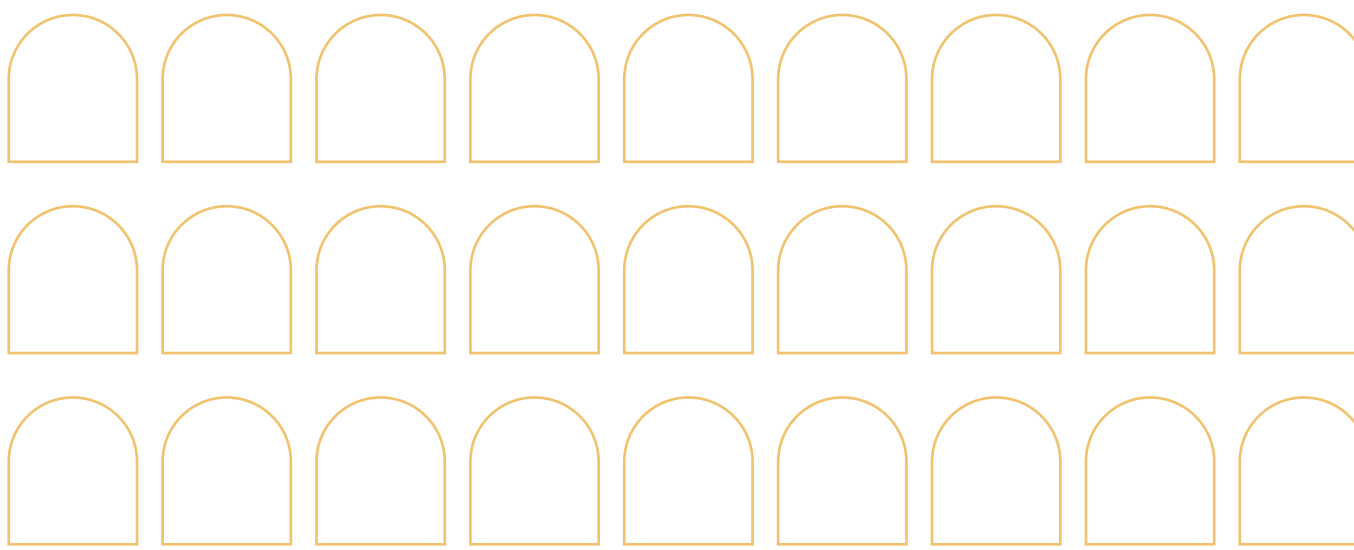
In the area of **Social Inclusiveness**, the risk associated with the digital indicator Protection against illegal and harmful speech remains stable within the EU Member States, at 58%, and is almost stable, at 60%, for all of the countries (one percentage point lower, if compared to the previous edition). However, a closer look at the two sub-indicators that compose the Protection against illegal and harmful speech show that the risk associated with the sub-indicator Protection against disinformation has decreased from 61% for

the EU Member States to 58%, and from 65% to 59% for all of the countries, while the risk associated with the sub-indicator Protection against hate speech has increased from 58% to 60% for the EU Member States, and from 58% to 63% for all countries. On the one hand, the evolution of the risk level in the sub-indicator Protection against disinformation may be justified by the changes in the questionnaire. Some additional variables were added to better comprehend the different risks that are linked to disinformation (see Annexe 1). On the other hand, the increased risk that is linked to the sub-indicator Protection against hate speech is linked to the problematic absence of data in many countries (see Annexe 1).

The impact of online disinformation is assessed as high in 15 countries (Austria, Bulgaria, Germany, Greece, Hungary, Latvia, Luxembourg, Romania, Serbia, Slovakia, Slovenia, Spain, The Czech Republic, The Republic of North Macedonia, and Turkey). In only two countries is the impact and spread of disinformation limited, leading to a low risk evaluation: Belgium and Denmark.

## General ranking

Starting from this MPM2022 implementation, the CMPF has decided to introduce the general ranking of the countries, as an additional element of transparency in the reporting. In this general ranking the countries are presented clustered into five levels of risk. This ranking provides a more nuanced visualisation of the results, based on which only Germany is very low risk; Turkey scores at very high risk, and Malta, Montenegro, Romania, Greece, Serbia, Slovenia, Bulgaria, Hungary, Poland and Albania are flagged as high risk countries. This five levels classification is also a test for the CMPF to evaluate the need and feasibility of operating a transition to an even more granular questionnaire and the consequent assessment of the risks. The average general risk score is 51%, which is also the percentage obtained by Italy, which ranks 16th at the exact middle of the scale of the analysed countries.



## 2. INTRODUCTION

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

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

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

The MPM project is co-funded by the European Union. This report presents the results and the methodology of the Media Pluralism Monitor (MPM2022), which has been implemented in all of the EU-27 Member States, in Albania, Montenegro, The Republic of North Macedonia, Serbia and Turkey, covering the developments of the year 2021.<sup>2</sup>

Freedom and pluralism of the media, along with the freedom of expression, constitute essential foundations of contemporary liberal democracies and of the European Union. They are enshrined in the *Charter of Fundamental Rights of the European Union* (Art 11), and they are also protected by Art. 10 of the *European Convention on Human Rights*, which has been signed by all of the EU's Member States, as well as the five EU candidate countries that are covered in the MPM.

The media ecosystem has rapidly evolved in recent years. Significant changes have been observed in the way that the news has been produced, disseminated and consumed. Technological advancements have created new opportunities in the area of media freedom and media pluralism, but have also prompted numerous new

<sup>2</sup> The 2021 implementation was the first that provided a yearly assessment of the EU and 5 candidate countries. In the past, the tool was implemented across all EU Member States and selected candidate countries in 2016, 2017, 2018-2019 and 2020, and was tested through two pilot-projects, which were also co-funded by the European Union, in 2014 and 2015. These two pilot-test implementations were built on the prototype of the MPM that was designed in the 2009 Independent Study on Indicators of Media Pluralism in the Member States – Towards a Risk-Based Approach, which was carried out by KU Leuven, JIBS, CEU, Ernst & Young, and a team of national experts ([http://ec.europa.eu/information\\_society/media\\_taskforce/doc/pluralism/pfr\\_report.pdf](http://ec.europa.eu/information_society/media_taskforce/doc/pluralism/pfr_report.pdf)).

sources of risk, including, but not limited to, the unprecedented spread and impact of disinformation and hate speech (Allcott & Gentzkow; 2017); a lack of transparency in relation to algorithm-driven news intermediaries; the increasing importance of private technology companies in governing communication online (Gillespie, 2018; Nechushtai, 2018); the extreme polarisation of public debate (Barberá et al. 2017; Pfetsch, 2018; Fletcher & Jenkins, 2019); as well as the decreasing viability of the legacy news media and traditional journalism (Parcu, 2019; Pickard, 2020; Usher, 2021). These issues are largely perceived as having an impact on the public sphere, on pluralism, and on the very health of democracy. They are of great relevance in public discussion and are therefore high on the policy agenda in both the EU and worldwide. In the EU, a number of relevant developments have occurred in the last few years. The establishment of a permanent fund to support independent investigative journalists was announced, with the declared aim of helping journalists and newsrooms with legal proceedings, cooperation across borders and the securing of their financial viability.<sup>3</sup> Steps were taken to stop abusive lawsuits against journalists (the proposed EU Anti-SLAPP Directive<sup>4</sup>), the rule of law conditionality mechanism of the EU makes it possible for the EU to withhold funds from those Member States that disrespect the rule of law (including in relation to the independent media and the freedom of expression), and, in the third quarter of 2022, the text of the *European Media Freedom Act*<sup>5</sup> is expected to be available to the public. The latter text is expected to bring crucial changes, amongst others, in the fields of the independence and role of the media regulators, subsidy rules and the protection of journalists. The Commission has also presented a *Democracy Action Plan*<sup>6</sup> that includes actions to support the safety of journalists, measures to support free and fair elections, such as rules for political advertising online, and initiatives to tackle disinformation.

More than two years have passed since the COVID-19 pandemic turned life, as we knew it, upside down, leading to shutdowns, excess deaths, and hospitalisations, as well as to a wave of discontent in democratic societies. In 2022, it can still not be said that the pandemic is over. The past two iterations of the Monitor have already dealt with COVID-19's effects on media pluralism, e.g., the severe economic impact of the pandemic on newsrooms' advertising revenues (and on the print sales of legacy outlets), attacks on journalists during anti-lockdown demonstrations, as well as the parallel outbreak of an "infodemic" – referring to a rapid spread of disinformation- sometimes boosted by the political actors themselves. The challenges prompted responses from policymakers

3 See, for example, the EU's actions to monitor and assess risks to media pluralism and freedom in the period 2021-2027 – supported through the Creative Europe programme: Media sector calls — EU support to Media Freedom and Pluralism. <https://digital-strategy.ec.europa.eu/en/policies/funding-media-freedom>

4 European Commission (2021). EU action against abusive litigation (SLAPP) targeting journalists and rights defenders. [https://ec-europa-eu.eui.idm.oclc.org/info/law/better-regulation/have-your-say/initiatives/13192-EU-action-against-abusive-litigation-SLAPP-targeting-journalists-and-rights-defenders\\_en](https://ec-europa-eu.eui.idm.oclc.org/info/law/better-regulation/have-your-say/initiatives/13192-EU-action-against-abusive-litigation-SLAPP-targeting-journalists-and-rights-defenders_en)

5 European Commission (2022, 10 January). European Media Freedom Act: Commission launches public consultation. [https://ec-europa-eu.eui.idm.oclc.org/commission/presscorner/detail/en/ip\\_22\\_85](https://ec-europa-eu.eui.idm.oclc.org/commission/presscorner/detail/en/ip_22_85)

6 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions On the European democracy action plan COM(2020) 790 final <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0790&from=EN>



In some countries, the governments stepped in to provide new subsidies to the news media. The assessment for the year 2021 shows that, even as newsrooms started to recover from the shock, some countries remained committed to making sure that fair and transparent subsidies remain available so as to support media pluralism. At the same time, the fight against disinformation led to some controversial attempts to introduce regulatory measures to deal with the spread of false or misleading information. During the first year of the pandemic, the most well-known example was Hungary's 2020 law "on the containment of Coronavirus", which was followed by proposals, amongst others, in Slovakia and Greece this year, which were aimed to change the penal code and to impose fines, and even prison sentences, on the publishers of disinformation. The measures were widely criticised for their chilling effect on the freedom of expression, and for possibly triggering self-censorship in newsrooms. Another wave of disinformation was triggered across Member States when, in February, 2022, the Russian Federation invaded Ukraine. To mitigate its impact, European Commission President Ursula von der Leyen announced that two Russian-origin outlets, *RT* (formerly *Russia Today*) and *Sputnik*, which are known for publishing disinformation and propaganda, would be banned in the EU.<sup>7</sup> The resulting Council decision ignited an EU-wide debate about the limits of free speech, the tolerability of propaganda in a free and pluralistic society, the effectiveness of bans, and the competencies of EU institutions in regard to dealing with information (Brogi & Bleyer-Simon, 2022).

The overlapping crises also put digital issues high on the policy agenda, especially those that are related to the regulation of digital platforms, which are extensively used for spreading disinformation. Already, in the run-up to the 2019 European elections, the EU sponsored a "European approach" in order to tackle disinformation, and this led to the signing of the *Code of Practice on Disinformation (2018)*, a self-regulatory framework involving the largest online players, aiming to ensure the transparency of political advertising, demonetising the purveyors of disinformation, and restricting the automated spread of disinformation. The Commission also adopted Guidelines on the application of General Data Protection Regulation (GDPR),<sup>8</sup> in the electoral context (European Commission 2018), perceived the growing importance of data protection in electoral campaigns online. An updated *Code of Practice on Disinformation* was signed in June 2022. It aims to correct some of the earlier shortcomings of the self-regulatory approach that has been employed, defining clearer targets and measurable outcomes.

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7 The sanction was published in the *Official Journal* on 2nd March, in the form of *Council Decision (CFSP) 2022/351 of 1st March, 2022* amending *Decision 2014/512/CFSP*, which was integrated into the *Council Regulation (EU) 2022/350 of 1st March, 2022*, amending *Regulation (EU) No 833/2014*.

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

In 2018, the new *Audiovisual Media Services Directive*<sup>9</sup> (2018/1808) included, in its scope of application, video-sharing platforms, thus setting the stage for new approaches to content regulation online. It also improved the transparency of media ownership and enhanced the role of the independent media regulators in the governance of the media ecosystem. In 2019, the new *Copyright Directive*<sup>10</sup> (2019/790) put forward solutions which attempt to strike a balance between the interests of the publishers and creators and those of the online platforms that exploit copyrighted content online. Amongst the first acts affecting the media industry in the digital market, the two Directives' implementation at the national level is already taking place.

The European Union has started a major reform of the digital market, including a revision of the e-Commerce Directive. The *Digital Services Act* package<sup>11</sup> aims to improve the safety of the digital space and to set a level playing field in the digital market. One of the elements is that the *Digital Markets Act* deals with competition issues, while the other component, the Digital Services Act, **requires**, amongst other things, the timely and effective removal of illegal content online, **seeks to give** social media users tools with which to flag problematic content, and introduces transparency requirements for algorithms and dissuasive financial sanctions for digital players, following serious breaches. In November, 2021, the Commission presented its proposal for a regulation of political advertising, one that would deal with critical issues, such as the targeting of ads.<sup>12</sup>

As in previous years, the media market has posed some of the highest risks in the Monitor – amongst others, due to the high level of concentration that further intensified in 2021. Although the last year saw a trend to economic recovery in all of the EU Member States after the first two waves of the pandemic, in most countries, media revenues are still below the pre-COVID-19 level. At the same time, the year 2021 saw improvements in the protection of the right to information, as the *EU-Directive 2019/1937 on the protection of whistleblowers* was transposed into national law in, amongst others, in Denmark and in Sweden. The legal framework for the transparency of media ownership has also evolved, in part due to the transposition of the *EU anti-money laundering directive (EU 2018/843)*, and the subsequent establishment of beneficial ownership registers.

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

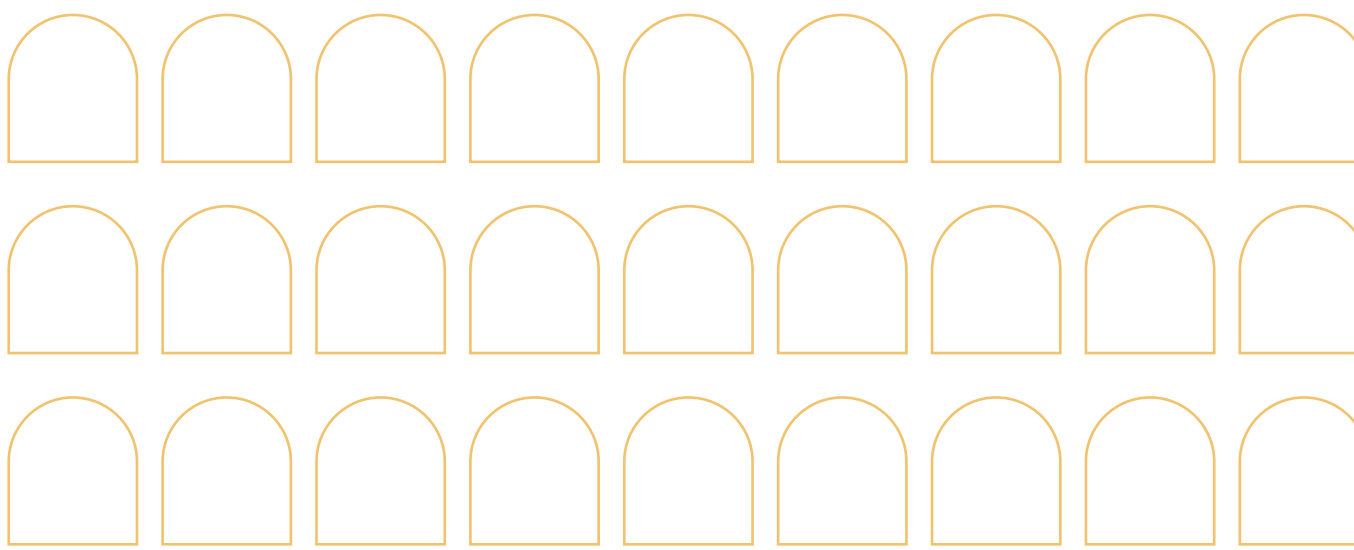
10 *Directive (EU) 2019/790 of the European Parliament and of the Council of 17th April, 2019, on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC*

11 *European Commission: The Digital Services Act package.* <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>

12 *Proposal (EU) 2021/0381(COD) for a Regulation of the European Parliament and of the Council on the transparency and targeting of political advertising.*

While the immediate risk to journalists' lives or physical integrity is perceived as being relatively low, in many EU Member States, journalists are often the victims of coordinated smear campaigns that are run and coordinated by State and non-State actors (Žuffová & Carlini, 2021); female journalists are especially vulnerable to online harassment (see, for example, Bátorfy et al., 2022). Overall, the access of women to the media (both in terms of the share of professionals and in terms of the coverage and topics presented) is still problematic in most Member States. Compared to last year, a deterioration in journalistic protection was observed, due to the still insufficient anti-SLAPP measures, at a time when a growing number of SLAPPs was reported all over Europe. While, in 2020, no journalist was murdered in EU Member and candidate countries, in March 2021, the Turkish radio presenter, Hazım Özsü, was shot in his house in Bursa (Inceoglu et al., 2022), in April, the Greek journalist Giorgos Karaivaz was ambushed and killed outside his house in Athens (Papadopoulou, 2022), and the Dutch former crime reporter Peter R. de Vries was assassinated in Amsterdam in July (De Swert et al., 2022). How the digital environment poses increased threats to journalists was best exemplified by the revelations about the use of Pegasus spyware. In Hungary, authorities used the programme to hack into the phones of investigative journalists. Once the surveillance scandal broke, the Hungarian government hampered all of the attempts to investigate the issue (Bátorfy et al., 2022).

While the MPM gives a comparative view on how certain standards are implemented across Europe, it must be stressed, as a general caveat for the reader, that the assessment must be read also in the light of the political, social, legal and economic contexts of any given country. This narrative report must be read together with the individual MPM country reports that have been produced by the MPM country teams, and which provide the necessary background and specificities of each national media landscape.



## 3. ANALYSIS

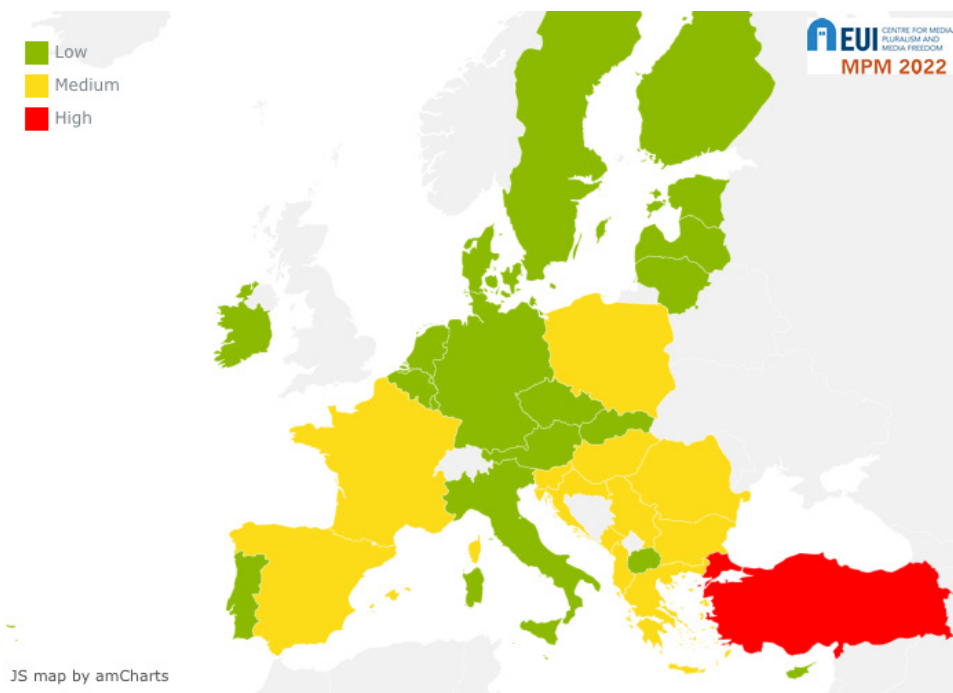
### 3.1 Fundamental protection

*Fundamental Protection indicators are designed to describe and measure the preconditions for a pluralistic and democratic society. The first, and fundamental, indicator that is assessed in this area is the level of the protection of freedom of expression, “the cornerstone of democracy and key to the enjoyment of other rights” (CoE, 2022). Freedom of expression is guaranteed by Article 11 of the EU Charter of Fundamental Rights and Article 10 of the European Convention on Human Rights (ECHR), and encompasses not only the freedom to hold opinions and to receive and impart information and ideas without interference from the public authority, but also the freedom and pluralism of the media. It therefore “constitutes [an] essential foundation for democracy, the rule of law, peace, stability, sustainable, inclusive development and participation in public affairs” (Council of the European Union, 2014). In the MPM2022, as in the previous round of the Monitor, respect for the freedom of expression is also assessed as having a specific regard in realising this fundamental right in the online environment. Along with the freedom of expression, and stemming from it, the right of access to information is another fundamental precondition of democracy. It is of utmost importance that the effective transparency of public administration is guaranteed, and that information that is in the public interest can be circulated so as to feed the political debate and, in the end, strengthen democracy. For that reason, contemporary democracies should guarantee access to public information and documents and also give whistle-blowers protection. A free and pluralistic media environment relies on the free conduct of the journalistic profession. This means that access to the profession should be open, that journalists should be able to enjoy decent working conditions and should be able to work safely and without threats or harassment. States should guarantee an “enabling environment” (CoE, 2016; European Court of Human Rights - ECtHR, case *Dink v. Turkey*, 2668/07, 6102/08, 30079/08, 7072/09 and 7124/09, Judgment on 14 September 2010), ensuring that journalists and other*

*media actors are able to express themselves freely and without fear of facing repercussions, and also when their opinions are contrary to those held by the authorities, or by the majority of public opinion. States should also ensure that journalists and other media actors receive protection when they are under threat; and that those who have information on issues of public interest are able to communicate with journalists securely and confidentially (CoE, 2022). The MPM, therefore, considers the safety of journalists, both physical and digital, as an important factor through which to assess whether the basic conditions for a pluralistic media environment are fulfilled. The impartiality and independence of the institutions that oversee the media market are other fundamental elements of a pluralistic media environment. The independence of media authorities is of paramount importance when implementing media-specific regulation and media policy, as the shape of the market directly impacts upon market plurality and the political independence of the media environment. Finally, the Fundamental Protection area includes an assessment of the universal reach of traditional media and of access to the Internet. These are conditions that contribute to the assessment of whether citizens have, or at least potentially have, access to a wide variety of content. The indicators aim to capture risks in relation to specific legal standards by measuring both the existence of legislation in a given area, and how it is implemented in practice. In addition to this, the MPM assesses what are the effective socio-political conditions that, in practice, affect the specific area of investigation. The five indicators examined under the Fundamental Protection area are:*

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

Figure 3.1.a. Fundamental Protection area - Map of risks per country

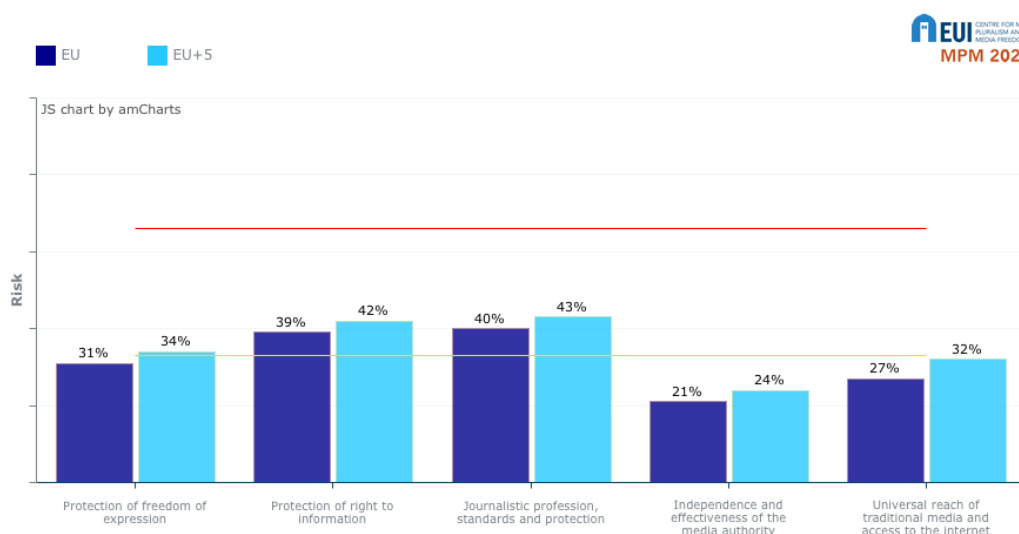


The analysis of the MPM2022's results in the area of Fundamental Protection suggests that, when it comes to the preconditions that are necessary to enable media freedom and pluralism, the situation has remained the same in EU member and candidate countries, if compared to the previous round of the MPM, with the average risk for the area being at 35%, which is in the medium-risk band, as it was in MPM2021, thus showing a stable trend.

In the MPM2022, 19 countries from the 32 scored as being at low-risk in the Fundamental Protection area, namely, Austria, Belgium, Cyprus, Denmark, Estonia, Finland, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, the Republic of North Macedonia, Slovakia, Sweden, and the Czech Republic. Compared to MPM2021, the level of risk has increased substantially in Greece and Poland, with both moving to the medium-risk band. The number of countries which scored a medium risk is 12, and these include Albania, Bulgaria, Croatia, France, Greece, Hungary, Montenegro, Poland, Romania, Serbia, Slovenia, and Spain. The only country which scored as being high risk is Turkey, as was the case in the previous round of the MPM. Most of the low-risk and medium-risk countries received a similar score in 2021. Only two countries registered a substantial shift in their risk score. Compared to the MPM2021, the risk has increased by 14 percentage points in Greece, and by 16 percentage points in Poland. In the first country, the main reason behind the deterioration in the area is the murder of the Greek journalist Giorgos Karaivaz, in April, 2021. In Poland, the reasons for the increase in the score of the risk assessment can be attributed to different issues

(Klimkiewicz, 2022), such as the takeover of the *Polska* Press group by the state-owned oil company, PKN Orlen, resulting in an editorial revamping of both local and regional newsrooms in 2021 (Zaremba, 2021), the conviction, for “defamation”, of the Polish journalist, Ewa Siedlecka, from *Polityka* weekly, on the basis of her investigative reporting concerning judges from the Disciplinary Chamber of the Supreme Court (Jałoszewski, 2021), and a blackout on reporting, introduced with the state of emergency on the Polish-Belorussian border, leading to repeated detention, and even the arrests of both single reporters and crews (CoE, 2021b).

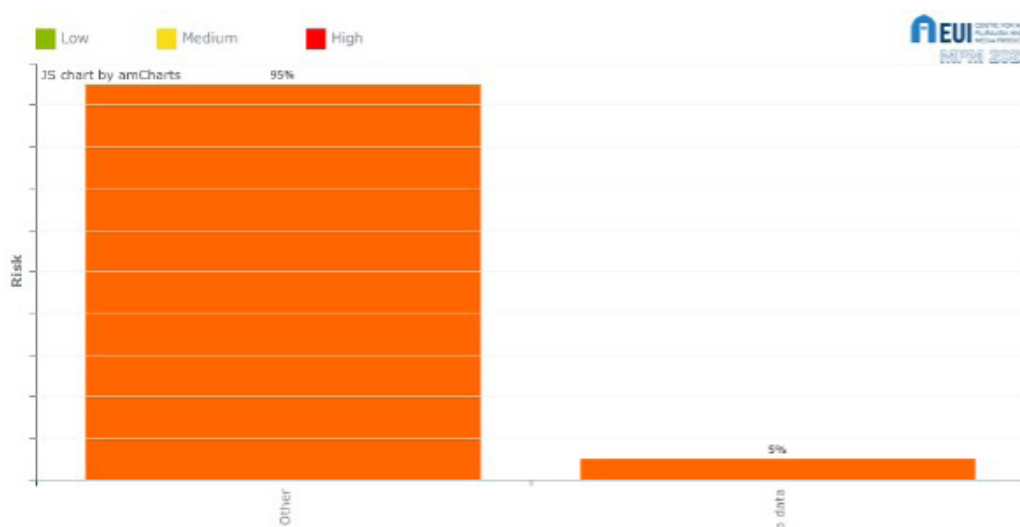
Figure 3.1.b. Fundamental Protection area - Averages per indicator



As for the individual indicators that are included in the Fundamental Protection area, the situation has remained stable in relation to the ‘Protection of freedom of expression’, which scored 34%, which is in the low risk band, as in MPM2021. The indicators on the ‘Protection of right to information’ and the ‘Universal reach of traditional media and access to internet’ showed a slight improvement: the first’s score was lowered from 45% to 42%, and the latter from 33% to 32%, both maintaining the same medium risk range as in MPM2021. This positive shift in relation to the ‘Protection of right to information’ can be attributed, amongst other things, to the 2021 transposition into national law of the *EU-Directive 2019/1937 on the Protection of Whistleblowers* (Santos-Rasmussen et al., 2022; Färdigh, 2022). Conversely, the indicators on ‘Journalist profession, standards and protection’ and ‘Independence and effectiveness of the media authority’ showed a slight deterioration: the first increased from 40% to 43%, and the latter from 23% to 24%, although these maintained their places in the same risk range as that achieved in MPM2021 (medium and low risk, respectively). The negative shift of the indicator ‘Journalist profession, standards and protection’ is mostly connected to the growing number of threats to journalists and the absence of anti-SLAPP frameworks, as reported by Spassov et al. (2022), Bilić & Prug. (2022) and Toma et al. (2022).

Lack of data does not seem to have a decisive impact on the overall score in the Fundamental Protection area, as just 2% of all the variables in the 32 countries were coded as offering “no data”, and these were then assessed based on the MPM methodology on the lack of data (see Figure 3.1.c.). When it comes to the digital variables that have been assessed as offering “no data”, amongst all the digital variables, the percentage increases to 4%, reflecting thus a broader problem, one which is also evident in other areas of the MPM, a problem which usually arises due to the lack of reliable data for the assessment of digitally-related phenomena.

Figure 3.1.c. Fundamental Protection area Incidence of “no data” (EU + 5)



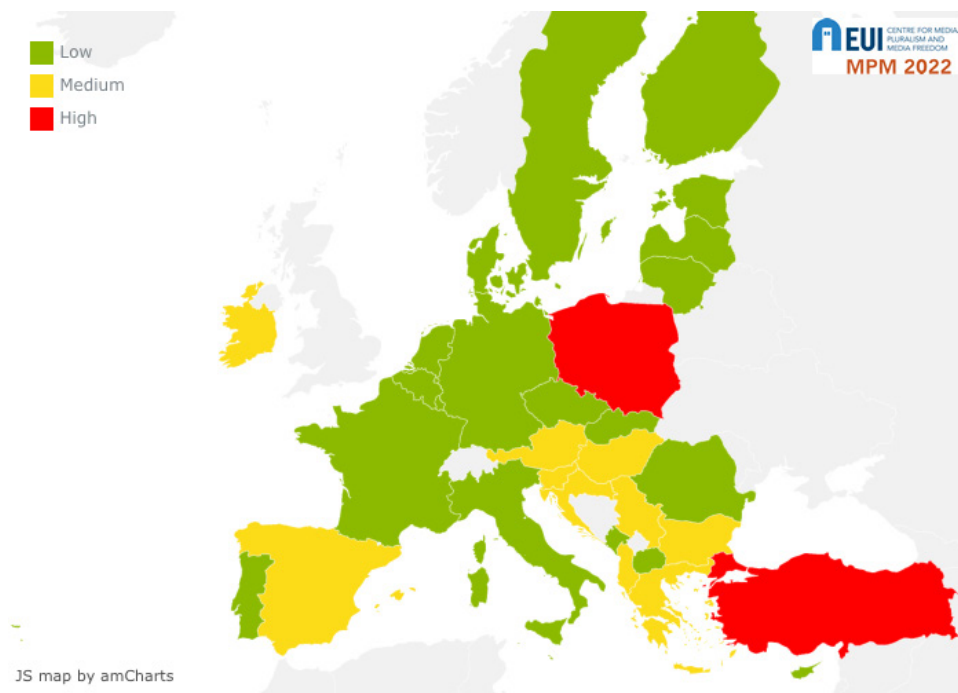
### 3.1.1. Protection of freedom of expression

*Freedom of expression is considered to be the cornerstone of democracy. Freedom of the press, freedom of the media, the right to access information - which all stem from the recognition of the freedom of expression - are essential conditions for a public sphere dialogue, one which is based on the free exchange of information and opinions. In addition to this, the freedom of expression also ‘enables’ other rights, namely, the right to assembly, the right to join a political party, the right to vote. Its protection is, thus, at the very core of any democratic society. EU Member States share, and are bound to respect, the freedom of expression, since it is enshrined in Art. 11 of the EU Charter of Fundamental Rights, and in Article 10 of the European Convention on Human Rights (ECHR), and as it is at the core of their common constitutional traditions.*



*It is also a right that has been effectively promoted under the Enlargement and Accession process (Brogi et al., 2014). Under the MPM2022, the indicator on the Protection of freedom of expression aims to assess the existence and effective implementation of the regulatory safeguards for freedom of expression in a given country. A country may have a set of laws protecting freedom of expression, but their implementation and enforcement may be lacking. Constitutional guarantees and international treaty obligations may be eroded by exemptions and derogations, or by other laws that may limit the freedom of expression in an arbitrary way. In order to assess the levels of protection for freedom of expression, the MPM uses the standards that have been developed by the Council of Europe and the European Court of Human Rights (ECtHR) when interpreting Art. 10 of ECHR. Restrictive measures must have a legal basis in domestic law, and this should be accessible to the person concerned, and should be foreseeable in its effects; any limitations must have a “legitimate aim” and be “necessary in a democratic society”. The ECtHR has interpreted the scope of the freedom of expression broadly, as it is considered essential for the functioning of a democratic society: “the dynamic interpretation, by the Court, of what is to be considered ‘necessary in a democratic society’, together with the limitation of the ‘margin of appreciation’ by the member states, have been crucial for the impact of Article 10 of the Convention on the protection of freedom of expression in Europe” (CoE, 2021a). This indicator includes a sub-indicator that specifically relates to defamation laws. While defamation laws are an important tool in protecting people from false statements that damage their reputation, such laws can be abused. The criminalisation of defamation, as well as exorbitant claims for damages, may have a chilling effect on freedom of expression and journalistic freedom. The abusive use of strategic lawsuits against public participation (SLAPPs) has exacerbated this phenomenon. Journalists should enjoy a position in which they can exercise their job without fear. Online violations of freedom of expression are growing in frequency and importance. Another element that is, therefore, taken into account in the indicator, is whether freedom of expression online is to be limited on the same grounds as freedom of expression offline. In this regard, the indicator takes into account whether Article 10 of the ECHR is respected and, in particular, whether restrictive measures resulting in the blocking, removal and filtering of online content comply with Article 10.2 ECHR (i.e., limitations on freedom of expression are prescribed by law, regardless of the existence of a specific law on content moderation online, they pursue a legitimate aim, and they are necessary for a democratic society). The indicator also takes into consideration whether filtering and blocking practices by Internet service and content providers, and by a given State, are based on legitimate conditions and limitations, on transparent practices, or whether they are arbitrarily limiting the freedom of expression online.*

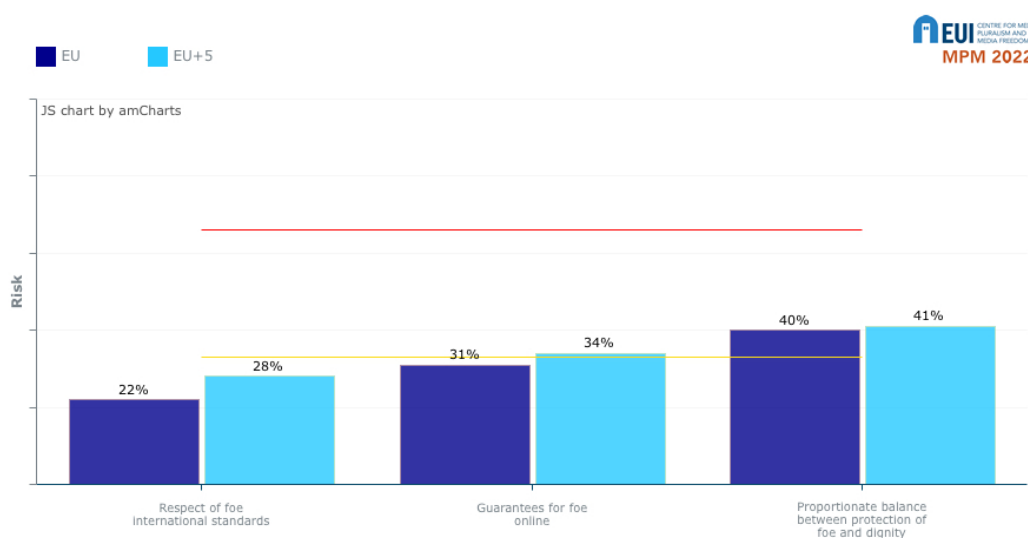
Figure 3.1.1.a. Indicator on the Protection of freedom of expression - Map of risks per country



The average of the indicator on the ‘Protection of freedom of expression’ remained at 34%, as in MPM2021, with 20 countries scoring as being in the low risk band, namely, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, Portugal, the Republic of North Macedonia, Romania, Slovakia, and Sweden. Three countries shifted to the low risk band, if compared to MPM2021 (France, Latvia and Montenegro). The medium risk score applies to ten countries: Albania, Austria, Bulgaria, Croatia, Greece, Ireland, Hungary, Serbia, Slovenia, and Spain. Ireland was the only country to increase its risk level from low to medium. Finally, differently to MPM2021, this year, Poland shifted to the high risk band, joining Turkey at this risk band. Indeed, Poland showed an increase of 28 percentage points in this indicator, when compared to MPM2021, moving from 45% to 73%. As Klimkiewicz (2022) reports, this is due to several facts in 2021, such as an attempt to pass a Bill, which is also known as *Lex TVN*, to amend the *Broadcasting Act*, and which aimed to prevent entities from outside the EEA from holding a majority stake in broadcasters; an increasingly biased and manipulative PSM’s performance, which results in the polarisation, and often inaccurate, coverage of political issues; and the criminalisation of defamation, which is frequently used to silence journalists, as the conviction of Ewa Siedlecka for “defamation”, in 2021, demonstrates.

Siedlecka is a journalist from *Polityka* weekly, and she was convicted on the basis of her investigative reporting concerning judges of the Disciplinary Chamber of the Supreme Court (Jałoszewski, 2021). By contrast, Turkey showed a decrease of 8% in this indicator, lowering its score from 95% to 87%, which can be attributed to the decreasing number of imprisoned journalists (Inceoglu et al., 2022), a number which was lowered from 37 to 18 in 2021, according to the Committee to Protect Journalists (CPJ, 2021). In this regard, it is important to highlight that, despite this decrease, the criminal law provision penalising ‘insulting the president’ continues to be used, even if the European Court of Human Rights - ECtRH (*Vedat Şorli v. Turkey*, application n. 42048/19) has already decided that this is incompatible with the *ECHR* (CoE, 2022).

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



The indicator on the ‘Protection of freedom of expression’ in the EU benefits from an established tradition, in terms of constitutional and legal safeguards, international standards and case law. Constitutional and legal protection for the freedom of expression is formally guaranteed in all of the countries that are considered under the MPM2022. It is enshrined in all of their Constitutions and/or in their national laws, as the score for the sub-indicator on the ‘Respect for freedom of expression - international standards’ demonstrates. This indicator, on average, scores as a low risk (28%), as in MPM2021. As a general trend, the relevant international human rights conventions, which are particularly relevant for freedom of expression standards, namely, the *International Covenant on Civil and Political Rights* (ICCPR, Article 19) and the *European Convention on Human Rights* (ECHR, Article 10), were ratified with no particular derogations, with only Malta having two reservations in regard to Article 19 of the *ICCPR*.

Turkey also had a reservation in regard to the provisions of Article 27 of the *ICCPR*, in particular, the maintenance of the right to interpret and apply its provisions in accordance with the related provisions and rules of the Constitution of the Republic of Turkey, some of which are in violation of the freedom of expression. As in MPM2021, this year, Turkey is the only country that has scored as being at high risk for this very basic indicator on the protection of freedom of expression (85%). The main differences between the various legal systems in this area are to be found in the limitations to freedom of expression that are permitted under each constitution, in the legal order, or in special laws, and in the proportionality of the specific limitations on the basis of the interests of “national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary” (Article 10(2), ECHR). Albania, Bulgaria, Croatia, Greece, Montenegro, Poland, Serbia, Slovenia, and Spain scored as being at medium risk for the sub-indicator on the ‘Respect of freedom of expression - international standards’. In many cases, these countries have a satisfactory or solid regulatory framework in place which is in line with international standards, but they demonstrate poor implementation, which, in practice, leads to violations of the exercise of freedom of expression. The difference, if compared to MPM2021, is that Malta has shifted to the low risk group this year, its score decreasing by 10 percentage points, from 35% to 25%, which can be attributed to an increasing recognition of freedom of expression by State institutions, as the landmark case of the civil society activist and blogger Manuel Deliade, which was judged in January, 2020, demonstrates (Vassallo, 2022).

Within the indicator on ‘Freedom of expression’, the sub-indicator that scored the highest risk, is, once again, that relating to the Proportionate balance between the protection of freedom of expression and dignity (41% - in the medium-risk range – as in the previous MPM round). The ECtHR had issued several decisions, which concluded that national courts had failed to balance the right to freedom of expression against the protection of reputation, in particular, when the plaintiff was a public figure (see, for instance, *Balaskas v. Greece*, and *Narodni List D.D. v. Croatia*). Under this sub-indicator, two countries scored as being at high risk (Poland and Turkey), 11 scored medium risk, with five countries receiving the maximum score for medium risk (66% - Albania, Austria, Slovakia, Slovenia and Spain) and another five scoring 50%, thus being at medium risk (Bulgaria, Estonia, Hungary, Latvia and Portugal). 20 countries scored as being at low-risk, 14 of which were in the maximum band for the low-risk range (33% - Belgium, Croatia, the Czech Republic, France, Finland, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, The Netherlands, Serbia, and Sweden). Five countries scored 17% in the low-risk band (Denmark, Malta, Montenegro, the Republic of North Macedonia and Romania) and only Cyprus scored 3%, the minimum in the low-risk band, as in the MPM2021.

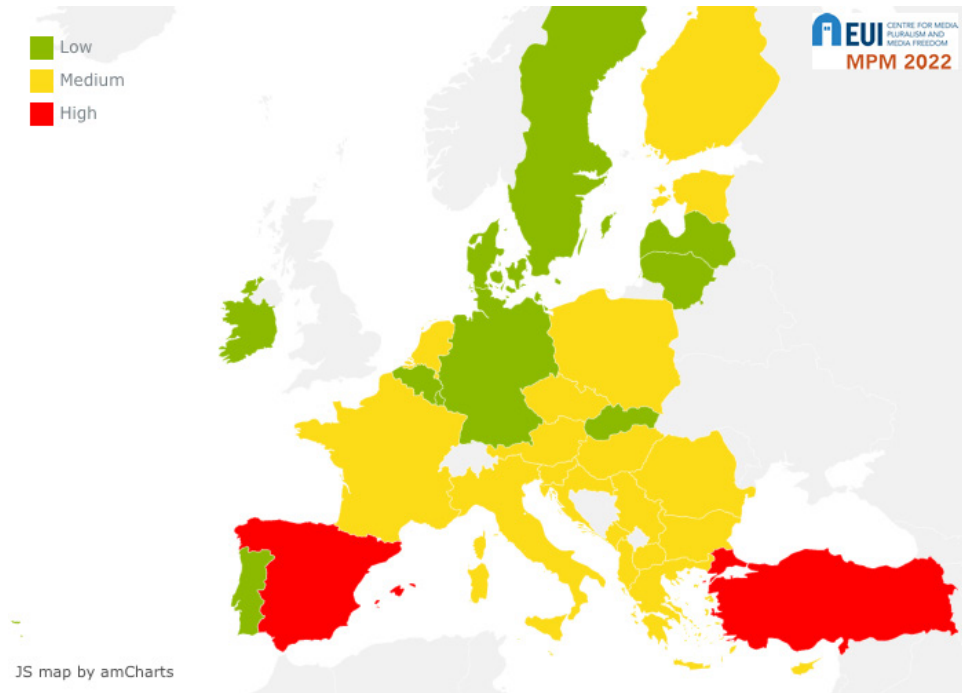
Only 6 of the 32 countries analysed have decriminalised defamation: Cyprus, Ireland, Malta, Montenegro, Romania and Serbia. Of those which still maintain defamation as a crime, 19 make it punishable by imprisonment - Austria, Belgium, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, The Netherlands, Poland, Slovakia, Slovenia, Spain, Sweden, and Turkey) - whereas seven provides for fines (Albania, Bulgaria, Croatia, Denmark, Italy, Portugal and the Republic of North Macedonia). Under the Protection of freedom of expression, the MPM analyses also whether freedom of expression online is formally guaranteed and respected, in practice, (sub-indicator Guarantees for freedom of expression online). A more detailed discussion of this sub-indicator is available in Section 4.1. Fundamental Protection – digital.

### 3.1.2. Protection of the right to information

*The indicator on the Protection of the right to information is designed to assess the existence and effective implementation of regulatory safeguards in relation to access to information and to the protection of whistle-blowers. Hence, it aims to assess one of the building blocks of media freedom and, in particular, of investigative journalism. The indicator, as in the previous MPM editions, focuses on the right of access to information that is held by public authorities and the State, the lawfulness of the limitations thereto, as well as the existence and effectiveness of appeal mechanisms in cases where information is withheld. The indicator is based on the principle that all public-sector information belongs to the public, with limited and qualified exceptions that must be justified by the authorities. The indicator has also been enhanced by a sub-indicator on whistle-blowers' protection, which aims to understand whether, in a given country, legislation on the topic exists; whether the State systematically raises awareness in relation to the protection available to whistle-blowers and implements that legislation, in practice, and whether the country is free from the arbitrary sanctioning of whistle-blowers. Based on the standards of the Council of Europe (Recommendation CM/Rec (2014)7 of the Committee of Ministers to the Member States on the Protection of Whistle-Blowers), a "whistle-blower" is "any person who reports or discloses information on a threat or harm to the public interest in the context of their work-based relationship, whether it be in the public or private sector". Whistle-blowing is fundamental to journalists in their work of shedding light on wrongdoing (e.g., corruption, fraud) and in exposing situations that are harmful to the public interest. Whistle-blowers should be protected, as they need specific channels in order to be able to expose their case without fear of retaliation. Within the EU legal framework, whistle-blowers are now protected under Directive (EU) 2019/1937 of the European Parliament and of the Council of 23rd October, 2019, on the protection of persons who report breaches of Union law.*

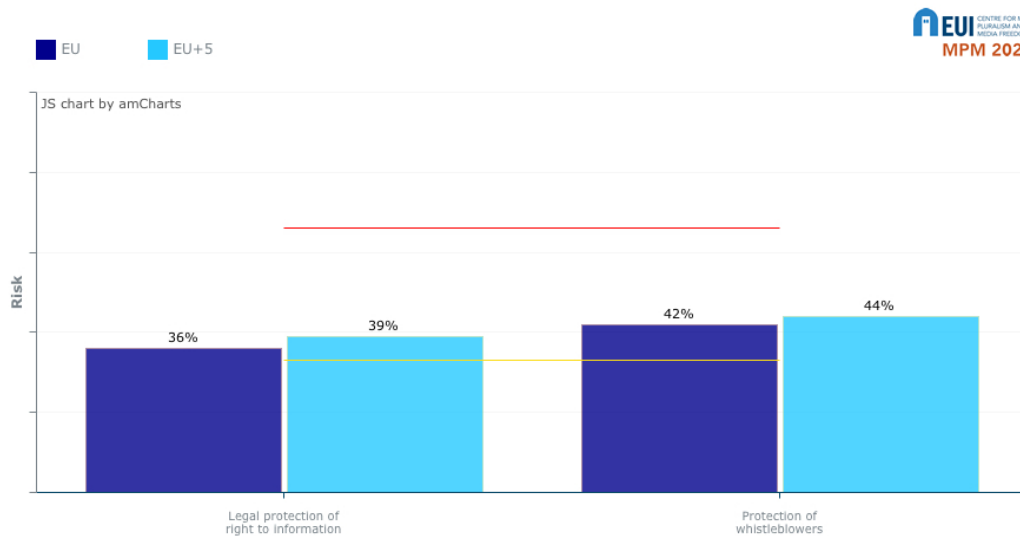
*According to Article 26 (1), Member States were supposed to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17th December, 2021.*

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



The indicator on the protection of the right to information scores an average of 42%, which is 3 percentage points lower than in MPM2021, falling again into a medium-risk band in the Fundamental Protection area. Around two-thirds of the assessed countries (20 of 32) scored as being at medium risk (Albania, Austria, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Greece, Hungary, Italy, Malta, Montenegro, Netherlands, Poland, the Republic of North Macedonia, Romania, Serbia, and Slovenia). Two countries scored as being at high risk (Spain and Turkey, as in the previous round of the MPM). Four countries shifted to the low-risk range, namely, Denmark, Luxembourg, Portugal and Sweden.

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



The sub-indicator on the ‘Legal protection of the right to information’ remains at 39%, which is within the medium-risk range. As in MPM2021, in this sub-indicator, the majority of countries scored as being at low risk (18), with 12 countries at medium risk (Albania, Bulgaria, Croatia, France, Hungary, Malta, Montenegro, the Netherlands, Poland, Romania, Slovenia and Spain), and two countries at high risk (Austria and Turkey). The main issues identified in the previous rounds of the MPM which related to the right to information, remained problematic. A substantial gap exists between the letter of the FOI’s laws and their implementation and enforcement. While *de jure* protection is strong in many of the EU member states and candidate countries, there is substantial room for improvement when it comes to practice: journalists consistently continue to find difficulties when requesting government information, which includes refusals, unnecessary delays, administrative silence and diversionary tactics. For instance, in Malta, an illustrative case, which is reported by Vassalo (2022), was the request made by *Lovin Malta* to establish how much public money was used by ministers on their own personal Facebook pages, which was refused by the government on the basis that “the requested information would substantially divert the resources of the public authority from its other operations” (Peregin, 2021). In Montenegro, one-third of all requests for free access to information are either fully or partially rejected, and the number of appeals filed annually almost equals the number of requests (Brkic, 2022). The MPM2022 results are in line with the academic research on the right of access to government information, which identified similar issues arising from the implementation and enforcement of FOI laws across different jurisdictions (Žuffová, 2021). While the FOI practice is more problematic than the law in most of the countries assessed, some countries have weak FOI laws.

For instance, as Seethaler and Beaufort (2022) argue, in Austria, secrecy is prevalent and multiple previous efforts to legislate the right of access to information and documents that are held by the public sector, failed. In February, 2021, the Austrian government submitted a draft *Act on Freedom of Information* to the parliament, whose public consultation ended on April 19, 2021. Since then, the legislative process has stalled again. A two-thirds majority in the parliament is needed to approve the necessary amendment to the constitution and to pass the law that will implement it. As for the sub-indicator on the ‘Protection of whistle-blowers’, the situation has improved, lowering the average risk from 52% to 44%. In the MPM2022, 10 countries scored as being at low risk - Austria, Belgium, Denmark, Germany, Latvia, Lithuania, Luxembourg, Portugal, Slovakia and Sweden - 18 scored as being at medium risk - Albania, Bulgaria, Croatia, Cyprus, the Czech Republic, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Malta, Montenegro, The Netherlands, The Republic of North Macedonia, Serbia, and Slovenia - and four countries scored as being in the high risk band - Estonia, Poland, Spain, and Turkey. The results assessing this variable suggest that States do not pay sufficient attention to awareness-raising activities, and a lack of awareness can then translate into low numbers of reports being filed by whistle-blowers.

Finally, according to Article 26(1) of *Directive no. 2019/1937 of the European Parliament and of the Council of 23 October 2019*, on the protection of persons who report breaches of Union law, Member States were supposed to bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 17 December, 2021. However, until the date of writing this report, only nine Member States had transposed the Directive into national law. These are: Croatia, Cyprus, Denmark, France, Latvia, Lithuania, Malta, Portugal and Sweden.

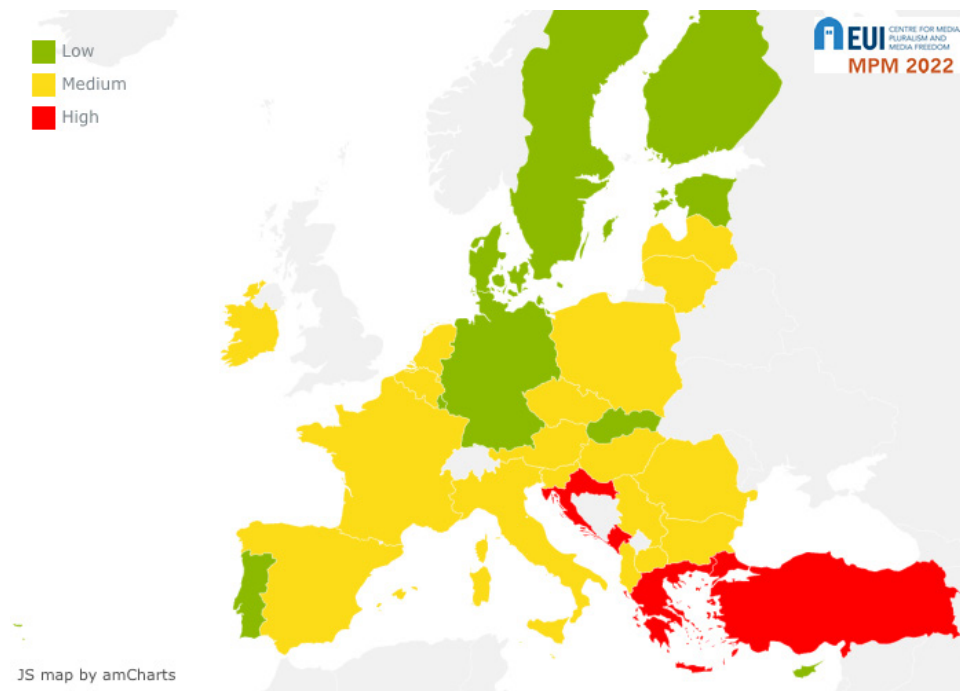
### 3.1.3. Journalistic profession, standards and protection

*Journalists and other media actors are those who, in a functioning democratic society, feed the public debate and ensure that the public is informed on all matters of public interest. In contributing to the public debate, journalists influence public opinion and, thus, in the end, the electoral choices of voters and the accountability of politicians. It is therefore important that, in a democratic society, access to the journalistic profession is not limited (i.e., subject to licensing schemes); and journalists can act independently from political and commercial interests and rely on an “enabling environment” in which to carry out their job. In this regard, the European Court of Human Rights sets the standards. The Court has stressed, in its case law, that countries have positive obligations to “create a favourable environment for participation in public debate by all persons concerned, enabling them to express their opinions and ideas without fear” (CoE, 2016; ECtHR, case Dink v. Turkey, 2668/07, 6102/08, 30079/08, 7072/09 et 7124/09).*



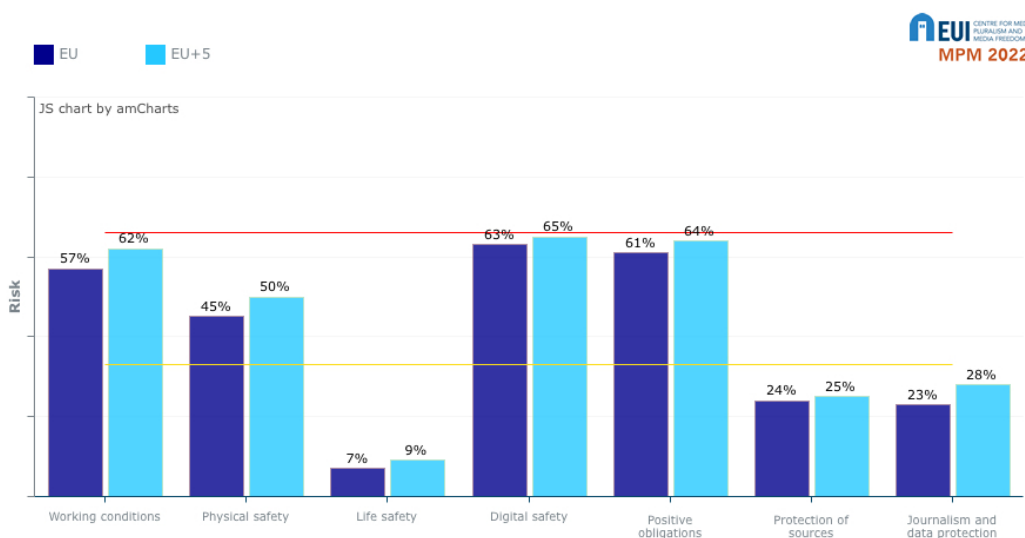
*This also means that the countries have a duty to guarantee a safe environment in which journalists, and other media actors, can exercise their watchdog function. The Journalistic profession, standards, and protection indicator deals with a range of different aspects that touch upon journalists and journalism. The indicator is composed of seven sub-indicators, which describe the risks resulting from (i) working conditions; (ii) physical safety; (iii) life safety; (iv) digital safety; (v) positive obligations to protect journalists from strategic lawsuits against public participation (SLAPPs) and other legal threats; (vi) the existence and levels of the implementation of those rules on the protection of journalistic sources; and, (vii) the existence and levels of the implementation of rules on privacy and data protection. MPM2022 has also assessed the status of journalists, based on a variable that considers arbitrary arrests and the imprisonment of journalists due to the exercising of their profession (whether there are, for instance, politically motivated arrests/detentions and imprisonments of journalists) and cases of severe threats to the lives of journalists, including physical threats, physical harm and assassination. MPM2022 also provides an additional focus on threats to women journalists, both off and online.*

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



This indicator describes the basic conditions which must be guaranteed to journalists so as to allow them to work freely, with dignity, and without fear. The indicator on “Journalistic profession, standards and protection” scores a medium risk at 43% in MPM2022, which represents a deterioration of 3 percentage points, if compared to MPM2021, when this indicator scored 40%, and to MPM2020, when it was at 33%, suggesting a continually worsening trend. Similarly, as in the previous round of the MPM, Turkey remained a high-risk country (83%) - with an increase of 12 percentage points in relation to the previous year. Greece (74%), Croatia (68%) and Montenegro (67%) - which in MPM2021 were at the medium-risk band - shifted to the high-risk band in MPM2022. The risk increase in these three countries is connected to the killing of the Greek journalist Giorgos Kairavaz, in 2021; to the several threats and assaults suffered by Croatian journalists in 2021 (Bilić & Prug, 2022); and to the steady growth in the number of reported attacks on journalists in Montenegro (Brkic, 2022). The majority of countries (19) scored as being at medium risk (Albania, Austria, Belgium, Bulgaria, Czech Republic, France, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, The Netherlands, Poland, The Republic of North Macedonia, Romania, Serbia, Slovenia, and Spain). Differently to MPM2021, when 11 countries scored as being at low risk, this year, only 9 (nine) countries scored as being in the low risk band: Cyprus, Denmark, Estonia, Finland, Germany, Luxembourg, Portugal, Slovakia, and Sweden. The indicator on the Journalistic profession, standards, and protection contains different sub-indicators that assess the risks for the protection of journalists, both in terms of professional standards and safety, and this includes those working in the digital media.

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



The sub-indicator on 'Working conditions' scores, on average, a medium risk of 62%, two percentage points lower than in MPM2021. Within this indicator, only Denmark, Germany, Ireland, and Sweden scored as being at low risk, while 15 countries scored as being at a medium risk (Belgium, Bulgaria, Cyprus, Estonia, Finland, France, Italy, Latvia, Luxembourg, Malta, Poland, Portugal, Slovakia, Slovenia, and Spain), and 13 scored as being at high risk (Austria, Albania, Croatia, Czech Republic, Greece, Hungary, Lithuania, Montenegro, The Netherlands, The Republic of North Macedonia, Romania, Serbia, and Turkey). Amongst the countries that score as a high risk, Croatia, Hungary, Montenegro and Romania scored 97%, the highest possible level of risk. Some of the reasons behind these unfavorable working conditions are country-specific, but many are shared, such as the absence of collective contracts protecting journalists' rights, the absence of pension schemes, low wages, and difficulties in relation to the sustainability of media outlets due to the competition created by news intermediaries, such as online platforms. In some countries, e.g., Turkey, the labour law does not cover specific groups of journalists, such as freelancers and self-employed journalists (Inceoglu et al., 2022). Likewise, in Romania, freelancers do not enjoy the same levels of social security as employed journalists (Toma et al., 2022).

'Safeguards to physical safety' is another sub-indicator that is fundamental to the evaluation when assessing the basic conditions for the free conduct of journalistic work. The sub-indicator covers physical threats and arbitrary imprisonment. As noted in the UN Plan of Action on the Safety of Journalists and the Issue of Impunity: "In recent years, there has been disquieting evidence of the scale and number of attacks against the physical safety of journalists and media workers" (Unesco, 2016). Similarly to MPM2021, this round of the MPM scores as being at a medium risk of 50%. Within this sub-indicator, 13 countries scored as being at low risk (Cyprus, Czech Republic, Denmark, Estonia, Finland, Ireland, Hungary, Lithuania, Luxembourg, Portugal, The Republic of North Macedonia, Romania, and Slovakia) 14 scored as being at medium risk (Austria, Belgium, Bulgaria, Croatia, France, Germany, Italy, Latvia, Malta, The Netherlands, Serbia, Slovenia, Spain, and Sweden) and five scored as being at high risk (Albania, Greece, Poland, Montenegro, and Turkey). Threats to the physical safety of women journalists are monitored as a separate component of the sub-indicator. Available research (Chen et al. 2020, Trionfi & Luque, 2019), as well as the data collected for this round of the MPM, confirmed that violence against women journalists has been on the rise and has serious consequences for journalism's practice and for women's representation in the profession. Attacks can lead to self-censorship, or avoidance of covering polarised topics, or even to exit from the profession. The MPM data collection has also revealed that the gender-disaggregated data on attacks has not been systematically collected, and, so, the extent of this issue remains unknown.

In countries where this data is available, such as Montenegro, such data demonstrates that three of the five reported cases of physical attacks concerned female journalists, and five out of nine of the reported threats and verbal attacks related to female journalists (Brkic, 2022). Only three of the 32 countries assessed reported that they were free of physical threats and attacks, namely, Denmark, Ireland, and Portugal. In the MPM2022, six countries were reported as being risky, due to the arbitrary arrest or imprisonment of journalists, as a result of their profession: Albania, Bulgaria, Greece, Montenegro, Poland, and Turkey. The MPM data collection has also shown that there is harassment of journalists by State institutions. In this regard, Voko & Likmeta (2022) report on the investigation, launched by the Special Anticorruption Prosecutor's Office, against the news portal *Lapsi.al*, which allegedly attempted to force journalists to reveal the source of a major private data leak. In April, 2021, the ECtHR issued an interim decision imposing a security measure to prevent the seizure of the servers and computer data of the online news outlet. In 2021, physical assaults on journalists usually occurred when they were covering demonstrations in the context of COVID-19, such as anti-lockdown or anti-vaccine protesters, and during political manifestations, according, for instance, to the Croatian and Austrian reports (Bilić & Prug, 2022; Seethaler & Beaufort, 2022). As the Council of Europe (2022) reported, in 2021, the number of physical attacks on journalists rose by 61%, while incidents of harassment and intimidation, including that by politicians and government officials, increased by 57%. The threats occurring in the online environment are discussed in detail in Section 4.1 - Fundamental Protection – digital, under the sub-indicator Digital safety. As for life safety, after the murders of the Maltese investigative journalist, Daphne Caruana Galizia, in 2017, of the Slovak investigative journalist Ján Kuciak and his partner in 2018, and the killing of Lyra McKee in Northern Ireland in 2019, in 2021, two journalists were killed in the EU. This number rises to three journalists if candidate countries are considered. In April 2021, the Greek journalist, Giorgos Karaivaz, was shot dead outside his house (Papadopoulou, 2022) and, in July, 2021, the famous Dutch journalist, Peter R. de Vries died after a shooting on the evening of 6 July, while walking away from a television studio in central Amsterdam. In March 2021, the Turkish Radio presenter, Hazım Özsu, was shot in his house, in Altınovain, in the Osmangazi district. These murders have been reflected in the assessment of the sub-indicator 'Life safety', for which the overall score was assessed as being low for all of the countries, except for Greece, The Netherlands and Turkey, which scored a high risk at 97%. Under the sub-indicator on 'Positive obligations', the MPM2022 looks into whether the countries examined are putting in place all of the measures that are necessary to guarantee an enabling environment for journalism, based on the Council of Europe's standards. In 2016, the Council of Europe adopted the *Recommendation on the Protection of Journalism and the Safety of Journalists and Other Media Actors* (CoE, 2016), which provides for specific Guidelines for Member States to act upon in the areas of prevention, protection, prosecution, promotion of information, education and awareness-raising. In

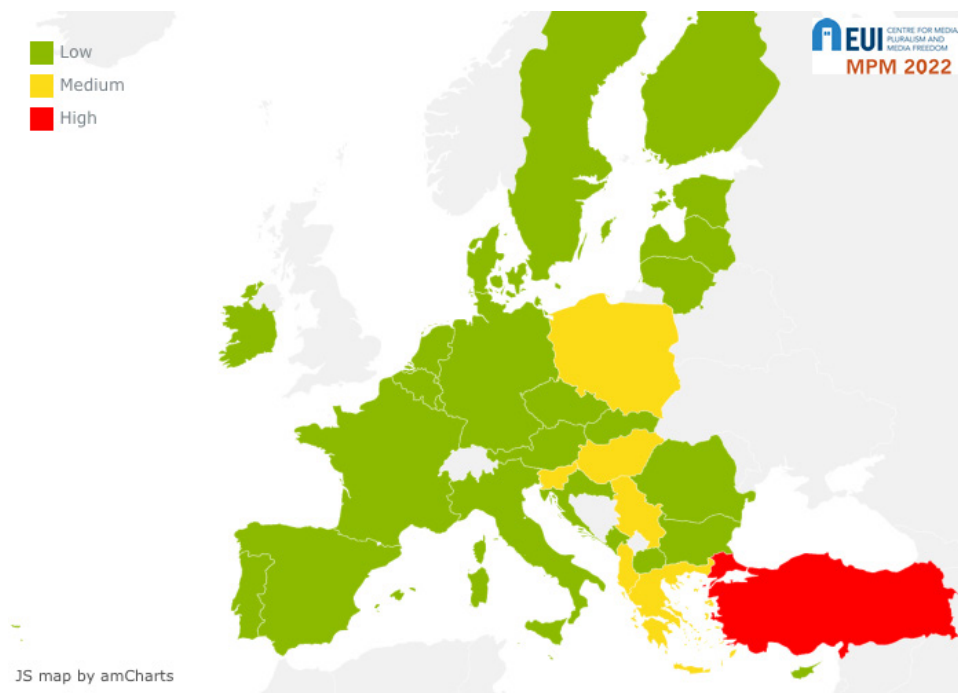
2020, the Recommendation has been further operationalised by an Implementation Guide (CoE, 2020). In particular, the MPM2022 sub-indicator on ‘Positive obligations’ assessed the extent of impunity (whether perpetrators of crimes against journalists are prosecuted), the existence of an anti-SLAPP legal framework, and the occurrence of SLAPP cases. In this regard, at the EU level, there have been recent initiatives that are aimed at creating a framework to prevent SLAPPs, such as the proposal for a Directive on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings (“Strategic lawsuits against public participation”) from April 2022 (European Commission, 2022). In the MPM2022, the sub-indicator ‘Positive obligations’ scores as a medium risk (64%). Albania, Belgium, Bulgaria, Croatia, Czech Republic, Greece, Estonia, Hungary, Italy, Malta, Montenegro, Poland, Slovenia and Turkey are those countries that score high risk. In many countries, the State has been repeatedly petitioned by experts and media professionals, not only to ensure that it guarantees a safe and enabling environment for journalists, but to stop it from threatening journalists’ safety and media independence. Datasets have been cross-checked with the results of the Platform to Promote the Protection of Journalism and the Safety of Journalists of the Council of Europe. Within the timeframe of the MPM2022’s analysis, 110 cases of harassment and intimidation of journalists and the media were reported. The sub-indicator on the ‘Protection of sources’, as in MPM2021, scores as a low risk (25%), with only 10 countries scoring a medium risk (Albania, Bulgaria, France, Greece, Ireland, Italy, Montenegro, The Netherlands, Poland, and Turkey). The MPM2020 introduced a new sub-indicator that aimed to tackle the impact of data protection and data retention rules on journalistic activity. The processing of personal data is a necessary step towards the proper exercise of the journalistic profession. Requiring journalists to fully comply with data protection rules and principles can have a real impact on their freedom of opinion and of expression. Examples would be, for instance, the requirement of the data subject’s consent to publish his/her personal information in news articles, or the disclosure of the name of the source who provided information on personal aspects of an individual for journalistic materials. The need for Member States’ laws “to reconcile the rules governing freedom of expression and information, including journalistic, academic, artistic and or literary expression, with the right to the protection of personal data” is recognised in Recital 153 of the *General Data Protection Regulation* (GDPR). This sub-indicator scores an average of 28%, with the majority of countries (25) scoring a low risk, four countries scoring a medium risk (Hungary, Montenegro, Poland, and Romania) and three scoring as being high risk (Albania, Croatia, and Turkey), suggesting that although there is EU legislation in this field, as well as guidance from the Court of Justice of the European Union, there is still room for improvement, as not all EU member states have scored within the low risk range. The first variable in this sub-indicator aims to assess whether there are, or are not, data retention obligations for Electronic Telecommunications Operators and Internet Service Providers at the national level, and, if they exist,

whether they comply with EU and Council of Europe Standards. Despite the decisions of the Court of Justice of the European Union in *Joined Cases C-293/12 and C-594/12 (Digital Rights Ireland and Seitlinger and Others)*, 14 countries scored as being at medium risk (Bulgaria, Cyprus, Denmark, Finland, France, Germany, Greece, Hungary, Italy, Montenegro, Romania, Serbia, Spain, and Sweden), and five scored as being at high risk for this variable (Albania, Croatia, Ireland, Poland, and Turkey). The other two variables which make up this sub-indicator seek to evaluate whether the implementation or transposition of two EU instruments - *GDPR and Directive 2016/680* - concluded in such a way that they ensure a proper balance between data protection and the freedom of expression. Regarding the implementation of *Directive 2016/680* (or similar legislation for non-EU Member States) at the national level, nine countries scored as being at medium risk (Austria, Bulgaria, Estonia, France, Greece, Portugal, Romania, Serbia and Sweden) and four scored as being at high risk (Croatia, Hungary, Poland and Turkey). With regard to the last variable in this sub-indicator, which assesses the implementation of the specific rules of the *GDPR*, the majority of countries scored as being a low risk.

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

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

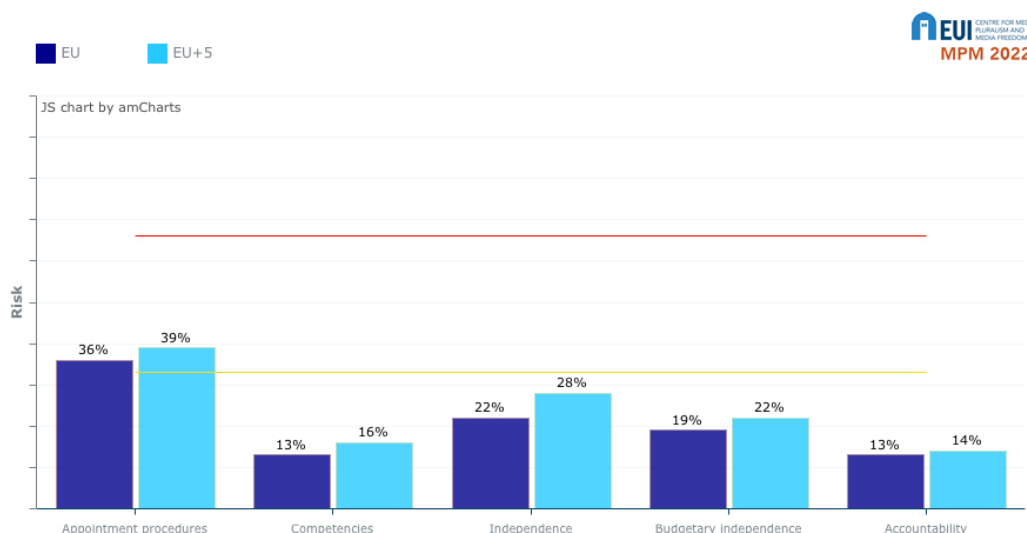
Figure 3.1.4.a. Indicator on the Independence and effectiveness of the media authority - Map of risks per country



Media authorities are increasingly becoming key actors in media regulation in Europe and, along with them, the competition and data protection authorities. They can play a role in defining the standards for media policies in a media environment that is dramatically and constantly altered by new digital markets and services. The 2018 revision of the *Audio-Visual Media Services Directive (AVMSD)* has introduced specific provisions defining the criteria guaranteeing the independence of media authorities within the scope of the *AVMSD*, which is geared to reinforce their independence from political and commercial interests. In particular, the reform includes a requirement for Member States to have independent regulatory authorities for audio-visual media services, authorities that should be legally distinct from the executive power, and also functionally independent of their respective governments and any other public or private body. The independent audio-visual media authorities should not be instructed by any other body in relation to the exercise of their tasks, and they should exercise their powers both impartially and transparently. The *AVMSD* lays down that such national regulatory authorities, or bodies, must exercise their powers in accordance with the objectives of the Directive, and, in particular, with media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, the internal market, and the promotion of fair competition.

The tasks of the audio-visual media authorities should be clearly defined in law, and authorities should have adequate resources and enforcement powers in order to carry out their functions effectively. The Member States shall lay down in law transparent procedures for the appointment and dismissal of the head of the national regulatory authority, or of the members of the collegiate body. An appeal mechanism against the decision of a regulator at the national level shall also be provided. The criteria listed in the Directive were previously used by the MPM to assess the independence and effectiveness of the media authorities. Under the Independence and effectiveness of the media authority indicator, only Turkey scored as a high risk. The Radio and Television Supreme Council (RTÜK), the Turkish regulatory authority, is a partisan institution that does not have any independent representatives to strengthen its independence and professionalism. As was reported by Inceoglu and colleagues (2022), the selection and appointment procedures for the authority are also not transparent, and they are very prone to political and economic interference. As in MPM2021, six countries scored as being on the medium risk level (Albania, Greece, Hungary, Poland, Serbia, and Slovenia), while the vast majority (25 countries) were within the low-risk range. In the MPM2022, the average score for the indicator on the Independence and effectiveness of the media authority was 24%, one percentage point higher than in MPM2021 (23%).

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





The sub-indicators demonstrating the highest risk under this indicator remained those relating to ‘appointment procedures’ and the effective ‘independence of the media authority’. This is due to the weakness of the mechanisms that might be able to push back against political and commercial influences and ensure the independence of the authorities through appropriate appointment procedures. Political appointment does not automatically mean that the authority will act in line with political pressure, but it clearly poses the risk of interference. For instance, in Hungary, since the establishment of the authority in 2010, all five members of the Media Council have been nominated and elected by the Fidesz party majority in parliament for nine-year terms. The president of the Media Authority and the Media Council is the same person, who was appointed by the president of Hungary based upon the nomination by the prime minister. Moreover, as reported, the Media Council refuses to enforce some of the most important aspects of the *Media Act 2010*, especially those related to media pluralism, while its licensing practices run counter to the Act's pluralism provisions (Bátorfy et al., 2022). Moreover, the design of the appointment procedures has been problematic in many EU member and candidate countries, and this may lead to sporadic controversies, as reported by some country reports (Papadopoulou, 2022; Milosavljević & Biljak, 2022).

The sub-indicator on the independence of the media authority scores as being at low risk (28%). The vast majority of countries scored as a low risk (25 countries), whereas two countries scored as being at medium risk (Croatia and Montenegro) and five countries as being at high risk (Albania, Hungary, Poland, Serbia, and Turkey). In high-risk countries, a high risk is not represented necessarily by direct interference, such as the authority's decisions being arbitrarily overruled, but it is more implicit. In Poland, although the appointment procedures and competences of the media authority (KRRiT) are governed by the Constitution and the *1992 Broadcasting Act*, in practice, these procedures do not ensure effective independence. For instance, as reported by Klimkiewicz (2022), KRRiT's policy has raised widespread concerns, and at the international level also, for regulatory procrastination leading to postponed decisions on the licences for *TVN 24* and *TVN 7*. Similarly, in Serbia, the influence of the executive power is mainly exerted indirectly, through the process of electing members of the media authority and also through financial influence, using the law provision that stipulates that the government approves the fee for the media (Milutinovic, 2022).

Across the 32 countries under consideration, the assessment of the competencies/powers of the authorities scores as being on an overall low risk level (16%), although this represents an increase of two percentage points in comparison with the MPM2021, the risk arising from a few cases in which a government overruled the decisions of the media authority, or where the authority was *de facto* prevented from exercising its scrutiny.

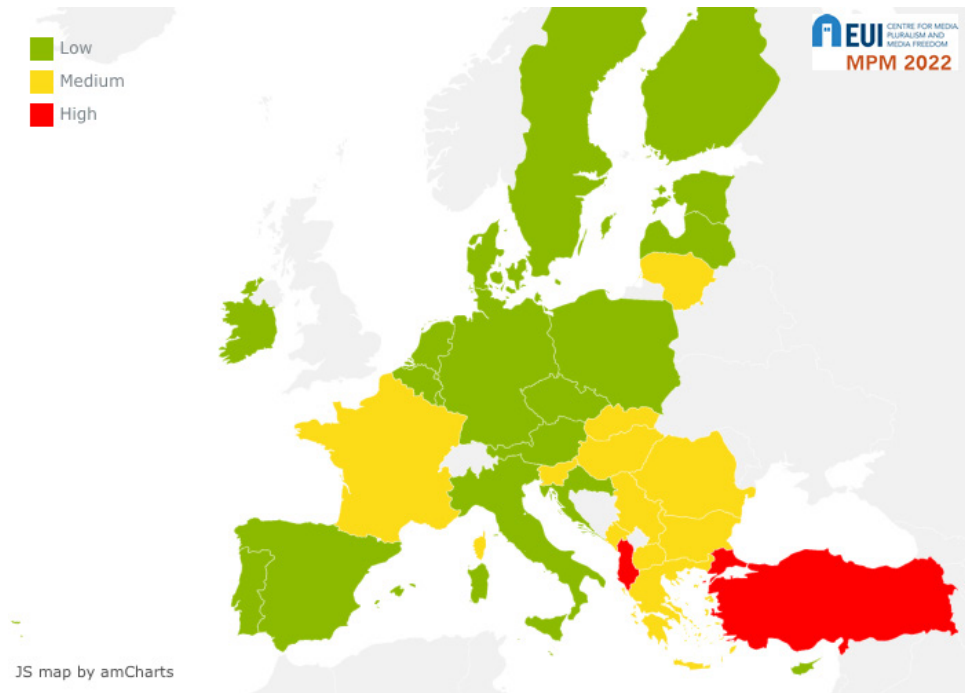
This sub-indicator assesses whether the rights (including effective sanctioning powers) and the obligations of the media regulatory authority are comprehensively defined in the national legislation, and the media can appeal the authority's decisions. The competencies of the main media regulatory agencies are formally prescribed in the national legislation in all of the member and candidate countries. However, some of the country reports suggest that vague legal provisions, combined with a lack of personnel, limit the performance of the media authority, whose decisions are sometimes disregarded (Papadopoulou, 2022; Milutinovic, 2022).

Overall, the sub-indicator on 'Budgetary independence' scores as low risk, showing that, on average, regulatory safeguards for their funding allow the authorities to carry out their functions fully and independently, and usually their budget is adequate to perform their functions. Despite the generally good situation, 11 countries scored as being at medium risk for this sub-indicator (Bulgaria, Finland, Greece, Malta, The Republic of North Macedonia, Portugal, Romania, Serbia, Slovenia, Spain, and Turkey) and no country scored as being at high risk. Authorities are generally assessed as being transparent about their activities and accountable to the public. Being transparent about their activities may include the publication of regular, or *ad hoc*, reports that are relevant to their work or to the exercise of their missions. Finally, in relation to the sub-indicator 'Accountability', 25 countries are assessed as being at low risk. Poland and Greece score as being at high risk, whereas Cyprus, Hungary, Serbia, Slovenia and Turkey score as being at medium risk.

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

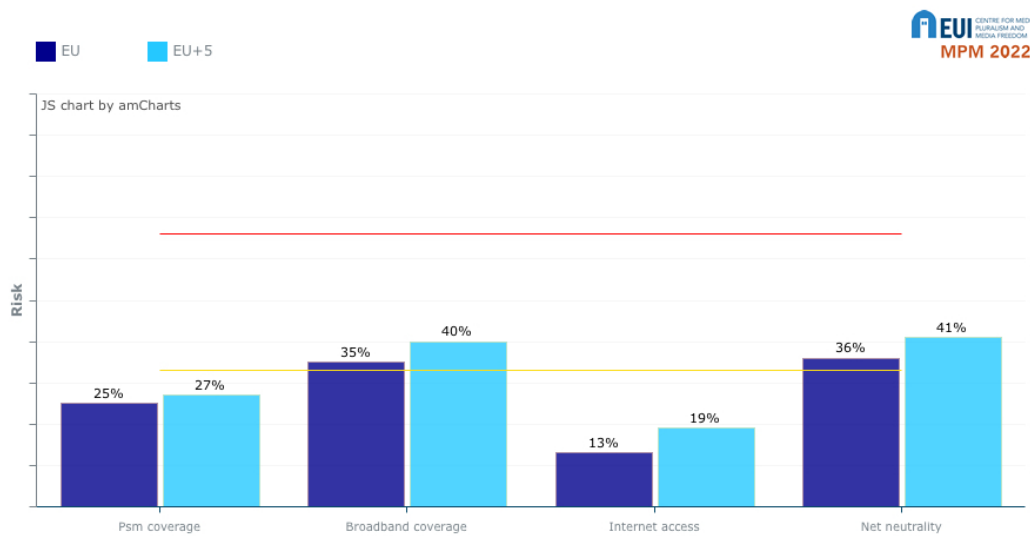
*The aim of the indicator on the Universal reach of traditional media and access to the Internet is to describe the risks to pluralism that arise from an insufficient level of access to content distribution platforms. It assesses the risk that stems from any excessively limited traditional tv and radio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

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



Most of the countries scored as being at low risk for the Universal reach of the traditional media and for access to the Internet indicator; 11 countries scored as being at medium risk (Bulgaria, France, Greece, Hungary, Lithuania, Montenegro, Romania, The Republic of North Macedonia, Serbia, Slovakia, and Slovenia), two scored as being at high risk (Albania and Turkey); and the remaining countries scored as being at low risk, although three of them - Croatia, Finland, and Poland - were at the edge of the low risk band (33%).

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



In Europe, most of the population is covered, and served, by public service media (PSM) networks and programmes. Considering the high threshold for assessing the risk levels (Low: >99% coverage; Medium: >98% and 99% coverage; High: 98% coverage), the coverage of PSM in Europe is generally satisfactory: 12 countries score as being at medium risk (Albania, Bulgaria, France, Hungary, Latvia, Lithuania, Montenegro, Poland, Serbia, Slovakia, Slovenia, and Spain), 19 countries scored as being at low risk (Austria, Belgium, the Czech Republic, Croatia, Denmark, Estonia, Finland, Greece, Germany, Ireland, Italy, Malta, the Netherlands, Poland, Portugal, the Republic of North Macedonia, Romania, Sweden, and Turkey) while only Luxembourg scored as being at high risk. The case of Luxembourg is specific, due to the lack of a regulation requiring full coverage by the local public radio and the effective, and allegedly low, coverage (90%) of the (small) territory of the country (Kies et al., 2022).

With regard to internet access, three countries scored as being at a high risk (Albania, the Republic of North Macedonia, and Turkey), Greece scored as being at medium risk, while the remaining 28 countries scored as being at a low risk level. The MPM2022, again, has a very high threshold for assessing this risk, which is calculated by taking as a benchmark the median of existing (good) levels of access to the internet in EU countries.

Harmonised rules on net neutrality have been applied throughout the EU, as of 30th April, 2016, and following the adoption of *Regulation (EU) 2015/2120* on 25 November 2015. The principle of net neutrality was therefore introduced directly in all 27 EU Member States. Nonetheless, in the relevant sub-indicator, Italy, Portugal, Romania and Serbia scored as being at medium risk; Albania, Montenegro, Slovenia and Turkey scored as being at high risk. This sub-indicator also showed a high concentration of market shares in the hands of the TOP 4 Internet Service providers (ISPs) in the greater majority of the countries that were analysed.

### 3.2 Market Plurality

*The Market Plurality area aims to assess the risks to media pluralism that arise from the legal and economic context in which market players operate. It deals with the structure of the media market, but it is not limited to this aspect (external pluralism), as other legal, social and economic factors may have an impact upon the relationship between competitive and open markets and media pluralism: ownership transparency, the economic sustainability of the media industry, and the economic independence of journalism. To evaluate the risks in the Market Plurality area, a broad notion of the media must be adopted, including those actors that produce and disseminate media content, and other actors whose role impacts upon the way in which media content is distributed and accessed, and also influences the financing of the media industry.<sup>13</sup> The third indicator in this area, which is called: *Online platforms and competition enforcement*, focuses on the “other actors”, assessing the role of digital intermediaries in the media market and consumption<sup>14</sup>.*

*The Market Plurality area is comprised of the five indicators that follow:*

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

The Market Plurality area has an average risk score of 66% (medium risk). In comparison with MPM2021, a slight decrease in risk emerges: three percentage points. Although slight, this is enough to shift the average assessment from high to medium risk. This result must be interpreted within the frame of the extraordinary circumstances of 2020, with the outbreak of COVID-19, the lockdowns and the subsequent economic downturn, which are reflected in the risk level of the indicator that has been more impacted upon by the economic cycle, that is, the **Media viability** indicator.

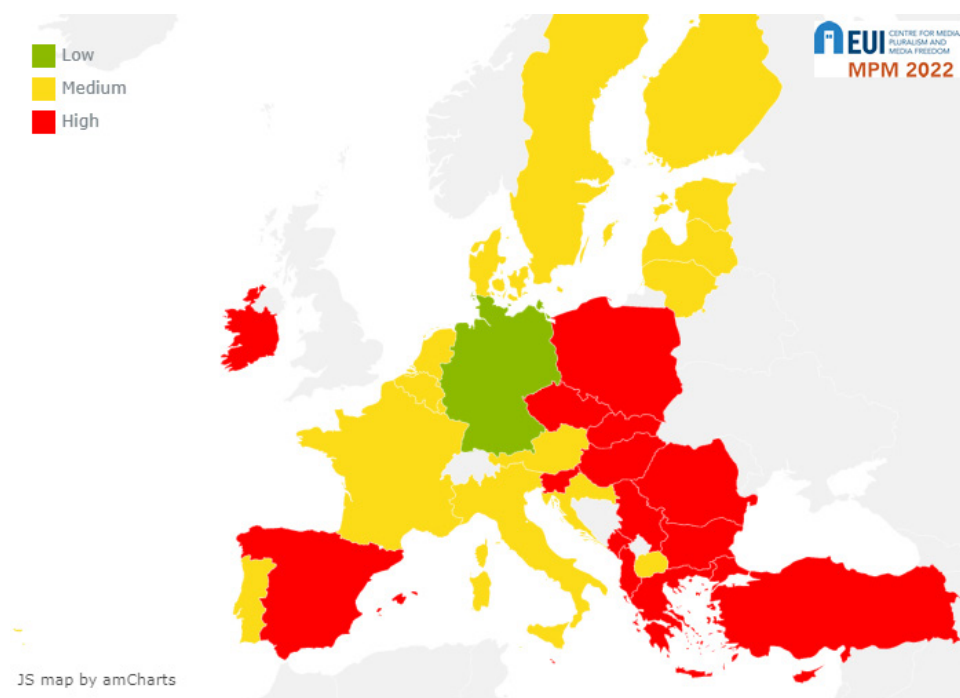
<sup>13</sup> This notion of the media is consistent with Recommendation CM/Rec (2018)1 of the Committee of Ministers to the Member States. *On Media Pluralism and the Transparency of Media Ownership*. Council of Europe. 7 March, 2018. See also the notions and definitions of media in Irion et al. (forthcoming) (p. 3).

<sup>14</sup> “The issue of the limitations of ownership and concentration in the media industry is both one of the most complex areas of competition policy, and one of the most essential issues of media policy. The concentration of the market, and the dominance of only a few operators, have been traditionally considered major threats to pluralism in the media and information markets. Today, the same is true for the online platforms that are conveying most of the news and information, but that are not always even recognized as media”. (Parcu, 2019). Since 2020, the revision of the MPM questionnaire, which was implemented to take into account the digital environment of the media, had an impact, particularly in the Market area, into which the new indicator on Online platforms has since been inserted. (Brogi et al., 2020).

In 2021, the economic cycle inverted in all of the countries covered by the MPM implementation, even if with different strengths and robustness. The indicator of **Media viability**, whose risk score decreased from 69% to 56%, is the one that has most contributed to the reduction of the risk in this area. As we will argue in Chapter 3.2.4, this improvement must be carefully evaluated, considering the different media sectors and the different impacts among the MSs. Another indicator that contributes to lowering the risk in this area is the **Transparency of media ownership**, which has shifted from 58% to 55%, and remains within the range of medium risk; a very slight risk decrease is seen also for **Online platform concentration and competition enforcement**, (from 78 to 76%, still in the high risk zone). The indicators of **News media concentration** and of **Commercial and owner influence over editorial content**, conversely, show a slight risk increase in the average of the countries.

The risk level of the Market Plurality area, in MPM2022, is the second highest in the recent series of MPM implementations (2017-2021).

Figure 3.2.a. Market Plurality area. Map of risks per country

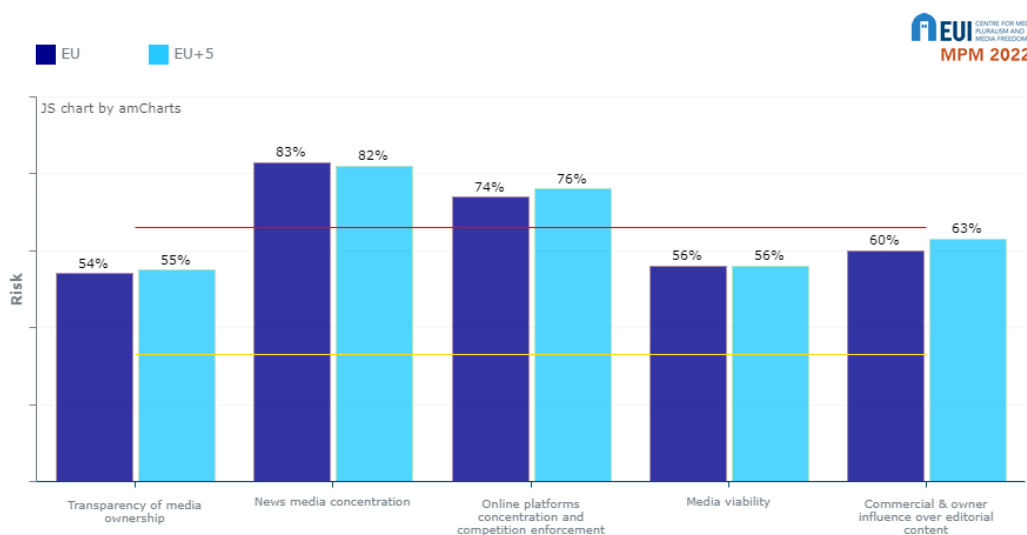


As shown in the map, the Market Plurality area scores a low risk level in only one country, Germany. A medium risk level emerges for 15 countries (Austria, Belgium, Croatia, Denmark, Estonia, Finland, France, Italy, Latvia, Lithuania, Luxembourg, Portugal, Sweden, The Netherlands, The Republic of North Macedonia), whereas the remaining 16 countries are at high risk (and they are: Albania, Bulgaria, Cyprus, Greece, Ireland, Malta, Montenegro, Hungary, Poland, Romania, Serbia, Slovakia, Slovenia, Spain, The Czech Republic, Turkey).

In comparison with the previous assessment, Germany has shifted from medium to low risk, reflecting a very low risk in the effectiveness of the legal provisions for ownership transparency and the improving market conditions for media revenues. Nonetheless, as the German country report points out, risks related to the concentration of markets and media viability are still at the medium level (Holznagel and Kalbhenn, 2022).

In the group of those countries that show a medium risk, there are two countries that, last year, were at high risk: Croatia and Latvia. In the former, the risk reduction is mostly due to the improvement in media viability, even though the national report points out that a lack of data may have influenced the assessment (Bilić et al. 2022); as for Latvia, the improvement is related to the indicators: Transparency and Media viability (Rožukalne, 2022), whereas Greece shifted from medium to high risk, mainly because of commercial and owner influence over editorial content, which are associated with continuing high risks in concentration and media viability (Papadopoulou, 2022). The other countries, in terms of their average risk level for this area, confirm the positions that they held in MPM2021. It must be noticed that many countries are close to the border between medium and high risk, and therefore the change that originated this shifting of level may be very slight, and it might be better understood if based on the narrative and interpretation that has been provided by the researchers in the national reports.

Figure 3.2b. Market Plurality area - Averages per indicator



The average risk level for each indicator across the 32 countries that are covered by the MPM implementation shows that no indicator is, on average, at low risk. In the case of the **Transparency of media ownership**, there is a moderate reduction in the risk score; this result can be explained by the improvement in the effectiveness of the legislation

about the disclosure of information to the public, which occurred in some countries; and, particularly, for the ultimate ownership, by the creation of registers of beneficial owners, following the implementation of the *EU Directive 2018/843*. Still, the average medium risk (54% in the average of the EU countries, 55% if the candidate countries are also considered) shows that there is much room for improvement. Two indicators are still at high risk, and they are those that assess the concentration of the markets, both for the news media and for the digital intermediaries (News media concentration, at 82%, and Online platforms and competition enforcement, at 76%). In the first case, there has been an increase in the risk level, if compared with MPM2021, which shows that the tendency to horizontal and cross-media concentration in the media industry continues. As for the indicator on **Online platforms and competition enforcement**, there is a slight reduction in the risk (two percentage points); this can be partially explained by the fact that a new variable has been introduced, in order to assess the evolution of the economic relationships between publishers and platforms (please see Methodology); and in some countries by the competition cases that have been opened in order to tackle the big platforms' market power. When it comes to the **Media viability** indicator, as noticed above, the risk reduction is due to the evolving market conditions, with the advertising market rebounding after the 2020 recession. For this indicator, no country is at low risk, and even those countries in which the media market performs relatively better are in the range of medium risk. The state of the newspapers sector, and the worsening economic conditions of journalists, are a continuing source of concern in this regard.

Also in the case of the indicator on **Commercial and owner influence over editorial content** there is a differentiated situation across the countries, ranging from a very low to a very high risk; the situation is quite similar to the one that emerged in last year's assessment, with a slight increase in risk.

Before analysing the results for each indicator, it is worth underlining that the assessment for the Market Plurality area requires the collection, by the country teams, of economic data that are not always available. Given the different legal and regulatory frameworks, reliable data on the media market (revenues, audiences, employment) are not available to the same extent, and in the same detail, in all the countries that are covered by the MPM. In some cases, the regulatory authorities collect and publish the data, but these were not updated at the time of the data collection. For the digital media, the problem is due to the lack of standardised metrics for audience measurement while, for the online platforms, it is due to the fact that the main ones are not legally based in the country in which they operate. Consequently, the lack of data in this area is higher than in the other areas of the Monitor (13% of the variables, vis-a-vis 5%)<sup>15</sup>.

15 The CMPF research team supported the Country teams in evaluating the primary data they collected, and in the research of other data sources. Among these, we consulted: the European Audiovisual Observatory YearBook 2021 for the audiovisual market; the PwC-WAN-IFRA dataset for the newspaper & magazines industry; the WARC dataset on advertising; and, for the digital news consumption, the Reuters Institute



For 2020 and 2021, the data collection related to the revenues and employment trend for the media industry has, at the same time, been more crucial (in order to understand COVID 19's impact in 2020 and the recovery in 2021) and more challenging, for the difficulties in basing forecasts on the evolving market's signals. The need to improve knowledge on the media trends, in order to inform policy initiatives, is also stressed in the *Action Plan "Europe's Media in the Digital Decade"*, which proposes that a European Media Outlook be published every two years.<sup>16</sup> Moreover, in addressing the topic of the methodologies for measuring media plurality, the study on *Media Plurality and Diversity Online* proposes, amongst other measures, that there be "further promotion of best practice exchanges among regulatory authorities, (...), centralising data gathering methods to measure media plurality at the EU level (...), setting up standards, from the definition of online media concentration and exposure diversity". (Brogi et al., forthcoming, p. 376).

### 3.2.1 Transparency of media ownership

*Transparency of media ownership is strictly related to the role of the media in the public sphere in a democratic society; and it is a precondition of pluralistic and open markets, being essential in order to measure, and to tackle the risks, that arise from ownership concentration. As the Council of Europe Recommendation on Media Pluralism and Transparency of Media Ownership assesses, the "transparency of media ownership can help to make media pluralism effective by bringing ownership structures behind the media – which can influence editorial policies – to the awareness of the public and regulatory authorities" (CoE CM/Rec (2018)1). For transparency to be fully effective, the disclosure of media ownership must be provided to the public bodies and to the public<sup>17</sup>, and it must include information up to the ultimate and beneficial owner<sup>18</sup>. This indicator is composed of six legal variables and four socio-political variables. The legal variables aim to assess the existence and the effectiveness of media-specific laws requiring the disclosure of ownership details on the news media sector. The socio-political variables ask if, in the absence of media-specific rules, the transparency of media ownership is guaranteed in practice (for example, by the application of the general commercial law, or by practice). Since MPM2021, this indicator separately assesses the risks to transparency in the digital news media sector.*

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Digital News Report, which we thank for sharing its data.

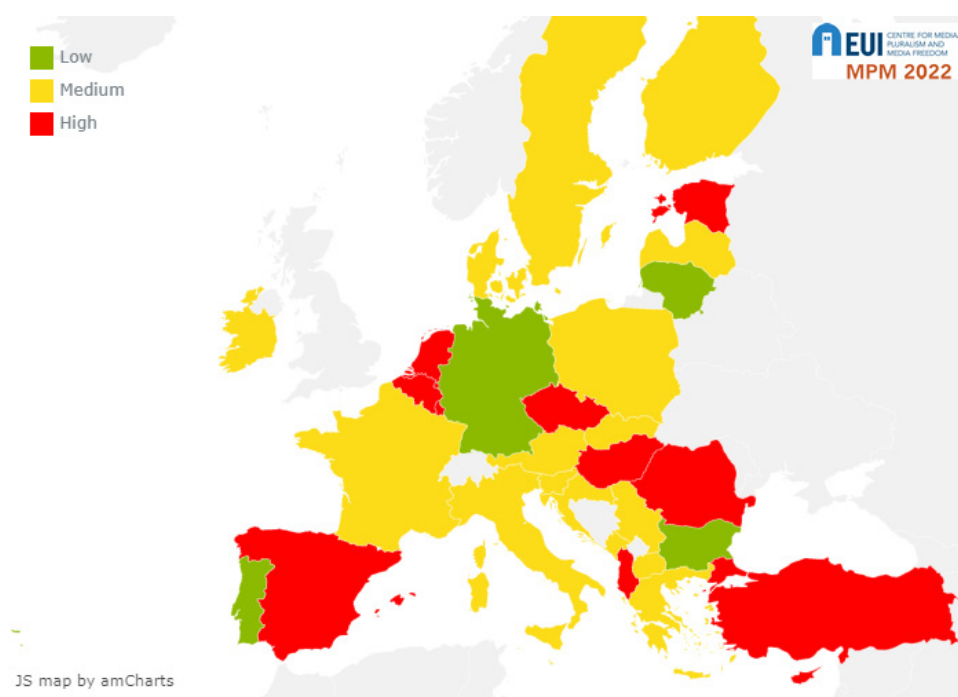
16 COM(2020) 784 Final, Brussels 3.12.2020. Communication from the Commission to the European Parliament, the Council, the European economic and Social Committee and the Committee of the Regions. [Europe's Media in the Digital Decade: An Action Plan to Support Recovery and Transformation](#).

17 See [Council of Europe Convention on access to public documents](#), 2009; and Parliamentary Assembly recommendation on [Increasing access to media ownership](#), 2015.

18 See the Transparency requirements, para. 4.4-4.7, CM/Rec (2018)/1.

The **Transparency of media ownership** scores as a medium risk, but compared to the MPM2021, its score has decreased from 58 to 54% for the EU (and from 58 to 55%, if we look at the EU+5). Overall, the slight improvement in the risk score is, in part, due to the transposition of the *Anti-money Laundering Directive V* (EU 2018/843). Member states started to establish ultimate beneficial ownership registers, but, in 2021, some of them were not yet operational, and many others do not make the information publicly available, or else impose “significant restrictions” for those who are aiming to access it (Pearson, 2021), for example, by requiring those interested in the information to pay for their access.

Figure 3.2.1a. Transparency of media ownership - Map of risks per country

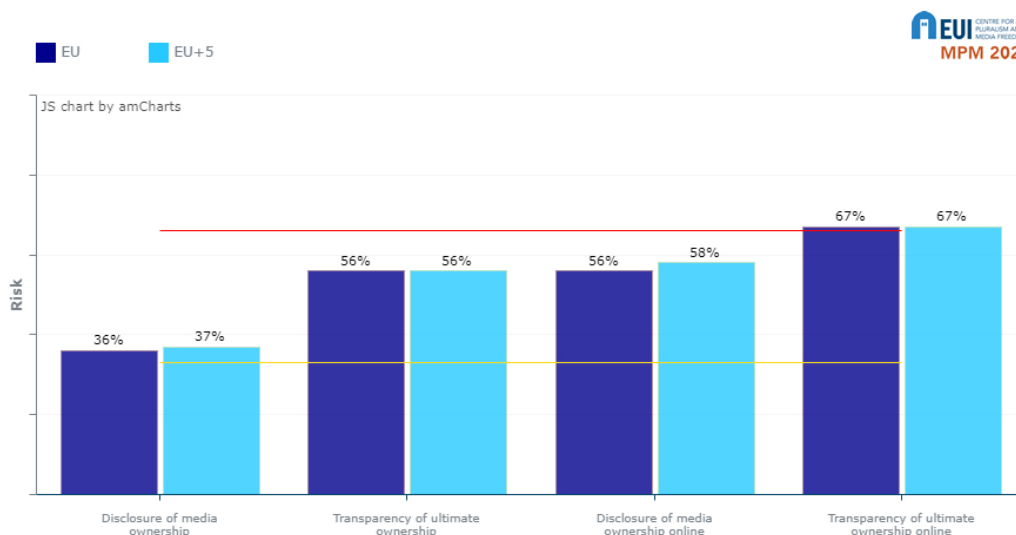


In this indicator, 4 countries are at low risk, 17 countries at medium risk, and the remaining 11 countries score as high risk.

This year, Estonia, The Netherlands and Belgium have experienced a downgrading from medium to high risk, and France has moved from low risk to medium. In those countries, the risk increase mostly pertains to the absence of complete information on ultimate ownership, especially in the field of digital media; to delays in the implementation of the Open Ownership register; and to lack of effectiveness in the public access to information (Lambrecht & Valcke, 2022; Rebillard & Sklower, 2022; De Swert et al., 2022).

In Estonia, the risk level also reflects the difficulties to access information on ultimate ownership when this is hidden behind legal bodies with a jurisdiction outside the country (Kõnno, 2022). We recorded positive developments in the case of Slovakia and Finland, which changed from being high risk to demonstrating a medium risk, while Bulgaria and Lithuania became low-risk countries, in the context of the transparency of media ownership. As the legal framework for the transparency of media ownership is often designed for legacy and national media – mainly, in the audiovisual sector – the extraction of the digital risk brought a higher score for this indicator: 62% (still somewhat better than the 65 percent in the MPM 2021). This is because the digital news media are, in most cases, beyond the scope of the laws. There are also examples where digital media are based abroad and are therefore not obliged to fulfil the national rules.

Figure 3.2.1.b. Transparency of media ownership - Averages per sub-indicator



Three sub-indicators (Disclosure of media ownership, Transparency of ultimate ownership and Disclosure of ultimate ownership online) are at the medium risk level. The sub-indicator on **Transparency of ultimate ownership online** is at high risk. Compared to last year, the risks for most indicators have decreased. In the case of the **Disclosure of media ownership** it has decreased from 42 to 37, for the **Transparency of ultimate ownership** from 62 to 56, and for the **Transparency of ultimate ownership online** from 73 to 67 (for the EU+5, respectively). Only the risk for **Disclosure of media ownership online** has increased slightly (from 57 to 58).

Even in cases where measures were taken to ensure transparency, there are shortcomings that need to be mentioned. In Luxembourg, for example, the print media are only obliged to disclose the identity of owners holding 25%, or more, of their shares (Kies, 2022). Often, the duties of the broadcast media do not apply to print and online outlets, and some country teams mentioned that public bodies get access to more information than journalists or the public do.

In Lithuania, the level of risk has decreased from medium to low (from 56% to 25%), due to the new *Law on the Provision of Information to the Public* (2021). This law contains media-specific provisions on the disclosure of ownership details, even going so far as to cover the ultimate owners of news media (Balčytienė et al. 2022). The low risk in Bulgaria “is due to the existence of legal provisions (*Compulsory Deposit of Printed and Other Works Act; Radio and Television Act; Measures Against Money Laundering Act*) for disclosure of ownership details, including the ultimate owner, of the media service providers. Transparency of information collected by public bodies has improved since 2020” (Spasov et al., 2022).

In Slovakia, The Ministry of Culture prepared new media legislation in 2021 (as of December, 2021, the draft had completed the inter-ministerial comment procedure), according to which all media outlets should be listed in a register (Denník, 2021). In addition, “the proposed law requires that the media publish a list of investors and donors, and prohibit anonymous donations” (Urbániková, 2022). In Finland, the 1st January, 2021, amendments to the *Act on Electronic Communications Services* (917/2014) came into force, putting Finland's legislation in line with Article 5(2) of the revised *Audiovisual Media Services Directive* (AVMSD). “Under 4a § of the renewed law, audiovisual media service providers now have to communicate their ownership structure. The legal definition of audiovisual media (per section 3 paragraph 2 of 917/2014) covers terrestrial and cable television and various online streaming services (both free and subscription services). However, one might still contest the level of transparency provided by the amendment: the law calls for the publication of information on “ownership structure”, but the government proposal (often used in interpreting how the law should be applied) for the law (HE 98/2020 vp) specifies that no personal data (“such as names”) should be published. It is also possible and legal for media companies to obscure their ultimate, beneficial owners through offshore holding companies (Mäntyoja & Manninen, 2022). In Romania, “one of the loopholes for concealing the ownership of a company” was eradicated early last year: “Law 129/2019 eliminated bearer shares but allowed for a grace period, which meant that companies had until Jan 21, 2021, to convert bearer shares into nominal shares” (Toma et al. 2022).

However, it must be mentioned that transparency requirements can also be misused by governments. In Poland, while the news media sector is not regulated by sector specific provisions on transparency, “transparency requirements were used for exercising political pressure – in 2021 KRRiT (the National Broadcasting Council) was postponing its decision on licence allocation to TVN24 until the very last moment, claiming that the ownership situation of the TVN Group is not transparent enough and not fully compatible with the requirements of Article 35 of the 1992 Broadcasting Act” (Klimkiewicz, 2022).

### 3.2.2. News media concentration

*This indicator aims to assess the threats to media pluralism that arise from the structure of the news media market. The term “news media” indicates the production of original content by information providers, which include the legacy media (audiovisual<sup>19</sup>, radio, newspapers, including their non-linear services and their electronic versions) and online media (digital outlets of the legacy media and digital native media). Risks to market plurality can arise from the concentration of ownership in a single news media sector, and from the concentration of ownership across different sectors. Horizontal and cross media concentration are therefore both assessed in this indicator, which asks for: 1) legal variables, to assess whether a country has media-specific rules to prevent a high concentration of ownership in each media sector (horizontal concentration) and across the different media sectors (cross-media concentration); whether these rules are effective; and whether their compliance is overseen by an independent authority; 2) economic variables, to assess the situation on the ground, using the Top4 index for revenue shares and the audience/readership<sup>20</sup>.*

The indicator **News media concentration** confirms a very high level of risk: 82%. for the average of all the countries covered by the MPM exercise, which has thus increased in comparison with the previous year, when it was at 81%. The risk level is at 83% if only the EU countries are considered, and it is the highest among the 20 indicators of the MPM. The high risk score for this indicator stems from the economic variables - the measurement of market and audience shares, rather than from the legal ones. This is due to the historic concentration of the European media market, which has increased in recent years in spite of the existence of different national legal frameworks that aim to prevent expansions of market power in the media sector, in many cases with the explicit goal of pursuing media pluralism<sup>21</sup>.

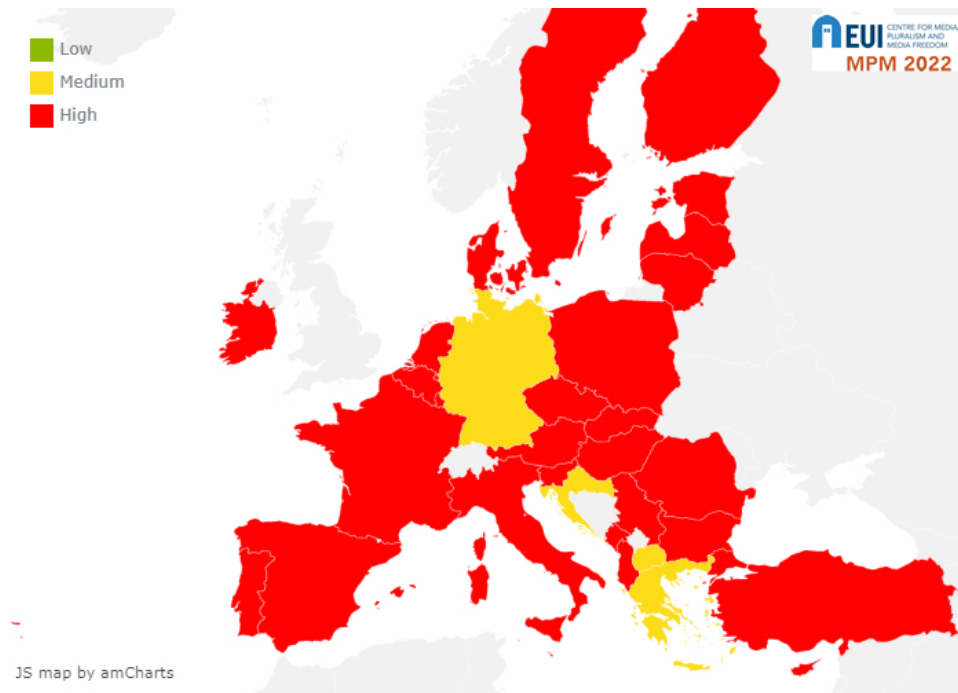
19 As regards audiovisual media, the Monitor adopts the definition that is laid down in the *Audiovisual Media Services Directive 2010/13/EU*, as modified by *Directive 2018/1808/EU*. The variables under consideration cover both linear and non-linear audiovisual media services

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

21 For a mapping of the measures concerning the concentration of economic resources to ensure media plurality, see Ranaivoson et al. (forthcoming).

Declining revenues from advertising and sales, and increased competition from the digital platforms, has fostered the media industry’s desire to move towards further concentration and consolidation.

Figure 3.2.2.a. News media concentration - Map of risks per country

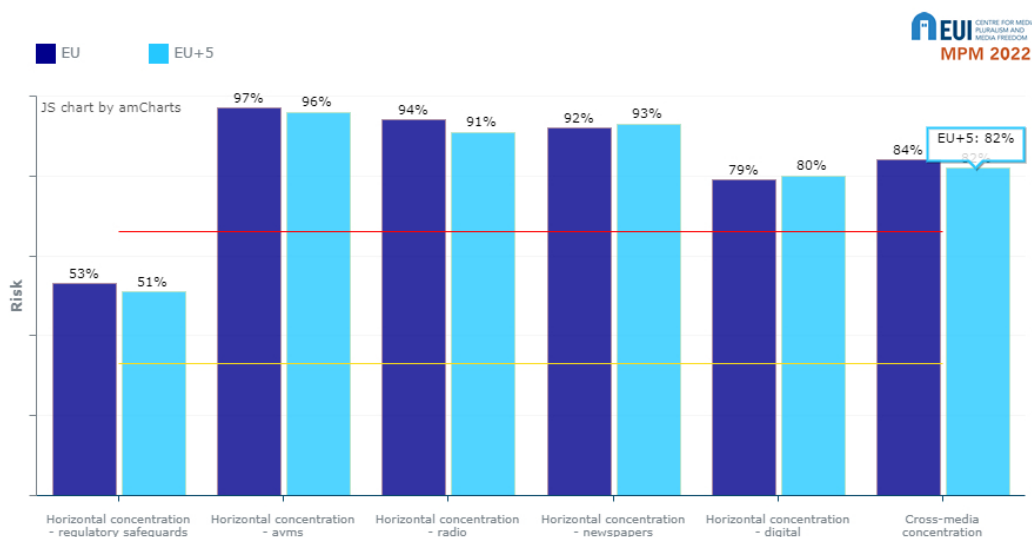


As can be seen in the map, above, no country scores a low risk for this indicator. Only four countries score as being at medium risk (all of them above 50%, which means in the higher part of the medium risk range). The countries at medium risk are: Croatia, Germany, Greece, and The Republic of North Macedonia. In Croatia, the risk level for this indicator has decreased, in comparison with the previous year’s high risk assessment, and this improvement may be related to new legal provisions extending regulation to providers of media services via satellite, internet, cable and other permitted forms of transmission, combined with the audience indicators’ results, which show a very high concentration in audiovisual, but a more pluralistic situation in other sectors. Still, as the national MPM report points out, the lack of data may have affected this result (Bilić et al. 2021). In the other countries that are also at medium risk, there are reasons for concern. In Germany, the 56% risk level for this indicator is still one of the highest for the country, and it is related to the need to update the laws that were built for the legacy media, particularly for the audiovisual (Holznagel & Kalbhenn, 2022).

In Greece, an increase in the risk of concentration emerges, in comparison with the previous year’s score, and this is also because of the existence of grey areas in the assessment of both market and audience shares: “an important issue that prohibits any effort at examining newspaper concentration is related with the fact that Greece’s only press distribution agency -that provides the newspapers’ circulation numbers, Argos, is partly owned by Evangelos Marinakis, who, through the media group Alter Ego, owns major newspapers, as well as other media”. (Papadopoulou, 2022). In North Macedonia, the result is explained as being the result of the fragmentation of the media industry, and due to the legal framework which provides detailed limits to concentration in the broadcasting sector, and prohibits cross-media ownership between television and newspapers (Micevski & Trpevska, 2022).

All the other countries are in the high risk range for News media concentration. At the extreme level of risks, there are countries whose legal and regulatory framework does not provide any rules that seek to limit media ownership concentration, or they do not have an independent authority to effectively supervise them; and, together with the legal risks, they also present a high level of concentration in the market. When their measurement is available, concentration indices tend to be higher for market revenues than for the audience (as outlined, for example, in the Lithuanian report, Balčytienė 2022); in some countries, the high risk emerging from the Top4 indexes can also be explained due to the narrowness of the market (for example, in Romania, “the print news market is extremely small – in both demand and supply – something that is reflected in the virtually 100% concentration of the top four outlets”, Toma et al. 2022).

Figure 3.2.2.b. News media concentration - Averages per sub-indicator



As regards horizontal concentration, the sub-indicator on **regulatory safeguards** is at medium risk. Here the MPM assesses the existence and the effectiveness of media-specific provisions, with thresholds or limitations that are based on objective criteria, in order to avoid market dominance in the media sector. Some countries do not have any of these limits; in most of them, national rules set limits to media ownership only for the audiovisual sector; many countries have not updated the anti-concentration rules in the media sector to include the digital media; and even in countries in which the law and the competences of the national authority include all of the media, the process of defining the digital media market and of evaluating its role, is still on-going (see, for Italy, Carlini et al., 2022). (This topic will be developed in Chapter 4).

All the numerical sub-indicators that aim to assess the **media concentration** on the ground, by using the measures of market and audience shares for each media sector (audiovisual, radio, newspapers and digital<sup>22</sup>) are at high risk. For all of them but radio, the risk score increased in comparison with the previous year's assessment. The most concentrated sector is the audiovisual one, with a risk score close to the maximum level, 96%, for this sub-indicator, and just two countries (Hungary and Turkey) are in the range of medium risk. In the radio sector, there is a country at low risk (Greece), two at medium risk (The Republic of North Macedonia and Turkey), and the others are at high risk. For the newspaper sector concentration indices, only Croatia scores as being at low risk, and two countries are at medium risk (Latvia and Greece). The sub-indicator on **concentration in the digital media sector** is at 80%, with an increase of five percentage points in comparison with last year's assessment. In this sub-indicator, we see a country at low risk (Germany), five countries at medium risk (Hungary, Poland, Romania, Slovakia and Slovenia), and the countries at very high risk scores, contributing to an average level for the digital media that is approaching that of the level of the traditional sectors (see Chapter 4).

The sub-indicator on **cross-media concentration** also scores a high risk (82%), with one country at low risk (The Republic of North Macedonia), nine at medium risk (Cyprus, Estonia, France, Germany, Greece, Italy, Montenegro, Serbia, Slovenia), and the remaining 22 being at high risk. Here, it should be noticed that the sub-indicator assesses the legal framework and the actual cross media concentration in the market together; in those countries in which there are no rules to prevent cross-media concentration, often there are no official measurements of the shares across the market. Indeed, often the measurements are unavailable, even in those countries in which there are limits to cross-media concentration for some, or all, of the media sectors.

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22 For the definition of audiovisual, see Footnote 18. Here, "digital" includes the digital outlets of the legacy media and the digital native news media. In this indicator, digital intermediaries, such as search engines and social networks, are not included.



Relevant developments have characterised the year of this assessment. As mentioned above, some countries updated their legal provision regarding the concentration of media ownership. Among those, the case of Italy is worth mentioning, as it is related to the issue of the balance between national limits to media ownership and the European Union principles on freedom of establishment in the single market. The new *Consolidated Act on Audiovisual Media* (TUSMA, Legislative Decree no. 208/2021), transposing the *EU Audiovisual Media Service Directive 2018/1808*, has also reformed the anti-concentration rules that were set up to safeguard media pluralism in order to comply with the sentence of the Court of Justice of the European Union, which, in September, 2020, declared that Art. 49 TFEU must be interpreted as precluding some of the restrictions that had been set up by the Italian law for cross-media concentration (Case C-719/18). In particular, the CJEU stated that proportionality must be guaranteed in the national rules that limit the freedom of establishment, with the aim of safeguarding media pluralism; that a national limit can be imposed, but it has to be proven that it effectively pursues pluralism. With the new provisions, the Italian legislator issued a general principle prohibiting a position of significant market power that is detrimental to pluralism; and entrusted the media authority with evaluation if such a position emerges, both in the media system and in each of its sub-markets, based also on numerical thresholds; those thresholds are considered as “symptomatic” of significant market power, and they should not be applied automatically. (Carlini et al. 2022).

As regards the market’s development, a general tendency that emerged in the MPM data collection, and that is well explained in some of the reports, is in the operation of consolidation, with mergers and acquisition, in the media sector. This is consistent with the numbers shown above, and often motivated by the need to strengthen the media industry or even, in some cases, to guarantee its survival. Nonetheless, the tendency towards further concentration arouses some further concern as a result of its impact on media pluralism and diversity. This is the case, in France, in connection with the planned TF1-M6 merger (Rebillard & Sklower, 2022), which adds to a situation that is already characterised by a very high concentration. Besides, in France, “the types of conglomerates that have invested in the media since the 1980s operate in economic fields that are highly dependent on public procurement (arms), that are highly regulated by the State (telecommunications, transportation), or in which the State has important stakes (all of the above). Besides lobbying, media control, in this context, is an obvious means of influence, and the ties media moguls have with leading political figures are well known and documented”. (ibid.).

The legal and regulatory safeguards that are in place to counteract concentration, when existent, are not always effectively and consistently implemented. As Klimkiewicz (2022) reports, “in Poland, two recent cases of media concentrations (PKN Orlen/Polska Press and Agora/ Eurozet), processed by the national competition authority (UOKiK), show that available remedies are not consistently used. In the case of PKN Orlen’s takeover of Polska Press, the transaction was approved by UOKiK, even though the outcome of concentration resulted in the dominance of the regional news market by a state-owned company with a significantly strong position and a high share of the audience market. On the other hand, the lack of approval in regard to Agora’s takeover of Eurozet, the owner of Radio Zet, shows, in the views of legal experts, an overtly restrictive interpretation of competition rules that lack appropriate justification”.

In Serbia, the shortcomings of the legislative framework and legislative developments have created the conditions for adverse potential effects on media pluralism, which had already been highlighted in the MPM2021 final report (Bleyer-Simon et al. 2021, p. 52). In 2021, the same practice continued, “when the Commission for the Protection of Competition approved the cooperation between two media companies, Telekom Srbija a.d. Belgrade and Telenor d.o.o. Belgrade, this was strongly disapproved of by their competitors. SBB and the United Media, companies operating within the United Group, in early April, 2021, pursued criminal charges against Telekom and Telenor, accusing them of committing a criminal offense by concluding a restrictive agreement” (Milutinović, 2022).

### 3.2.3. Online platforms concentration and competition enforcement

*This indicator tries to assess the risks for media pluralism that derive from market concentration that emerges in a broad notion of the media market, in which all the actors in the media ecosystem are included. In the online environment, the scope of the indicators of market pluralism needs to be enlarged to include the digital intermediaries, who increasingly also impact on the media market, selecting the access to news, and attracting market resources. In so doing, they have challenged and disrupted the news media business model (European Commission, Directorate-General for Competition, 2019; Furman et al., 2019; Martens et al., 2018; Moore & Tambini, 2018). The digital challenges to the traditional competition and regulation framework, and the tools used, go far beyond the media sector - and they are therefore being addressed worldwide. At the EU level these threats are particularly worrisome when a lack of competition results in a reduction, or an absence, of media diversity and pluralism. Since 2020, the MPM structure has been updated with an indicator that is focused on the online platforms that act as intermediaries in the media market, so as to develop a specific standard with which to score the risk for media pluralism in the online environment.*

*Even if online platforms (social media, search engines, algorithmic aggregators) do not produce, or only produce to a limited extent, news and original content, they operate in the same market as the news media providers, thus competing for the consumers' attention and the advertising, and whereas the previous indicator measures concentration in the production of news, this indicator is focused on the distribution of news.<sup>23</sup>*

*It is composed by two sub-indicators:*

- *Gateways to news*
- *Competition enforcement*

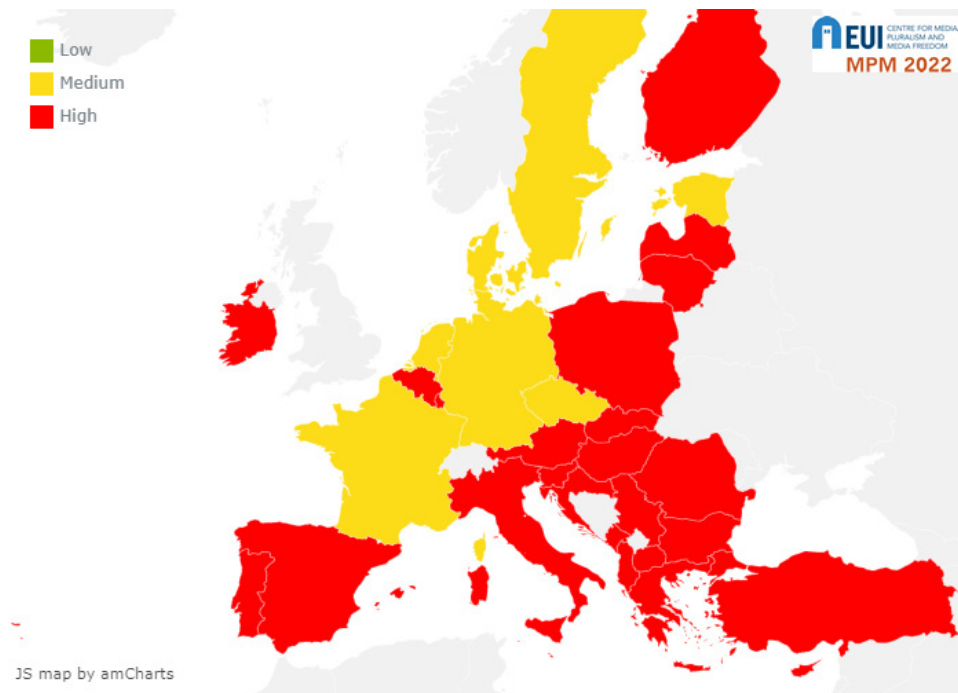
*In the sub-indicator on Gateways to news, the main variables are: the way in which consumers access news online (assessing the risks related to 'side-door access', i.e., exposure to algorithm-driven information), and the concentration of the digital intermediaries (assessing the risks that are related to the dominance of a few players in the online advertising market and the online audience, which are measured with the Top4 index). The sub-indicator on Competition enforcement deals with digitalisation's challenges to the traditional competition rules and tools. To assess the risk, the country teams are asked to take into account the evolution of the competition and regulation policies and bodies, so as to address digital dominance - with a focus on the online advertising market. The existence and effectiveness of national taxation on digital services is also taken into account. In MPM2022, a new variable has been added in this indicator, which asks about the economic relationships between publishers and platforms and the state of the transposition of the EU Directive on Copyright and Related Rights (see Methodology).*

The indicator on **Online platforms concentration and competition enforcement** scores a high risk, at 76% as an average of all the countries covered by the MPM implementation (EU + 5). In the EU countries' aggregate, it is slightly lower, at 74%, but this is still in the high risk range. In comparison with the previous year, there has been a slight decrease in risk (two percentage points for EU + 5, three pp for EU). As this decrease is not due to substantial changes in the market concentration, it may be explained by some developments in consumer habits - leading to an increase in the amount of direct access to news online, in some countries - ; by the evolving competition framework, with initiatives being also taken at the national level in order to address the digital dominance in the media and advertising market (even when they did not produce practical effects, these initiatives are evaluated as being a potential improvement in competition enforcement); and to the above-mentioned change in the indicator structure, with the addition of a new variable.

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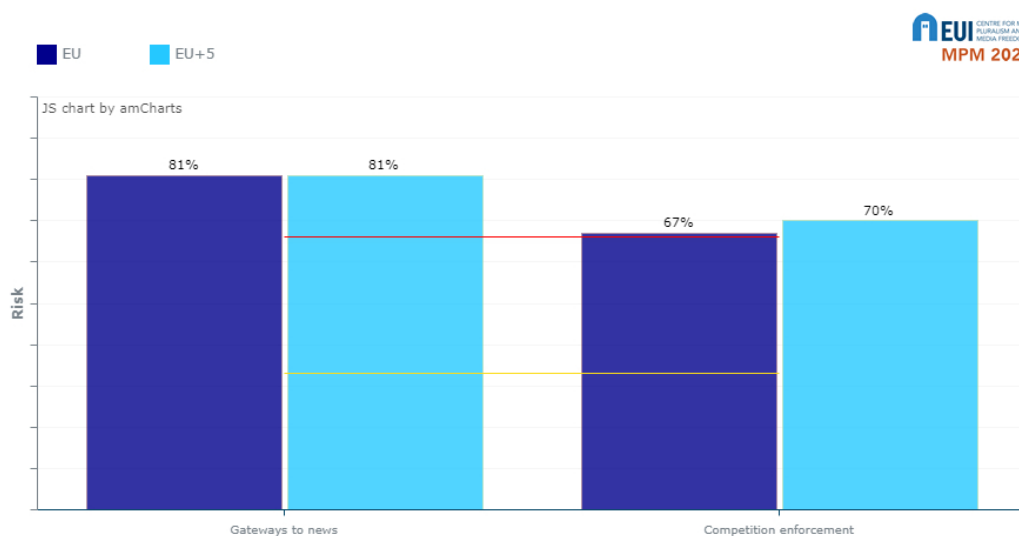
23 As affirmed in the foundation study of the MPM, "Not only the supply aspects, but also the distribution mechanisms and potential access to the media, represent areas to be assessed in order to develop economic indicators of media pluralism" (Valcke et al. 2009, 73).

Figure 3.2.3.a. Online platforms concentration and competition enforcement - Map of risks per country



No country records a low risk for this indicator; 25 countries are at high risk, with scores that arrive as high as 97%. Seven countries are at medium risk, namely, Denmark, Estonia, France, Germany, Sweden, The Czech Republic and The Netherlands (with risk scores between 48% and 63%). For these countries, the medium risk assessment may originate from the predominance of direct access to the news online - and this is mainly the case in the Nordic countries in this group. In addition, or as an alternative, the relatively lower risk level may result from the initiatives undertaken by the national legislators, competition and media authorities (the elements that have been considered for this assessment are: reforms or draft reforms, competition cases, judiciary, joint initiatives by the competent authorities, e.g., on the market of data exploitation). In comparison with the previous assessment, only the Czech Republic has been added to the group of medium risk countries (see Chapter 4 for details).

Figure 3.2.3.b. Online platforms concentration and competition enforcement - Averages per sub-indicator



The sub-indicator on **Gateways to news** shows the highest risk, with 81% for both the EU and EU + 5; whereas, for the sub-indicator on **Competition enforcement**, the risk score for the aggregate EU + 5 is 70%, and for the EU is 67%, at the lower border of high risk.

All the variables in this indicator are Digital, except the variable asking about the eventual risks to fair competition that is derived from disproportionate State funding of PSMs, asking if there are rules to avoid the result that the PSM's public financing exceeds what is needed for the public service remit<sup>24</sup>. The results show a positive situation overall, with a low risk level; nonetheless, a high risk emerges in eight countries (Albania, Bulgaria, Hungary, Malta, Montenegro, Romania, Poland and Turkey), meaning that, in these countries, there are no regulatory safeguards ensuring that the State funds granted to the PSM do not exceed what is necessary in order to provide the public service.

For the analysis and narrative of the other variables, see Chapter 4.

<sup>24</sup> It should be noticed that, here, the MPM asks for the existence of general rules, whereas in the indicator on the Independence of PSM governance and funding, in the Political area, a similar question focuses on the online PSM remit (see Chapter 4.3)

### 3.2.4. Media viability

*This indicator aims to assess the economic sustainability of news media production as a condition for media pluralism and diversity<sup>25</sup>. The indicator measures the risks that are related to the lack of sufficient economic resources to finance the media, assessing the market revenue trends, the economic conditions of journalists (employment and salaries), and the eventual role of public support. News media revenues are examined separately, both for each sector (audiovisual, radio, newspaper, local media, digital native), and as a system. In all cases, the market revenue trends are evaluated in relation to the overall economic trends (a high risk is recorded if the media sector performed worse than the overall economy; a medium risk if its variation is in the same range as the GDP's variation; a low risk if the news media revenues performed better than the overall economy).*

*A specific variable aims to assess the trends of the advertising revenues that go to media production, while another variable aims to assess the resilience of the sector, asking about non-advertising based business models. The economic conditions of journalists are assessed in relation to the employment and salary trends, and this is carried out separately for newsrooms' staff and for freelancers. As economic sustainability can be supported by public intervention, the last sub-indicator focuses on the impact of public financing and fiscal incentives, taking into consideration the ordinary and the extraordinary measures, and their effectiveness.*

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

- *Revenue trends*
- *Employment and salaries' trends*
- *Public incentives to media pluralism*

The average score of the indicator for **Media viability** decreases to a medium risk (56%), *vis-à-vis* a high risk (69%), which was registered in the previous MPM. After the extraordinary shock of 2020, the economic recovery that characterised the year 2021 also impacted upon the media industry, with a rebound of market revenues. Nonetheless, this increase - in general - was lower than GDPs' rebound, and it did not benefit all the media sectors, with newspaper and local media still suffering most, and it impacted very differently across the different countries.

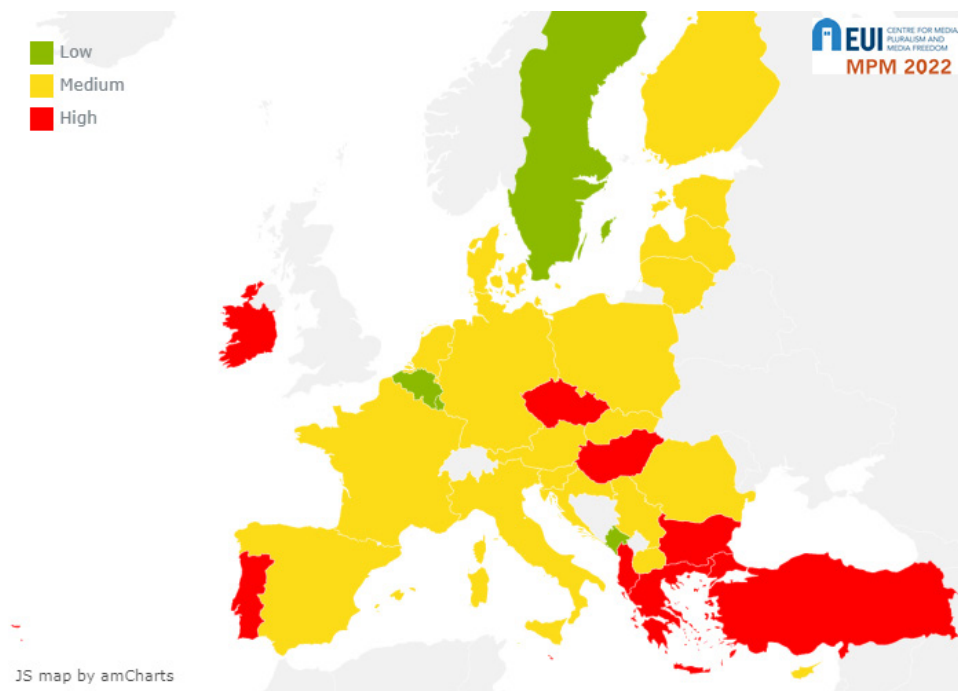
<sup>25</sup> "Sustainability and resilience of media revenue models can have a direct bearing on media plurality and diversity in a given media market. Internal plurality is at stake when media outlets whose financial viability is declining respond by cutting the costs of media production, for example, reducing newsroom staff. External media plurality suffers if, as a result, media outlets distribute essentially the same media content, for example, the news acquired from wholesale news providers, and if media outlets have to quit their business. Media outlets in financial distress are also less likely to perform their important democratic watchdog function to hold those in power accountable. An economically viable position, by contrast, makes news media more resilient against political pressure and media capture" (Irion, Carlini et al., forthcoming).

As was highlighted in the previous report, for the media industry, the unprecedented events of 2020, with the COVID 19 crisis, added to a pre-existing declining trend, which was due to the competition from the digital platforms and the derived disruption of the legacy media business model. In 2020, the increased demand for, and supply of, information, did not come with increasing market revenues; the offline advertising expenditure and the revenues from sales fell abruptly, whereas the increased digital consumption and expenditure, both for media services and online advertising, benefited the online platforms most, and, in parallel, this trend further incentivized the media's search for alternative business models; moreover, the media sector received more public support than it had in the past. The result of these trends was that, for the first time, in MPM2021, the indicator **Media viability** registered as a high risk.

In MPM2022, the risk level decreased by 13 percentage points. This reduction is mostly related to the improvement in the revenue trends, whose sub-indicator shifted substantially, from high to medium risk. The risks also decreased, although remaining high, for the **employment conditions and salaries of journalists**; whereas the sub-indicator on **public support** demonstrated a small increase in risk level, thus testifying that, in most countries, the extraordinary schemes that were introduced in order to face the COVID 19 crisis were terminated.

Before analysing the results in detail, it is worth noticing that the data collection for the revenue and employment trends faced difficulties that are related to the fact that the media authorities (or other national institutional sources) did not provide data in all of the countries, or, even where they did so, the data were not always available at the time of the MPM exercise. Financial reports by the media companies are also missing, in some cases. According to the MPM methodology, other primary sources (including interviews with media and journalists' councils representatives) could be used, as well as forecasts by commercial companies, particularly in the advertising sector. Consequently, the results for Media viability may be influenced by the lack of certain data, and should thus be interpreted as being only provisional.

Figure 3.2.4.a. Media viability - Map of risks per country



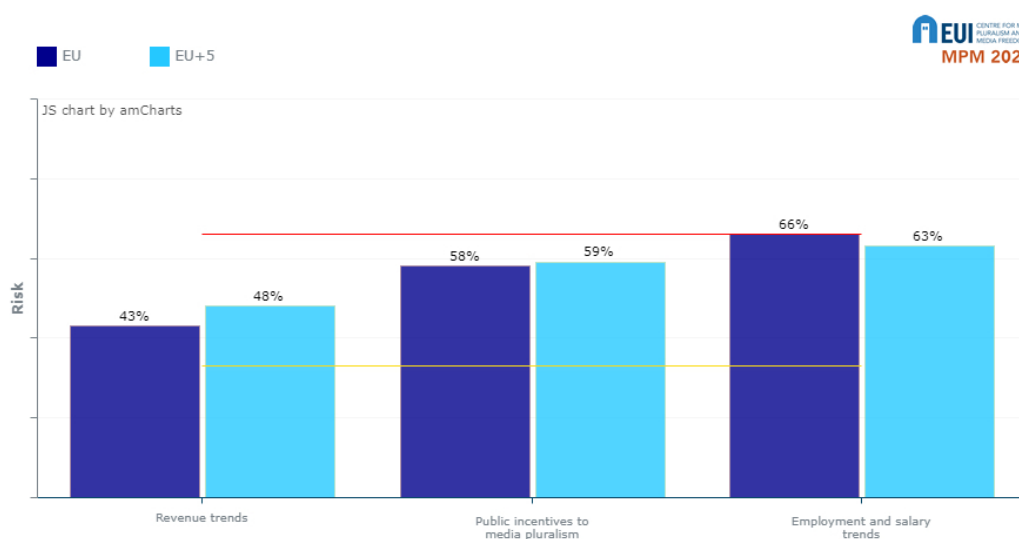
As shown in the map, in **Media viability** four countries showed a low risk (last year, no country was at low risk), and they are: Belgium, Luxembourg, Montenegro and Sweden. The majority of countries (19) are in the medium risk range. The nine countries that are at high risk are: Albania, Bulgaria, Greece, Hungary, Ireland, Malta, Portugal, The Czech Republic, Turkey. It is worth noting that all the countries which are now at low risk had been in the medium risk range in the previous implementation, and this may suggest that they were hit relatively less in 2020, and recovered faster in 2021. In Belgium, a positive result overall is reported by the national country team as being “in large part due to DPG Media’s merger, as well as to the release of its video streaming services, before the pandemic. To some extent, the viability of the media sector may be owed to high market concentration, as vertically and horizontally integrated companies were better equipped to spread losses and mitigate income loss caused by the resulting economic harm”. (Lambrecht & Valcke, 2022). In Montenegro, the result is to be interpreted by considering the fact that the national media sector is only partially affected by market trends, as more than half of the media is funded directly by the State or by local public budgets, and the public support increased in 2021 (Brkic & Vucovic, 2022). Increased state funds may explain the low risk for Luxembourg (see below) (Kies et al. 2022). As for Sweden, the country’s consumers’ higher willingness to pay for the news and media services may, in part, explain the fact that the media industry, more than in other countries, intercepted the new streams for media financing and advertising investments in the digital environment (Färdigh, 2022). Indeed, in most of the countries, an increase in the advertising ex-



penditure occurred; nonetheless, in the majority of cases, the media providers were far from gaining shares of the online advertising expenditure, and they rarely returned to the levels of 2019. In the range of a very high risk for **Media viability**, the Bulgarian report highlights the impact of reduced market revenues on the journalistic condition: “Although forecast estimates indicate an increase in total advertising revenues in the news media in 2021, if compared to 2020, a cross-check against the country's GDP and inflation trends shows almost no positive developments: stationary in the audiovisual sector and the news media as a whole; a decrease in the newspaper sector and an increase in the radio sector. The economic situation of local media outlets continues to deteriorate due to the negative impact of the COVID-19 crisis and the lack of sustainable funding opportunities. Even in media outlets with no layoffs and pay cuts, journalists’ remunerations are not enough to compensate for the work overload and inflation. In 2021, the economic conditions of freelance journalists did not improve either”. (Spasov 2022).

The different factors that impacted upon media viability in Europe in 2021 can be better visualised and explained, on an average level, by looking at the sub-indicators’ scores.

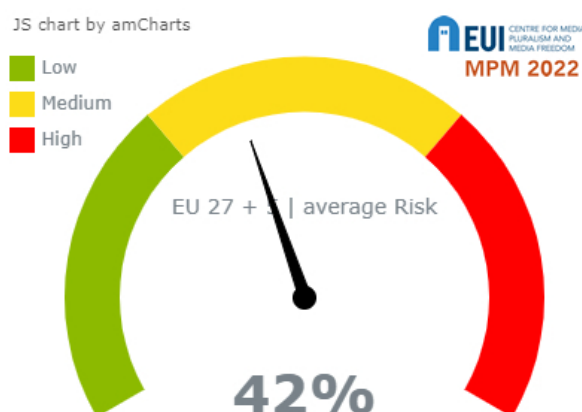
Figure 3.2.4.b. Media viability - Averages per sub-indicator



The sub-indicator on **Revenue trends** scores a medium risk, at 48%, substantially decreasing from the high risk (72%) of the previous year. The sub-indicator on **Employment and salary trends** decreased to a minor extent, from 77% to 63%, thus also shifting to being a medium risk. Conversely, the sub-indicator on **Public incentives to media pluralism** slightly increased in risk level, from 57% to 59%. For **Revenue trends** and **Public incentives to media pluralism**, the risk level is lower, if we consider only the EU countries; conversely, **Employment and salary trends** score a higher risk (66%) in the EU, in comparison with the EU +5.

**Revenue trends.** Media revenues include market revenues (advertising, sales, subscriptions), public subsidies, and other sources of revenue (philanthropy, crowdfunding, events, and other supplementary services that are offered by the media). Online advertising worldwide and at the European level strongly increased in 2021 respect to the previous year. Nonetheless, the media are not the only, neither the main, players in the market of online advertising<sup>26</sup>. In the MPM questionnaire, we asked specifically for the trend in total (offline + online) advertising that goes to the media.

Figure 3.2.4.c. Variable. Has expenditure for total advertising (online and offline) on news media increased or decreased over the past year?

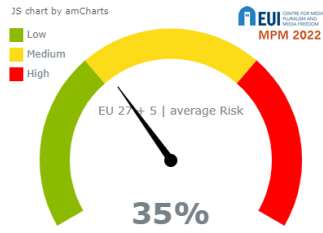


As shown in the figure, the variable on advertising trends scores as a medium risk, with a substantial reduction of risk in comparison with the previous year (when it was at 84%, highlighting a widespread decline in advertising revenues). Nonetheless, not all the media sectors were ready, or fit, to benefit from the improved conditions in the advertising market. In the audiovisual and radio sectors, the media outlets also benefited from the growth of subscription services, with an increase of revenues (which, in turn, impacted upon the distribution among the players in the market, in favour of the streaming services). Conversely, newspapers and local media did not recover substantially, and they still suffer in the range of high risk.

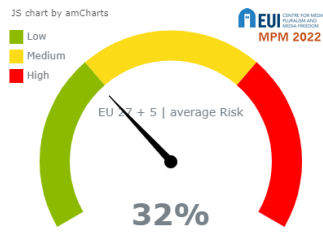
<sup>26</sup> At a worldwide level, there is no media company in the ranking of the first 20 players on the online advertising market (Irion, Carlini et al., forthcoming).

Figure 3.2.4.d. Media viability. Revenue trends per sector

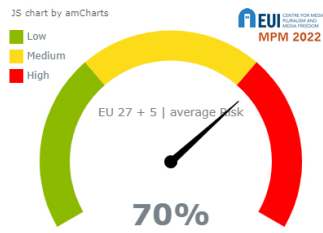
Audiovisual



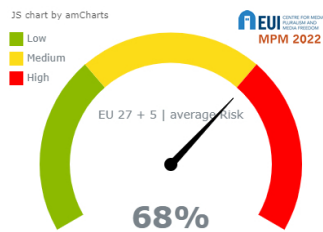
Radio



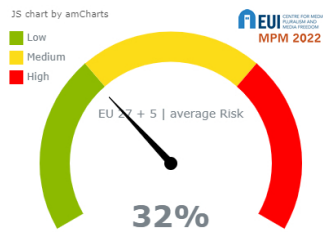
Newspapers



Local media



Digital native



Narratives from the countries confirm that the signals of the resilience of the media industry, when present, come from the digital environment and the development of innovative business models and services. In The Netherlands, the country team reported a rebound after the 2020 COVID-19-effect. The public broadcaster successfully increased its revenues, based on the streaming platform, NPO Plus. “Radio channels’ advertising revenue witnessed a strong recovery in 2021 (+64%, see RAB, 2021). The print media also performed well. The figures for DPG Media (the numbers for Mediahuis are not yet published at the time of writing) showed a steady increase in readership, with a 5% growth in subscriptions; most of these were digital subscriptions, where a 15% increase was found (Adformatie, 2022). For the largest digital native news outlet, Nu.nl, also, a strong increase in revenue was accomplished in 2021 (+28%). These increases are said to be the result of a new advertising platform that was introduced by DPG Media, ‘Trusted Web’.” (De Swert et al. 2022).

In France, positive developments are related to experiments with new commercial models. “New forms of synergies, horizontal concentration and partnerships have developed in these years, for example, with chains of advertising, which make individual outlets less vulnerable to major advertising agencies, and common content disseminated through joint regional newspapers, as is the case with the EBRA regional press group. Some have found ways to diversify their online offer so as to profit from network effects and lock-in strategies, for example, by concentric concentration around a “strong “brand” and its main portal/hub.” (Rebillard and Sklower, 2022)

It is also a good sign that, in Slovenia, a new online news media outlet entered the market in the summer of 2021. N1 Slovenija is part of the United Group media network and is the exclusive partner of CNN in Slovenia. (Milosavljević & Biljak Gerjevič, 2022). In Croatia, a number of the online news media have introduced paywalls this year (amongst others, Jutarnji List, 24 sata, Telegram, Večernji), thus making the most of their revenues from readers’ subscriptions (Bilić, 2022). The same model is also spreading in Hungary, where well-known brands, like HVG and 444, are increasingly relying on paying customers. At the same time, Telex, the news website founded by a group of journalists who left their former news outlet due to increased political interference, has proven a success story with its business model, which was built on a crowdfunding campaign. Even without advertising, its financial report shows significant revenues that can be seen as a guarantee of the outlet’s sustainable operations. These developments indicate “that an ever growing part of Hungarian society realises that without their help, the space to sound democratic public opinions would continue to shrink” (Bátorfy et al. 2022).

This sub-indicator also has a specific variable asking for the development of alternative sources of revenues, other than advertising. The results confirm that there are signals of resilience, with 11 countries reporting many effective initiatives for alternative financing models, and 13 countries indicating a limited number of initiatives.

**Employment and salary trends.** The improved economic conditions of the media industry did not reflect a proportionate reduction in the risk for this sub-indicator, which is now at the higher border of medium risk. As noticed above, in this case, the scores of the five candidate countries contribute to lowering the risk, which is at 66% in the EU. The working conditions of the freelancers, which has been included in the MPM assessment since MPM2020, is the main risk factor.

Figure 3.2.4.e. Variable. Have news media organisations in your countries carried out layoffs and/or salary cuts in the past year?

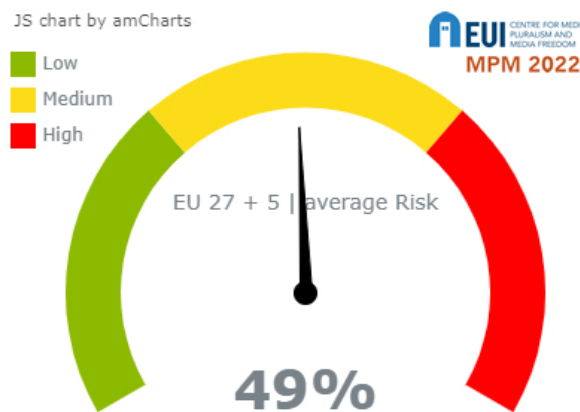
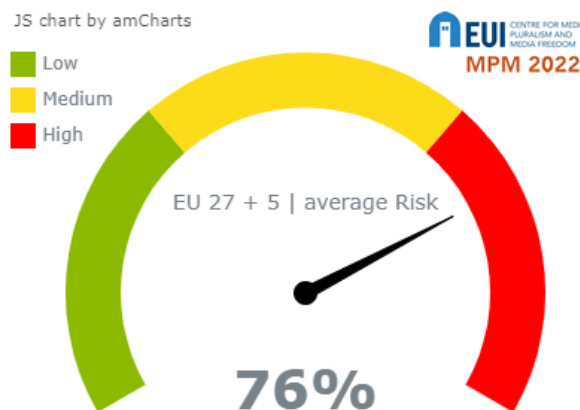


Figure 3.2.4.f. Variable. Have the economic conditions of freelance journalists improved or worsened over the past year?



The narrative from the countries allows one to have a deeper insight into the economic conditions of journalists. Freelancers are less guaranteed, or not guaranteed at all, by social protection schemes; even though, often, the staff cuts in the newsrooms have brought an increase in the demand for freelancers' contributions, this did not come with an increase in either the budget or the freelancers' remuneration. In Italy, regular journalistic employment decreased by almost 25% from 2012 to 2021. In parallel, "contributions by freelancers and journalists with non-standard contracts increased; their status and remunerations are consistently below the level of the employed journalists, and they are not, or are just partially, covered by the social security protection. The draft law to provide fair remuneration to freelancers is still pending in parliament. The decline in regular employment and the low economic level of freelancers' contributions are among the causes of the financial losses of INPGI, the institute erogating pensions to journalists, which, in 2021, was bailed out by the State to avoid bankruptcy" (Carlini et al., 2022). In Austria, where the number of employed journalists has been declining for years, the decrease is primarily attributable to the print sector: "there seems to be more of a creeping reduction in jobs than significant waves of layoffs. The Austrian Press Agency (APA) announced that 25 full-time positions in the editorial department would be cut by the end of 2022, and the media group 'Österreich' notified 43 employees of their dismissal at the end of December, 2021". (Seethaler & Beaufort, 2022). On a positive note, Finland reports an increase in the employment rate for journalists (Mäntyoja & Manninen, 2022).

The worsening economic conditions of journalists constitutes an alarming risk, both because it may reduce the attractiveness of the sector to highly-skilled professionals, and because it may cause a reduction in their economic independence (see the following indicator on **Commercial & owner influence over editorial content**).

**Public incentives to media pluralism.** With this sub-indicator the MPM assesses the existence of public support schemes for the media sector, and their effectiveness. Should those schemes exist, the questionnaire asks if they cover, or do not cover, the digital media. Here, only the economic dimension of public support is evaluated, whereas its characteristics, in terms of transparency, fairness and the risks to the political capture of the media, are considered in the Political Independence area. For this sub-indicator, seven countries are at low risk, 12 at medium, and 13 at high risk - meaning, in the latter case, that there is no public support scheme available for the media. Overall, the sub-indicator has a medium risk score, 59%, which is only slightly higher than the previous assessment. As highlighted in the last implementation of the MPM, in 2020, most of the European countries introduced extraordinary measures to support the media sector during the COVID-19 crisis, via direct or indirect subsidies (Bleyer-Simon et al., p. 62). The fact that the average score of this sub-indicator has not substantially changed may indicate that, in most of the cases, the measures were extended; even though, in most countries, they were not proportionate to the severity of the crisis.

Moreover, public support is not always earmarked for a specific goal, such as financing newsrooms' innovation, or to those sectors where their crisis poses risks to media pluralism, such as the local media. Good practices can be envisaged in some countries. In The Netherlands, the State provided extra funding for local media, and plans to make these funds structurally higher. "In 2021, there was also an interesting pilot project 'Journalistieke Professionalisering Lokale Publieke Mediadiensten', the intention of which was to professionalise local media, including the offering of more budget to do so. In 2021 and 2022, 4,85 million euros have been set aside for the pilot scheme. The first results are positive. The organisation, Stimuleringsfonds voor de Journalistiek (SvdJ), has researched whether this pilot made any difference in 2021, and found that the news media increased their quantity and quality of products." (De Swert et al. 2022). In Luxembourg, state funding for the media has increased, in part due to a new law that established an aid scheme for quality journalism, and for conventions with a number of media outlets. The country team also reported a slight increase in the number of professional journalists accredited by the Press Council (from 501 in January, 2021, to 523 in December). According to the assessment of the country team, this increase was spurred by the fact that the amount of State support received is conditional on the number of professional journalists who are employed on a permanent contract (Kies et al. 2022).

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

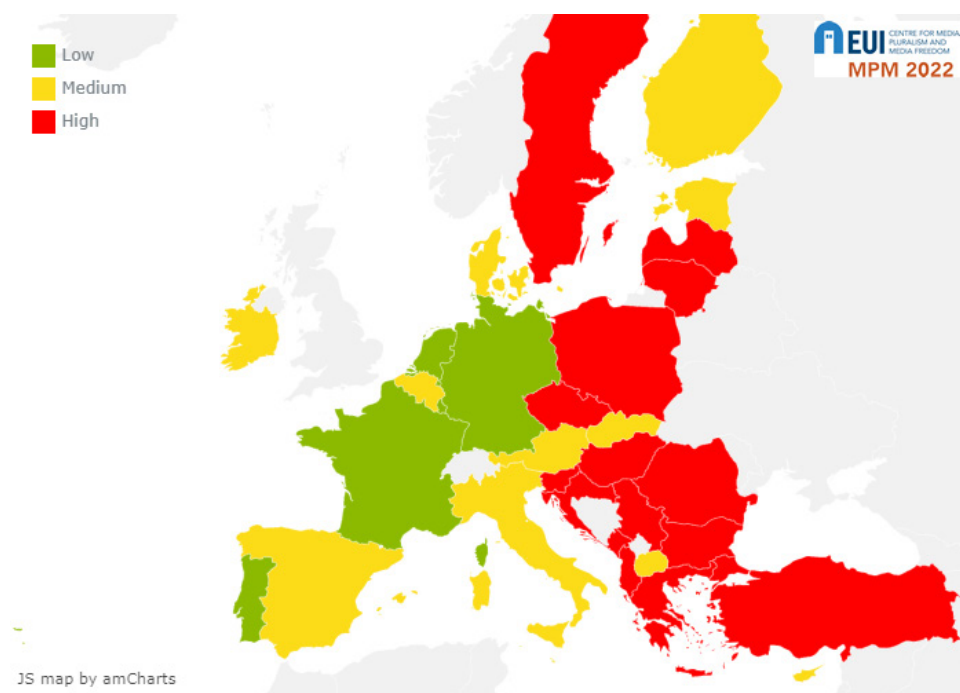
*This indicator seeks to assess the risks to media pluralism that arise from the qualitative dimension of ownership concentration, that is, commercial/ownership influence over editorial content. To this end, the MPM variables evaluate a given media landscape in the light of a number of practices that may undermine editorial freedom. In particular, the indicator includes variables that assess, inter alia, the mechanisms granting social protection to journalists in cases where ownership and/or the editorial line change, rules and/or self-regulation provisions on the appointment and dismissal of the editors-in-chief, laws prohibiting advertorials, regulations stipulating the obligation of journalists and/or media outlets to not be influenced by commercial interests and, more generally, whether the media in the landscape concerned are governed by practices through which commercial interests dictate editorial decisions.*

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

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

On average, the risk level for the indicator on **Commercial and owner influence over editorial content** is medium. Its risk score is 63% in the EU+5, which is a slight increase from last year's 62%. If we zoom in on the EU27, the average risk score is 60%. The worrying scores reflect the fact that advertorials are not always addressed in regulations, and many newsrooms are still financially vulnerable, while, in many countries, political and economic interests are intertwined, thereby disincentivizing owners from granting absolute freedom to editors and journalists.

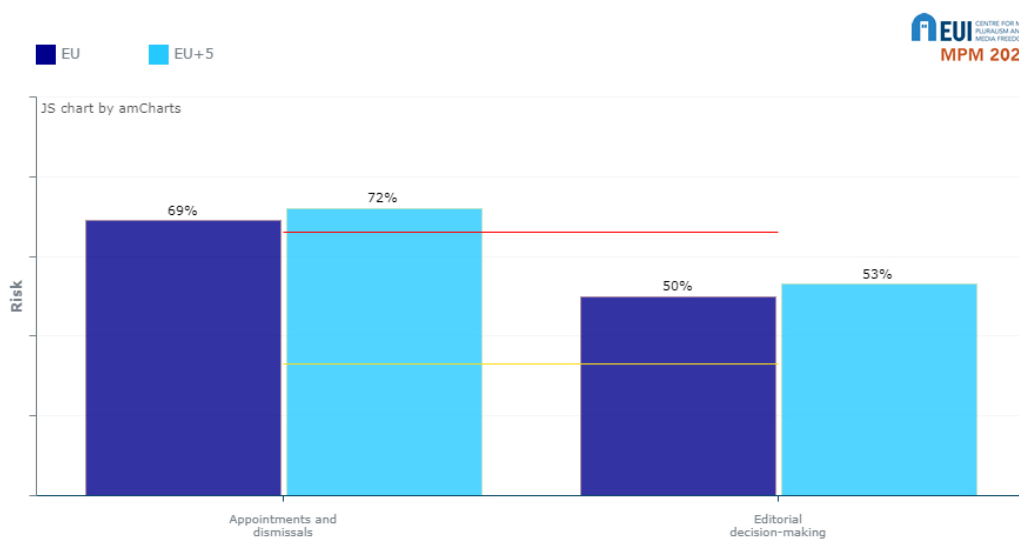
Figure 3.2.5.a Commercial & owner influence over editorial content - Map of risks per country



As can be seen on the map, only 5 countries score as being at low risk on this indicator (France, Germany, Luxembourg, The Netherlands and Portugal) – France has improved from being in the medium risk band to now being in the low risk band, if compared to last year, while Denmark changed from being at low risk to now being at medium risk. 12 countries scored as being at medium risk (Austria, Belgium, Cyprus, Denmark, Estonia, Finland, Ireland, Italy, Malta, The Republic of North Macedonia, Slovakia, Spain) and 15 as being at high risk (Albania, Bulgaria, Croatia, Greece, Hungary, Latvia, Lithuania, Montenegro, Poland, Romania, Serbia, Slovenia, Sweden, The Czech Republic, Turkey). Compared to last year, Cyprus and Slovakia improved their scores, moving from the high to the medium risk band, and Poland fell from medium risk to high risk.



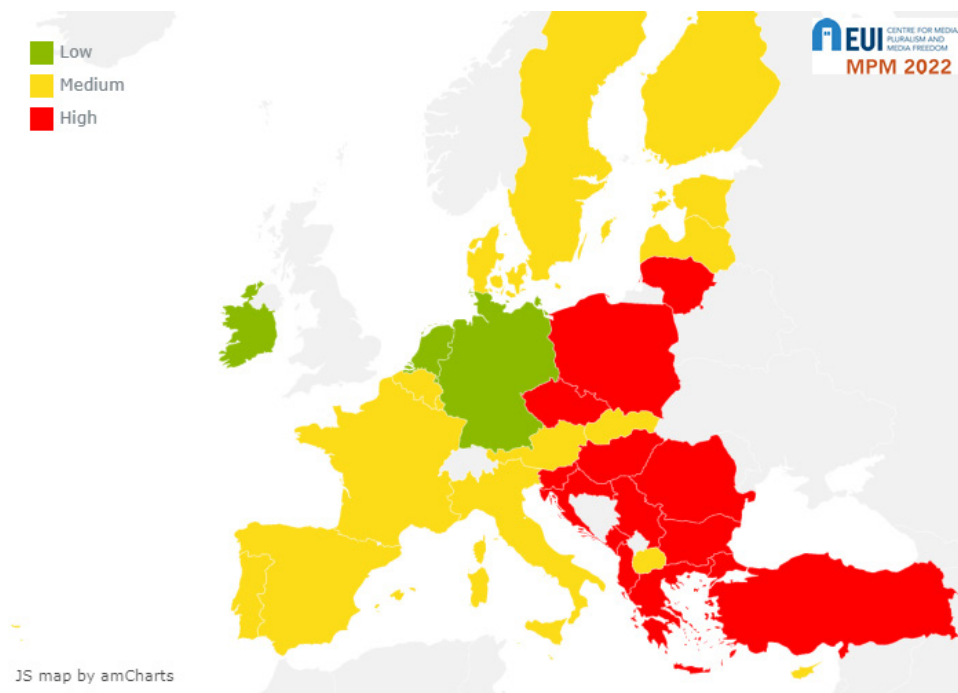
Figure 3.2.5.b Commercial and owner influence over editorial content – Averages per sub-indicator



Greater problems can be identified under the sub-indicator on **Appointment and dismissals** (which is high risk for both the EU and the EU+5, with 69% and 72 percent, respectively). This high risk can be traced back to the lack (or poor implementation) of the legal mechanisms that grant social protection to journalists in cases where there are changes of ownership or editorial line; as well as to the absence of regulatory safeguards, including self-regulatory instruments, which seek to ensure that decisions regarding the appointments and dismissals of editors-in-chief, are not influenced by the commercial interests of the media owners.

The sub-indicator **Editorial decision-making** scores as being at medium risk (50% for the EU, and 53% for the EU+5, down from 60% and 62% in the MPM2021). In this sub-indicator, the risks to newsroom independence are evaluated by analysing the legal and regulatory framework, as well as its effectiveness. The answers show that, even when regulation and safeguards exist, problems and risks can arise, due to their lack of effectiveness. This phenomenon is assessed through a reality-check: one of the variables asks whether editorial content is independent from commercial influence, in practice. In each country, the answer to this question is submitted to the Group of Experts for review. It scores significantly higher than the sub-indicator, at 66% for the EU+5, and is thus four percentage points higher than it was last year. The following map provides an overview of the related risk per country.

Figure 3.2.5.c. Variable. Is editorial content independent from commercial influence in practice? - Map of risks per country



Last year's growing risk scores were associated with the economic impact of the pandemic, which left many newsrooms vulnerable to commercial pressure. This year's assessment shows that the newsrooms of the countries covered are still in the same dire state as they were during the first and second wave of the pandemic.

The highest risk was recorded in Romania. The country team described the situation as follows: "If ownership switches hands, or wishes to change editorial policy, there are no legal or self-regulatory guardrails to protect editors-in-chief and newsrooms from arbitrary appointments, dismissals, or the exertion of undue owner or commercial pressure. Nor are there legal or industry-level codes of conduct and instruments laying down and enforcing basic journalistic norms and standards. A few editors-in-chief and media outlets put in place certain rules in their labour contracts or ethical codes, but these are exceptions" (Toma et al., 2022).

In the newer EU member states and candidate countries, the expert teams mentioned that commercial and owner pressure had strong political components. As the team from Hungary, the second highest scoring country, with a risk of 95%, points out (Bátorfy et al. 2022): "Some seemingly (or at least on the ownership level) independent news outlets design their reporting and voice in favour of State advertising, as in the case of *ATV*, the leftist *Népszava* or the free *Pesti Hírlap* (Rényi 2021).

The latter was campaigning on the side of the government, amongst others, through front covers that were attacking the leader of the opposition, Péter Márki-Zay.” In Poland, the risk for this indicator increased from 60% to 90%. While legal measures (such as the *1984 Press Law Act*) don’t explicitly prohibit owner influence on news media content, the takeover of *Polska Press* by the country’s largest fuel retailer, Orlen, in late 2020, led to the removal of many editors-in-chief. The country report (Klimkiewicz, 2022) adds: “Orlen’s commercial pressure has reached beyond the *Polska Press* group. The term ‘media orlenisation’ (orlenizacja mediów) has been coined to express wider Orlen’s influence on media content and agenda setting. On 17th January, 2022, the front covers of most of the largest Polish daily newspapers, as well as the dozens of regional newspapers published by Orlen, featured an advertorial interview with Daniel Obajtek, Orlen’s CEO. Publications were illustrated with the same photograph of the Orlen CEO and mostly presented the reasons for, or benefits of, the merger between the Orlen and the Lotos oil companies. (...) In current media industry circumstances, stronger commercial influence comes also from State-owned advertisers. Pressure from lawyers and legal firms representing various companies and public officials has also increased in newsrooms, furthermore, journalists and publishers have reported growing threats from lawsuits and accusations”. In Albania, a survey of journalists found that more than a third of them saw advertisers as a threat to journalistic integrity, and 4/5 of the surveyed journalists saw owner pressure as being a serious concern (Voko & Likmeta, 2022). In Montenegro, “covert pressure is present in many newsrooms when it comes to the selection of topics, desirable interlocutors and points of view.” In addition, “hidden advertising and writing in favour of advertisers can be found in almost all media on a daily basis” (Brkic, 2022).

Even if the most severe problems were recorded in the candidate countries and in those member states that joined in the 2000s, there were also numerous worrying signs in the older EU countries. In Greece, the country report mentions that “media houses have experienced boycott or pressures because of their reporting” (Papadopoulou, 2022). In Austria, there are cases where editors-in-chief hold positions as managing directors or publishers, “which makes it difficult to distinguish between economic interests and editorial independence” (Seethaler & Beaufort, 2022). In France, where new synergies had a positive effect on media viability, the country team experienced blurring lines between journalism and commercial communication (also referred to as “communication journalism”). The development manifests itself in the spread of sponsored content, brand content and content commerce. “Several major media groups are investing massively in these marketing solutions. This type of content has followed the trends of online commerce, and many outlets have developed further “content-to-commerce” formats. Many develop vertical concentration and invest in the production of new formats, including advertisements, videos, podcasts, documentary series” (Rebillard and Sklower, 2022).

While Germany is, in general, seen as being free of commercial influence, there was a major controversy last year, in relation to *BILD*, which is the most widely read German newspaper, and which belongs to Springer Verlag. “The publisher of the Ippen Media Group prevented the publication of a report by an investigative team that wanted to publish research on the, then, *BILD* editor-in-chief, Julian Reichelt. The research involved allegations of an abuse of power in connection with non-consensual relationships with female employees, as well as drug use in the workplace” (Holznagel & Kalbhenn). In early 2022, another scandal broke in Germany, when *Der Spiegel* revealed that, in 2016, the publisher of the weekly *Die Zeit*, Josef Joffe, privately warned a banker friend about *Die Zeit*’s investigation into corruption issues. In turn, Joffe had to resign.

As a best practice, we can quote from Malta’s country report, where some independent news outlets are trying their best to demonstrate moral leadership. “[I]t is refreshing, as well as unusual for Malta, to see that news media organisations like *The Shift News* and the blogger Manuel Delia, have transparent procedures, and are committed towards preserving their credibility by publishing their earnings and refusing direct advertising or donations by corporate organisations or the government. Additionally, *The Shift News*’ operating company, Tula Ltd., is committed, under its Articles of Association, to investing all earnings back into journalism” (Vassallo, 2022).

### 3.3 Political Independence

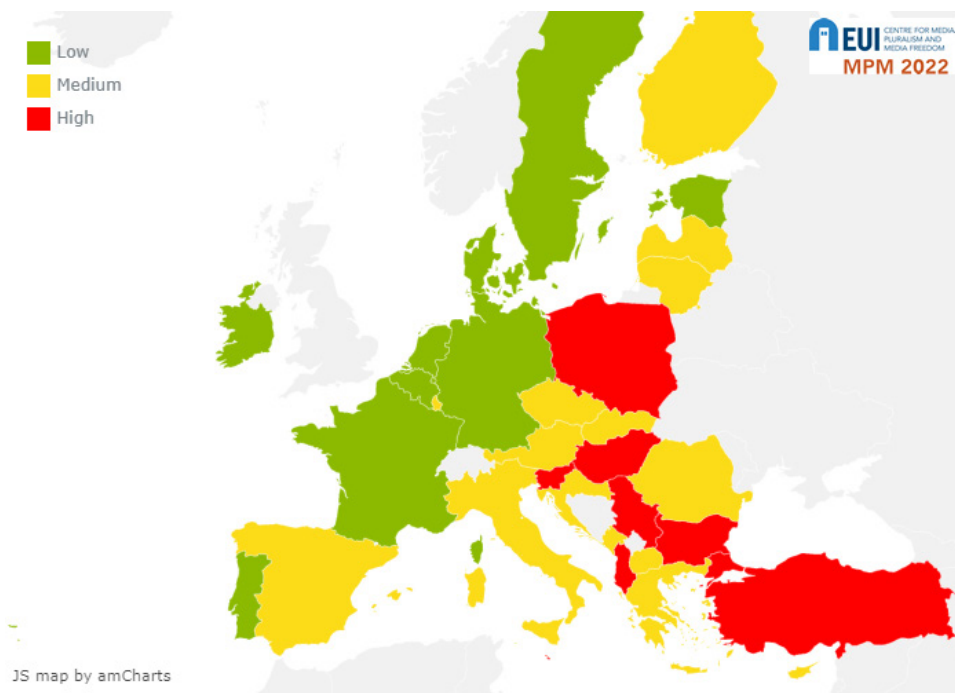
*The Political Independence area explores potential shortcomings and risks in relation to the conditions that should guarantee political pluralism in a country. The key conditions against which the risks to Political Independence are assessed include the existence and effectiveness of regulatory and other safeguards against political control over media outlets and news agencies, as well as against political bias and the misuse of media and online platforms in elections. The indicators also look into the existence and effectiveness of self-regulation in ensuring editorial independence, and seek to evaluate the influence of the State (and, more generally, of political power) on the functioning of the media market. Finally, they assess the independence of public service media. The five indicators related to Political Independence are:*

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

The **Political Independence area, on average, continues to show a medium risk**, indicating that no significant progress has been achieved in ensuring higher levels of political independence and political pluralism in the media across both the European Union and the candidate countries. The exact risk score this year is 49 percent, which is one percentage point higher than in the MPM2021, and two percentage points higher than in the MPM2020.

There are eight countries that score at high risk on Political Independence, three of which are EU candidates (Albania, Serbia, and Turkey), and the other five belong to the group of more recent EU member states that joined in 2004 (Hungary, Malta, Poland, Slovenia) and 2007 (Bulgaria). On the other hand, nine countries are found to be at low risk (Belgium, Denmark, Estonia, France, Germany, Ireland, Portugal, Sweden, and the Netherlands). The largest number of countries, namely, 15, register a medium risk, as shown on the map below (Figure 3.3.a).

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



While conditions vary from state to state, on average, and as in previous rounds of the MPM, the performance of the indicators on Editorial autonomy, the Political independence of media, and the Independence of public service media governance and funding, stand out, since they have an increased risk rate, in the upper medium risk band. Editorial autonomy is one of the key guarantors of journalistic freedom, and of protection from undue outside interference in the editorial newsmaking process. However, in the vast majority of the MPM countries, there are no efficient mechanisms to protect editorial autonomy. This is especially problematic considering that the other two indicators that have an increased risk in this area indicate that, in many countries, some of the major media organisations, particularly newspapers and the audiovisual sector, are under political control that is related to ownership, and, in half of the countries, there is evidence that the appointments and dismissals of public service media management are politicised.

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

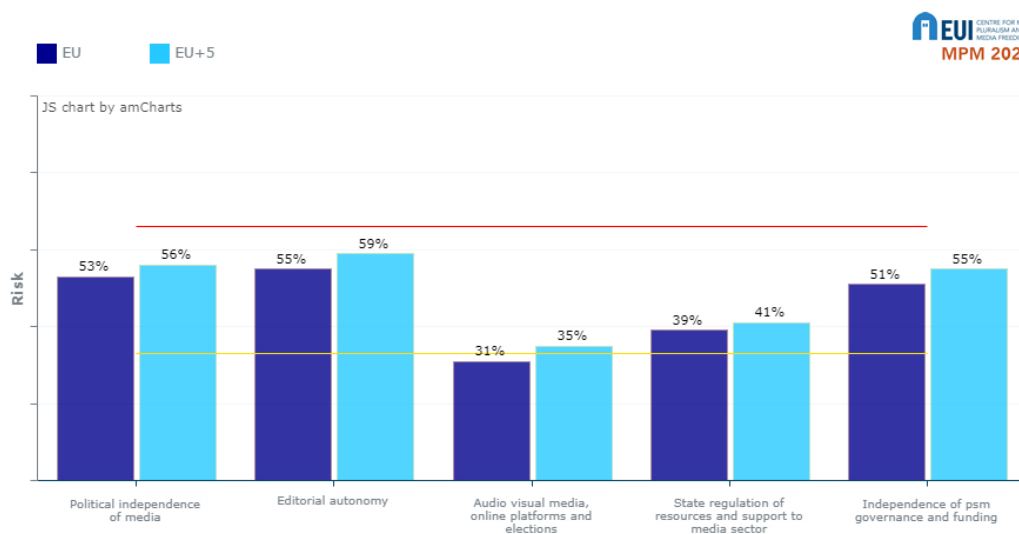


Figure 3.3.b. further shows, and again along the lines of the results of the previous implementations of the MPM, that all of the indicators reach higher risk levels when the five candidate countries (Albania, Montenegro, Serbia, The Republic of North Macedonia, and Turkey) are taken into account, if compared to the consideration of only the EU member states. Turkey is again an outlier, scoring the highest risk score in the area of Political Independence among all the countries that are encompassed by the MPM2022. Turkey is followed by Malta, Serbia, Poland, and Hungary.

At the level of individual variables and their clusters (sub-indicators), the highest risk scores in this area are associated with the lack of the safeguards that could prevent the misuse of state advertising as an instrument of political control over the media (indicator **State regulation of resources and support to the media sector**), which becomes an area of great concern in times when many media organisations struggle to ensure sustainability and so rely on different lines of financial support from the State and State-owned companies. Other issues noted in this area are: the lack of rules to ensure the fairness of political advertising online (indicator **Audiovisual media, online platforms, and elections**); and the shortcomings in relation to the prevention of a conflict of interest between holding government office and media ownership, especially at the local level.

### 3.3.1. Political independence of media

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

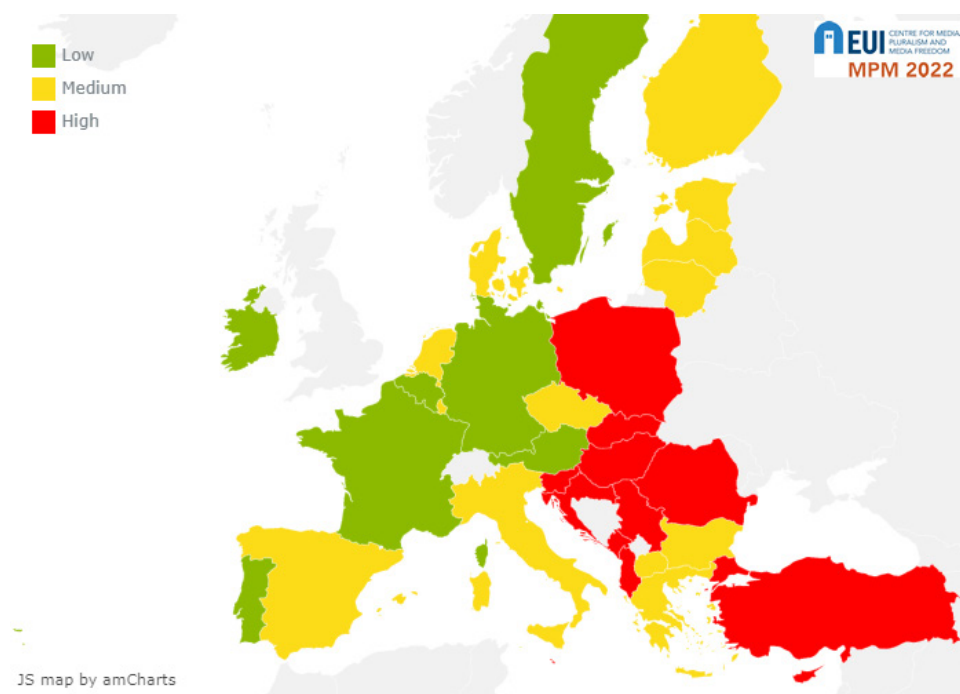
The indicator **Political independence of media**, on average, scores a medium risk (56%), registering a one percentage point decrease, if compared to the previous year's assessment (57%). The **Political independence** of the media is at high risk in eight EU countries: Croatia, Cyprus, Hungary, Malta, Poland, Romania, Slovakia, and Slovenia, and in four of the EU candidates: Albania, Montenegro, Serbia, and Turkey. Malta scores the highest risk (94%), just as it did in the last MPM implementation: no law makes government office incompatible with media ownership, and the two leading political parties both own multiple media companies, which include a TV station, radio station/s, newspapers and online news portals (Vassallo, 2022). On the risk scale, Malta is closely followed by Turkey (92%), where the inadequacy and ineffectiveness of the regulatory safeguards result in an endemic intertwining of interests, with more than two thirds of the media operating in the private sector, which are controlled by commercial groups that are tied closely to the ruling party (Inceoglu et al., 2022). Poland, Romania and Slovenia follow closely at 90%, when considering the overall risk for this indicator. In Poland, some outlets have emblematically sought for investors abroad, in order to secure editorial independence (e.g., Rzeczpospolita/Gremi Media, which shares ownership with the Pluralis Group) (Pluralis, 2022; Klimkiewicz, 2022). In Slovenia, conflict of interest is still not properly regulated (the *Integrity and Prevention of Corruption Act* applies, but the media are not addressed specifically), **with significant evidence in local areas**. The SDS party co-owns Nova24TV, as well as the print and online political magazines



*Demokracija* and Škandal24. SDS's outlets are deemed to be tied to investors that are associated with the Hungarian government. Moreover, in January, 2021, the privately owned National Press Agency (NTA) was established, in a seeming effort to replace the Slovenian Press Agency (STA), to which the government refused statutory funding (Milosavljević & Gerjević, 2022). The editor-in-chief of NTA was a member of the SDS Party (Košir, 2021).

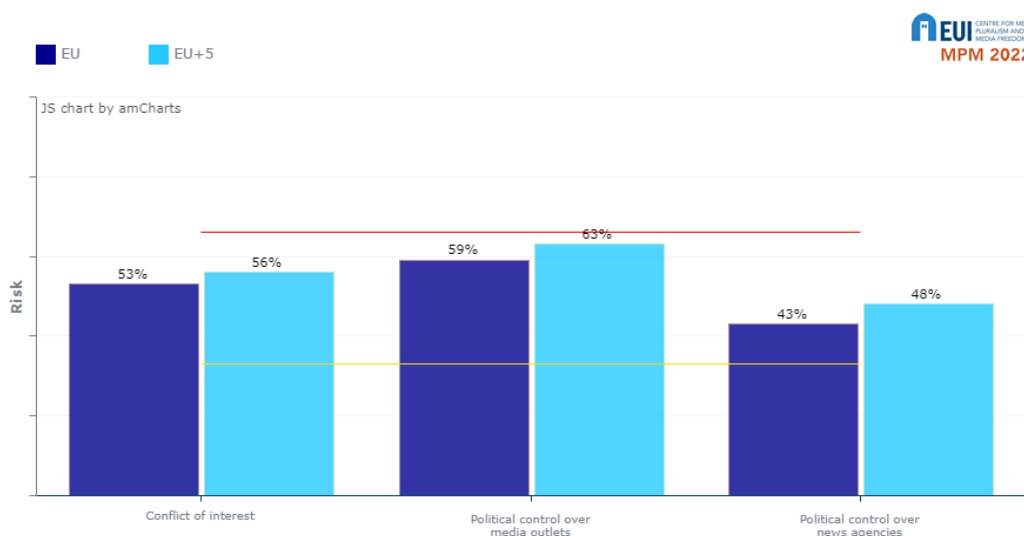
Seven countries are found to be at low risk: Austria, Belgium, France, Germany, Ireland, Portugal, and Sweden. The remaining 13 countries perform within a medium risk band, with Bulgaria and Luxembourg being close to the high risk threshold (both countries scored 63%).

Figure 3.3.1.a. Indicator on the Political independence of media - Map of risks per country



As in last year's assessment, for all three sub-indicators (**Conflict of interest**, **Political control over media outlets**, and **Political control over news agencies**), the risks are slightly higher when candidate countries are taken into account, rather than when only EU member states are considered. All three sub-indicators score medium risk. **Conflict of interest** has 13 countries with high risk (Malta, Poland, Romania, Slovakia, and Turkey are at a very high risk with 97%), 15 countries register high risk under the sub-indicator on **Political control over media outlets** (Serbia and Turkey at 97%) while **Political control over news agencies** has ten high risk countries (Albania, Cyprus, Hungary, Slovenia, Turkey, at a very high 97%).

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



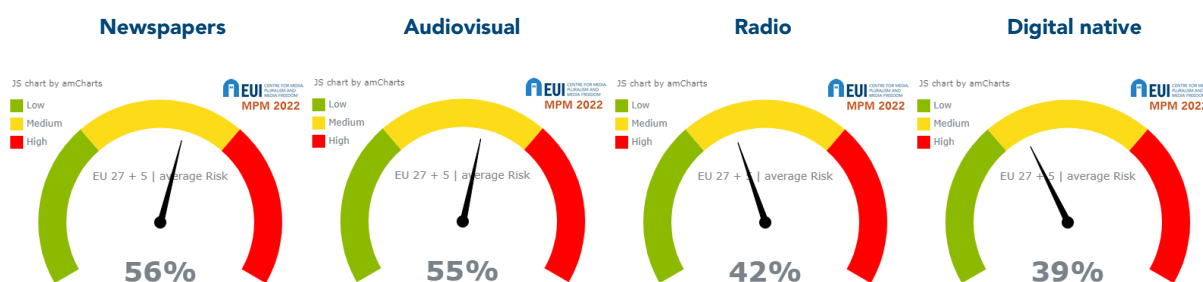
The sub-indicator **Political control over media outlets** is the one that scores the highest risk (63%), with Serbia and Turkey being the countries with the worst score. In Serbia, the ruling Serbian Progressive Party (SNS) shapes the media environment via influence over ownership (Serbian political parties are still allowed to publish newspapers, online media and to provide news agency services), advertising control, as well as state funding (Milutinović, 2022).

By analysing the extent of political control over different media types, the study evidenced an increase of the risk level in the print segment (56%); this increase makes the newspaper sector the most problematic in this year's analysis of the indicator **Political independence of media**, scoring more than even the audiovisual (55%). Almost half of the countries analysed within the scope of this study present a high risk level for both of these types, with a diverse range of issues that are of concern, from the total lack of regulation, to the non-enforceability of laws that are not specifically designed for the media. Furthermore, in several cases, political influence is exerted through intermediaries (i.e., family members), thus ultimately circumventing provisions limiting direct control. In Italy, for example, the print press panorama continues to be characterised by clear cases of political influence in publications with a medium circulation: *il Giornale*, is owned by Paolo Berlusconi (the brother of Silvio Berlusconi) and *Libero* is owned by the Angelucci group, which, in turn, reports to Antonio Angelucci, a member of Berlusconi's Forza Italia party (Carlini et al., 2022).

The native digital media, on average, score the lowest risk for **Political control**, but there is major cause for concern in Albania, Cyprus, Hungary, Montenegro, Romania, Serbia, Slovenia, The Republic of North Macedonia, and Turkey. Although the overall risk of political control in this sector remained unchanged (39%), the analysis, in fact, evidences cases where political parties and politicians can own online news sites without any restrictions: in Hungary, there are some politicians who own professional news outlets: this is the case with Péter Ungár, a Member of Parliament for the green party, LMP (Politics Can be Different), who owns different small, local news sites, and the Budapest-based web startup, Azonnali.hu (Bátorfy et al., 2022).

The level of risk for the radio sector has increased rather significantly, if compared to last year's analysis (from 36% to 42%). This is due to several countries entering the medium risk area (Albania, France, Greece, and The Netherlands) because of some occasional cases and concerns over the attempts for political control over radio stations.

Figure 3.3.1.c. Sub-indicator on Political control over different types of media - Average risk score



On considering the sub-indicator **Conflict of interest** (56%), a remarkable concern is detected for Slovakia: as reported by Urbániková (2022), Sme Rodina's leader, Boris Kollár, who also serves as the Speaker of the National Council of the Slovak Republic, owns two of the four radio stations with the highest audience share in Slovakia. Furthermore, the political independence of local and regional media is also endangered, because these are funded and owned by local/regional authorities, and their content is often blatantly skewed in favour of the current local/regional political representation (Transparency International Slovakia, 2022, Urbániková, 2022).

As for the sub-indicator **Political control over news agencies** (48%), the MPM2022's analysis detected a very high risk (97%) in five countries: Albania, Cyprus, Hungary, Slovenia, and Turkey. In Cyprus, control over the Cyprus News Agency is exerted through the approval of its budget, which is almost exclusively state-funded, and the appointment of its governing body by the Council of Ministers (Christophorou & Karides, 2022). In Slovenia, the re-suspension of the financing of the Slovenian Press agency (STA) put its operations at huge risk. In September, 2021, the European Commission-

er, Vera Jourová, urged the Slovenian Minister of Culture, Vasko Simoniti, that the government should finance STA. The funding agreement was finally reached in November, 2021 (Milosavljević & Gerjević, 2022).

### 3.3.2. Editorial autonomy

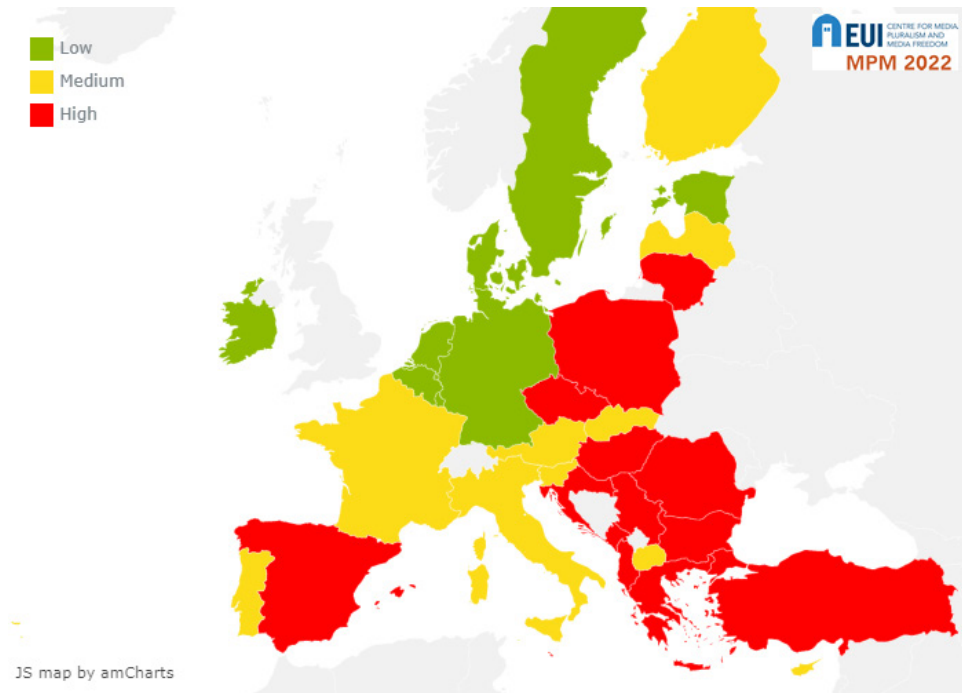
*The indicator on Editorial autonomy is designed to assess the existence and effectiveness of regulatory and self-regulatory measures that guarantee freedom from political interference in editorial decisions and content. In order to exercise their social role as the watchdogs of society, and as providers of information that serves the public interest and debate, journalists have to be able to act independently of undue influence. An emerging strand of scholarly literature raises attention in regard to “media capture” (Schiffrin, 2021); as Besley and Prat (2006:720) put it, this is manifested in a “combination of formal press freedom and substantial political influence”. According to Mungiu-Pippidi (2013), the captured media have “not succeeded in becoming autonomous and manifesting a will of their own, nor able to exercise their main function, notably of informing people,” as they are captured by “vested interests” (Mungiu-Pippidi, 2013:41). In this regard, effective self-regulation, in the form of codes of conduct, codes of ethics or editorial statutes, is of particular importance, as are the rules that guarantee the fairness of the appointment of, and the dismissal procedures for, editors-in-chief.*

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

The freedom of journalists and editors to make decisions without interference from the owners of a publication, their political leanings, or outside political pressures, should be a paramount condition for a free and plural media environment. According to the MPM2022’s results, this is not the case in 24 of the 32 countries under examination: ten countries score a medium risk, while editorial autonomy is at high risk in 14 countries (Albania, Bulgaria, Croatia, Greece, Hungary, Lithuania, Malta, Montenegro, Poland, Romania, Serbia, Spain, The Czech Republic, and Turkey) – five of which score the highest possible score, 97 percent (Albania, Croatia, Greece, Montenegro, Turkey). The eight countries in which editorial autonomy scores as low risk are Belgium, Denmark, Estonia, Germany, Ireland, Luxembourg, Sweden, and The Netherlands. In these countries, journalistic self-regulation is evaluated as being effective, and there have been no

cases reported in which a certain appointment, or the dismissal, of an editor-in-chief, was considered to have been politically influenced. In the rest, either interferences were reported, or the regulatory and self-regulatory environment were not strong enough to prevent possible interference. The results are largely in line with the MPM2021, and the indicator's average risk score remains at medium risk, at 59%, as it was last year.

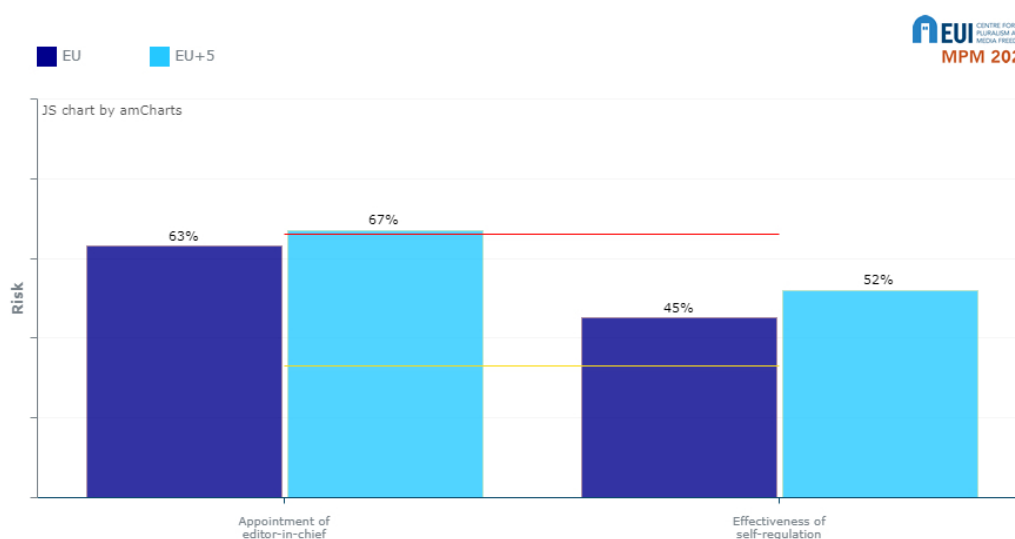
Figure 3.3.2.a. Indicator on Editorial autonomy - Map of risks per country



The key issue, in terms of editorial autonomy, remains the pursuit of political agendas by media owners. This takes place sometimes without any visible interference being noticeable to the outside world. Perceived or real expectations of the management, or the fear of job loss, can provoke self-censorship among journalists. At the same time, topics may remain uncovered due to their sensitive nature, or some specific topics may not be assigned to the most critical journalists.

The indicator on **Editorial autonomy** is composed of two sub-indicators: one focuses on the specific safeguards and practices that are related to the appointment and dismissal of editors-in-chief; the other captures the existence and effectiveness of self-regulatory measures, such as the journalistic codes and codes of ethics that stipulate editorial independence in both traditional and online news media. On average, the sub-indicator on **Editors-in-chief** is more at risk (see Figure 3.3.2.b.) than that on **Self-regulation** – implying that the key risks come from pressure originating outside of the newsroom, and less from journalists’ difficulties in upholding the professional standards of good journalism (although that can also prove challenging in many countries’ contexts). The risk score of this sub-indicator has increased from 62% in the EU, and 63% in the EU+5, to 63% and 67%, respectively, showing that the candidates experience greater challenges. As such, the average risk for the variable on the **Appointment of editors-in-chief**, when looking at the average of all 32 countries, has reached high risk. While the vast majority of countries have no common regulatory safeguards with which to guarantee autonomy when appointing and dismissing editors-in-chief, the leading news media in most of the countries observed do have some form of self-regulation that emphasises editorial autonomy. However, the lack of the effective implementation of self-regulation (as well as its assessment in practice) remains a problem.

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



In many cases, there are still no regulatory guarantees of editorial autonomy in relation to the appointments and dismissals of editors-in-chief, and there are still concerns that political influence in such procedures does take place. However, it is important to mention that the risks are not always manifested in pressure on newsrooms. There are countries, such as Belgium, where, despite a lack of regulatory safeguards, no interference in the appointments of editors was reported (Lambrecht & Valcke, 2022).

Self-regulatory bodies and journalists' associations in many EU member states and in the candidates are still ineffective. Often, the lack of enforcement powers in relation to these bodies is mentioned by the country experts, since they lack proper sanctioning mechanisms, except for the naming and shaming of those who fail to abide by the rules. Nevertheless, there are some notable exceptions, in which self-regulation can effectively contribute to the upholding of journalistic standards: in Sweden, the MPM country team reported that the news media "jointly developed a number of self-regulatory/voluntary codes of conduct for stipulating editorial independence, which the majority of the Swedish media are following" (Färdigh, 2022). In some cases, the effectiveness of self-regulatory codes is cumbersome to assess, as shown by the example of Ireland, where the country score dropped from 42% to 25%, because, this year, "research was able to establish for the first time that all of the market-leading print and broadcast media operating in Ireland cite internal guidelines stipulating the need for editorial independence from political interference" (Flynn, 2022).

In some cases, the country teams mention historic connections or ideological alliances between some newsrooms and political parties – but, although these are becoming less common, there are still occasional examples of biased news articles (as mentioned by the country team of Luxembourg, for example). In Austria, the team highlights "the unhealthy ties between some politicians, polling companies, and media organisations uncovered by corruption investigations by the Economic and Corruption Prosecutor's Office (Wirtschafts- und Korruptionsstaatsanwaltschaft). These led to the resignation of the Austrian Chancellor, Sebastian Kurz, in October, 2021, and they are currently being examined by a parliamentary investigative committee" (Seethaler & Beaufort, 2022).

In Hungary, one of the high-risk countries, a number of investigations have shown that the journalists and editors of the news agency and the public service media take direct orders from politicians (Bátorfy et al., 2022). In Poland, after the Polska Press group was taken over by PKN Orlen, local and regional newsrooms received instructions on the 'proper' ways to cover politically sensitive topics (Klimkiewicz, 2022). In Croatia, journalists reported experiencing political and commercial pressure while doing their jobs (Bilić et al., 2022). While the lack of safeguards is a common issue, when it comes to appointment and dismissal, cases of actual interference were rarely mentioned this year.

A notable exception is Turkey, where the indicator scores 97%. Here, Haberturk TV's editor-in-chief, and the representative of its Ankara Bureau, both had to resign due to political pressure (Inceoglu et al. 2022).

Pressure on editorial autonomy often goes hand-in-hand with a lack of trust in journalism, as the example of Montenegro shows: "The public poll conducted by the Centre for Democracy and Human Rights – CEDEM from February 2021 on, on the topic of media and media freedoms, showed that around 40 percent of citizens consider that the media work in the interest of politicians, and their owners respectively. This leaves only 20 percent of citizens believing that the media work in the interest of citizens" (Brkić, 2022).

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

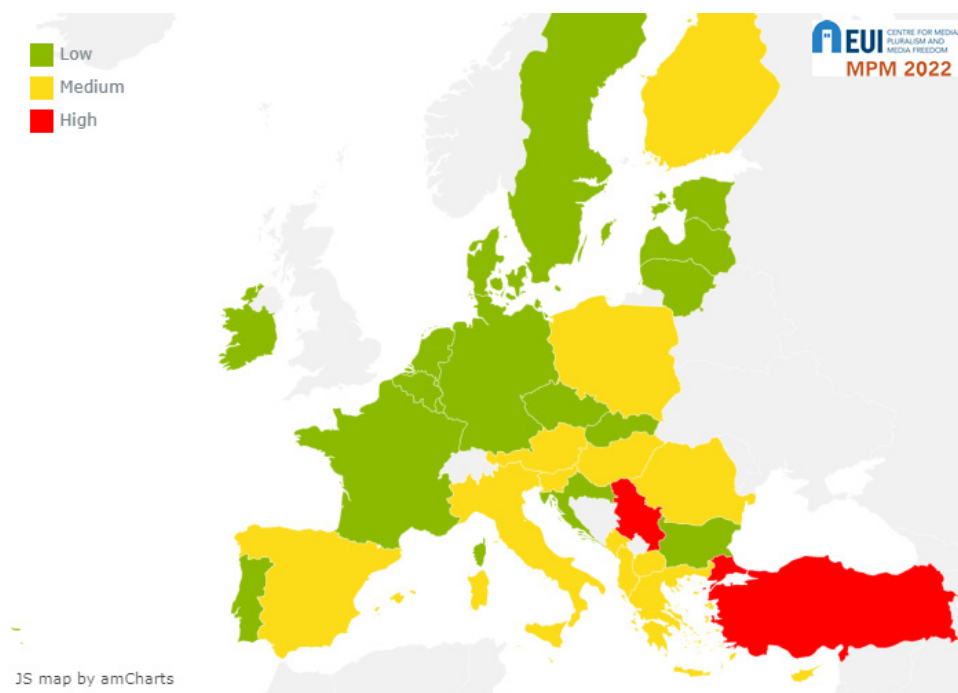
*The indicator on Audio visual media, online platforms and elections assesses the availability and implementation of a regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints on public service media (PSM) and private channels, especially during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

Half of the countries encompassed by the MPM2022 record low risk with respect to the indicator on **Audio visual media, online platforms and elections**. The result reflects the general availability of the rules that are put in place to ensure the impartiality of media reporting, and of equal (or proportionate) opportunities for political actors to access the media and, in particular, during election campaigns. The reporting by public service media in the electoral period is often monitored by regulators, which puts additional pressure on such media to provide fair representation of political actors' and political viewpoints. Despite the long tradition of regulation and regulatory monitoring in this field, 14 countries manifest a medium risk (Albania, Austria, Cyprus, Finland, Greece, Hungary, Italy, Malta, Montenegro, The Republic of North Macedonia, Poland, Romania, Slovenia, Spain). Turkey and Serbia score as being high risk.



In Turkey, while there are laws and regulations that are nominally designed to ensure the impartiality and fairness of the media reporting during elections, they are almost ineffective in practice, and there are no safeguards for the transparency of political advertising and spending on the digital platforms (Inceoglu et al., 2022). A similar discrepancy, between the available regulation and the actual situation in practice, has been observed in Serbia, where a number of new audiovisual channels was launched ahead of the 2022 presidential and general elections, with a visible political agenda (Milutinović, 2022).

Figure 3.3.3.a. Indicator on Audio visual media, online platforms and elections - Map of risks per country

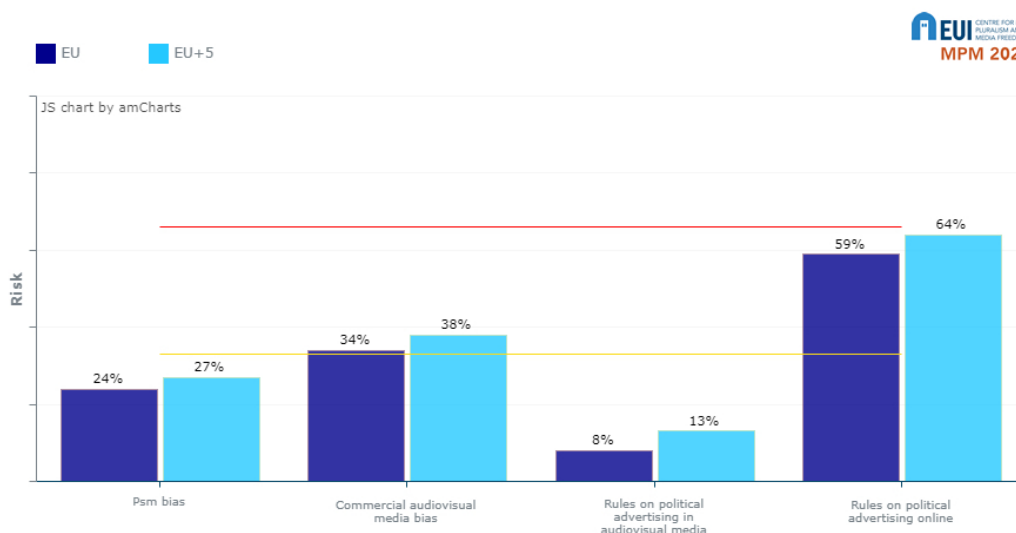


The indicator on **Audio visual media, online platforms and elections** is composed of four sub-indicators: **Public service media bias**; **Commercial audiovisual media bias**; **Rules on political advertising in audiovisual media**; and **Rules on political advertising online**. In the traditional media environment, the divide is between the public service and the commercial media. Due to their role, and their privileged position, the public service media are expected to abide by higher standards. Accordingly, all 32 countries impose rules that are aimed at impartiality in news and informative programmes on PSM channels and services, and most of them require fair access to airtime on PSM for political actors during election campaigns. At the same time, it is less common for such regulation, and/or self-regulatory measures, to exist for commercial audiovisual media.

Similarly, political advertising is more often, and more strictly, defined for public service than it is for the commercial media. Most countries in the EU have a law, or some other statutory measure, that imposes restrictions on political advertising during election campaigns in order to allow equal opportunities for all of the candidates. In some cases, this implies a complete ban on political advertising, providing, as an alternative, free airtime on public service media which is guided by principles of equal or proportionate access. When paid political advertising is allowed, in the audiovisual media it is often restricted only to the campaign period and is limited on certain grounds, such as campaign resources and spending, the amount of airtime that can be purchased, and the timeframe in which political advertising can be broadcast. In most countries, there is a requirement for transparent reporting in relation to how much was spent for advertising in the campaign, and the regulatory framework requires that political advertising (as any other advertising) is properly identified and labelled as such.

In the contemporary media environment, the divide is between the media and the online platforms, such as social media, video sharing platforms and search engines. While there is a long tradition of media regulation in electoral periods, a similar level of rules to ensure equal opportunities for, and the transparency of, political advertising on online platforms, is still largely absent. It is expected that the situation will improve with the adoption and enforcement of the *EU Digital Services Act* and the proposed *EU Regulation on transparency and targeting for political advertising*, but, for now, the sub-indicator. **Rules on political advertising online**, scores the highest risk under this indicator, in the upper medium band, and is thus close to high risk.

Figure 3.3.3.b. Indicator on Audio visual media, online platforms and elections - Averages per sub-indicator



The rules that exist for the audiovisual media are often not applicable, or are not enforced, in the online sphere, especially in the realm of online platforms, where new techniques of political advertising are enabled, and new actors without an explicit political affiliation engage in the process of placing political ads. For instance, enforcing silence periods on online platforms may be a slippery slope for the freedom of expression, as such mechanisms would need to rely on platforms' internal and automated processes, which are already lacking transparency and public accountability. Moreover, different online platforms provide different levels of publicness in the use of their services, they are not used only by the political candidates and the media, but also by ordinary citizens, to whom the institute of electoral silence has not previously applied. The importance of online platforms, as places for political communication and electoral advertising, is growing, but, at the same time, the peculiar challenges and manipulative political advertising in that area are not being addressed with the same levels of legal provisions and tailored rules that are in place to ensure clear standards, transparency, and the conditions for political pluralism, as are the traditional media.

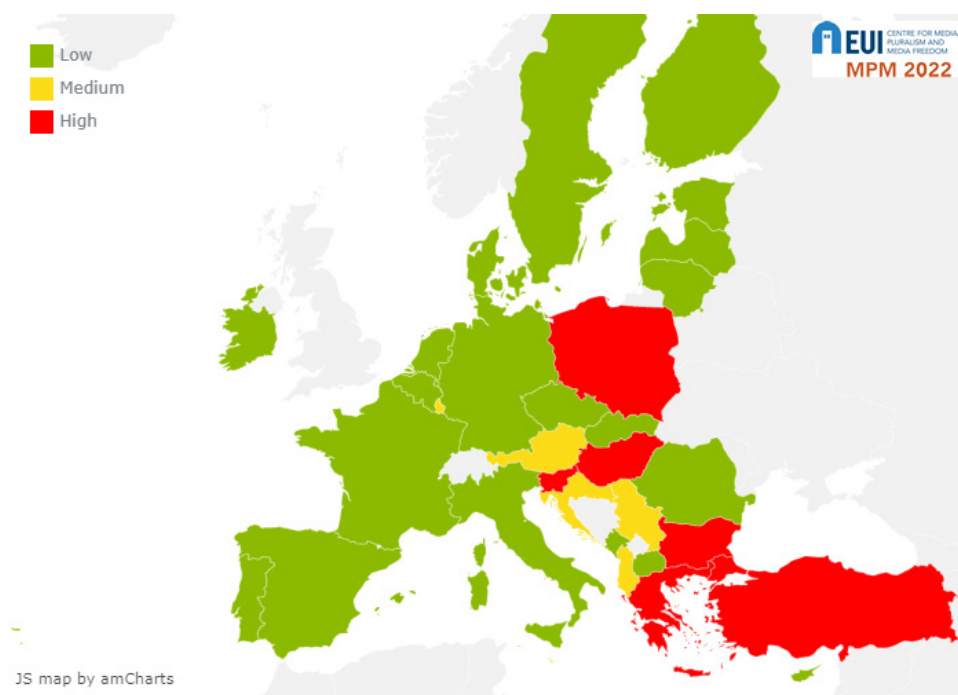
### 3.3.4. State regulation of resources and support for the media sector

This indicator assesses the legal and practical situation in relation to the distribution of State managed resources for the media. In a situation in which media organisations face economic difficulties that are caused by the recent economic crises, COVID-19's economic impact, and ongoing technological disruption, financial support from the State can be crucial, especially for non-profit, community media and other less commercial forms of journalism. It is therefore of particular importance that fair and transparent rules on the distribution of State resources and support are in place, as well as that they are being effectively implemented. The lack of clear and transparent rules may be conducive to favouritism. The lack of available data on allocation, in practice, is also seen as a potential risk, since the lack of transparency can conceal the practice of channelling funds to specific media outlets in a biased manner.

In the assessment of this indicator, six countries score a high risk. Bulgaria, Hungary, Slovenia and Turkey were already in the high-risk band in the MPM2021, Greece and Poland have also seen an increase in risk since last year. Just as in the year 2020, Bulgaria scored the highest possible, 97%, risk. Six countries scored as medium risk (Albania, Austria, Croatia, Luxembourg, Malta and Serbia), the remaining 20 countries registered as being at low risk. The main problems came from the lack of transparency in the allocation of State funds, both in the form of direct subsidies and State advertising. In Poland, the Broadcasting Council's reluctance to renew frequencies has contributed to the increase in risk. The action is seen as being politically motivated, as one of the channels concerned, the US-owned TVN24, is critical of the government.

At the same time, in Greece, anomalies related to the State's COVID-19 support were found, as news media that were seen as being critical of the government received disproportionately lower amounts through the “Stay at Home” campaign (Papadopoulou, 2022).

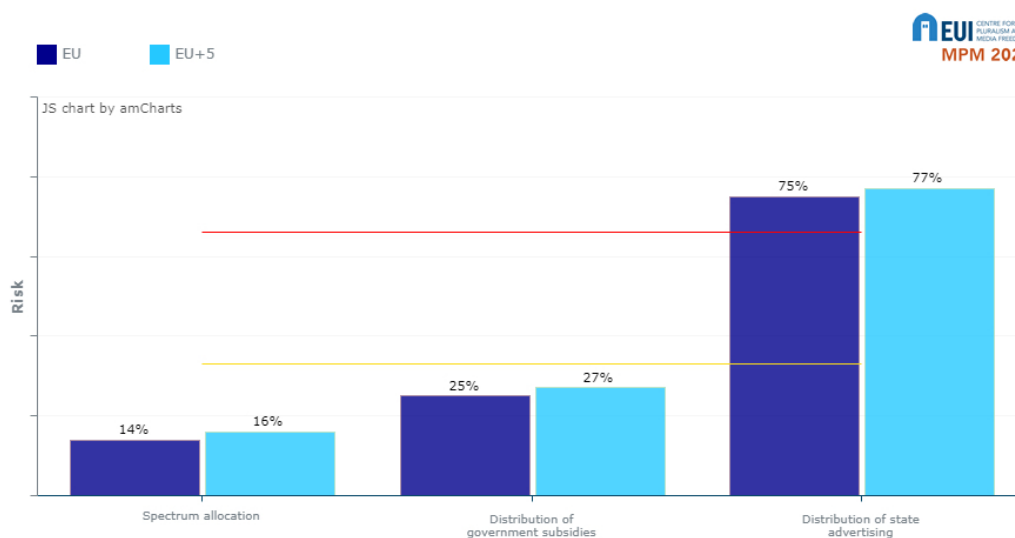
Figure 3.3.4.a. Indicator on the State regulation of resources and support to the media sector - Map of risks per country



This indicator is composed of three sub-indicators: **Spectrum allocation**, **Government subsidies** (direct and indirect), and **Rules on State advertising**. The sub-indicator on **Spectrum allocation**, which assesses the existence and implementation of the legal framework that enacts the general regulatory principles and policy objectives of the *Radio Spectrum Policy Programme* (2012), continues to be at low risk for the vast majority of countries. Most have effective regulation and, in most countries, no major disputes have recently been recorded in relation to this matter. This sub-indicator scores 14% for the EU, and 16% for the EU+5. Despite there being a very low score overall, there are some notable exceptions - Bulgaria, Slovenia and Turkey score as high risk, while Hungary, Poland and Serbia are at medium risk. In previous years, Bulgaria, Hungary, Slovenia and Turkey reported problems with regard to the fairness and transparency of the rules of spectrum allocation, and these continue to persist. Poland saw an increase in the risk score of this sub-indicator, “due to the regulatory procrastination of KRRiT (the National Broadcasting Council) that unnecessarily postponed the procedure of renewing the broadcasting licence for TVN24 and TVN7” (Klimkiewicz, 2022).

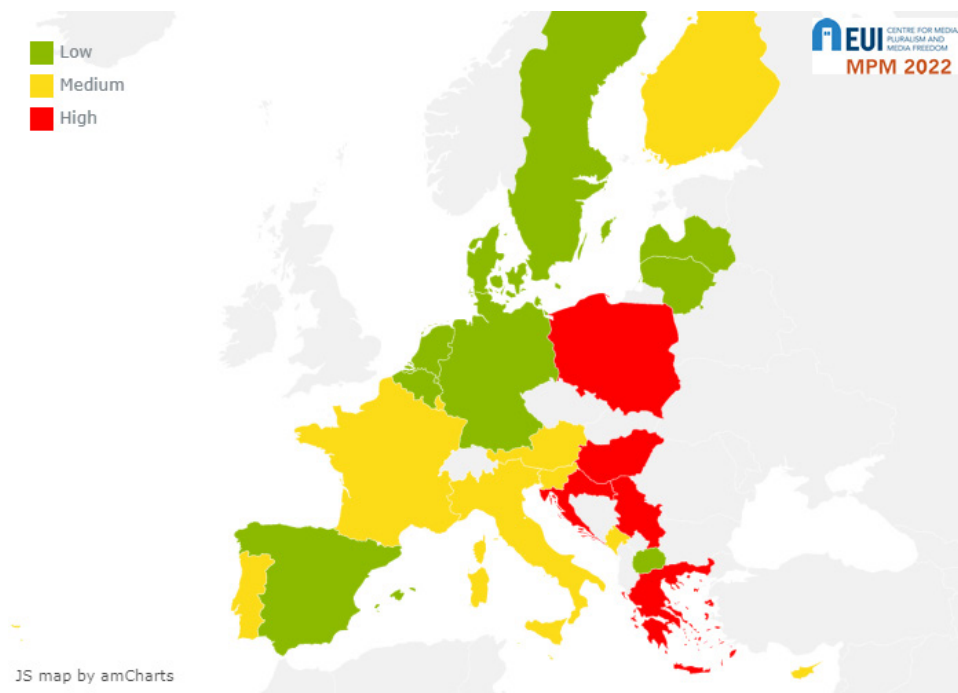
The sub-indicator **Distribution of government subsidies** scores low risk, at 25%, for the EU, and 27% for the EU+5. Significant problems were recorded in the four high-risk countries (Albania, Greece, Malta and Portugal), and in the seven medium-risk countries (Austria, Croatia, Hungary, Italy, Luxembourg, Montenegro and Poland), as the distribution of direct subsidies lacked fairness and transparency, while, at the same time, indirect subsidies were available indiscriminately, but in a transparent way, for most of the time. The problems were more visible when it came to the **Distribution of state advertising**. This sub-indicator scored 75% in the EU, and 77% in the EU+5. Out of the 32, 24 countries scored as high risk; there were two medium-risk countries (Denmark and the Netherlands), and six low-risk countries (Belgium, France, Italy, Montenegro, Portugal and Sweden). This latter sub-indicator was especially problematic, because advertising that is paid for by governments or by State-owned companies is often used as a means of covert State support for the news media, and its beneficiaries are often chosen from those media outlets that have good relations to those who are in power.

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



While, overall, the sub-indicator **Distribution of government subsidies** scores as low risk, the variable on the distribution of direct State subsidies to media outlets, which looks at the enforcement of regulation or situations where there is an absence of clear rules, scores a medium risk, at 42%. This is a visible increase from last year's low risk (32%), when the economic shock of the first two waves of the COVID-19 pandemic triggered measures to save companies and workplaces, and thus the allocation of funds became, in some cases only temporarily, more transparent and fair. In 2021, Croatia, Greece, Hungary, Serbia and Poland were high risk countries, where the fairness of State support could not be determined, or where observers saw signs that subsidies were allocated in a biased manner.

Figure 3.3.4.c. Variable. Are the direct state subsidies distributed to media outlets in a fair and transparent manner? - Map of risks per country



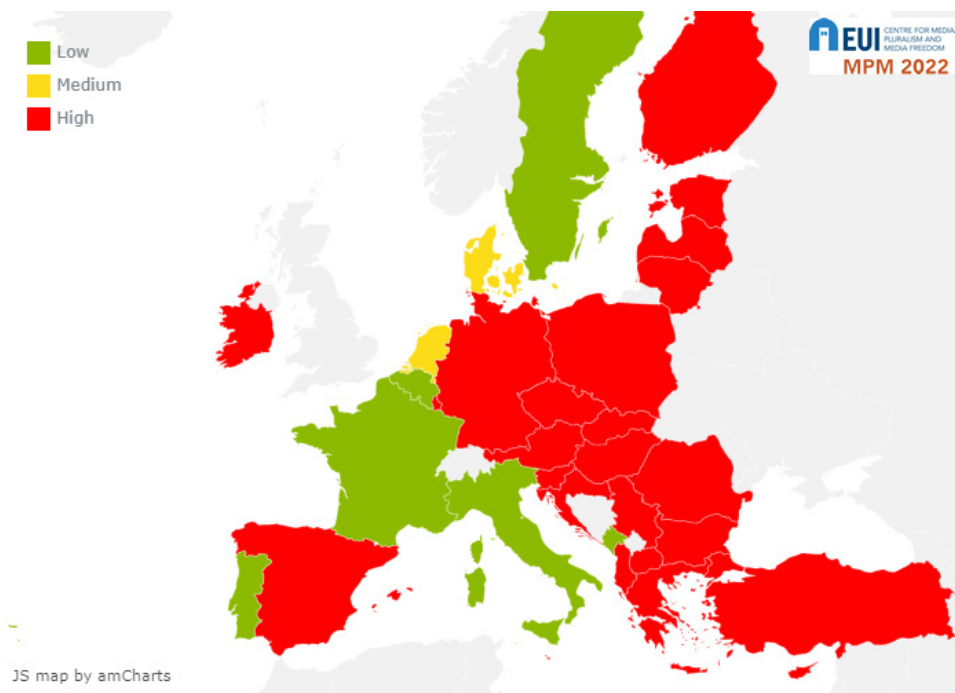
Apart from high risk countries, the allocation of direct subsidies poses medium risk in ten countries (Austria, Cyprus, France, Finland, Italy, Luxembourg, Malta, Montenegro, Portugal and Slovenia). Often problems arise due to the fairness of allocation. There are still cases in which digital news outlets are not included, or where support is not available for content that is produced in minority languages. In some countries, subsidies can be concentrated in the hands of conglomerates, the rules can be bent by some outlets, and, in the French case, there were even mentions of aid recipients that don't produce their own content, but which "outsource" it (Rebillard & Sklower, 2022). In Belgium, the country experts noted that the allocation of COVID-19 subsidies made the whole process more transparent and fairer (and thus the allocation registered as a low risk score), but they cautioned that policymakers need to ensure that the older weaknesses of the process don't resurface when the pandemic is over (Lambrecht & Valcke, 2022). This possibility of a backslide is shown in Cyprus: here, the schemes adopted during the first and second wave of the pandemic offered subsidies that were diversified, and that were allocated to all types of media. However, practices in 2021 were different. Assistance was based on audience or circulation figures and it was offered in exchange for advertising time or space, which raises doubts about fairness and sustainability (Christophorou & Karides, 2022). In Malta, COVID-19 support was reportedly opaque (even FOIA requests were not answered), while aid packages were believed to have been given disproportionately to those media houses that are owned by political parties (Vassallo, 2022).

The Finnish example also shows that the sustainability of the media is not a high-priority issue for policymakers. Here, an expert group appointed by the Ministry of Transport and Communications suggested the creation of a permanent grant mechanism for journalism but, citing the country's economic weakness, it was absent from the 2022 budget (Mäntyoja & Manninen, 2022). A good model for the allocation of subsidies comes from Denmark, where direct subsidies are distributed by the Media Council, which presents its work in annual reports on its webpage, and also posts guides in which it demonstrates how the media can apply to it for such subsidies (Santos Rasmussen et al., 2022).

In Austria, where state subsidies to the media are widely discussed, the rules for the distribution of direct media subsidies can be considered to be transparent, but they are not fair. The Private Broadcasting Fund is about seven times higher than the Non-Commercial Broadcasting Fund, popular tabloid titles benefit disproportionately from the funding, while regional weekly newspapers face disadvantages. Amendments to the *KommAustria Act* and the *Digital Tax Act*, which are still being discussed as this report is being written, “stipulate that parts of the digital tax (amounting to 134 million euros) will be used from 2022 to 2027 (and retroactively for 2021) to promote the digital transformation of the media” (Seethaler & Beaufort, 2022). However, even this new proposal seems to disregard the digital media. Another relevant legal development in this area was recorded in France. On 15th December, 2021, Decree no 2021-1666 created a fund to support online media pluralism.

In Luxembourg, a complete revamping of the subsidy-process is foreseen, and this would improve the access to digital media, and would include news in languages that are spoken by at least 15 percent of the population. The support is made up of three schemes: at its core is the so-called “pluralism maintenance”, which subsidises the employment of journalists and provides a budget for innovation. The second mechanism provides 2-years of fixed support to media startups, while the third aid scheme aims to help community media (Kies et al., 2022).

Figure 3.3.4.d. Sub-indicator on Distribution of state advertising - Map of risks per country



The third sub-indicator relates to the **Distribution of state advertising**. As in the previous rounds of monitoring, State advertising persists in being the most problematic issue for most countries, and it is the highest scoring component of this indicator (Figure 3.3.4.b.).

The problem is, to a large extent, due to a lack of oversight in the allocation of State advertising, as State advertising is often used as a hidden subsidy. In those countries where numbers are available, the amount spent on state advertising is increasing. In Austria, for example, 225 million euros were spent on State advertisements (which is approximately five times as high as the ordinary State support) – in the case of approximately one third of this amount, the recipients are unknown, as reporting is only mandated when quarterly payments exceed 5,000 euros (Seethaler & Beaufort, 2022).

The county teams in Albania and Estonia point out that the advertising market provides loopholes that favour the opaqueness of the allocation of State advertising. “A common practice is that a public relations company wins the bids for communication campaigns and advertising. How they decide on buying advertising in the media is not fully clear” (Kõnno, 2022). At the same time, in Denmark, a good practice is mentioned, as State advertising falls under the competence of the Ombudsman – and the Ombudsman has issued some decisions regarding the relationship between the media and the State (Santos Rasmussen et al., 2022).

The two emblematic countries in this area are Poland and Hungary, which have already used this channel in the past to covertly subsidise friendly media. In Poland, the country



team reported that State-owned companies and the central administration have significantly increased their advertising spending. “The biggest beneficiaries among press titles included government-sympathetic rightwing weeklies *Sieci* (40 per cent of its income consisted from state advertising), *Gazeta Polska* (42 per cent) and *Do Rzeczy* (21 per cent)” (Klimkiewicz, 2022). In Hungary, the high-risk situation didn’t change, if compared to the previous year: privately owned news outlets continue to receive the overwhelming majority of their advertising income from State advertising. Besides subsidising allies, the State advertising in Hungary also fulfils a propaganda function, as many of the messages placed in news outlets amplify the governing party’s narratives under the pretence of sharing public interest information (Bátorfy et al. 2022).

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

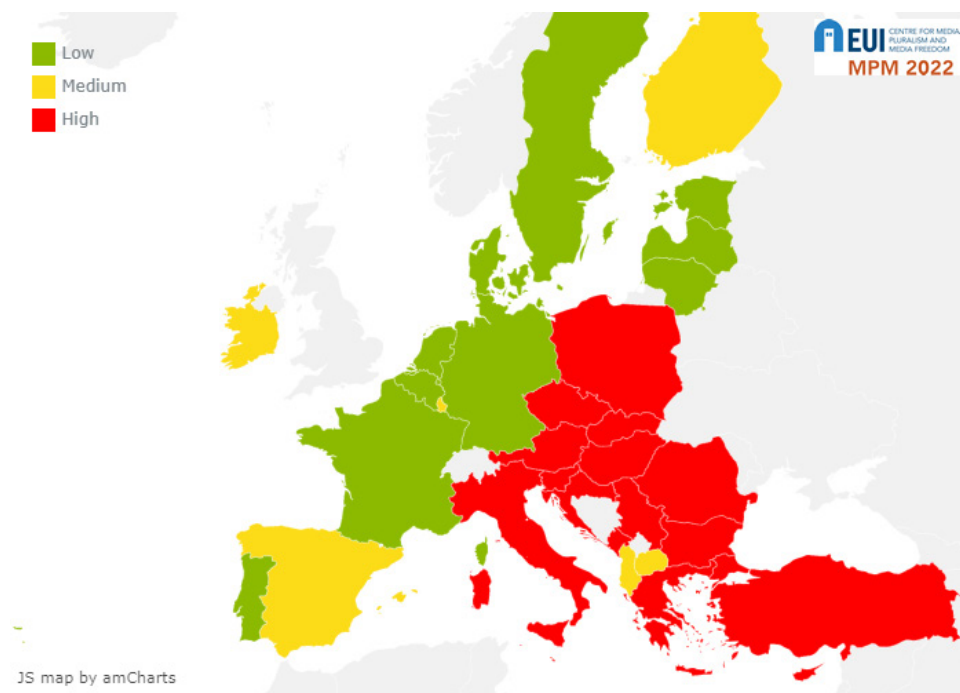
*The Independence of the public service media (PSM) governance and funding indicator is designed to measure the risks which stem from appointment procedures for top management positions in the public service media, and the risks arising from the PSM funding mechanisms and procedures. The reasons behind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

The indicator **PSM Governance and Funding** scores an overall medium risk (55%), increasing by three percentage points compared to the MPM2021 assessment (52%).

For this indicator, the MPM continues to show a relatively clear division between Northern and Western Europe, on the one hand, and Central, Eastern and Southern Europe, on the other. While the first geographical area is among those scoring lower risks, the latter group is characterised by higher percentages. The indicator registers high risk in half of the countries (16): Austria, Bulgaria, Croatia, Cyprus, Greece, Hungary, Italy, Malta, Montenegro, Poland, Romania, Serbia, Slovakia, Slovenia, The Czech Republic, and Turkey.

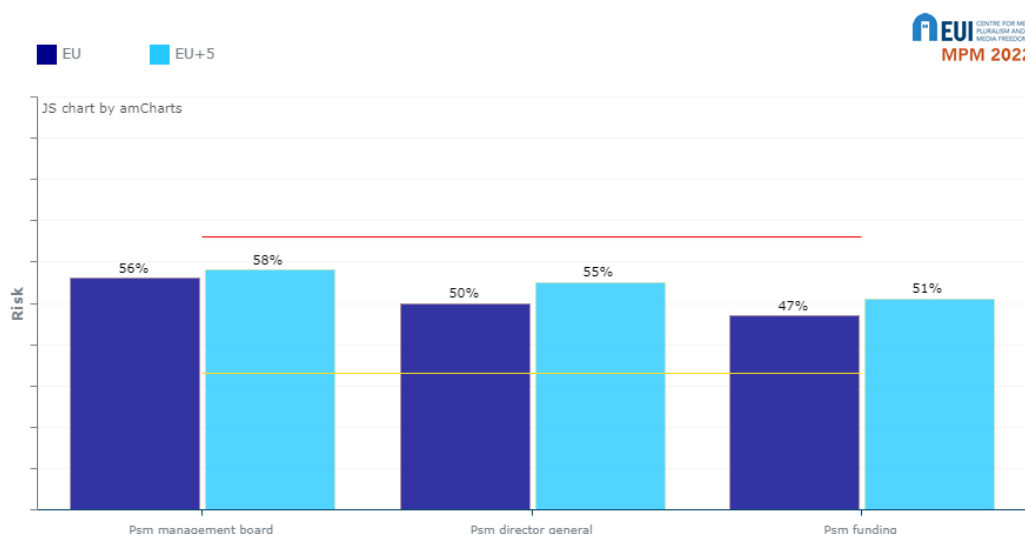
The countries that score as low risk are: Belgium, Denmark, Estonia, France, Germany, Latvia, Lithuania, The Netherlands, Portugal and Sweden. Medium risk countries are Albania, Finland, Ireland, Luxembourg, the Republic of North Macedonia and Spain.

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



The indicator consists of three sub-indicators: one looking at the risks arising from PSM funding, and two that assess the risks stemming from appointments to the PSM's management boards, and the appointments to the position as Director General. There are different models of public service media management in Europe that do not always include both the Director General and the management board or, in some cases, have more than one board and more directors, for each PSM service. As in previous years' assessment, risks are slightly more related to the appointment procedures than to PSM funding. The analysis shows that there is a high risk in more than half of the countries under consideration, for both the appointments of the managing board and the Director General. However, significant concerns also emerge from the sub-indicator that is related to funding schemes for public service media in the EU and in the candidate countries.

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



In Malta, which, together with Slovakia, is the country with the worst score for the overall indicator **Independence of PSM Governance and Funding** (97%), members of the PSM Board of Directors, as well as its Editorial Board, are appointed by the State, and thus it follows that the government has a significant influence on PSM structures (Vassallo, 2022). In Slovenia (92%), while relatively fair and transparent legal provisions considering appointment procedures for management and board functions of the PSM are provided by the *Radiotelevizija Slovenija Act* (ZRTVS-1, 2005), a gap was left by the country team for political influence, as a majority of the Programming Council or Supervisory Board members are appointed by the National Assembly, political parties, and the government (Milosavljević & Gerjević, 2022). As for Slovakia, the risk increase reflects several long-term and serious issues, e.g., regulatory weakness in assuring the independence of the Director-General of RTVS, the inadequate funding of RTVS, as well as the lack of political will on the part of the current political representation to address them (Urbániková, 2022).

The Romanian case provides evidence of problematic dismissals: to dismiss the board and president-directors, the Romanian Parliament only needs to reject the PSM activity report for the previous year. There are no performance targets and there is no discussion thereof in the (quick) process of the analysis of past activity and decision-making about whether to approve or reject a report, whether to assess the PSM's activity positively, and about how much funding to allocate (Toma et al., 2022).

Progress towards ensuring that there is more independence for the PSM has been noted in Latvia. There is currently a transitional process which is based on the new *Law on Public Electronic Mass Media and Administration of 2021*, as a result of which, the new PSM boards will be appointed by the brand new PSM Council. According to the new regulation, one of three Council members is nominated for approval by the President; one by the Council for the Implementation of the Memorandum of Cooperation between Non-Governmental Organisations and the Cabinet of Ministers; and one by Parliament. Moreover, the members of the PSM's Board are selected by a commission, which includes representatives of the PSM Council, media NGOs, media experts and researchers, with PSM staff participating as observers (Rozukalne, 2022).

As for the sub-indicator on **PSM funding** (51%), grave concerns are registered in the Republic of North Macedonia, Slovenia, Slovakia, Romania, Malta, and Bulgaria, and this concern is mainly related to the government deciding on the level of financing without public discussion, and with no clear mission, nor adequate financing, for the online activities of those PSM that contribute to pluralism and informed citizenship, but that do not distort competition. As Spassov et al. (2022) report, in Bulgaria, the amount of State subsidies is decided without public discussion. In Slovakia, the funding of RTVS is inadequate (this was lamented by the Supreme Audit Office of the Slovak Republic), the licence fee has not been increased since 2003, and the broadcaster is, to a significant extent, financially dependent on a direct contract with the Ministry of Culture. This further deepens RTVS's dependence on political power. The lack of funding also affects the online activities of RTVS. Moreover, an "online public service mission" does not exist as a legal concept, and is not defined in law (Urbániková, 2022).

### 3.4 Social Inclusiveness

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

*The Social Inclusiveness area covers the following indicators:*

- *Access to media for minorities*
- *Access to media for local/regional communities and community media*
- *Access to media for women*
- *Media literacy*
- *Protection against illegal and harmful speech*

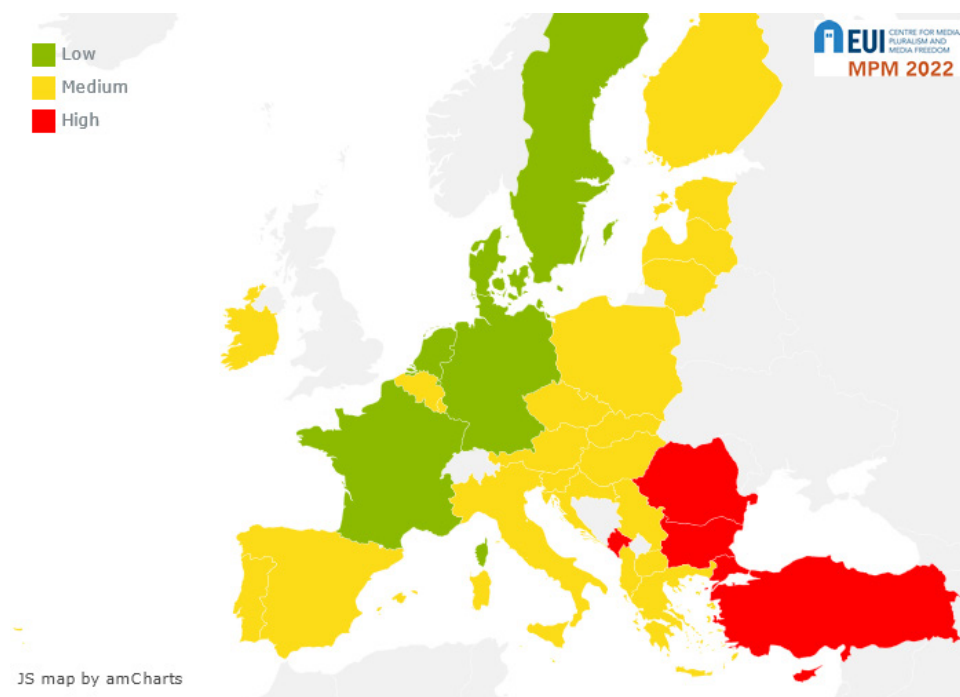
As pointed out in Chapter 1, in terms of media literacy, a pilot draft curriculum, based on the UNESCO media literacy guidelines, was implemented in selected pilot schools in 2021 and 2022. The results obtained for the Social Inclusiveness area show a slight improvement, with an average risk of 54%, compared to 56% in the previous edition of the MPM. From the 32 countries, 22 are in the medium risk band (Albania, Austria, Belgium, Croatia, the Czech Republic, Estonia, Finland, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Republic of North Macedonia, Poland, Portugal, Serbia, Slovakia, Spain, Slovenia); 5 countries are associated with a high risk (Bulgaria, Cyprus, Montenegro, Romania, and Turkey), and 5 countries are in the low-risk band (Denmark, France, Germany, The Netherlands, and Sweden). France has moved to the low risk band for the Social Inclusiveness area, due to some important progress in the area of media literacy, while three countries which were at the lower fringe of the high risk band are now associated with a medium risk: Albania, Serbia and Slovenia.

In Albania, The decrease of the risk that is associated with the Social Inclusiveness area is linked to the efforts made to improve media literacy and to fight against hate speech. In 2021, a pilot draft curriculum, based on the UNESCO media literacy guidelines, was implemented in 10 schools, and it was extended to 10 other schools in 2022. The improvement, in terms of the fight against hate speech, is due to the introduction of the first definition of hate speech in Albanian law, thanks to the amendment of *Law No. 10 221, dated 4.2.2010, 'On Protection from Discrimination'*<sup>27</sup> (Voko & Likmeta, 2022).

<sup>27</sup> <https://equineteurope.org/wp-content/uploads/2021/04/Law-on-Protection-from-Discrimination-Albania-amended-1.pdf>

As far as Serbia is concerned, it is also the Media literacy indicator which is the origin of the decrease in the risk level, as media literacy was formally introduced into primary education in 2021 (Milutinović, 2022). In Slovenia, the decrease of the risk associated with the Social Inclusiveness area reflects improvements regarding the Access to media for women. In June, 2021, the online platform "Ona ve" ("She knows") was created by four female public figures to promote the visibility of women in the media.

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



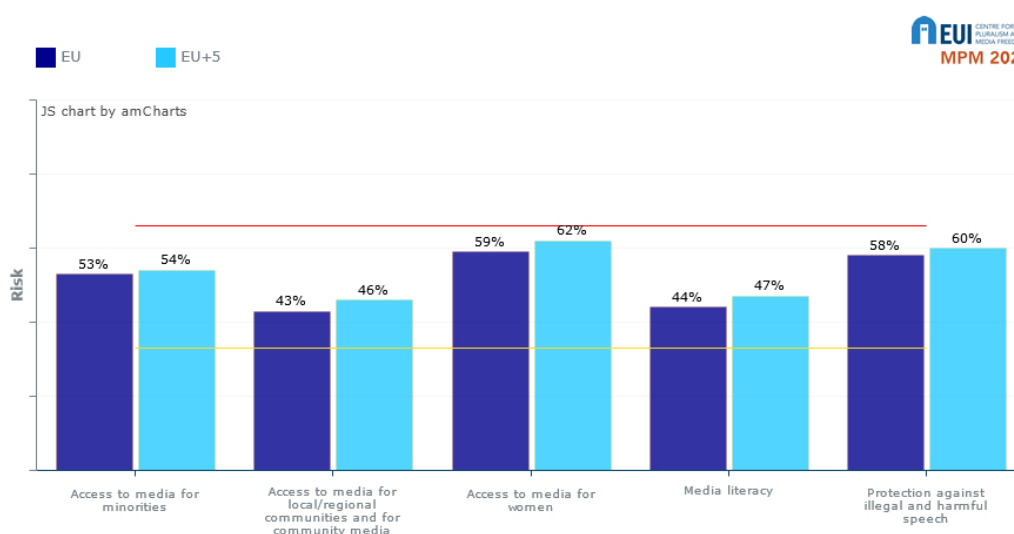
On a positive note, it is important to highlight that the risk associated with three out of the five indicators that compose the Social Inclusiveness area, have decreased: **Access to media for local/regional communities and for community media**, **Access to media for women** and **Media literacy**. Both **Access to media for local/regional communities and for community media** and **Media literacy** have benefited from *ad hoc* measures to limit the effects of the Covid-19 pandemic. With regard to local and community media, some governments have stepped up to provide some *ad hoc* subsidies, thus increasing the viability of local/regional and community media. The Covid-19 pandemic and the "Infodemic" crisis also showed the necessity to strengthen media literacy policies and activities.

As has been shown in Figure 3.4.b., the most problematic indicator in the Social Inclusiveness area remains **Access to media for women**, followed by the indicator on **Protection against illegal and harmful speech**. However, the risk associated with the indicator **Access to media for women** has decreased significantly from 63% to 59% in

the Member States, and from 66% to 62% for the 32 countries studied. On the contrary, the risk associated with the indicator **Protection against illegal and harmful speech** remains stable within the EU Member States, with 58%, and at 60% for all countries (-1 percentage point compared to the previous edition).

While the risk associated with most of the Social Inclusiveness indicators has decreased, or has remained almost stable in the case of the indicator **Protection against illegal and harmful speech**, the risk associated with the indicator **Access to media for minorities** presents a notable exception. It has increased for both EU Member States (from 51% to 53%) and for all countries (from 52% to 54%).

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



### 3.4.1. Access to media for minorities

*The Monitor assesses minorities' access to airtime on the public service media, both in terms of legal safeguards and in practice. It further assesses whether the minorities have access to airtime on private TV and radio, and it takes into account both those minorities that are legally recognised in the given country, and those that are not. Variables have been elaborated on the basis of Council of Europe (CoE) and Organisation for Security and Co-operation in Europe (OSCE) documents. The OSCE's Oslo Recommendations (p.6) state: "Persons belonging to national minorities should have access to broadcast time in their own language on publicly funded media. At national, regional and local levels, the amount and quality of time allocated to broadcasting in the language of a given minority should be commensurate with the numerical size and concentration of the national minority and be appropriate to its situation and needs."*<sup>28</sup>

<sup>28</sup> <https://www.osce.org/files/f/documents/8/1/67531.pdf>

*The Council of Europe’s European Charter for Regional or Minority Languages<sup>29</sup> (Article 11) and its Framework Convention for the Protection of National Minorities<sup>30</sup> emphasise that the Convention Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against, but are facilitated in their access to the media (Article 9).*

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

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

*The Monitor also assesses the regulatory framework, including the policies and laws on access to media content for people with disabilities, and the availability of support services for people with hearing and visual impairments. All citizens have the right to access media, and persons with disabilities need this access in order to live independently and to participate fully in all aspects of life. The UN Convention on the Rights of Persons with Disabilities<sup>31</sup>, which has been ratified by all of the EU countries, stresses that States should encourage the media, including the providers of information through the Internet, to make their services accessible to persons with disabilities; and that they should promote the use of sign languages (Article 21). The Convention also asserts that States shall take all appropriate measures to ensure that persons with disabilities enjoy access to television programmes in accessible formats (Article 30). At the European level, the Audio-visual Media Services Directive (Article 22)<sup>32</sup> states that “Member States should, without undue delay, ensure that media service providers under their jurisdiction actively seek to make content accessible to persons with disabilities, in particular, with a visual or hearing impairment. Accessibility requirements should be met through a progressive and continuous process, while taking into account the practical and unavoidable constraints that could prevent full accessibility, such as programmes or events broadcast in real time”. The Directive further contains a requirement to measure progress, based on the regular reports provided by media service providers.*

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

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

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

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



*The access to audio-visual media has been defined in Paragraph 31 of Directive 2019/882 on the accessibility requirements for products and services<sup>33</sup>, as follows: “the access to audio-visual content is accessible, as well as mechanisms that allow users with disabilities to use their assistive technologies. Services providing access to audio-visual media services could include websites, online applications, set-top box-based applications, downloadable applications, mobile device-based services including mobile applications and related media players as well as connected television services”.*

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

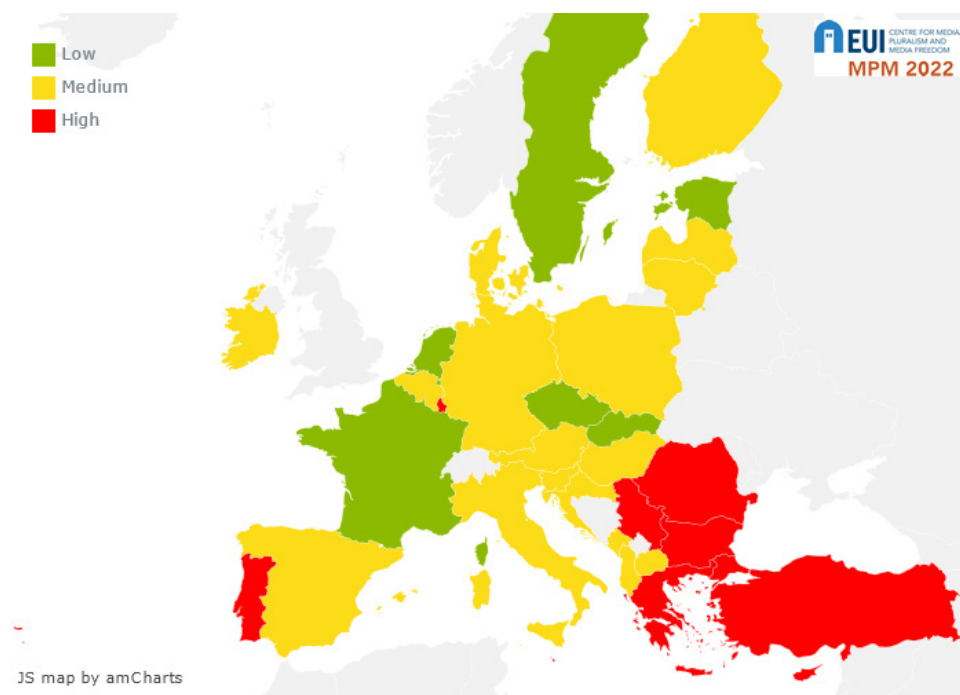
The risk associated with the **Access to media for minorities** has increased by two percentage points, in comparison with the previous edition of the MPM. It reaches 52% for EU Member States, and 54% for all countries. In the majority of countries, minorities do not have adequate access to airtime. Nine countries scored as being at high risk (Bulgaria, Cyprus, Greece, Luxembourg, Malta, Portugal, Romania, Serbia, and Turkey), while 17 scored as medium risk (Albania, Austria, Belgium, Croatia, Denmark, Finland, Hungary, Ireland, Italy, Latvia, Lithuania, Montenegro, Poland, The Republic of North Macedonia, Slovakia, Slovenia, and Spain), and only 6 countries obtained a low risk level score (the Czech Republic, Estonia, France, Germany, The Netherlands, and Sweden).

Amongst those, Luxembourg and Romania have to the high-risk band. In Luxembourg, the law does not guarantee access to airtime on PSM channels to minorities, despite the obvious multi-lingual diversity of the country (Kies et al., 2022). The high risk in Romania is triggered by the fact that broadcasters have extremely limited obligations related to providing news content for people with disabilities (Toma et al., 2022). It is also important to highlight that The Republic of North Macedonia and Latvia have moved from the low-risk band to the medium risk band. The Republic of North Macedonia and Latvia are both in the really low fringe of the medium risk band, with, respectively, scores of 38% and 35%. In The Republic of North Macedonia, the increase in the risk is triggered by the lack of technical and human resources to ensure decent quality programming for minorities on PSM (Micevski & Trpevska, 2022). In Latvia, the main risk lies in the lack of quality journalism in minority languages that is provided by commercial media firms (Rozulka, 2022).

The only country to have switched to the low risk band is France. This reflects the efforts made by the PSM to increase diversity. In January, 2021, Radio France launched its “360° Equality Program”, a series of commitments to encourage all forms of diversity (social, gender, ethnic, geographic, etc.) on its channels, as well as within its staff and regular activities (Rebillard & Sklower, 2022).

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

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



The augmentation of the average risk level for the indicator **Access to media for minorities** is linked to the sub-indicator **Access to media for people with disabilities**. The risk associated with this sub-indicator increased from 33% to 39% for EU Member States, and from 37% to 42% for all the countries studied. While the average risk observed for this sub-indicator remains lower than in the other sub-indicators, and this constitutes a worrisome evolution. Most of the countries studied have a regulatory framework or policies to provide access to media for people with disabilities. However, these tend to be inefficient and there is not enough monitoring to ensure the applications of existing regulatory frameworks.

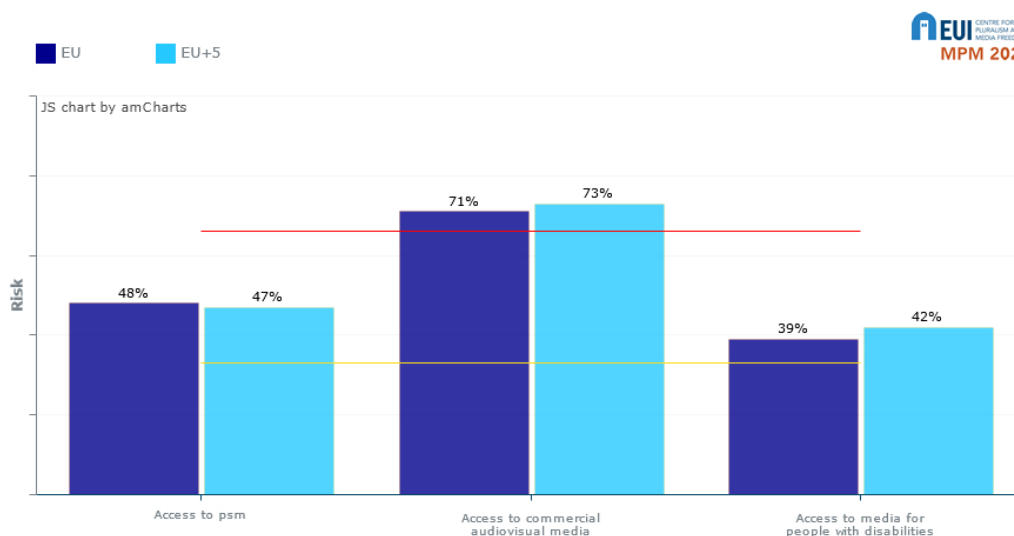
It is nonetheless important to highlight the difference in access, based on the type of disability. On the one hand, the level of audio transcription for blind people is unsatisfactory in 27 countries. Among those 27 countries, nine do not propose that there should be any audio descriptions for people with disabilities (Albania, Bulgaria, Cyprus, Greece, Luxembourg, Malta, The Republic of North Macedonia, Romania, Serbia), On the other hand, the support for people with hearing impairment is better. The risk associated with it, while it is also in the medium range, is 34%, and it is thus at the border of the low risk band. However, it is important to highlight that it has increased by 9 percentage points in comparison to the previous edition of the MPM. This increase is linked to the absence of efforts being made by commercial media to provide adequate support for people with hearing impairment.

**Access to media for minorities** is also impacted by the high risk that is associated with the sub-indicator on **Access to commercial audio-visual media**, with, respectively, 71% for EU Member States and 73% for all the countries. Although the risk level has decreased, in comparison with the previous edition of the MPM (72% for EU Member States, and 74% for all countries), the situation remains worrisome. Only two countries present a low risk for this sub-indicator: Estonia (3%) and The Netherlands (3%). In Estonia, the Russian minority has access to commercial media in a proportionate manner while, in The Netherlands, a new broadcaster, Omroep Zwaarwas, has been created, with part of their programs dedicated to minorities. However, twenty countries present a high risk, with 14 countries scoring the maximum risk of 97%: Albania, Austria, Bulgaria, Cyprus, Finland, Hungary, Ireland, Malta, Portugal, Romania, Serbia, Slovenia, Spain, and Turkey. In the absence of regulation to guarantee access to commercial media for minorities, these do not provide any specific programs for minorities, except if there are some commercial interests at stake.

The sub-indicator on **Access to PSM** scores a medium risk for the EU Member States (48%), and for all of the countries (47%). The risk level slightly increased by 1 percentage point for both EU Member States and EU candidates. In the EU Member States, the access to airtime on PSM for legally recognized minorities, is not yet always proportional to the size of the minority in practice, but it is usually guaranteed by the law, except in Cyprus, Estonia, Germany and Greece. The situation is more complicated for non-legally recognized minorities. Their access to airtime on Public Service Media is almost non-existent in a large number of countries (Austria, Croatia, Cyprus, Finland, Greece, Italy, Luxembourg, Malta, Poland, Portugal, Slovenia, and Spain).

The fact that the risk for all countries is lower than the risk for EU Members can be explained by the fact that most EU candidate countries perform well in providing access to public service media for minorities. Except for Turkey (92%), the four candidate countries score within the low-risk band: Albania (12%), Montenegro (33%), The Republic of North Macedonia (25%) and Serbia (29%). In these multi-ethnic countries, most of the minorities are recognised by the law and their access to public service media is legally guaranteed.

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



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

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

*This MPM indicator assesses whether local and regional communities are guaranteed access to the media, both in terms of legal safeguards and of policy or financial support. It also covers community media, both from the point of view of the legal and practical guarantees of access to media platforms and independence, and in terms of policy measures. As the name indicates, this indicator is composed of two sub-indicators:*

- *Access to local/regional communities*
- *Access to community media.*

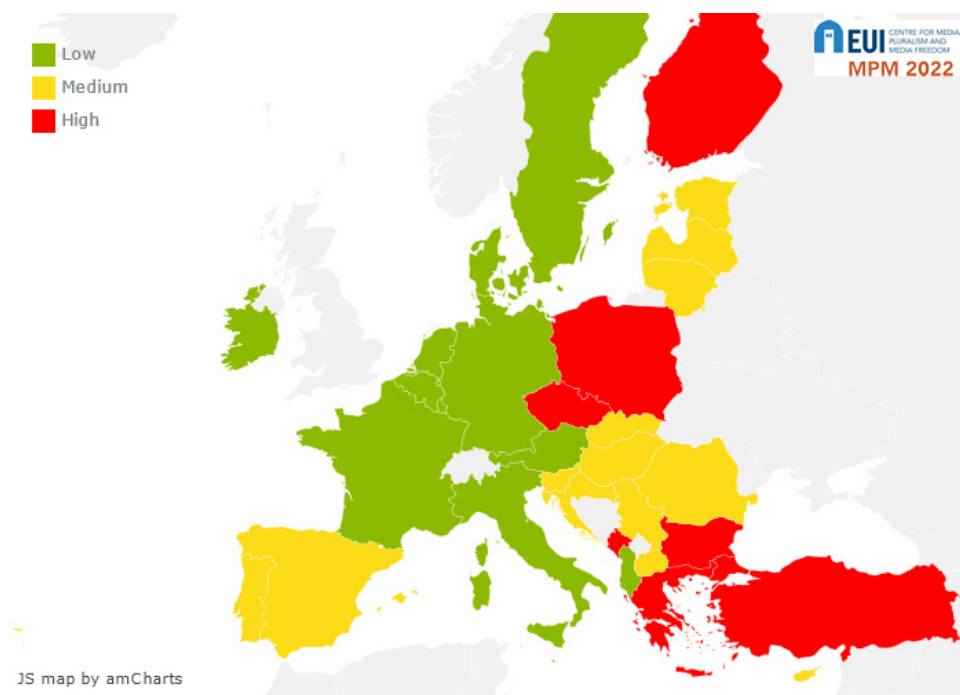
The risk associated with the indicator on **Access to media for local/regional communities and for community media** is within the medium range, for the EU Member States (43%), as well as for all of the countries considered together (46%). The average risk has decreased, in comparison with the results obtained in the previous edition of the MPM, from 46% to 43% for EU Member States, and from 50% to 46% for all of the countries. Such a decrease is linked to the addition of a variable for the sub-indicator **Access to local/regional media**,<sup>34</sup> for which the average risk is the lowest (18%), rather than to a visible improvement in the situation for local/regional media, or for local media.

In line with the previous editions of the MPM, the risk associated with the sub-indicator **Access to regional/local media** is lower than the risk associated with the sub-indicator **Access to community media**. While the risk associated with the sub-indicator **Access to regional/local media** is located in the lowest band of medium risk, with, respectively, 35% for EU Member States, and 38% for all of the countries studied, the risk associated with the sub-indicator **Access to community media** reaches 55% for EU Member States, and 57% for all countries. The difference between the two sub-indicators has increased, in comparison to the previous edition of the MPM. The risk associated with **Access to regional/local media** has decreased by 4 percentage points for the EU Member States, and 6 percentage points for all countries. On the contrary, the risk associated with the sub-indicator on **Access to community media** has decreased by 1 percentage point for both EU Member States and for all of the countries. The difference is essentially explained by the addition of the new variable on local public service media correspondents, which was mentioned in the previous paragraph.

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<sup>34</sup> In the sub-indicator Access to local/regional media, Variable 172 - In practice, does the PSM keep its own local/regional correspondents or branches – was added to evaluate the existence of local/regional branches and the use of local correspondents by the public service media in practice.

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



For 20 countries of the 32 studied, the risk associated with the **Access to media for local/regional communities and for community media** is either medium (13) or high (7) (see, Figure 3.4.2.a.). Poland and Greece have joined Bulgaria, the Czech Republic, Finland, Montenegro, and Turkey in the high-risk range, while Estonia, Romania and Slovakia have moved to the medium-risk range. On the other side of the spectrum, Albania, Belgium, Italy and Luxembourg have joined Austria, Denmark, France, Germany, Ireland, Malta, and The Netherlands in the low-risk band.

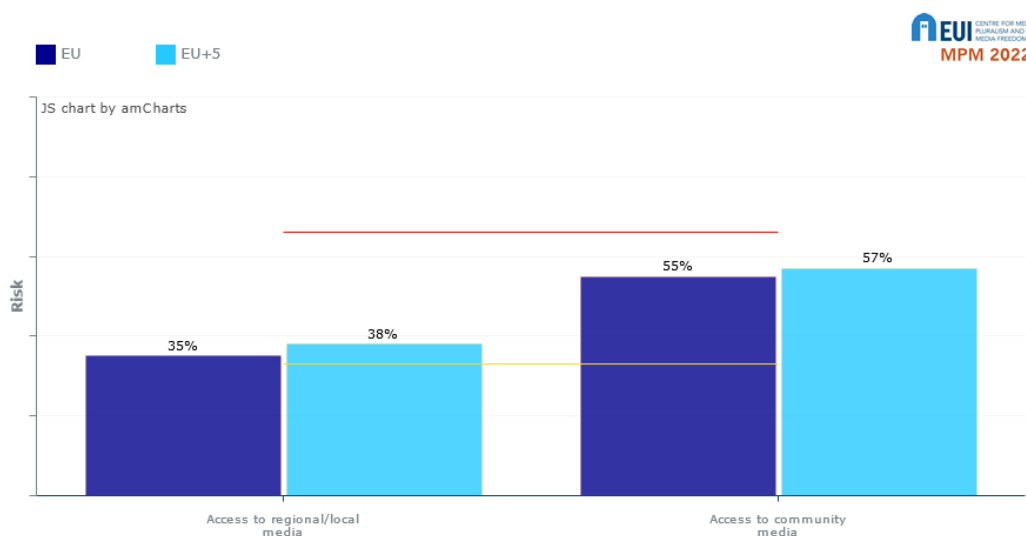
Regarding the sub-indicator on **Access to local/regional media**, 16 countries are associated with a low risk score (Austria, Belgium, Croatia, Cyprus, Denmark, France, Germany, Ireland, Italy, The Netherlands, Poland, Portugal, Slovakia, Serbia, Spain, and Sweden). Among them, Denmark is associated with the lowest risk level (3%). Such a low risk level takes into account the fact that the Ministry of Culture announced<sup>35</sup> its intention to allocate more economic support to local and regional media, in an effort to alleviate ‘news deserts’ in smaller local communities (Santos Rasmussen et al., 2022). 13 countries are in the medium risk band (Albania, Bulgaria, the Czech Republic, Greece, Hungary, Ireland, Latvia, Lithuania, Luxembourg, Montenegro, The Republic of North Macedonia, Romania, and Slovenia); while only 3 countries find themselves in the high band (Estonia, Finland, and Turkey).

35 [https://im.dk/Media/637577045074116353/Tættere\\_på\\_-\\_flere\\_uddannelser\\_og\\_stærke\\_lokalsamfund.pdf](https://im.dk/Media/637577045074116353/Tættere_på_-_flere_uddannelser_og_stærke_lokalsamfund.pdf)

The high risk associated with **Access to local/regional media** in these three countries reflects the lack of adequate legal safeguards for local/regional media, as well as the absence of substantial and consistent subsidies.

Most of the countries studied have a regulatory framework that guarantees access to local and regional electronic media to media platforms, with the notable exceptions of the Czech Republic, Estonia, Finland, Montenegro, Portugal and The Republic of North Macedonia. Rather than there being legal risk, the main risk relating to the local and regional media is economic. No subsidies are distributed to the local and regional media in 10 countries: Albania, Bulgaria, the Czech Republic, Estonia, Finland, Germany, the Republic of North Macedonia, Romania, Slovakia, and Turkey. For this 2022 edition of the MPM, only 3 of the countries studied provide local and regional media with an adequate level of subsidies and distribute them in a transparent manner: Denmark, Portugal, and Spain.

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



The new variable that has been added to the MPM 2022 questionnaire regarding the existence of public service media local correspondents or branches showed that, in practice, most countries keep an adequate level of local representation. 20 countries were associated with a low risk: Albania, Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Greece, Ireland, Italy, Lithuania, Montenegro, the Netherlands, Portugal, Romania, Serbia, Slovakia, and Sweden. Only Hungary is associated with a high risk for this variable. Such a risk is linked to the high degree of centralisation of the Public Service Media in Hungary, as a result of the Media Act 2010 (Batorfy et al., 2022).

There used to be five regional television and five regional radio studios in the Hungarian PSM structure<sup>36</sup>. However, all were closed down in the years that followed. Besides, as specified in the Media Act, Hungary's national news agency, MTI, has been granted the "exclusive right" to produce news programmes for the country's public broadcasters. The MTI is likely to have regional correspondents, but there is no data available on whether this is the case or not.

Regarding **Access to community media**, nine countries are associated with a low risk: Albania, Austria, Belgium, France, Germany, Ireland, Luxembourg, Malta, and Sweden. Amongst them, Germany, Malta and Sweden are associated with the lowest risk level (3%). In Sweden, the implementation of new media subsidies in February, 2019, in order to strengthen local journalism in "white spot" areas that lack, or have weak, journalistic coverage, have contributed to maintaining the low risk (Fardigh, 2022). Ten countries are associated with a medium risk: Croatia, Denmark, Estonia, Hungary, Italy, Lithuania, The Republic of North Macedonia, Serbia, Slovakia and Slovenia. Finally, 12 countries are associated with high risk: Bulgaria, Cyprus, the Czech Republic, Finland, Greece, Latvia, Montenegro, Poland, Portugal, Romania, Spain, and Turkey. Amongst them, Bulgaria, Cyprus, the Czech Republic, Greece, Montenegro and Turkey are associated with the maximum risk level (97%).

Community media does not have a legal definition in Bulgaria, Cyprus, the Czech Republic, Denmark, Finland, Greece, Latvia, Montenegro, Portugal, Romania, and Slovakia. In some countries, despite the existence of a legal definition, their existence is not legally guaranteed. This is the case in Croatia, Hungary, Lithuania, Poland, Slovakia, Spain, and Turkey. However, the absence of a legal framework and safeguards for community media, in practice, does not necessarily hamper the independence of community media, as in Italy, for example (Carlini et al., 2022).

The risk associated with community media is often triggered by the absence of adequate subsidies. The State does not provide any subsidies in Bulgaria, Estonia, Finland, Greece, Poland, The Republic of North Macedonia, Romania, Spain, and Turkey. In other countries - Albania, Austria, Croatia, France, Ireland, Italy, Lithuania, Serbia, Slovakia, and Slovenia -, the level of subsidies is too limited to ensure the independence of the community media.

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<sup>36</sup> The state owned Régió Rádió ceased to operate in 2012, and its frequency was shifted to Dankó Rádió, a radio station that airs Hungarian folk songs and operettas.



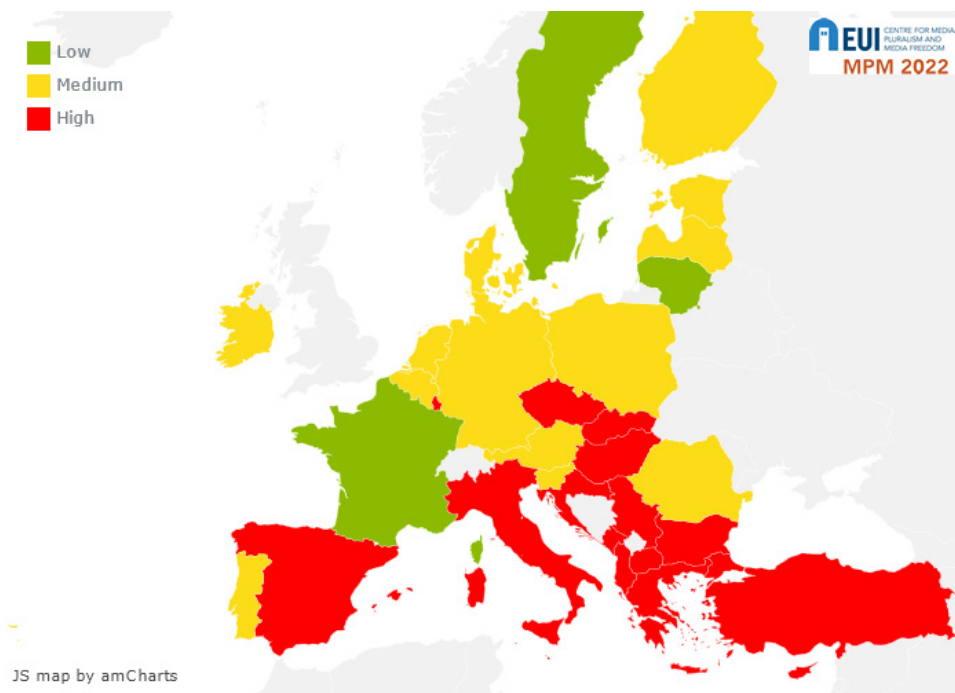
### 3.4.3. Access to media for women

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

**Access to media for women** is the indicator that is associated with the highest risk in the Area of Social Inclusiveness, with 59% for the EU Member States, and 62% for all of the countries studied. Despite a significant improvement, in comparison with the previous edition of the MPM (-4 percentage points for both the EU Member States and for all countries), the risk level remains in the upper fringe of the medium-score band for all of the countries.

As shown in the map, in Figure 3.4.3.a., the risk associated with the **Access to media for women** is high in 16 countries (Albania, Bulgaria, Croatia, Cyprus, the Czech Republic, Greece, Hungary, Italy, Luxembourg, Malta, Montenegro, The Republic of North Macedonia, Serbia, Slovakia, Spain, Turkey), medium in 13 countries (Austria, Belgium, Denmark, Estonia, Finland, Germany, Ireland, Latvia, The Netherlands, Poland, Portugal, Romania, and Slovenia), and is low in only 3 countries (France, Lithuania, and Sweden).

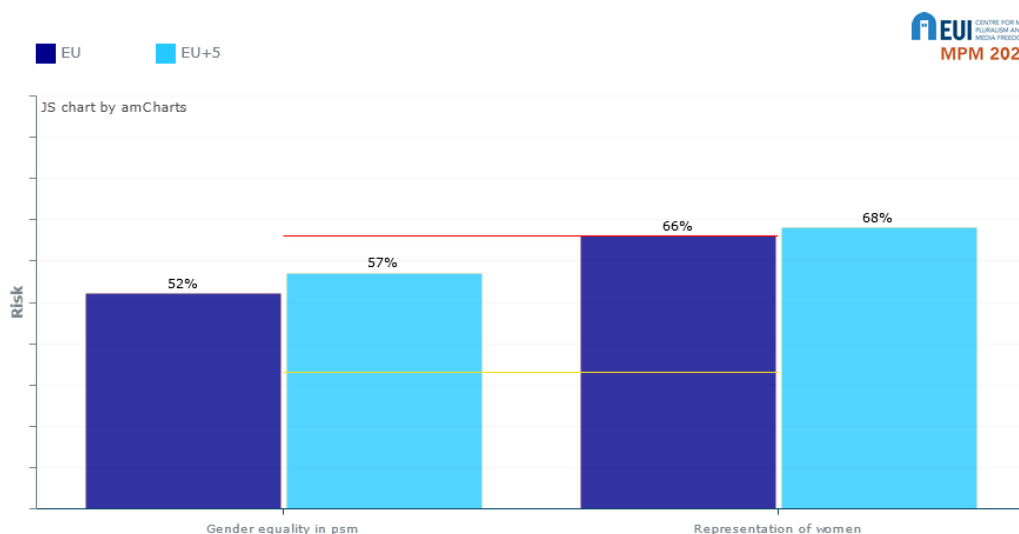
Figure 3.4.3.a. Indicator on Access to media for women - Map of risks per country



In comparison with the previous edition of the MPM, it is interesting to highlight that the risk associated with the **Access to media for women** in Slovenia has decreased from 90% (high risk) to 66% (medium risk). While women are still under-represented in the news in Slovenia, four Slovenian public figures founded the online platform "Ona ve" ("She knows") in June, 2021. The goal of the Association is to increase the share of women in the media and public events in Slovenia to 50% (Milosavljević & Gerjević, 2022). On the contrary, the risk associated with **Access to media for women**, in Spain, has become degraded, from 65% (medium risk) in the previous edition of the MPM, to 83% this year. Such an increase reflects the absence of women in the new PSM's Board of Directors, which was elected in March, 2021. It also takes into consideration the reduction in the number of women executives (from 29% to 0%) and the number of women on the management boards (from 30% to 14%) of the main private companies (Suau Martinez et al., 2022).

Both of the sub-indicators evaluating the **Access to media for women** have contributed to an improvement in the overall risk level of the indicator. While the sub-indicator **Gender equality in PSM** decreased from 55% to 52% for EU Member States, and from 60% to 57% for all of the countries, the sub-indicator **Representation of women** decreased from 72%, for both EU Member States and for all of the countries, to, respectively, 66% for EU Member States, and 68% for all of the countries.

Figure 3.4.3.b. Indicator on Access to media for women - Averages per sub-indicator



As far as the sub-indicator **Gender equality in PSM** is concerned, the public service media outlets do not have a comprehensive gender policy in 15 countries: Albania, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Luxembourg, Montenegro, Poland, The Republic of North Macedonia, Romania, Serbia, Slovenia, and Turkey. Besides, women tend to be under-represented on management boards, as well as in executive positions. The situation is even more worrisome in relation to private companies. It is not only in management positions where women are under-represented, but also in news production. Only Croatia, Cyprus, France, Greece, Latvia, Lithuania, Romania, and Sweden reach parity, in terms of editors-in-chief in the main media outlets.

Regarding the sub-indicator **Representation of women in the news**, only two countries are associated with a low risk: Estonia and Lithuania. Estonia is, for the second year in a row, the only country whose score is in the low-risk band. In Lithuania, the low risk is due to the fact that five out of eight of the leading news media outlets in the country have a female editor-in-chief (Balcytiene et al., 2022). On the opposite side of the spectrum, the highest risk levels (97%) are associated with Italy and Spain. The high risk in Italy reflects the absence of female editors-in-chief in the main media outlets (with the exception of Monica Maggioni for Tg1), combined with the systematic under-representation of women in news content (Carlini et al., 2022). In Spain, the under-representation of women in the news is systematic, well-documented, and is seen in most of the country's regions.

#### 4.4.4. Media literacy

*Media literacy is a fundamental prerequisite of an accessible media system, and is a core element of media pluralism. People need to master media literacy skills so as to fully enjoy fundamental rights, such as freedom of expression and access to information (UNESCO, 2013). The European Commission considers the promotion of media literacy to be one of the key follow-up actions of the Annual Colloquium on Fundamental Rights in 2016<sup>37</sup>. Moreover, the Audiovisual Media Services Directive (AVMSD, 2018) requires both the development of media literacy in all sections of society, and the measurement of its progress<sup>38</sup>. The Monitor bases its definition of media literacy on both the AVMSD's text and the European Association for Viewers Interests' (EAVI) media literacy study, which was carried out in 2009: "Media literacy is an individual's capacity to interpret autonomously and critically the flow, substance, value and consequence of media in all its many forms" (EAVI, 2009). "Media literacy' refers to skills, knowledge and understanding that allow citizens to use the media effectively and safely. In order to enable citizens to access information and to use, critically assess and create media content responsibly and safely, citizens need to possess advanced media literacy skills. Media literacy should not be limited to learning about tools and technologies, but should aim to equip citizens with the critical thinking skills required to exercise judgement, analyse complex realities and recognise the difference between opinion and fact" (AVMSD, 2018, p. 59).*

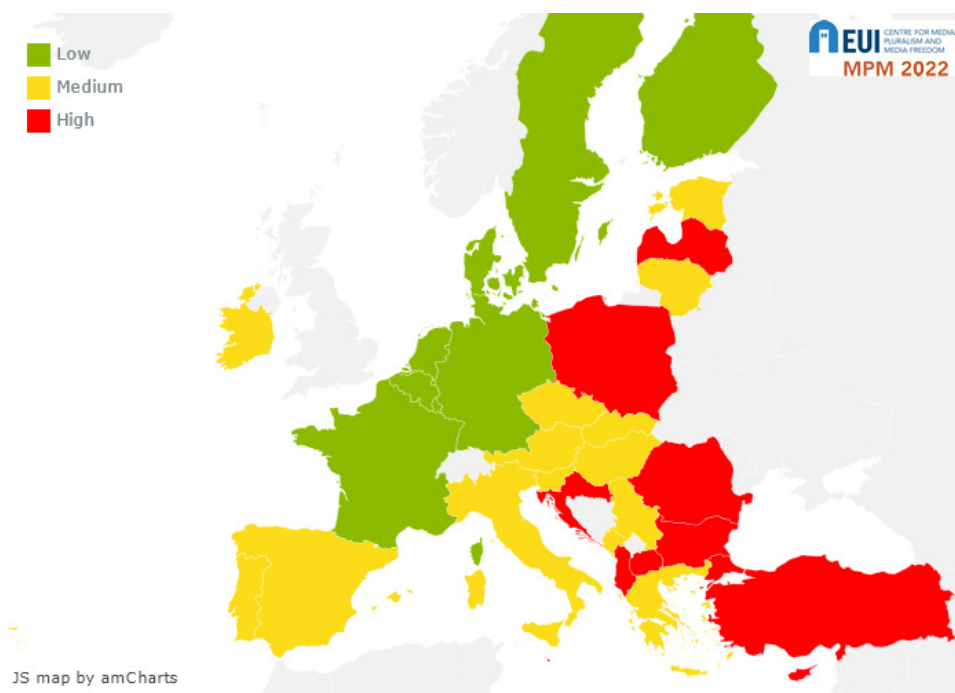
*The MPM indicator covers two major dimensions of media literacy: environmental factors, and individual competencies, which follow the logic of the categorisation used by EAVI (2009). EAVI defines environmental factors as being a set of contextual factors that have an impact upon the broad span of media literacy, including informational availability, media policy, education and the roles and responsibilities of stakeholders in the media community. Individual competencies are defined as an individual's capacity to exercise certain skills (including, inter alia, cognitive processing, analysis, communication). These competencies draw on a broad range of capabilities, and embrace increasing levels of awareness, the capacity for critical thought and the ability to produce and communicate a message (EAVI, 2009).*

The risk that is associated with the indicator **Media literacy** is medium. Such a risk has slightly decreased since the previous edition of the MPM, from 46% to 44% for the EU Member States, and from 49% to 47% for all of the countries.

<sup>37</sup> <https://ec.europa.eu/newsroom/just/items/31198>

<sup>38</sup> <https://eur-lex.europa.eu/eli/dir/2018/1808/oj>

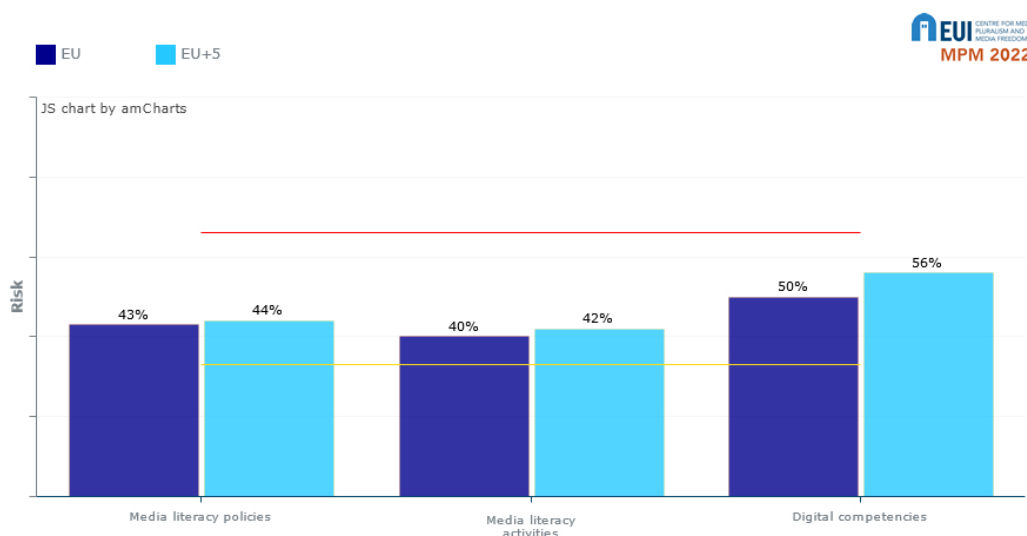
Figure 3.4.4.a. Indicator on Media literacy - Map of risks per country



The risk associated with **Media literacy** is medium in 14 countries (Austria, the Czech Republic, Estonia, Greece, Hungary, Ireland, Italy, Lithuania, Montenegro, Portugal, Serbia, Slovakia, Slovenia, and Spain), and high in 10 countries (Albania, Bulgaria, Croatia, Cyprus, Latvia, Malta, Poland, The Republic of North Macedonia, Romania, & Turkey). In only 8 countries is the risk associated with **Media literacy** low: Belgium, Denmark, Finland, France, Germany, Luxembourg, The Netherlands, and Sweden). Amongst them, Denmark, Finland and The Netherlands were attributed with the lowest risk levels possible (3% for Denmark and 4% for Finland and The Netherlands). Finland and The Netherlands both have a well-developed and comprehensive media literacy policy (Mantyoja & Manninen, 2022; De Swert et al., 2022). On the contrary, in Denmark, there are no explicit policies on media literacy in the educational curriculum, numerous initiatives are conducted, both in- and outside of the formal educational context. Besides, in December, 2021, 5 parties from across the parliament agreed to spend 52,5 m. kroner (about 7 m. euros) on projects to strengthen digital literacy amongst children and adolescents (Santos Rasmussen et al., 2022).

Luxembourg is also an interesting case, in terms of its media literacy policy. In Luxembourg, many initiatives are conducted to promote media literacy within and outside the formal education system. For the past ten years, a governmental initiative, BEE secure, cooperates with other actors in the country, the Centre for Civic Education (ZpB) and the Media Authority (ALIA) to run an annual national campaign to raise public awareness on a specific theme that is linked to media literacy (Kies et al., 2022). Such organised cooperation between the different actors in the field of media literacy is lacking in most of the countries studied.

Figure 3.4.4.b. Indicator on Media literacy - Averages per sub-indicator



In most countries, there is at least a rudimentary media literacy policy. However, such policies are often either fragmented or poorly implemented. In Croatia, for example, while the government openly acknowledged the importance of media literacy in the Recovery and Resilience Plan 2021-2026, no strategies to achieve these proclaimed goals were developed (Bilić et al., 2022). Another example is Malta, where a Media Literacy Development Board was appointed in 2020. More than one year after the creation of the Board, it had not yet presented any policy draft (Vassallo, 2021).

In those countries that have a coherent media literacy policy framework, initiatives tend to be conducted by civil society organisations. However, these initiatives tend to be limited to a young and urban public, and they cannot compensate for the absence of media literacy in the compulsory curriculum.

The absence of coherent media policy is often linked to poor performances in the sub-indicator on **Digital competencies**, the highest scoring sub-indicator for media literacy. In more than two thirds of the countries, the level of the digital skills of the population is considered to be a factor that is a risk to media pluralism and freedom. In only 8 countries, is the risk associated with the average digital skills of the population considered to present a low risk: Austria, Denmark, Estonia, Finland, Germany, The Netherlands, Portugal and Sweden.

### 3.4.5. Protection against illegal and harmful speech

*The indicator Protection against illegal and harmful speech, which was added to the previous edition of the MPM, assesses the effectiveness of regulation and of other activities that seek to combat or prevent the spread of illegal and harmful speech in our societies, including disinformation and hate speech. On the one hand, disinformation can polarise debates, and create or deepen tensions in society. It can erode trust in institutions and in news media. In doing so, it can cause public harm, be a threat to democratic political and policy-making processes, undermine electoral systems, and it may even put the protection of citizens' health and security at risk, since it hampers the citizens' ability to make informed decisions. On the other hand, hate speech prompting Racism and xenophobia is a "direct violation of the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles upon which the European Union is founded and which are common to the Member States" (Council of the EU 2008 Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia<sup>39</sup>).*

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

- **Protection against disinformation.** *This sub-indicator assesses whether there is a policy framework to counter disinformation, and whether it has been efficient in reducing the prevalence of disinformation, while not presenting a risk to the freedom of expression. More specifically, the sub-indicator aims to assess whether the policy instruments are effectively and non-arbitrarily limiting the spread of disinformation. The definition of disinformation that is used here is based on the Report of the independent High Level Group on fake news and online disinformation (2018)<sup>40</sup>.*
- **Protection against hate speech.** *This sub-indicator assesses the efforts made to combat and prevent the spread of hate speech online. More specifically, this sub-indicator assesses whether there is an efficient regulatory framework to counter hate speech online and to foster an inclusive and non-discriminatory online media environment for*

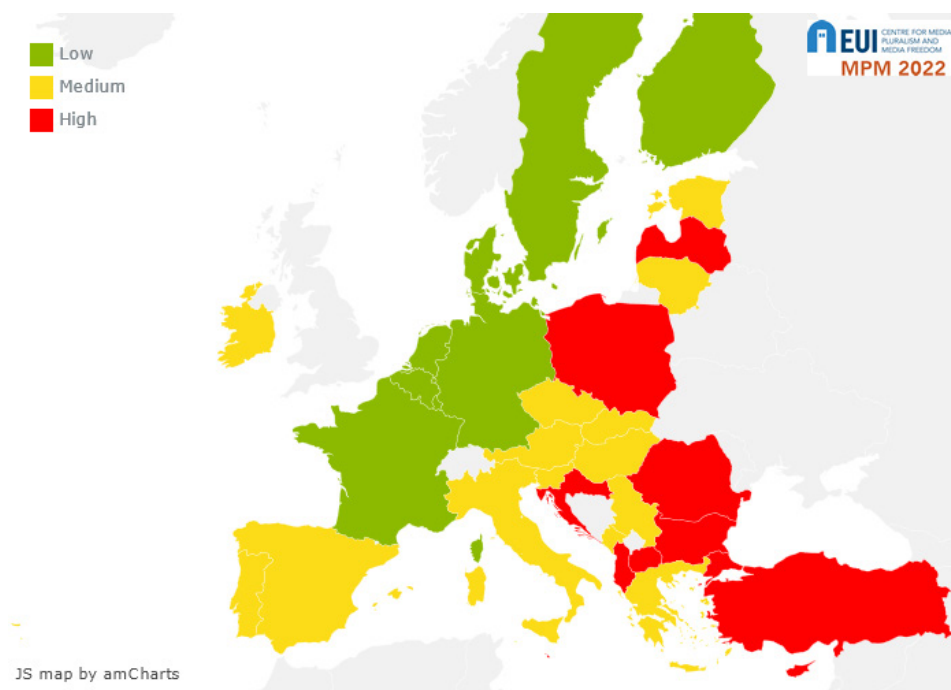
39 <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32008F0913>

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

*ethnic or religious minorities, people with disabilities, and women. The definition of hate speech used here is based on the Code of Conduct on Countering Illegal Hate Speech 2016<sup>41</sup>, and on the EU Directive 2018/1808 (Audiovisual Media Services<sup>42</sup>) Art. 28b on video sharing.*

The overall risk associated with the indicator **Protection against illegal and harmful speech** remains stable within the EU member states at 58%, and almost stable. at 60%, for all of the countries (-1 percentage point, if compared to the previous edition). However, a closer look at the two sub-indicators shows that the risk associated with the sub-indicator **Protection against disinformation** has decreased from 61 %, for the EU Member States, to 58%, and from 65% to 59% for all of the countries, while the risk associated with the sub-indicator has increased from 58% to 60%, for the EU Member States, and from 58% to 63% for all countries. On the one hand, the evolution of the risk level in the sub-indicator **Protection against disinformation** can be justified by the changes in the questionnaire. Some additional variables were added to better comprehend the different risks that are linked to disinformation (see Annexe 1). At the same time, the increased risk that is linked to the sub-indicator **Protection against hate speech** is linked to the problematic absence of data in many countries (see, Figure 4.4.c for more explanation, and Annexe 1).

Figure 3.4.5.a. Indicator on Protection against illegal and harmful speech - Map of risks per country



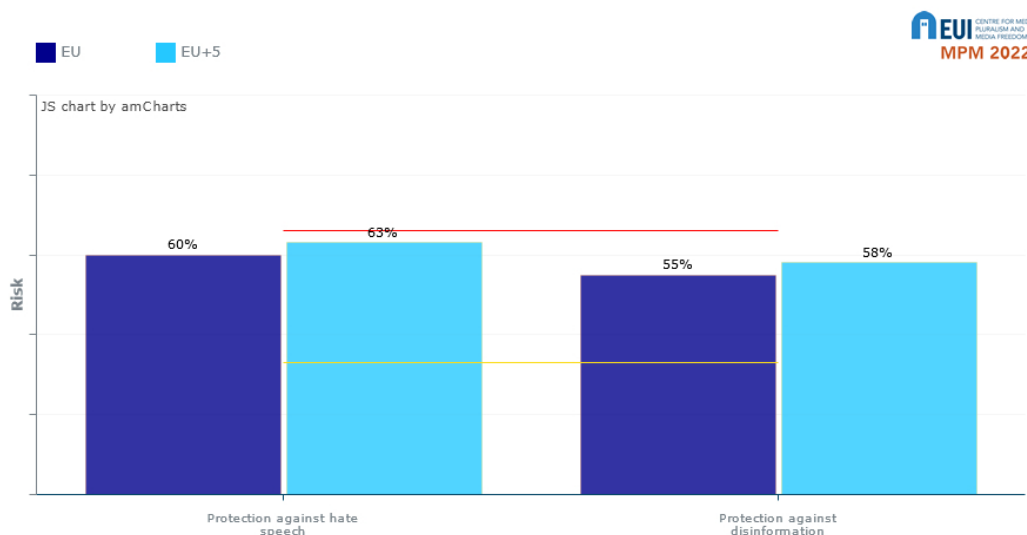
41 [https://ec.europa.eu/commission/presscorner/detail/en/qanda\\_20\\_1135](https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1135)

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



Only four countries out of 32 are associated with a low risk: Belgium, Denmark, Germany and Lithuania. The low risk in Lithuania reflects a series of initiatives, taken over the past year, to transform the online environment into a safe and inclusive space. First, in response to EC recommendations, the government has amended the Criminal Code to include, in the definition of hate speech, homophobia, racism, xenophobia or religious intolerance. These amendments are still to be approved by the Seimas (Balcytiene et al., 2022). Hate speech online is monitored by the Office of the Inspector of Journalist Ethics. The following addresses public reports/complaints, captures cases of hate speech, and collaborates with the media. Besides, Lithuania has over 4000 “elves”, referring to citizens who voluntarily track hate speech and disinformation online.

Figure 3.4.5.b. Indicator on Protection against illegal and harmful speech - Averages per sub-indicator



The other countries are either associated with a medium risk (12 countries including Austria, Croatia, Cyprus, Estonia, France, Finland, Italy, The Netherlands, Poland, The Republic of North Macedonia, Romania, and Sweden), or with a high risk (16 countries, including Albania, Bulgaria, the Czech Republic, Greece, Hungary, Ireland, Latvia, Luxembourg, Malta, Montenegro, Poland, Serbia, Slovakia, Slovenia, Spain, and Turkey). A high risk score reflects either the absence of a regulatory framework within which to fight illegal and harmful speech, or the implementation of a regulatory framework that can potentially threaten the freedom of expression. This is currently the case in Greece. In November, 2021, Greece amended Article 191 of the Penal Code, which penalises the dissemination of false news.

The new Article provides that 'Anyone who publicly or via the internet spreads or disseminates in any way false news that is capable of causing concern or fear to the public, or of undermining public confidence in the national economy, the country's defence capacity or public health, shall be punished by imprisonment of at least three (3) months and a fine. If the act was repeatedly committed through the press or via the internet, the perpetrator is punished with imprisonment of at least six (6) months and a fine. The owner or issuer of the medium through which the acts of the previous paragraphs were performed shall be punished with the same penalty' (PC 191(2)). This amendment of Article 191 of the Penal Code can be perceived as being a risk to freedom of expression, as it grants regulators or prosecutors the power to decide what is true and what should be considered to be false information (Papadopoulou, 2022).

More details regarding this indicator are provided in Chapter 4.

### 3.5 General ranking

This chapter introduces a new component of the MPM reporting which enables general rankings of the analysed countries.

#### 3.5.1. Why was there no ranking in the MPM so far?

As previous chapters describe, the MPM is a research tool that was designed to identify and measure potential risks to media pluralism in the Member States of the European Union, taking into account a broad and holistic definition of media pluralism. The genesis of the MPM dates back to 2007, with the publication of the Staff Working Document on *Media pluralism in the Member States of the European Union* (European Commission, 2007), and to 2009 with the publication of the *Independent Study on Indicators for Media Pluralism in the Member States - Towards a Risk-based Approach* (Valcke et al., 2009), which aimed to define a set of indicators and a methodology that might be useful in assessing and measuring threats to media pluralism in the EU Member States.

The approach of the 2007 Staff Working Document (European Commission, 2007) and of the 2009 Study (Valcke et al., 2009), in addition to adopting a risk based approach, was specifically chosen to avoid assessments that might have relied on a limited number of indicators, usually ones focusing on the transparency in, and the concentration of the media market, and to base the analysis on a more holistic dataset that would take into account many different components of the media system, from the perspective of supply, distribution and use, and covering pertinent legal, economic and socio-cultural considerations. The definition of media pluralism that has been adopted encompasses many aspects, from merger control rules and concentration issues, to content obligations connected to broadcasting licensing systems; from the independence and status of public service broadcasters, to editorial freedom from commercial interests; from the professional condition of journalists, to the relationships between media and political actors; from the representation of minorities, to media literacy. It “implies all measures that ensure citizens' access to a variety of information sources, opinion, voices, etc., in order to form their opinion without the undue influence of one dominant opinion forming power” (European Commission, 2007).

Compared to the original Study, the MPM has been substantially revised: while the list of the indicators and the tool itself have been updated to acknowledge the digital developments and the consequently evolving definition of media, the core philosophy and the general logic of the methodology was kept. The conceptual basis of the MPM tool is still founded on a broad definition of media pluralism that goes beyond a narrow focus on the economic perspective and media market concentration (European Commission, 2007; Brogi, 2020) – aspects that, despite being the most measurable and the most used as indicators in policymaking, only partially describe the state of play in relation to media pluralism in a given country.

The MPM conceives of media pluralism in its multiple components: the peculiarity of the MPM is that it does not have a preference for a specific notion of media pluralism; instead, it builds on the different national and European traditions and definitions so as to elaborate a set of indicators that tend to cover all of the possible aspects that are involved in the definition of media pluralism in a broad European sense, ranging from the protection of freedom of expression and human rights to political pluralism, from the representation of minorities to media literacy, as explained in detail in the chapters above; and, of course, market concentration and transparency of ownership.

As it does not prefer one notion of media pluralism, the MPM, as revised by the CMPF, organises the risks for media pluralism into the four main areas that are described in the chapters above: Fundamental Protection, Market Plurality, Political Independence, and Social Inclusiveness. This allows for an assessment that covers the different components and meanings of “media pluralism,” and for more explicability, granularity and, finally, transparency, in relation to the scores that are proposed. The granularity is, moreover, useful to enable cross-comparability and to inform policy-making.

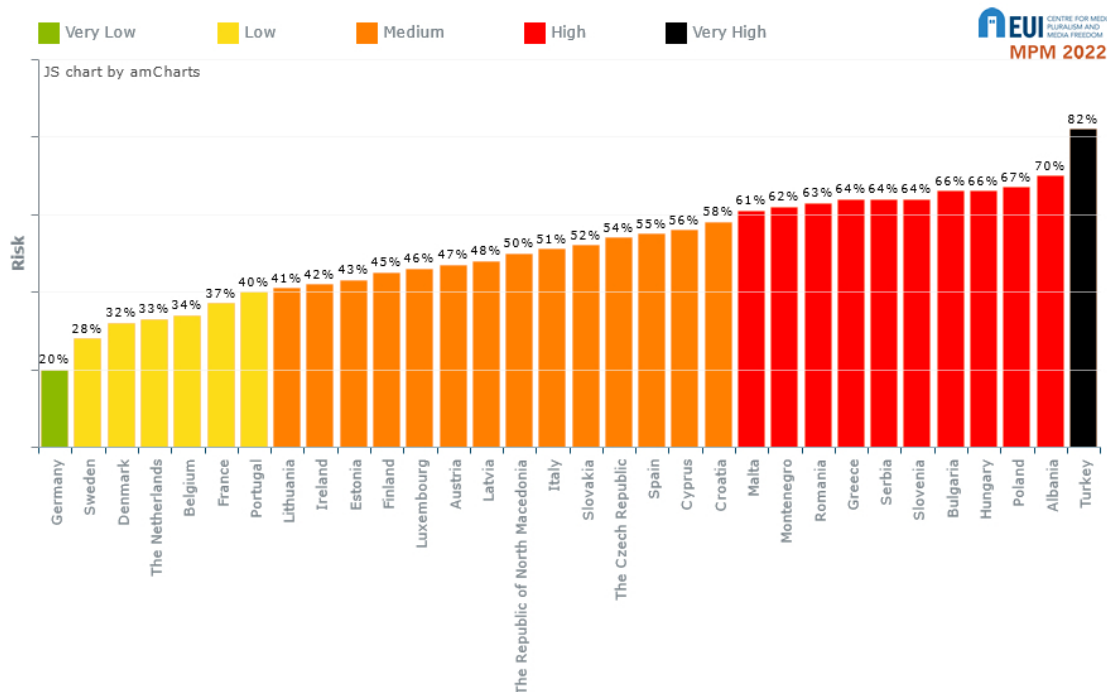
Based on this logic, the MPM results have always been published by following the structure of the MPM tool – both in the case of the single country reports and in the case of the comparative analysis (such as this report). In this way, it takes into account four different components of a broad notion of “media pluralism”, entailing four areas of risk. Following the rationale of the tool, the CMPF has avoided the publication of general risk scores that might have been misinterpreted. Using the MPM methodology as a matrix, it is evident how any *reductio ad unum* of the complexity of this type of assessment might be seen as a simplification of a detailed data collection and analysis that follows certain standards of accuracy and comparability.

### 3.5.2. Ranking countries: a novelty in the MPM2022

Starting from this MPM2022 implementation, the CMPF has decided to introduce the general ranking of the countries, as an additional element of transparency. As the MPM has been described as a tool that measures the “temperature” of the risks to media pluralism in a given country, this general ranking, which includes the actual numerical score for each member state, provides a mapping that can be interpreted as a preliminary triage for the risks to media pluralism in a country, while the causes of the “illness” must be explored with the help of the details given in the analysis of the four areas.

The general scores of the countries are calculated as the average of the four area scores of the MPM.

Figure. 3.5.2a MPM2022-General ranking



In order to better capture the differences between the scores of the countries, we here provide a chart that uses thresholds that are different to those used for indicators and areas, in order to group the results. The following histogram, therefore, provides a visualisation that is based on these specific clusters: 0-20, very low risk; above 20-40, low risk; above 40-60, medium risk, above 60-80, high risk; above 80, very high risk. This way of clustering is the result of a simple arithmetic averaging that is not fully in line with the conventions of the MPM, as it does not follow from the structures of the questionnaire and the data collection, presently based on a choice between just three levels of risk for each question posed. The five-colour histogram above, however, provides an interesting more nuanced visualisation of the results, based on which, only Germany is very low risk; only Turkey scores as a very high risk, and Malta, Montenegro, Romania, Greece, Serbia, Slovenia, Bulgaria, Hungary, Poland and Albania are flagged as high risk countries. This more granular representation is also to be considered a first test for the CMPF in evaluating the need and feasibility of operating a transition to an even more detailed questionnaire and the future effective assessment of the risks on a five parameters scale.

The average score is 51%, which is close to the percentage that has been obtained by Italy, which is, in fact, 16th out of 32 countries, which places it exactly in the middle of the ranking.

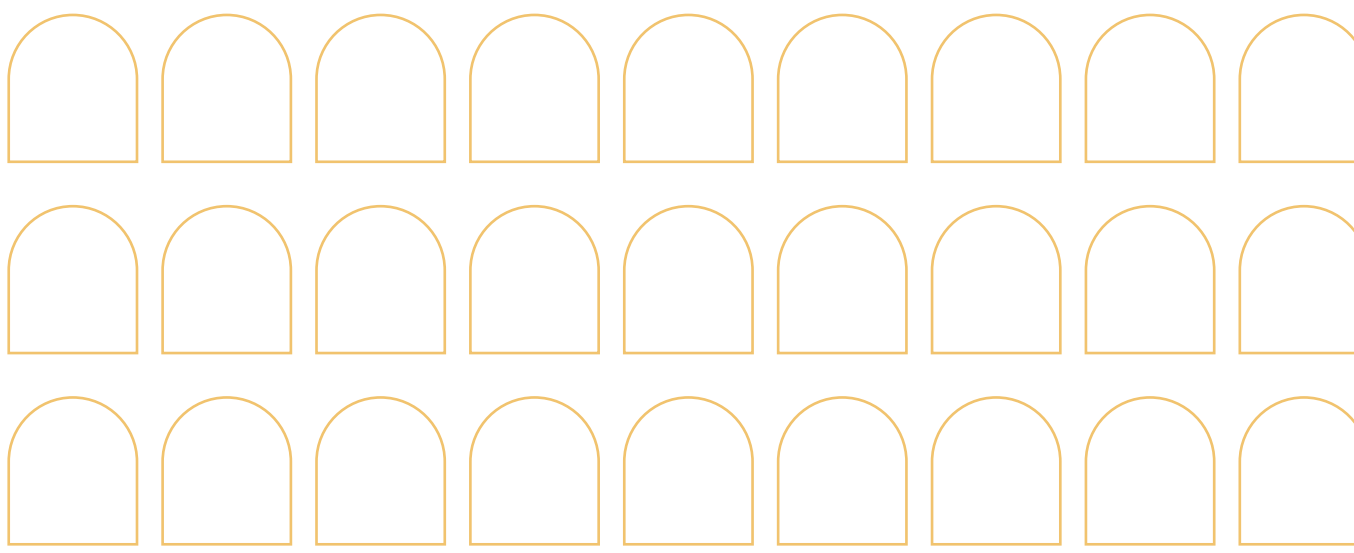
The chart shows, moreover, that older EU Member States (the countries of Western Europe) have, predictably, achieved lower scores, while countries that joined the EU in the 2000s, as well as the candidate countries tend to show higher risks. Still, we can find some notable exceptions: in the Baltic countries and the Republic of North Macedonia, the risk is below average, while the Czech Republic and Slovakia are only slightly above it.

There are some caveats: in order to avoid misinterpretations of this ranking, it must be stressed, once again, that the MPM is a tool with which to assess the risks for media pluralism, based on an analysis that takes into account some structural elements that may, or may not, be considered problematic, in order to ensure a plural media environment. The focus of the MPM is not just on finding out what the deficiencies of a media system are, but also whether there are structural conditions that can lead to a deterioration in the freedom of expression and media pluralism in a given context. The rationale behind the Media Pluralism Monitor is that it is “a systematic analytical process, based on pre-determined risk criteria, professional judgement and experience, to determine the probability that an adverse condition will occur” (EC Working Document, 2007). This analysis is, then, balanced by some data that constitute a sort of “reality check”: this allows for the assessment of the situation for a given country with regard to both the conditions that are conducive to more or less pluralism, and the effective conditions for the country itself (Brogi, et al., 2021).

It must also be emphasised that the Media Pluralism Monitor is a tool that has been conceived to be implemented on the Member States of the European Union and on candidate countries. The rankings of the scores, which range from 20 in Germany, to 82 in Turkey, are relative to 32 countries only, and they are based on standards that have been developed by the Council of Europe, ones that are common to the constitutional traditions of EU Member States, and on rules that are part of the *acquis communautaire*: the percentages of risk must thus be read in this relative and comparative context. Comparing this ranking to other rankings that have been produced by renowned NGOs, for instance, the Reporters without Borders’ Index<sup>43</sup>, covering almost all the countries on the globe, and focusing on freedom of expression and the safety of journalists, implies taking into account different methodologies, indicators, scopes, and, consequently, there is no straightforward score-scale comparability.

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43 World Press Freedom Index <https://rsf.org/en/index>



## 4. MEDIA PLURALISM IN A DIGITAL ENVIRONMENT

### 4.1 Fundamental Protection - digital

In the fundamental protection area, several topics have been included to evaluate emerging or evolving digitally-specific risks to media pluralism, namely:

- Guarantees for freedom of expression online (6 variables);
- (Journalists') Digital safety (2 variables);
- Journalism and data protection (3 variables);
- Broadband coverage (1 variable);
- Internet access (2 variables);
- Net neutrality (3 variables).

These are organised under three indicators in the Fundamental Protection area: Protection of the freedom of expression; Journalistic profession, standards and protection and Universal reach of traditional media and access to the Internet. In total, there are 17 digital-specific variables (questions), which are also taken into account in the general assessment of the Fundamental Protection area.

Furthermore, some of the country reports, such as the Hungarian (Bátorfy et al., 2022) and the French (Rebillard & Sklower, 2022) have highlighted the use of the invasive spyware technology 'Pegasus' to the monitoring of journalists. This spyware represents a threat not only to journalists but to the society as a whole, since it is designed to secretly turn mobile phones into 24-hour surveillance devices, granting complete and unrestricted access to all sensors and information of the targeted devices. Indeed, due to the risks it imposes to citizens and States, the European Parliament has recently published a study investigating the confirmed or suspected use of the 'Pegasus' spyware in

the EU and its Member States or targeting EU citizens or residents, EU reactions and previous activities on issues related to surveillance (European Parliament, 2022).

The average of the “digital” variables (38%) in the Fundamental Protection area scores higher than the general average for the same area (35%), both resulting in medium risk. In absolute numbers, the digital dimension of Fundamental Protection is comparable to the overall score of this domain, but it presents some specific elements that contribute to additional risks. In the Fundamental Protection area, the digital score was lower than the overall score for the area in the Czech Republic, Greece, Hungary, Italy, Luxembourg, Malta, Montenegro, The Netherlands, Poland, Slovenia and Spain, and remained the same in Bulgaria and Latvia.

Figure 4.1.a. Average score of the digital variables in the Fundamental Protection area

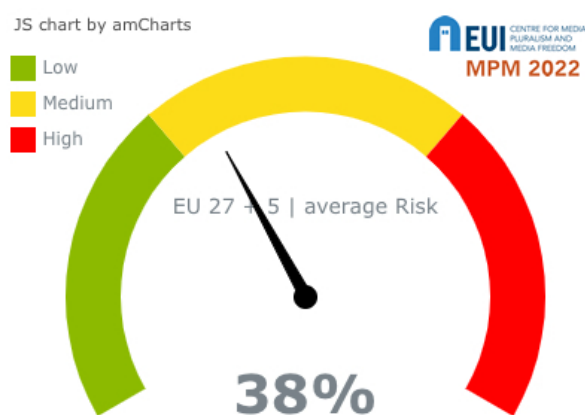
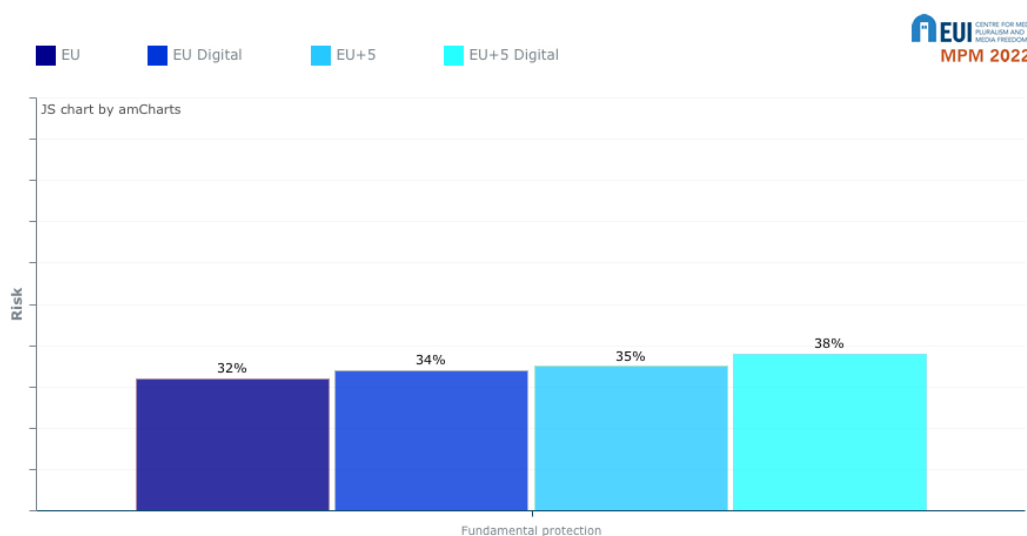


Figure 4.1.b. Digital vs. overall score in Fundamental Protection area





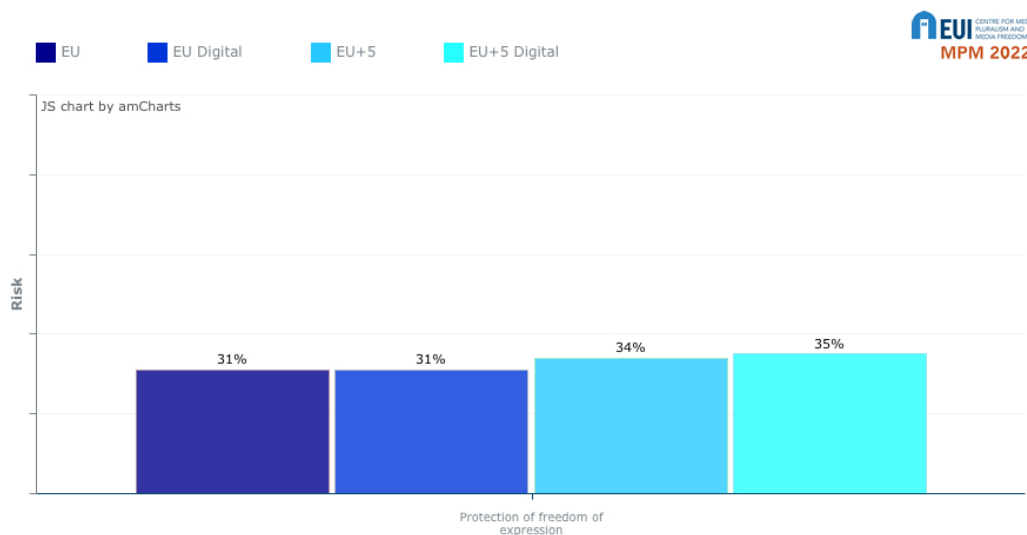
The higher scores are explained by the higher risks in the “digital score” of the indicators on **Journalistic profession, standards and protection** (digital score 46%), **Universal reach of traditional media and access to the Internet** (digital score 33%) and **Protection of freedom of expression** (35%). Within the **Protection of freedom of expression** indicator, the MPM analyses whether freedom of expression online is formally guaranteed and respected, in practice (sub-indicator: Guarantees for freedom of expression online). This specific focus allows an overview on how different countries guarantee the freedom of expression online, in particular, when it comes to the moderation of content online and, therefore, the role of web intermediaries.

While the Internet enables individuals to seek, receive and impart information across national borders, unlike any other medium, there are new issues to be considered, given the new challenges that are posed in terms of ensuring that any potential interference with freedom of expression is, indeed, legitimate. For the purposes of the MPM, this means assessing whether the general standards guaranteeing freedom of expression, or specific laws for the online environment that touch upon the freedom of expression online, including self-regulatory measures, can be considered to be in line with the rule of law and the standards of the *ECHR*, Art 10, as applicable in the online environment. In general, except for the case of the *Network Enforcement Act* in Germany (the so-called NetzDG), national laws are not specifically drafted to establish procedures for the removal/blocking of content online. According to international standards, online expression can only be limited on the same grounds, and to the same extent, as offline expression, so, usually, the same general laws apply to both, which poses problems when it comes to the effectiveness of enforcement.

The sub-indicator on the Guarantees of freedom of expression online aims to address the self-regulatory practices of web platforms and social media. It seeks to analyse whether any restrictive measure, e.g., blocking, filtering and removing online content, comply with the three conditions that are set by Article 10(2) *ECHR*, namely, that limitations on the freedom of expression are prescribed by law, pursue a legitimate aim that is foreseen in Article 10(2) *ECHR*, and that they are necessary in a democratic society, according to the case-law of the ECtHR (CoE, 2014). Another aim of the sub-indicator is to collect information on, and to assess the risks stemming from, the blocking and filtering practices of governments and online intermediaries, and to acknowledge whether content moderation practices and data gathering practices are reported in a transparent way. It assesses the transparency and accountability of the online platforms when removing online content, based on their terms of reference, or on obligations that stem from legislation, co-regulation and self-regulation. The sub-indicator on the Guarantees of freedom of expression online scored an average 34% for the EU+5 group, (medium-risk), while the EU27 found itself at the higher end of the low-risk range, at 31%. In considering the whole group, there are 12 countries that score a medium risk (Albania, Bulgaria,

Cyprus, France, Greece, Hungary, Ireland, Luxembourg, The Republic of North Macedonia, Romania, Serbia and Spain) and two that score as high risk (Poland and Turkey).

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



State authorities themselves generally seem to refrain from filtering and/or monitoring, and/or blocking, and/or removing online content. As reported by Klimkiewicz (2022), in Poland, a draft law on freedom of speech in online social networks was recently submitted to the parliament, raising concerns about the “regulatory” and “sanctioning” body that is proposed by the Bill, as this could become highly politicised. In France, the *Avia Law*, which was adopted in 2020, has been raising serious concerns, especially due to the fact that the blocking of websites and content removal are not submitted to sufficient judicial and administrative oversight. Moreover, French legislation will also be significantly changed by the 2022 implementation of the *EU Regulation 2021/784*, on addressing the dissemination of terrorist content online. These new rules impose upon platforms, such as Facebook or Twitter, the responsibility to use their algorithms to filter and intercept terrorist propaganda, and to block such content within an hour (Rebillard & Sklower, 2022). In Spain, *Royal Decree-Law 14/2019* on urgent measures for reasons of public safety in matters of digital administration also raises concerns about the excessive powers that are provided to the government to intervene, suspend or take over the management of electronic communication networks and services without control mechanisms to prevent it from being applied disproportionately, and to avert arbitrary public sector contracting, as denounced by international NGOs, such as Amnesty International and ARTICLE 19 (Suau Martínez et al., 2022). In Turkey, state authorities practise systematic arbitrary blocking and filtering, and often direct requests are sent for the removal of content.

The Law on the Regulation of Broadcasts via Internet and the Prevention of Crimes Committed through Such Broadcasts has sped up this practice. It is estimated that between October, 2020, and October, 2021, around 1197 news articles were subjected to removal orders from State authorities (Inceoglu et al., 2022).

The MPM2022 data collection shows that ISPs and online platforms sometimes moderate content online in a way that can be considered arbitrary, as reported from countries, such as Albania, Ireland, Serbia, and Spain. Similarly, as in the MPM2021, most of the country teams in the MPM2022 report that there is a lack of transparency, and ISPs and online platforms do not effectively report on practices and cases of content moderation, based on their terms of reference, or on obligations that arise from the legislation.

Under the **Digital safety of journalists** sub-indicator the MPM2022 has collected information on the existence of digital threats to journalists, including those that appear through the illegitimate surveillance of their searches and online activities, their email or social media profiles, hacking, and other attacks by State or non-State actors. In this regard, in May 2021, the ECtHR handed down two key judgments on the so-called 'bulk surveillance' (*Big Brother Watch and Others v. the United Kingdom*, Application n. 58170/13, 62322/14 and 24960/15; *Centrum för rättvisa v. Sweden*, Application no. 35252/08, judged on 25 May 2021). In one of the cases, journalists' organisations were among the applicants and the Court held that such surveillance violates not just the right to respect for private life, but also the right to freedom of expression (CoE, 2022).

Threats of violence, typically made online, have become increasingly common in recent years, and the MPM2022 confirms the trend, as this sub-indicator is scored at an average risk of 65% (still medium risk, but close to the border of high risk, and six percentage points higher than in the previous round of the MPM). As public figures, journalists are often targeted, or are subject to hate speech, threatened implicitly or explicitly with violence, are subject to surveillance, email hacking, DoS attacks, cyberbullying, public threats on social media platforms or via private email and messages. In some cases, the attacks against journalists appear to be organised: individual journalists are singled out online and, in some cases, they are repeatedly attacked over an extended period, even by means such as violent tags and bots. A quantitatively large portion of the abuse is connected to politics. Countries that score low risk (Luxembourg, Portugal and Romania) may not be immune to this kind of threat to journalists. In fact, the low-risk score does not necessarily mean that the risk to journalists' safety in the digital environment is not present. Online harassment often goes unreported, thus, there is an underestimation of the extent of the issue. Similarly, as with the sub-indicator on physical safety, the sub-indicator on digital safety considers the gendered nature of the threats. The results have shown that female journalists are reported to receive more digital threats than male journalists in most of the countries analysed.

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

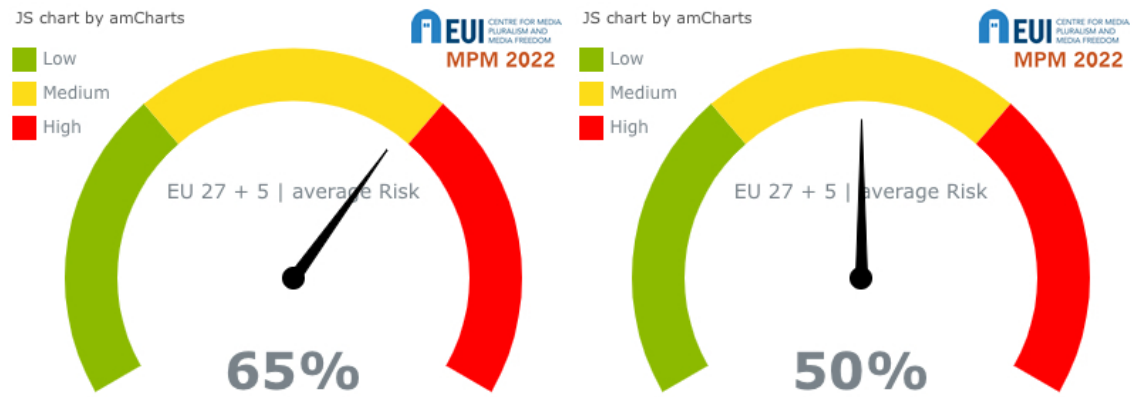
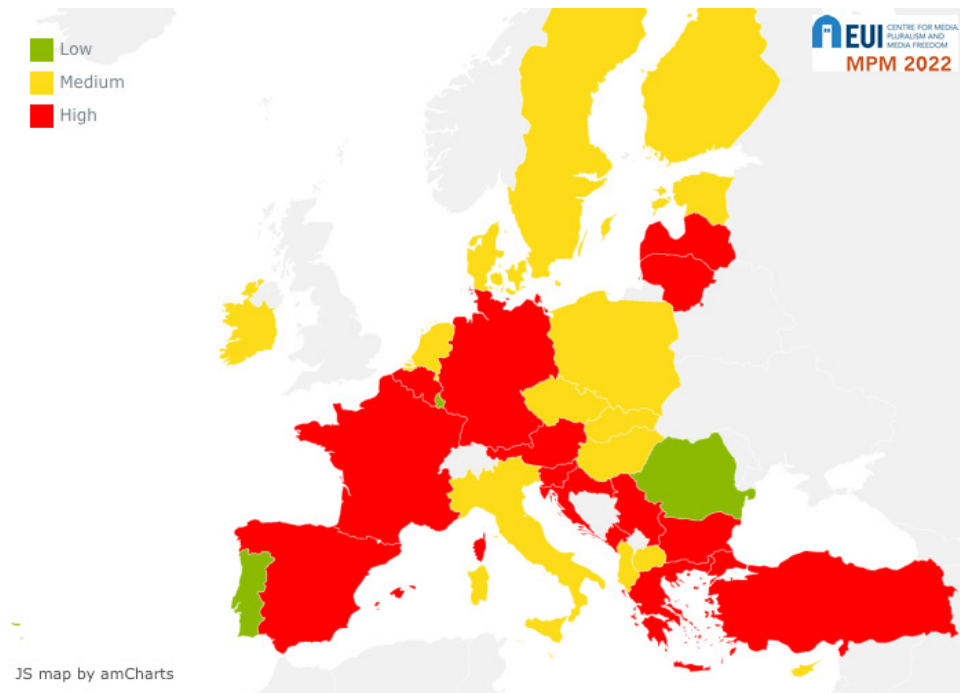


Figure 4.1.e. Digital safety of journalists



## 4.2 Market Plurality - digital

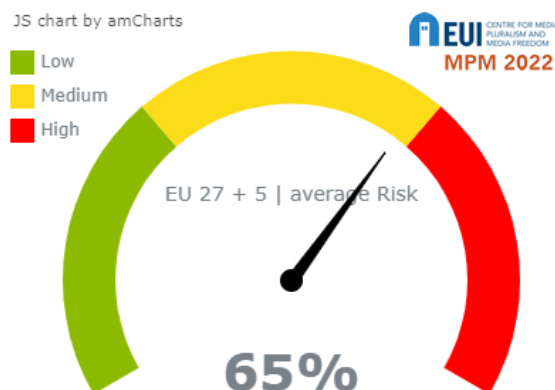
*As shown in Chapter 3.2, from the economic perspective the impact of digitalisation on media pluralism involves all of the sectors of media consumption, production and distribution, and therefore the results of all the indicators in this area have to be interpreted accordingly. For example, trends in media market concentration and media viability for traditional media are affected by the growing competition from digital players in the market. Here, we deal with the digital-specific variables, sub-indicators and indicators. In the Market Plurality area, this covers the following:*

- *Ownership transparency of digital news media (five variables, grouped in two specific sub-indicators: Transparency of media ownership online, and Transparency of ultimate ownership online);*
- *Online media ownership concentration (seven variables; the digital media sector is analysed as a separate sector and is included in the measure of cross-media concentration);*
- *Online platforms' concentration and competition enforcement: eight variables (this indicator is all digital, except for one variable);*
- *Media viability: 4 variables, asking for revenue trends in the digital native media sector; the total advertising (on- and offline) that goes to the news media sector; the existence and sustainability of alternative news media business models; the existence of public subsidies for digital media;*
- *Commercial & owner influence over editorial content: three variables, asking whether the legal and self-regulatory safeguards that exist in relation to the legacy media apply to digital media.*

*In total, there are 27 digitally-specific variables, and they are of three types: legal (14), economic (8), and socio-political (5). In the MPM 2022, a variable has been added in the indicator on Online platform concentration and competition enforcement, which focuses on the economic relationships between platforms and publishers.*

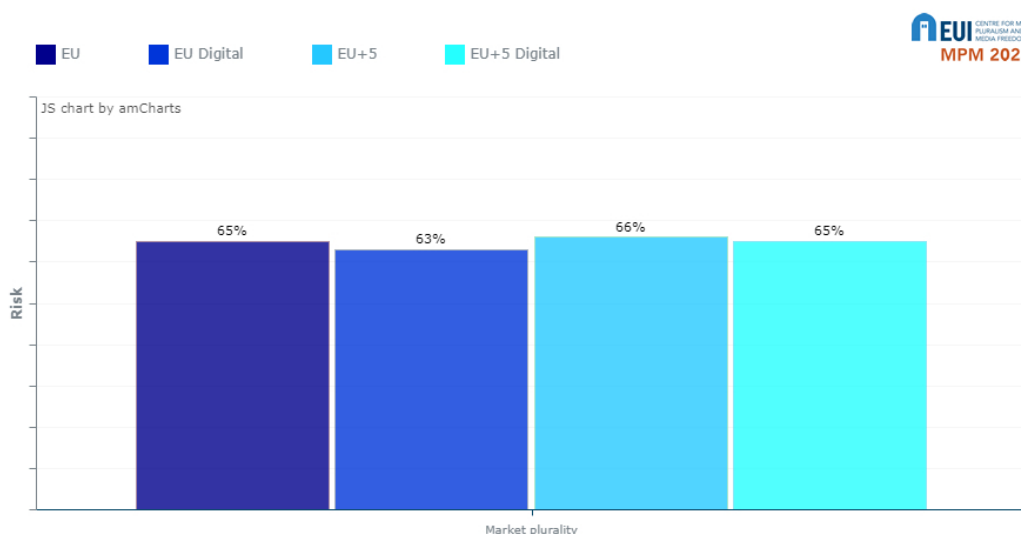
In the Market Plurality area, the average score of the digital variables is 65% and this is in line with the overall risk (66%), both are in the medium risk range, but very close to high risk. In the previous implementation, the digital score for this area was 66%.

Figure 4.2.a. Average score of the digital variables in the market Plurality area



The difference between the digital risk score and the overall risk score is slightly more pronounced if the candidate countries are not considered: see, in Figure 4.2.b, the results for the EU.

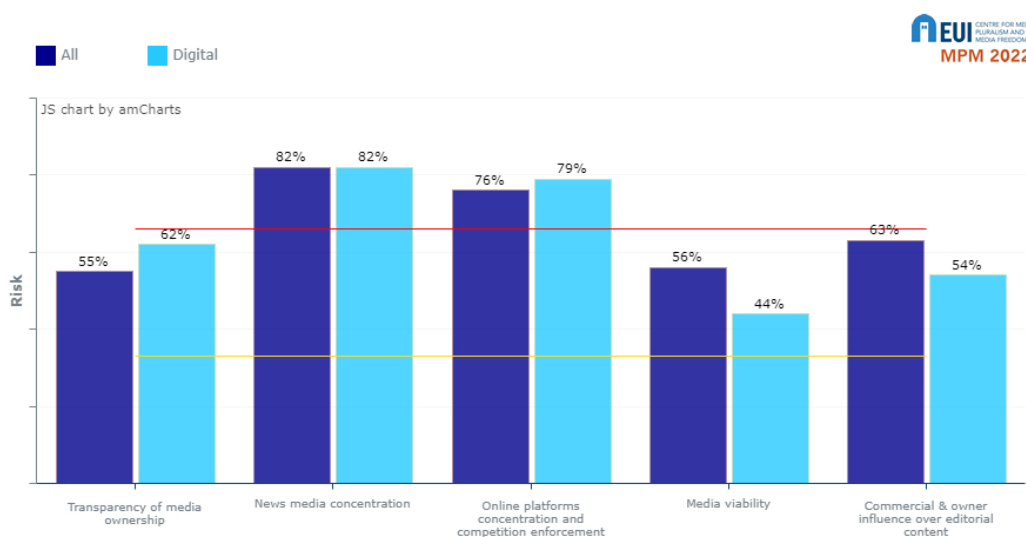
Figure 4.2.b. Digital vs. overall score in the Market Plurality area



The only country at low risk in the digital extraction of the Market Plurality area is Germany. There are 17 countries at medium risk. They are: Austria, Belgium, Denmark, Estonia, Finland, France, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Slovakia, Sweden, The Netherlands. The remaining 14 countries are at high risk. Four countries - namely, Ireland, Malta, Poland and Slovakia - have shifted from high to medium risk for Market in the digital score. Conversely, two countries - Croatia and The Republic of North Macedonia - register a high risk, when looking at digital questions, *vis-a-vis* a medium risk in the overall score for Market.

The factors that contribute to a change in risk, when it comes to the digital variables, are of different nature. As the following figure shows, the indicators that deal with concentration register no substantial differences: concentration is high in the online sphere of media provision, considering that this is dominated by the digital outlets of traditional media (which are historically highly concentrated); the digital native media are often reported as being less concentrated, even though this assessment is influenced by a lack of reliable measurement, both for market and audience indices. A high concentration characterises the area’s all-digital indicator, i.e., the one on online platforms. Digital risks are higher in the indicator of Transparency of media ownership, and this reflects the fact that rules on ownership disclosure are often limited to the traditional media. Conversely, media viability risks are lower in the digital sector, even though it still remains within the range of medium risk. A slight decrease in the risk emerges for the digital variables on Commercial and owners’ influence over editorial content.

Figure 4.2.c. Digital vs. overall score in the Market Plurality area, per indicator



For the indicator on **Transparency of media ownership**, the 62% risk level shows a slight decrease (three percentage points) in comparison with the previous assessment. The legal framework still falls short in covering all the digital media, in spite of the improvements that are related to some legislative changes, in part, this is due to the process of the implementation of the revised AVMS EU directive and of the EU Anti-money Laundering Directive V (see Chapter 3.2). When instituted, the Register of Beneficial Ownership should also include the online media companies.

The improvements related to the institution of the register of beneficial owners are conditioned by its effectiveness. In the Czech Republic, “even though the situation has arguably improved following the adoption of the Act Nr. 37/2021 Coll., on the Register of Beneficial Owners (which covers online media companies as well), the same caveats apply as mentioned with regard to offline media, especially the fact that the data in the Register are not independently verified” (Stetka, 2022). A relevant issue persists in regard to the difficulties in tracking the ownership of cross-border media. In Estonia, “basically, all information related to entrepreneurship in Estonia is electronically available. The use of the registers is free. Nonetheless, in the case of digital media, one can point to the cross border activities with the news outlets such as Russia Today, Sputnik, PBK and the like; and this raises the risk for media pluralism” (Kõnno, 2022). Finally, it is worth highlighting the case of Italy, where there is an attempt to include the online platforms in the transparency obligations. “The obligations for transparency extend to some digital intermediaries: search engines and online intermediation service providers (...) must register in the ROC (Register of Operators of Communications) if they offer services in Italy, even if they are not legally established in Italian territory. In the period covered by the MPM2022’s assessment, AGCOM completed its investigation on some digital platforms, sanctioning them for violating the registration obligation. Some of the platforms have appealed this decision. (Carlini et al. 2022).

The indicator on **News media concentration** assesses the digital risk, asking for the concentration indices, in relation to revenues and audience, for the online media, as well as for the legal provisions and economic indices of cross media concentration. Here, the digital risk is at the same level as the overall risk (82%). The assessment of concentration for the digital media is influenced by the lack of reliable data; this dearth, in turn, is due to the fact that, often, digital media have no transparency obligations (see above), and therefore they don’t provide financial reports to the media authority, or to other relevant national authorities, that would allow for an assessment of their market shares. In parallel, the measurement of the audience share is jeopardised by the lack of standardised and widely accepted methods and metrics.

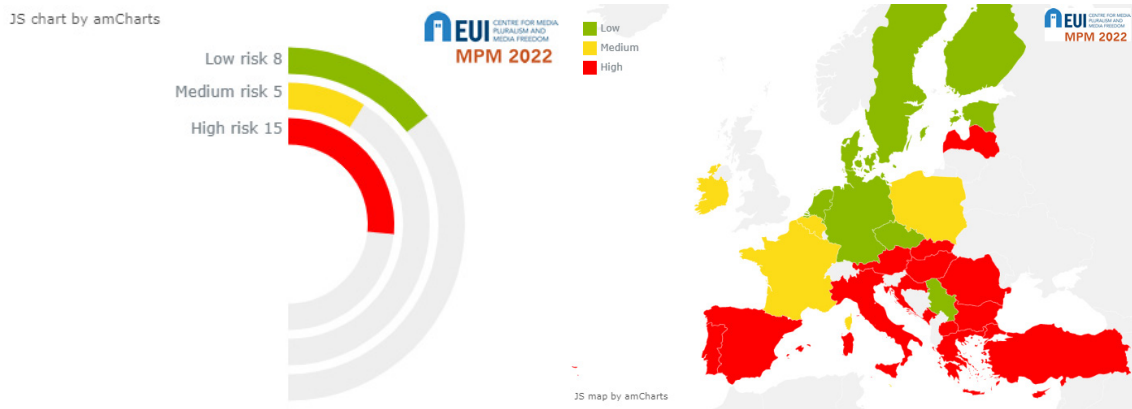
The indicator on **Online platform concentration and competition enforcement** registers a high risk (79%), three percentage points higher than the overall risk<sup>44</sup>. The drivers of the risk in this domain are: the ways in which people access the news online (the predominance of side-door access, which means access that is intermediated by algorithmic filters, thus raising the risk); the concentration of the audience online; the concentration of online advertising revenues; the difficulties faced in enforcing competition in digital markets.

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<sup>44</sup> The difference can be explained based on the structure of the MPM questionnaire: in this indicator, the only non-digital variable is the one asking for competition issues related to PSM financing. As this variable is on average at medium risk, its presence lowers the overall risk.

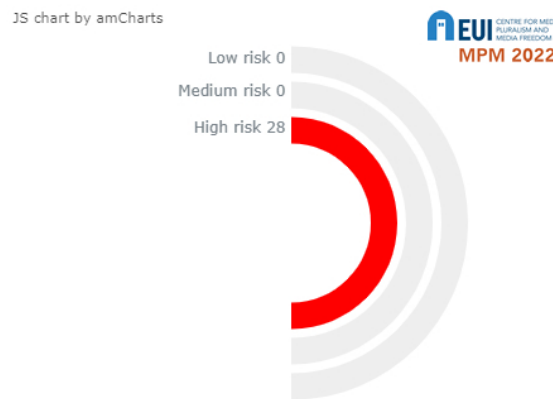


Figure 4.2.d. Variable. What is the main way in which people access news online in your country? (direct/equivalent/side-door)



Among the countries in which this information was available, just eight have reported a predominance of direct access; in 15 cases there is a predominance of side-door access to online news, in five cases, the two ways are reported as being equivalent. The map on the right shows that direct access is more widespread in the Nordic countries.

Figure 4.2.e. Variable. What is the online advertising market share of the Top4 players in your country?



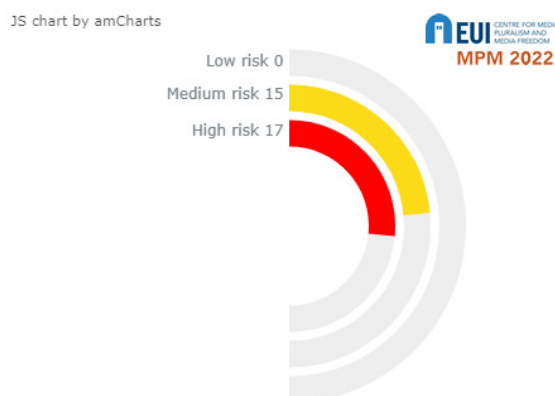
In all the countries for which this data is available, the Top4 index for online advertising is above 50%. As the main players in this market are multinational corporations, and they don't publicly report on the revenues from each national market, it is difficult to assess their market shares in the online advertising market. In recent years, investigations and studies have been run by competition and regulatory authorities, having as their objects the online advertising market and the data market.

The features of these markets are considered not only for the competition issues that they pose, but also for the impact on related sectors, such as the media (see, for a summary of the main initiatives and a focus on competition issues concerning news media and digital platforms, OECD 2021). In a few cases, national authorities estimate these platforms' shares of the online advertising market (e.g., in Germany, France, Spain, Italy); in other cases, there are commercial sources or there is independent research. The domain of the two main players - Alphabet-Google and Meta-Facebook - is a common feature in all the countries covered by the MPM implementation, with a third actor, Amazon, progressively acquiring a growing share in the market. In a scenario that is characterised by a very high concentration of revenues in the online advertising market, some interesting developments can be highlighted. Some of these developments have happened on the ground, as a response by the media industry to the competition coming from digital platforms. In the Czech Republic, the digitally-born company, Seznam, "is not only running one of the strongest news media brands, but also maintaining a significant position on the digital advertising market – representing a unique case of a market that is not fully dominated by the global “duopoly” of Google and Facebook” (Štětka, 2022). In Belgium, three of the larger media actors that are active in the field of digital advertising (Telenet, Mediahuis, and Proximus en Pebble Media) have entered into a strategic alliance to improve their competitiveness with the largest actor in the field (DPG Media), as well as with international actors (such as Google and Facebook). “Considering this initiative is currently increasing effective competition rather than limiting it there has been no publicly known investigation from the Competition Authority. Nevertheless, the Flemish Media Authority is closely following up on this new initiative in its reporting” (Lambrecht & Valcke, 2022).

When it comes to the role of the competition and media authorities, several initiatives are recorded in the national country reports. In Germany, the competition authority has issued the first decision, based on the new 10th amendment of GWB (Act against Restraint of Competition), in a case against Google (Holznagel & Kalbhenn, 2022). In France, the national authorities sanctioned the practices of the large digital platforms for abuse of market power, in some cases following complaints by the press publishers. (Rebillard & Sklower, 2022). In Italy, both the competition and media authority, according to their respective competencies, investigate the online advertising market (Carlini et al., 2022). In Spain, the CNMC authority has published the results of a consultative investigation on the online advertising market (Suau Martínez et al., 2022).

A related topic is in the assessment of the economic relationships between online platforms and publishers. In the MPM2022, a specific variable has been added, asking for the state of the implementation of the EU Directive on Copyright and Related Rights (EU 2019/7900) and, more generally, whether there are financial agreements for the platforms to remunerate the publishers for the use of their original content.

Figure 4.2.f. Variable. Are there financial agreements in your country, between digital intermediaries and news media producers, to remunerate the publishers for the use of copyright-protected content or, more generally, to contribute to their financing?



In 15 countries, some kinds of financial agreements are reported, but they are not fully effective or there is not enough information about their details. In 17 countries, there are no such negotiations ongoing. In France, where the topic has been widely debated, and where the competition authority has stepped into the process of the implementation of the EU directive, sources for concern have emerged: “Following criticisms from the Competition Authority, an *ad hoc* Parliamentary mission (Mission d’information sur l’application du droit voisin, 2022) has stressed the numerous problems raised by the entire sequence of negotiations: bilateral, individualised agreements, the exclusion of whole categories of media outlets (magazines, local press, digital native independent outlets...), the twofold economic and informational asymmetry, the latter stemming from the lack of transparency on the amounts negotiated (trade secrecy was opposed to the disclosure of the agreement with the APIG and others), meaning there is no guarantee of fair and equal treatment in the following deals.” (Rebillard & Sklower, 2022). In Denmark, the law specifies that Danish news media can negotiate as one with digital media, even though this has not been fully enacted yet (Santos Rasmussen et al. 2022). In Italy, the criteria to determine fair remuneration for publishers are to be detailed by the media authority in a regulation; and when there is no agreement between publishers and platforms on the use of copyright protected content, each of them can appeal to the media authority for such determination. Some of the parameters indicated by the Italian law to define fair remuneration have been criticized by the Italian competition authority, as potentially being discriminatory against new entrants and smaller publishers (Carlini et al., 2022).

The taxation of digital services, unilaterally introduced in some of the EU countries, has, in 2021, been suspended in the countries in which it had been introduced, in the light of the developments in the OECD-G20 international reform process.

The indicator on **Media viability** shows a lower risk in the digital dimension: 44%, *vis-a-vis* 56% for the overall score. As reported in the previous MPM assessments, this result is due to the fact that, on the one hand, the long-standing economic crisis has impacted mainly upon the traditional media business model, and, on the other hand, by the fact that the digital news media were better positioned to take advantage of the huge increase in digital consumption that occurred during the COVID 19 crisis. Nonetheless, it should be noticed that the risk score is in the medium range, in spite of the fact that online business and, in particular, advertising, experienced a strong growth. This is because the market growth was intercepted for the most part by digital intermediaries. In parallel, lively initiatives grew in the search for alternative business models, ones that did not rely (or not exclusively) on advertising. In Hungary, “the role of crowdfunding, subscriptions and alternative sources of revenues continued to increase in 2021. In 2020, Telex, the news site founded by ex-Index journalists, started its operation with a crowdfunding campaign - its public report from late 2021 shows that the company managed to gather substantial revenues that can guarantee its sustainable operations for the years to come” (Bátorfy et al. 2022). In Germany, it is the mainstream media companies that are succeeding in generating other revenue sources from outside the traditional streams (Holznagel & Kalbhenn, 2022). Innovative product proposals and other digital strategies are reported in Denmark, and these also include a lively bunch of small and new media (Santos Rasmussen et al. 2022).

Finally, the digital risk score for **Commercial and owner influence over editorial content** is lower than the overall risk, as it was in the previous implementation. In this case, the negative features that characterise the legacy media environment also extend to the digital media outlets - particularly in cases in which large conglomerates dominate the market, and there are no effective rules against conflicts of interest, neither are there self-regulatory safeguards for the journalists. Still, for the smallest and newest outlets, these constraints may be less relevant. Nevertheless, the lack of regulation on the clear distinction between advertising and journalistic content online contribute to the medium risk in the digital score for this indicator; whereas the fact that it has increased, in comparison with the previous year’s assessment, testifies that the digital media are not immune to the general increase in commercial pressure, which is often related to the tight market conditions.

### 4.3 Political Independence - digital

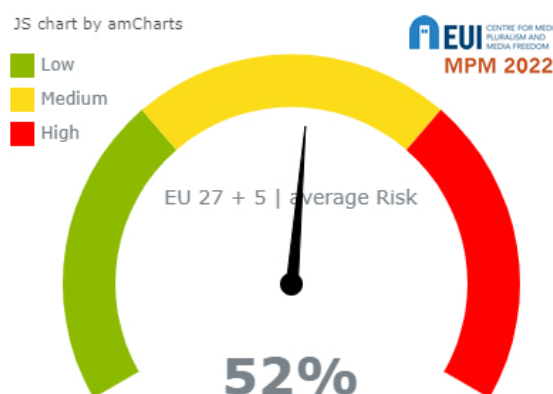
In the area of Political Independence there are three digital-specific issues that are covered:

- Political independence of digital native media (1 variable)
- Political advertising online (5 variables)
- Funding for the online mission of the public service media (1 variable)

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

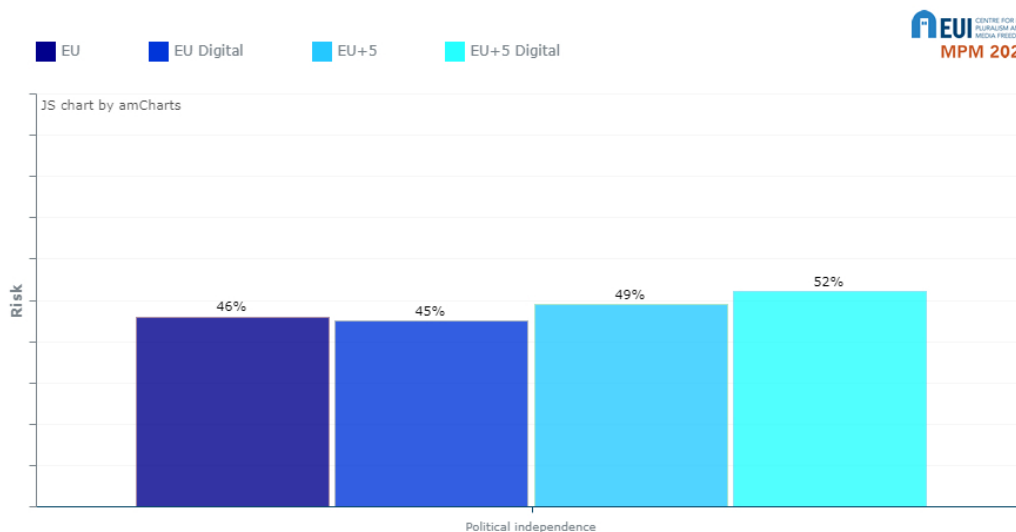
In the Political Independence area, the average score of the digital variables is 52%, which is slightly higher than the overall score for the area (49%). Both risk scores are in the medium risk range. This result is in line with the previous implementation.

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



The digital risk score is higher than the overall risk score for the Political independence area when the candidate countries are considered. When looking at the EU countries only, and as visible in Figure 4.3.b, the digital risk score is slightly lower than the overall risk score. This difference between the EU Member States and candidate countries reflects, among other things, the situation in which the risk of political control over digital native media is high in all five candidate countries, while in the vast majority of the Member States it is low or medium. The elevated digital risk overall is mainly a reflection of the lack of regulation, in the vast majority of MPM2022 countries, to ensure the transparency of political advertising on online platforms during electoral campaigns.

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



Political communication and advertising are, today, increasingly taking place online, with new or upgraded techniques being based on processing a large amount of personal data in order to deliver micro-targeted political messages. The platform environment has also facilitated the conditions for permanent political debate and campaigning; and a wide array of actors, with no explicit political affiliation but with some political agendas, take part in a form of political communication and advertising that covers many issues that are not explicitly related to candidates, but which may affect voters’ behaviour. All this implies that there should be safeguards to ensure that advertisers and advertising platforms provide meaningful transparency around ad spending, the materials produced, the kinds of techniques used, as well as the targeting of specific groups, and the reach of messages/campaigns.

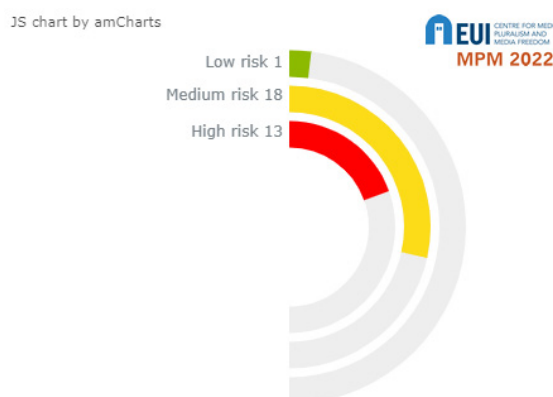
The EU is promoting certain standards through the recent *Proposal for a Regulation on the transparency and targeting of political advertising*<sup>45</sup>, a supplementary regulation to the *Digital Service Act*<sup>46</sup>, which is also aiming to impose more transparency and accountability requirements, in general terms, for the very large online platforms. The *Proposal for a Regulation on the transparency and targeting of political advertising* seeks to establish transparency for online political advertising, and to protect personal data, by laying down rules on targeting and amplification techniques. In line with this, the MPM contains variables that aim to assess the availability of adequate regulation in order to ensure equal opportunities and the transparency of political advertising in online media during electoral campaigns, as well as on online platforms.

45 See proposal, (COM/2021/731 final): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52021PC0731>

46 <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=COM%3A2020%3A825%3AFIN>

The Monitor inquires about whether there are rules that enable political parties and candidates who are competing in elections to report on campaign spending on online platforms in a transparent manner, and whether such rules, where existent, are implemented effectively. The actual practice is also assessed by examining whether the political parties and candidates are *de facto* transparent about the spending and techniques used in their social media campaigns. The Monitor also takes into account whether online platforms, such as social media, take sufficient steps to ensure the transparency of online political advertising, be this based on a specific policy, regulation or self-regulation (such as the *EU Code of Practice on Disinformation*). Last, but not least, the role of the data protection authorities is also evaluated. The 2018 *Commission guidance on the application of GDPR in the electoral context*<sup>47</sup> particularly emphasises the strengthened powers of authorities and calls them to use these sanctioning powers, especially in cases of infringement in the electoral context. Accordingly, the MPM asks whether the data protection authority in a country takes sufficient account and monitors the use of individuals' personal data by political parties for electoral campaigning purposes.

Figure 4.3.c Sub-indicator Rules on political advertising online - map of risks per country



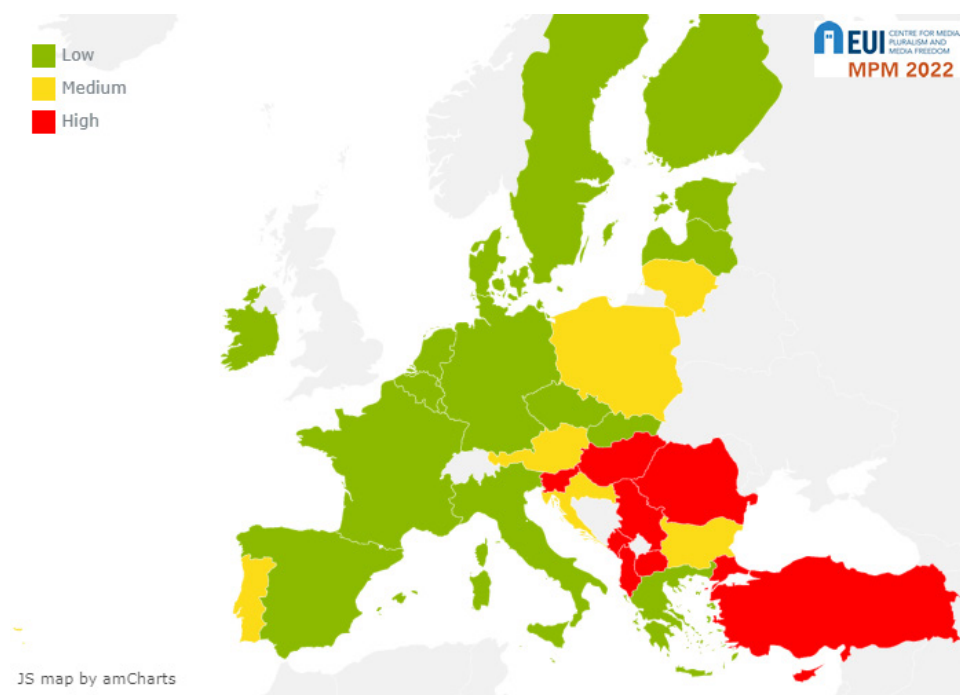
Almost two thirds of the countries (namely, 20) do not have a regulation to ensure equal opportunities or, and the transparency of, political advertising in online media during electoral campaigns, and the situation is even worse with regard to online platforms (in 24 countries, such a regulation does not exist). Only eight countries have some rules that aim to ensure the fairness and transparency of political advertising on online platforms: Austria, the Czech Republic, France, Greece, Latvia, Lithuania, Portugal, and Sweden.

47 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52018DC0638>

Overall, 14 countries have no rules for political parties and candidates competing in elections to report on campaign spending on online platforms in a transparent manner and, in 16 countries where such rules exist, they are not implemented effectively. In addition, when evaluating the exact practice, in almost all the countries, political parties and candidates are not fully and regularly transparent about the spending and techniques that are used in their social media political campaigns.

Furthermore, in more than two thirds of the countries, the local experts have assessed that online platforms and social media do not take sufficient steps to ensure the transparency of online political advertising, and in the majority of countries, the data protection authorities do not seem to take sufficient account of the use of individuals' personal data by political parties for electoral campaigning purposes; or, at least, their role in this specific area is not visible due to the lack of relevant reports and documents.

Figure 4.3.d Variable on the Political independence of digital native media

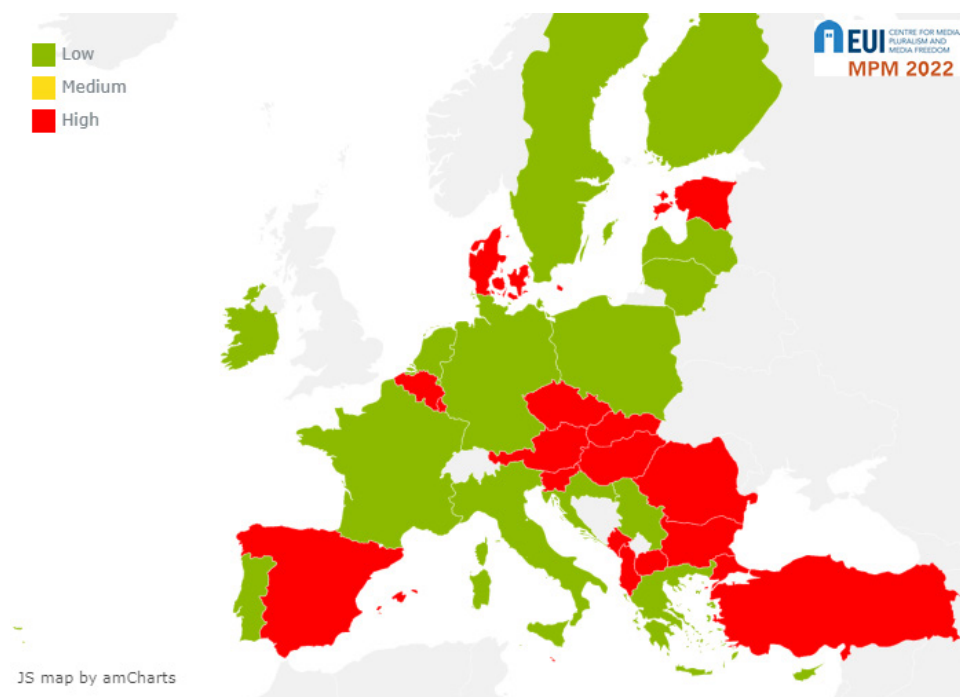


On an aggregate level, and when compared to traditional media, such as newspapers, audiovisual and radio, the native digital media, on average, score the lowest risk for political control that is exercised through both direct and indirect ownership. Nevertheless, the politicisation of those media which are born and exist only in the online sphere, is a significant concern in Albania, Cyprus, Hungary, Montenegro, The Republic of North Macedonia, Romania, Serbia, Slovenia, and Turkey.



In many of these cases, political parties and politicians can own online news sites without any restrictions and, due to the low level of safeguards for editorial autonomy, they can exercise their influence and political agendas in the news-making process.

Figure 4.3.e Variable on the Funding for the online mission of the public service media



The digital dimension recorded additional risks in relation to a lack of effective regulation through which to adequately consider and finance the online public service missions of the PSM without distorting competition with private media actors. The financing of the 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 to the democratic sphere, “every PSM needs some kind of mechanism allowing it to launch innovative new media services outside the scope of its formal remit in a timely manner, whilst, at the same time, ensuring that the market is informed and not disproportionately distorted as a result” (AMO, 2015: 87). In the *Communication on Tackling Online Disinformation: A European Approach* (COM/2018/236 final), the European Commission recognises the importance of independent public service media for the provision of high quality information, and it acknowledges the need for the protection of journalism, in the public interest, through State support measures. The MPM2022 results show that the majority of the countries that are included in this study (namely, 17) do not have a law that would provide for funding that adequately covers the online public service missions of the PSM without distorting competition with private media actors. In fact, the presence of public service media in the online sphere in many countries remains subject to extensive restrictions.

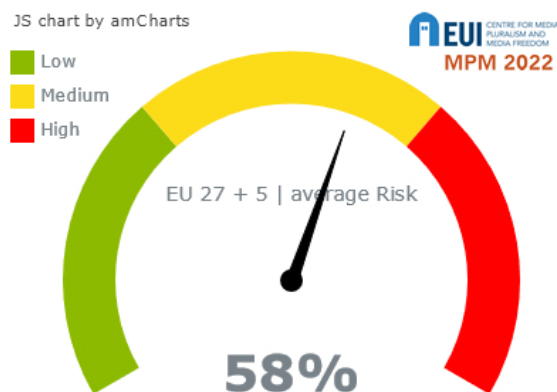
#### 4.4. Social Inclusiveness - digital

In the area of Social Inclusiveness there are three digital-specific sub-indicators:

- Digital skills of individuals (2 variables)
- Protection against disinformation (5 variables)
- Protection against hate speech online (4 variables)

As part of the Media literacy indicator, the sub-indicator on Digital skills of individuals is assessed in those countries that are covered with the help of the Eurostat data sets. There are two other sub-indicators that constitute the digital indicator on Protection against illegal and harmful speech. While the sub-indicator on Protection against disinformation assesses the regulatory framework and the initiatives to counter disinformation, the sub-indicator on Protection against hate speech, evaluates the extent and efficiency of efforts to remove hate speech against vulnerable social groups from social media. All nine digitally-specific variables in this area are socio-political and are aimed at evaluating the situation, in practice.

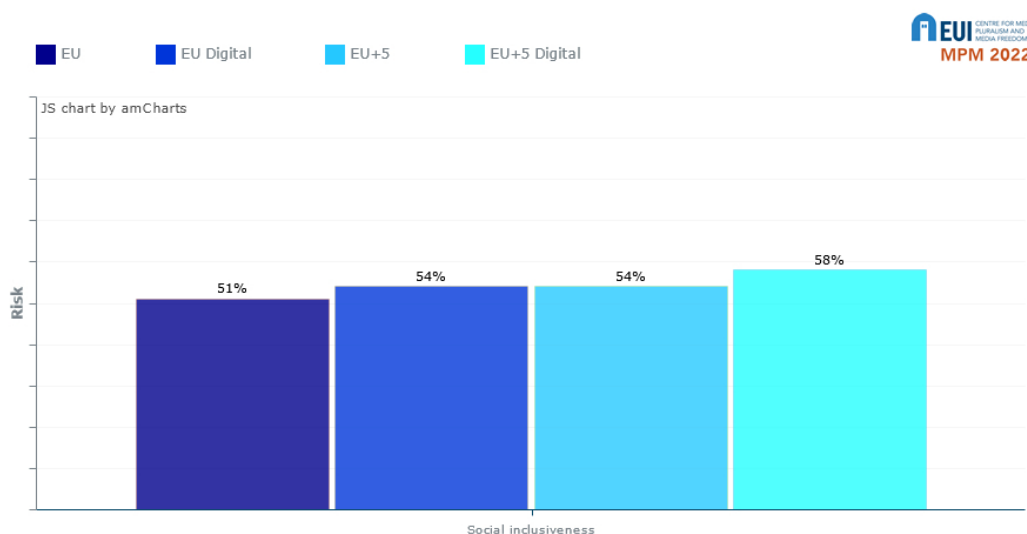
Figure 4.4.a. Average score of the digital variables in the Social Inclusiveness area



**Protection Against disinformation.** The impact of disinformation is assessed as being high in 15 countries (Austria, Bulgaria, the Czech Republic, Germany, Greece, Hungary, Latvia, Luxembourg, The Republic of North Macedonia, Serbia, Slovakia, Slovenia, Romania, Spain, and Turkey). In only two countries is the impact and spread of disinformation limited: Belgium and Denmark. In Denmark, the Free Speech Commission concluded that disinformation isn't a cause for concern, as institutional safeguards have, to date, proven to be efficient (Santos Rasmussen et al., 2022).

15 countries already have some form of regulatory framework within which to fight disinformation: Bulgaria, Cyprus, Estonia, Finland, France, Germany, Greece, Italy, Lithuania, Montenegro, The Netherlands, Poland, The Republic of North Macedonia, Slovakia, and Spain. However, the regulatory framework is assessed as efficient in only three countries: Finland, Germany and Lithuania. In Finland, self-regulation in journalism and governmental efforts against disinformation have, so far, been fairly effective (Mäntyoja & Manninen, 2022). In Germany, the Network Enforcement Act, last amended in 2021, aims to quickly remove disinformation and hate speech content from social networks. In addition, the new State Media Treaty, of 2020, contains three new instruments through which to limit the spread of disinformation: 1) journalistic due diligence is extended to influencers, YouTubers, and podcasters, 2) a labelling obligation for social bots on social networks is also new (§ 18 III MStV 3), and another labelling obligation relates to political advertising on the Internet (Section 22 MStV), 3) there are new transparency and non-discrimination rules for recommendation algorithms of media intermediaries such as Facebook and GoogleSearch (Section 93 MStV). The effectiveness of this regulatory framework has, however, not yet been proven and the risk level associated with protection against disinformation in Germany may be underestimated.

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



On the other end of the spectrum, the existing regulatory framework is associated with high risk in six countries: Greece, Montenegro, The Republic of North Macedonia, Slovakia, Spain, and Turkey. In most cases, the existing framework is ineffective, however, in Greece, Montenegro, The Republic of North Macedonia, and Slovakia, the regulatory framework presents a risk to freedom of expression.

In Slovakia, for example, the Ministry of Justice proposed, in December, 2021, a draft law to amend the Penal Code, which provides that people spreading false information may face a prison sentence. The draft law has been highly criticised by politicians, NGOs and legal experts, as it presents a serious threat to freedom of expression (Urbanikova, 2022).

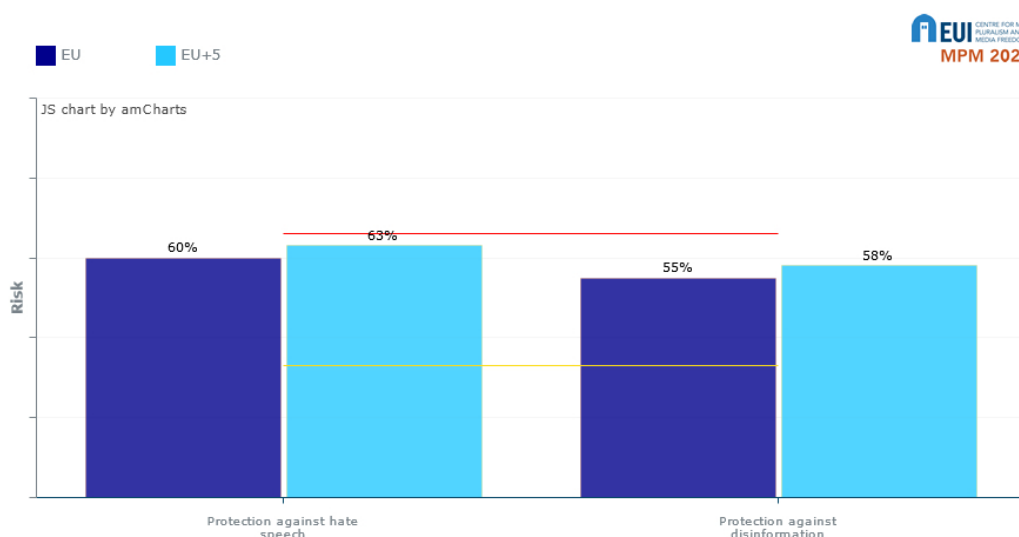
In the absence of an adequate regulatory framework, or as a complement to an existing regulatory framework, civil society or non-governmental initiatives to fight disinformation play an important role in most of the countries studied. In Spain, for example, many civil society initiatives have been launched (Suau-Martinez et al., 2022). Among the most interesting are: Learntocheck (a pioneering web platform that is focused on training against misinformation, with fully open and trilingual content), the European SPOTTED Project (an international initiative, promoted by the European Commission, that helps young people to evaluate, and to reinforce their abilities to detect and avoid false news), and (In)formate, an initiative that is aimed at adolescents, and that uses technology and gamification as tools through the use of which to promote activities that are based on four pillars: analysis of information, capacity for deduction and conclusion, evaluation of information and production of own content.

In practice, the fight against disinformation is assessed as presenting a medium risk in 21 countries (Albania, Austria, Belgium, Bulgaria, Croatia, Finland, France, Germany, Hungary, Ireland, Italy, Luxembourg, Malta, The Netherlands, Poland, Portugal, The Republic of North Macedonia, Romania, Serbia, Slovenia, and Turkey), and high risk in seven countries (Cyprus, the Czech Republic, Greece, Latvia, Montenegro, Slovakia, and Spain). The fight against disinformation is assessed as being at low risk in only four countries: Denmark, Estonia, Lithuania and Sweden.

Amongst these countries, the case of Lithuania is interesting, as several elements to fight disinformation are combined (Balcytiene et al., 2022). First, Lithuania was among the first EU member states to launch measures against disinformation at the national level. The Amendment of the Law on Public Information, which was adopted by the national parliament in 2019, allows, by a court decision, for the suspension of the broadcasting of TV channels as a result of the incitement of hatred or the dissemination of disinformation. Second, there is a significant number of varied initiatives (on a self-regulation basis, but also policies/strategies at the ministerial level, indicating strategic steps/goals in the fight against disinformation) to counter disinformation. Finally, some initiatives were launched to raise the level of awareness in the population. In December, 2021, a new association, DIGIRES - The Baltic Research Foundation for Digital Resilience – was launched, with the aim of consolidating academic, media, and civil society efforts to tackle disinformation and raise public awareness of these issues by supporting media resilience (professionalism in fact-checking) and public awareness.

The Lithuanian approach is very interesting, as it proposes multi-stakeholder action against disinformation, rather than a strong legal approach. The legal approach to fighting against disinformation, in many cases, appears to be unsuitable, as it tends to trigger a risk to freedom of expression. As highlighted in the previous edition of the MPM, Bulgaria and Spain intended to develop a legal framework but, in both cases, these frameworks were not adopted as they were considered too restrictive of freedom of expression (see Bleyer-Simon et al., 2021, Spassov et al., 2021). In France, the adoption of the Avia Law also triggered some concerns regarding Freedom of Expression, and some of its provisions were rejected by the Council of State (no 2020-801) (Rebillard & Sklower, 2021).

Figure 4.4.c. Digital score in the Protection against illegal and harmful speech indicator



**Protection against hate speech.** As mentioned in Chapter 3.4, the risk associated with the digital sub-indicator Protection against hate speech has jumped to 60% for the EU Member States, compared to 55% in the previous edition of the MPM, and to 63% for all of the countries, compared to 58% in the MPM 2021.

Most of the countries have an existing regulatory framework within which to fight the spread of hate speech. However, such a regulatory framework is often outdated and has not been adapted to act against online hate speech. Only five countries have an adapted and efficient regulatory framework: Austria, Denmark, Germany, Lithuania, and Sweden. In Austria, a bundle of new and amended legal provisions were adopted in 2021. First, the Act on Measures to Protect Users on Communications Platforms [Kommunikationsplattformen-Gesetz KoPI-G] requires platforms to delete any illegal content within 24 hours, if the illegality is obvious to a legal layman” (§ 3(3)), or within seven days, if a detailed examination is necessary.

Platforms must also disclose not only what criminal postings they have deleted – or not deleted – but also those that were deleted due to “community guidelines”, four times a year. Second, a new provision in the Media Act, § 36b, permits courts, in proceedings that are related to the Act, to directly order hosting service providers (not just media owners!) to remove content from a platform, or to publish a verdict on the website, if the media owner is based in another country or cannot be prosecuted for any other reason. It remains to be seen how effective the new and promising framework will be in countering online hate speech.

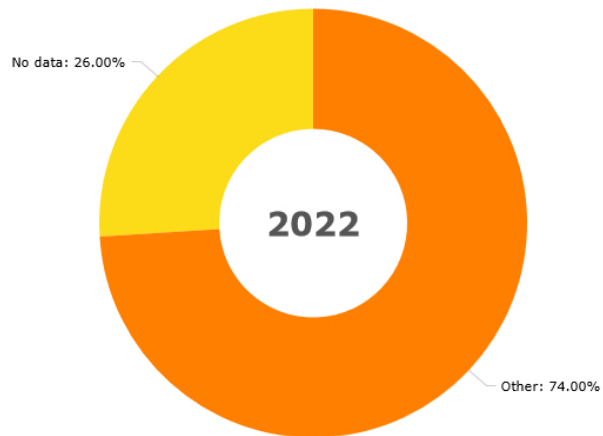
In eight countries, the risk associated with the regulatory framework to fight against hate speech is considered high: in Bulgaria, Estonia, Latvia, Montenegro, Slovakia, Slovenia, Spain, and Turkey. In Slovenia, for example, there is no specific framework targeting hate speech online (Milosavljević & Biljak Gerjevič, 2022). Besides, hate speech, as a term, is not mentioned in any law. However, it is against Article 63 of the Constitution to spread ethnic, racial, religious hatred or intolerance, as well as to promote violence or war. Public promotion of hatred, violence or impatience is also an offence under Article 297 of the Criminal Code and under Article 8 of the Mass Media Act.

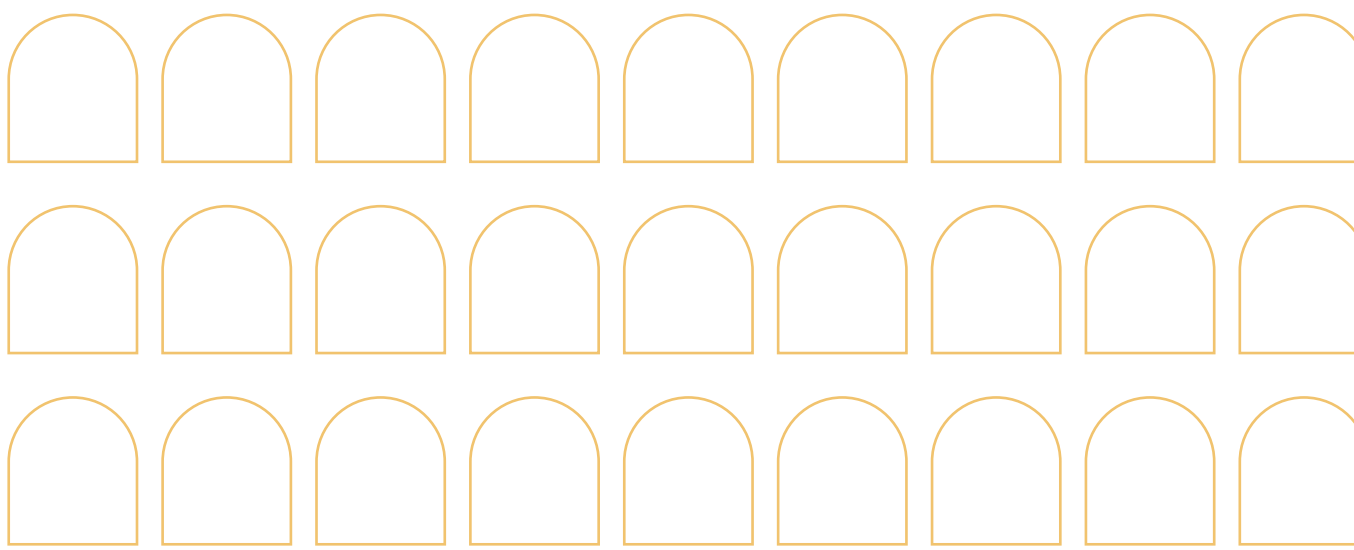
The most targeted group are women, with an average risk that is evaluated at 73%, in the high risk band. Only Germany is associated with a low risk in the fight against hate speech towards women. In the previous editions of the MPM, ethnic and religious minorities were assessed as being the highest risk group. However, the risk associated with hate speech toward ethnic and religious groups remains stable and high (69%), and it is at the same level as hate speech against people with disabilities.

This change may be attributed to the absence of data regarding the protection against hate speech in many countries. In total, the share of the “no data” answers amounts to 26% (see Figure 4.4.d). The variable 198 - *Have efforts to remove hate speech towards ethnic or religious minorities from social media been effective?*- has been coded as “no data” for seven countries. The variable 199- *Have efforts to remove hate speech towards people with disabilities from social media been effective?*- has been coded “no data” for 14 countries. The variable 200 - *Have efforts to remove hate speech towards women from social media been effective?*- Has been coded “no data” in 12 countries. In all these cases, the absence of data is considered to be a high risk.

Figure 4.4.d. “No Data” answers for the sub-indicator Protection against hate speech

JS chart by amCharts





## 5. CONCLUSIONS AND RECOMMENDATIONS

### Fundamental Protection

In the MPM2022 round of implementation, the Fundamental Protection area maintained the same average (35%) as in the previous round. Likewise, the indicator on the **Protection of freedom of expression** maintained the same risk average of (34%) that it had in MPM2021. As mentioned previously in this report, freedom of expression enjoys good levels of protection *de jure*, with constitutional and legal safeguards, which are in line with the international standards that are in place. However, when it comes to the implementation and enforcement of the legal framework, several issues that had already been flagged up in the previous round of MPM remain problematic, e.g.: the criminalisation of defamation, given that imprisonment or exorbitant fines are potentially disproportionate measures, and its consequent chilling effect on journalists; the use of strategic lawsuits against public participation (SLAPPs), which are often employed to threaten journalists, considering the requests for high damages; the dubious efficiency of the judiciary, or its political capture. In the online sphere, both public and non-public actors have an important role to play in ensuring that the freedom of expression is not undermined. In relation to public actors, most of the States do not limit freedom of expression online through general blocking or filtering measures. The MPM analysis once again confirmed that content moderation is disquieting, as online platforms are not sufficiently transparent about their practices, and do not provide disaggregated data that would allow for the full assessment of their practices in relation to the filtering/removal/blocking of online content. Similarly, the **right of access to information** is legally guaranteed across all of the EU Member and candidate countries that are assessed in the MPM. However, a substantial gap exists between the letter of FOI laws and their implementation and enforcement.



The MPM researchers reported that, in practice, journalists consistently continue to meet difficulties when requesting government information, which include refusals, unnecessary delays, administrative silence and diversionary tactics, and ineffective appeal procedures. Furthermore, despite the EU Member States having had to transpose the *Whistle-Blowers' Protection Directive* by December 2021, as at the time of the writing of this report, only 13 Member States had transposed the Directive into their national law. The variable, which was added in MPM2021, on general awareness about the available whistleblowers' protection, and its impact, has revealed that governments' efforts to increase awareness about the available protection for whistle-blowers are minimal. The indicator on **journalistic profession, standards and protection** has the highest risk average, 43%, a score which has also deteriorated, if compared to the MPM2021 (40%). This is due to the growing number of cases of attacks and threats to journalists, as a consequence of their work, both in the off and online environment, but especially to the killing of three journalists in 2021, in Greece, The Netherlands and Turkey. The last killing of a journalist that was acknowledged by the MPM dates back to 2019, when Lyra McKee was murdered during her assignment in Northern Ireland. As the Council of Europe (2022) reported, in 2021, the number of physical attacks on journalists rose by 61%, while incidents of harassment and intimidation, including that by politicians and government officials, increased by 57%. This indicator also shows that some EU Member States still have national laws that establish data retention obligations for Electronic Telecommunications Operators and Internet Service Providers which are not fully in line with the guidance provided by the CJEU. Similarly, a few Member States still need to ensure a proper balance between data protection and the freedom of expression, by properly implementing the *GDPR* and *Directive 2016/680*.

In relation to the indicator on the **independence of the media authority**, as previously discussed in this report, it must be highlighted that the national media regulators can play a key role in defining the standards for media policies in an environment that is increasingly being altered by new digital markets and services. For this reason, the media authorities should be free from economic and political interests in the appointment of their boards, when implementing their remit and when performing their statutory activities. Although the *AVMSD* has established more transparent criteria for guaranteeing the independence of media authorities, the MPM2022 shows that, in some countries, this is not yet a reality. Finally, the indicator on **Universal reach of traditional media and access to the internet** reflects the increasingly high standards of coverage and connectivity in the EU, and in Europe in general, and the importance of access to the internet, with good connectivity, and quality web content, despite some geographical inequalities.

## Recommendations

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

### *Protection of freedom of expression*

- To the States and to the EU: ensure transparency and access to data from online platforms regarding the filtering/removal/blocking of online content;
- To the States and to the EU: promote the implementation of effective anti-SLAPP frameworks, ones that are capable of preventing arbitrary and unlawful attempts to silence legitimate professional journalistic activities;
- Promote the decriminalisation of defamation.

### *Right of access to information*

- To the States and to the EU: improve transparency, efficiency and accountability in the context of FOI;
- To the States and to the EU: ensure the transposition and implementation of the *Whistleblower Directive (Directive (EU) 2019/1937)* across all of the EU, and of laws containing similar guarantees in non-EU countries.

### *Journalistic profession, standards and protection has the highest risk average*

- To the States and to the EU: promote the safety of journalists by raising awareness amongst State institutions (e.g., the judiciary and the police) about the importance of the media for democracy, and by avoiding impunity for crimes that are linked to journalism;
- To the States and to the EU: improve the working conditions of journalists by the adoption of legal frameworks that allow for better labour conditions in the sector. This would include extending the public social protection schemes to all of those persons who practice professional journalism (whether they are regularly employed or freelancers) and by incentivising collective bargaining to introduce new kinds of economic protection against market downturns.
- To the States and to the EU: improve and ensure the physical safety of journalists by strengthening and enforcing the standards that have been established by the ECtHR, in order to allow journalists and media actors to freely exercise their watchdog function.

### *Independence of the media authority*

- To the States: ensure and reinforce the independence of media authorities by establishing clear rules for appointment procedures, appropriate funding and accountability mechanisms. To the EU: in the framework of a stricter cooperation among media authorities at the European level, to strengthen the independence and to harmonise the remits of these authorities;
- To the States and to the EU: promote and enhance cooperation between media authorities and other state authorities, whose actions are relevant for the media sector, such as data protection authorities, establishing, for instance, data exchange procedures and mutual consultation mechanisms.

## **Market Plurality**

The **Market Plurality** area's results highlight the perduring economic threats to media pluralism. In spite of a slight decrease in the risk level - which is now at 66%, the upper edge of medium risk - this area still presents the highest risk level across all the areas in the Media Pluralism Monitor. The economic recovery which occurred in 2021 affected this indicator, with the financial sustainability of the media moderately improving as a result. A reduction in the risk level also emerges for the indicator on the transparency of media ownership. The main drivers of the risk, in this area, are related to the concentration of media ownership and to the dominance of only a few actors in the digital sphere. The risks to the economic independence of journalists and editorial content are still worrisome.

**Transparency of media ownership** is a fundamental principle in democratic societies and is a precondition for market plurality. It would not be possible to assess the existence of market and opinion power without knowing who owns the media. Moreover, for transparency to be effective, media ownership details must be accessible, not only by the regulatory authorities, but also by the public; and the media ownership disclosure must include all owners, up to the ultimate and beneficial owners. The MPM2022 implementation shows that there has been a slight improvement, due to the evolution of the legal framework. Many countries are implementing a register of beneficial and ultimate ownership. Relevant issues endure in some of the countries in which no media specific law exists, nor does the general commercial law guarantee media ownership transparency. Moreover, digital media frequently do not comply with the transparency obligations, when their headquarters are based outside of the country in which they operate.

Different regulatory frameworks are set across some of the Member States to limit **the concentration in the media market**, with the aim of protecting media plurality and diversity. They are often framed for the audiovisual sector, or, more generally, for the legacy media. Nonetheless, even if one looks only at the traditional sectors, the concentration of media ownership has always been a feature of the European media market, and this concentration has increased across the years, due to a growing tendency in the legacy media industry to merge and consolidate so as to face digital disruption. While jeopardising its economic equilibrium thus pushing the mainstream media industry towards further concentration, the digital ecosystem has also opened up opportunities for new media to be established and to arise. So far, however, this process has not been strong enough to substantially counteract the high concentration in the sector. In this regard, an issue emerging from the MPM exercise is the lack of reliable and standardised data on revenues and audiences when digital players are concerned. The very high risk that is associated with the indicator of News media concentration in MPM2022 confirms this scenario, and highlights the need for a reconceptualization, for the policy-making also, of media market plurality in the online environment.

To assess risks that are related to pluralism in the media market, the MPM has, since 2020, included in its analysis the actors that operate in the media market, even though they do not produce original content. The related indicator on **online platforms' concentration** scores as a high risk, due to the role of the digital intermediaries as gateways to news, and to their dominance in the online advertising market. A slight improvement in this field emerges in MPM2022, in the average score. When existent, it can be related to developments in consumers' habits when accessing news (going directly to the source, without algorithm-driven intermediation) and/or to the institutional response, with some attempts to update the competition and regulatory framework to the digital challenges. Since the current implementation, the MPM has started to assess the possible impact of new forms of economic relationships between publishers and platforms, also following enforced copyright protection: this is a phenomenon that is still limited across the EU countries, and, in some cases, it is not fully effective in guaranteeing the access of all the media actors to the negotiations.

In 2021, the risks for **media viability** decreased from a high to a medium risk; nonetheless, it should be noticed that the improvement in this indicator is not significant, from a quantitative point of view, and cannot be generalised to all the media sectors. In most countries, media revenues are still not back to the pre-COVID-19 level. And there are no signals of recovery for the press and for the local media. This result, confirming a long-lasting trend, is alarming, as the press sector is, traditionally, the one that most contributed to investigative journalism; as for local media, for their role as watchdogs of local powers.

The employment and salary conditions of journalists are still at high risk in those countries in which the MPM is implemented. Public support contributes to helping media resilience in some countries, but it is often ineffective in sustaining innovation, and therefore medium and long term survival.

Threats to media pluralism in the economic area also derive from **businesses' influence over editorial content**. The economic independence of journalism, and of journalists, is at risk. For the sake of this indicator, MPM2022's results do not register noticeable changes, if compared with the previous year. As noticed above, this result is strictly related to other factors of risk: the high concentration of ownership, on one hand, and the poor economic conditions of the market, which strengthen the commercial pressure while weakening the journalists' capability to counteract it, in particular, in those countries where no self-regulatory safeguards exist or are effectively guaranteed, on the other.

## Recommendations

### *Transparency of media ownership*

- To the EU: Harmonising the type of information that should be disclosed by all the media actors (traditional and online) in the form of an essential/basic list that is applicable across EU Member States (building on the 2018 *CoE Recommendation of the Committee of Ministers to Member States on Media Pluralism and Transparency* and of the *FATF Guidance for Collection of Information*);
- To the States: guaranteeing that the same amount and type of media ownership information that is given by all the relevant actors is provided by independent authorities, that it covers all of the media actors, and it is available and easily accessible, in a readable way, to the public.

### *Media ownership concentration*

- To the EU, to the States, and to the media authorities: introducing effective criteria and practices for measuring and assessing markets' and audiences' concentration, including both traditional and online media actors;
- To the EU: setting principles for the national media-specific rules so as to address media market concentration, prohibiting positions of dominance in the media sector, and introducing a "media pluralism test" with which to evaluate media-pluralism related issues in cases where there are mergers and acquisitions in the media sector.

### *Online platforms concentration and competition enforcement*

- To the EU: accompanying the adoption and implementation of the DMA with specific guidelines and proposals in the media sector so as to safeguard media pluralism, e.g., for the data sharing obligation;
- To the competition, media and data protection authorities: addressing the risks that are related with positions of dominance in the online advertising market, and also cooperating through joint initiatives in order to improve the knowledge of their features and functioning;
- To the States, the media industry and the online platforms: transparently reporting about the financing to the publishers by the digital platforms, and on the implementation of the *EU Directive on Copyright and Related Rights*. Introducing criteria and guidelines to safeguard media diversity and to avoid the exclusion of smaller and new media.

### *Media viability*

- To the EU: establishing an EU fund for media pluralism. Considering the possibility of earmarking part of the revenues of the new regime for the international taxation of digital multinationals in order to finance the fund;
- To the States: introducing or, when existent, strengthening public support for the media, with transparent and accountable criteria for its distribution (see the area of Political Independence, below); establishing economic criteria for the allocation of these funds. These criteria should be aimed at guaranteeing market plurality and media diversity, promoting innovation and start-ups that are created by journalists, and supporting investigative journalism projects.

### *Commercial & owner influence over editorial content*

- To the EU and to the States: enacting the principles to guarantee editorial independence from commercial and owners' influences, with reinforced safeguards in cases in which the media-owners are conglomerates with multiple and intertwined interests. Updating and enforcing the rules in order to protect consumers against disguised advertising, particularly in the online environment;
- To the States: introducing or strengthening public social protection schemes for journalists, including freelancers;
- To the professional councils and the media industry: promoting effective self-regulatory safeguards with which to protect journalists against commercial pressure.

## Political Independence

Political pluralism continues to be jeopardised by the same sources of risks as in the previous rounds of the MPM: political control of the media organisations and news-making, or attempts thereat; the politicisation of the distribution of resources to the media; the fragility of editorial autonomy; and the lack of effective safeguards to ensure the independence of public service media. The stability of risk scores related to this area, as well as their slight increase in past years (from 47% in MPM2020, to 49% in MPM2022) indicate that, even though they have been long recognised and acknowledged, not much has been achieved in ensuring higher levels of political independence and political pluralism in the media across the European Union and the candidate countries.

The overall medium risk score (56%) for the indicator on the **Political independence of media** warns us about the political capture of the media across both the EU and the candidate countries. The problem continues to be more prevalent with regard to the legacy media: newspapers and audiovisual media are evaluated as being at higher risk of political control, followed by radio. Digital native media, at the moment, seem to be the least susceptible to political control, however, there have also been examples of capture and strong politicisation in that sector. Furthermore, a lack of transparency in relation to native digital media ownership and editorials has been noted, which makes the detection of political capture more difficult. The laws to prevent conflicts of interest are often inadequate for a media specific field, or they are not effectively implemented.

One of the key guarantors of journalistic freedom, **Editorial autonomy**, is the highest risk scoring indicator in this area (59%). In the vast majority of the countries that are encompassed by the MPM2022 there are no efficient mechanisms with which to protect editorial autonomy. This stands as a growing challenge in a context in which the media struggle to survive, and thus to experiment with business models and new business practices, which often blur the line between the news and advertising, or rely more on public aid and government subsidies.

**The media continue to play an important role in election periods:** providing a platform on which parties and candidates can deliver their messages, and inform voters. This is the lowest scoring indicator in the **Political Independence** area, due to a long tradition of media regulation in the electoral period across the countries covered. However, a source of concern should be a growing split between the news media and online platforms: as **platforms are increasingly shaping the agenda in electoral periods**, by algorithmically increasing visibility to certain issues and voices over others, and by making their own policies on political advertising in **default of common or national rules to ensure fair play, transparency, and conditions for political pluralism**.

With the financial difficulties that media outlets are facing, in many countries, State support plays a pivotal role in maintaining newsrooms' viability. The indicator **State regulation of resources and support to the media sector** looks at the fairness and transparency of the laws and processes that guide the distribution of State managed resources. It is the second lowest scoring indicator in this area, at the lower end of the medium risk band (41%). As the COVID-19 pandemic has required EU member states to step in and save businesses (amongst them, the media), the process of allocating subsidies to private news outlets has become fairer and more transparent – it is still to be seen whether this development is permanent, or just a temporary effect of the recent crisis. Subsidies, both direct and indirect, are still more widely available to print outlets than to digital media, but improvements are visible, as more and more countries extend their subsidy schemes to the digital environment. Direct subsidies are more likely to be misused than indirect ones, but **the greatest threat still comes from State advertising, which is often used as a covert State subsidy**, with numerous examples of biased allocation.

The indicator **Independence of PSM governance and funding** scores an overall medium risk (55%). There are different models of public service media management in Europe, but despite this diversity in management systems, the data collection and analysis show that, in more than a half of the countries covered, there is a high risk of political influence on the appointments of the managing board and the Director General. Significant concerns also emerge from the sub-indicator that is related to funding schemes for the public service media in both the EU and the candidate countries. In many cases, the government decides about the level of financing, without public or expert discussions, leaving the PSM dependent on politics. There are also many cases in which the PSM's online service has no clear mission and lacks adequate financing, or where safeguards to prevent distorting competition are missing.

## Recommendations

### *Political independence of the media*

- To the States and to the public authorities: The prevention of conflicts of interest is not effectively regulated in the majority of those countries that are encompassed by the MPM2022. While many countries have general laws against conflicts of interest, in their enforcement, the specificities of the media industry are not adequately taken into account. The recommendation is thus that the relevant public authorities that are mandated to implement the regulation against conflict of interest, should invest in educating their personnel on occurrences of conflict of interest in the media, which arise from the incompatibility between holding government office



- and participating in media ownership, as well as from a situation in which media owners, regularly or predominantly, do business with the government through their other businesses.

#### *Editorial autonomy*

- To the professional journalists' associations and the media industry: the media organisations, in particular public service media and professional journalists' associations, should reconsider the concept of editorial autonomy and how it can be protected in an increasingly challenging environment in which political pressures are further exacerbated by the economic instability of media business models, and continuous digital transformation is affecting newsroom practices, audience habits, and the very business of media.

#### *Audio visual media, online platforms and elections*

- To the States: in line with the *Recommendation of the Council of Europe (CM/Rec(2022)12)* and the developing *EU policy framework (COM/2021/731 final)*, the States should step up their efforts to ensure a high level of transparency for political advertising online by requiring the clear labelling of such advertising on all platforms; transparent and accessible repositories of political ads; transparency of spending and the techniques that are used in social media political campaigns; the transparency of content curation and ranking policies by online platforms in relation to paid political advertising; as well as adequate oversight and enforcement of *GDPR* in the electoral context.

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

- To the States and to the media: an increasing need for public support for the media may also increase the risk of the politicisation of its distribution. The great threat still comes from State advertising, which is sometimes used as a covert State subsidy for the media. The States should, thus, ensure that all State support for journalists and the media is distributed in a transparent way and is based on a set of clearly defined criteria. The States should also develop and implement rules requiring that ministries, State bodies, public institutions, and State-owned companies regularly report, in a transparent and accessible way, on the advertising that is carried out, publishing information on advertising spending on their websites or in a joint repository. Similarly, the media should be incentivised, or even legally bound, to regularly report in a transparent and accessible way on those revenues that are generated from State aid; from other forms of State subsidies; from local and regional government; and from State advertising.

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

- To the States and to the EU: The European Commission, within its policy to tackle disinformation and towards proposing the *European Media Freedom Act*, should strongly encourage Member States to reconsider, legally define, and adequately finance the online mission of the public service media, who can play an important role in responding to information disorder and making its resources available for increasing the overall quality of journalism and media literacy in the country. However, a key precondition for extending the PSM's mission to the online sphere is its political independence, editorial autonomy, and adherence to the highest professional standards. As political independence is currently a fragile category in the majority of the countries that are covered by the MPM2022, it is of utmost importance that the Member States, guided by the EU, redesign appointment procedures for the management of public service media, working in this process with experts, civil society, professional associations of journalists and the European Broadcasting Union, towards ensuring true political independence.

## Social Inclusiveness

While the **Social Inclusiveness** area shows a slight improvement, in comparison with the previous edition of the *MPM*, with an average risk that is estimated at 54%, some problems are still perduring, such as the limited access to media for women in news production but also in terms of news content, and the scanty access to minorities. This edition has also highlighted the issue linked to the **Protection against hate speech**, whose associated risk has increased.

Despite some visible improvements, the **Access to the media for women** is not adequate, either in terms of news production, or in terms of news representations. On the one hand, gender parity in managerial and top executive positions is rarely achieved, be it in the public service media or in commercial media outlets. In most countries, there are more male editors-in-chief for the main media outlets than there are female, with the noticeable exceptions of Croatia and Lithuania. On the other hand, news representations of women tend to be stereotypical. Women are also less likely to intervene as experts in the media, despite the emergence of local initiatives to promote female expertise in the news.

In line with the results of the previous edition of the *MPM*, preventing and limiting the spread of harmful speech remains a problem in most of the countries studied. The risk associated with **Protection against hate speech** has increased in 2021, despite the transposition of the *AVMSD Directive* in many countries. Such an increase is triggered by

the absence of reliable and actualised data regarding hate speech cases in almost one third of the countries. Given the methodology of the *MPM* (see Annexe 1), the absence of reliable and actualised data is, by default, considered to be a source of risk.

As far as disinformation is concerned, it appears that the countries with the lowest risk levels, in terms of disinformation, are relying on the cooperation of different actors: governmental actors, media actors, and civil society. The adoption of a legal framework within which to fight against disinformation often triggers intense discussion. Legal frameworks to fight against disinformation tend to be either too restrictive and thus to limit the freedom of expression, or too loose to be efficient. Besides, if they do exist, it is difficult to assess the efficiency of such regulatory frameworks, as they are still recent.

In terms of access to media for minorities, many ethnic and religious minorities are struggling for a voice, and for just representation, which is of particular concern considering the influx of refugees and migrants to Europe in the last few years. Regarding access to media for people with disabilities, the overall risk has increased, as there is not enough monitoring to ensure the application of existing regulatory frameworks.

In the majority of these countries, community media are still not recognised in media law as a category *per se*. This absence of a specific legal status may jeopardise their independence, as well as their subsistence. Regarding regional/local media, the main issue that has been spotted remains the sustainability of these local and regional media outlets, and this is due to the absence of adequate subsidies.

Finally, the COVID-19 pandemic has emphasised the need to strengthen media literacy policies and to adopt a more comprehensive approach. However, such an approach requires a form of cooperation between the different actors in the field of literacy, as well as adequate funding. Both elements are often lacking in most of the countries. For example, when media literacy is implemented in the compulsory education curriculum, the training for the teachers is often missing. A good example of media literacy policy, based on a plurality of actors, is seen in Luxembourg (see Kies et al., 2022).

## Recommendations

### *Access to media for minorities*

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

*Access to local/regional media and to community media*

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

*Access to media for women*

- To the national governments. A comprehensive gender equality policy should be included in public service media agreements. Such a policy needs to include parity within management positions and newsrooms;
- To national media authorities, professional associations and media outlets. Some self-regulatory mechanisms and codes of conduct that condemn and combat gender stereotypes in news media should be adopted.

*Media Literacy*

- To national governments and civil society. Media literacy policies should include a variety of stakeholders in order to be comprehensive. Media literacy should be included in the mandatory curriculum in formal education, as well as in teachers' education. Teachers should be adequately trained. Civil society actors should be included in national media literacy policies so as to provide media literacy training to those parts of the population that are more difficult to reach (rural population, elders). Media literacy education programs should be adapted to include digital issues, such as disinformation and hate speech.

*Protection against illegal and harmful speech*

- To the EU. The implementation of a multi-stakeholders' regulatory framework, including media authorities, media outlets and civil society, must be encouraged and privileged over legal frameworks in order to fight the cases of disinformation that are often a source of concern for freedom of expression. Social media platforms must be encouraged to make an effort for transparency and to provide comprehensive data regarding the circulation of disinformation.

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# ANNEXE 1. METHODOLOGY

## Research design

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

The data for the MPM2022 were gathered through a structured questionnaire with closed questions (except for the economic questions, where benchmarks are set in order to translate them into qualitative answers – The data for the MPM2022 were gathered through a structured questionnaire with closed questions (except for the economic questions, where benchmarks are set in order to translate them into qualitative answers.<sup>48</sup> This method allowed for the gathering of both quantitative and qualitative data, which proved to be crucial in assessing the risks to media pluralism in the EU. Additionally, this method allowed the quantitative analysis of answers, and the production of a numerical risk assessment, which is essential in order to obtain comparable results across countries.

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

The final assessment per area of risk is carried out using a standardised formula that has been developed by the CMPF (please see Paragraph 5.3 on the MPM2022’s structure and calibration).

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48 Please see the MPM2022 questionnaire, available at: [https://cmpf.eui.eu/wp-content/uploads/2022/06/questionnaire\\_cmpf\\_variables\\_2022.pdf](https://cmpf.eui.eu/wp-content/uploads/2022/06/questionnaire_cmpf_variables_2022.pdf)



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

For a list of selected countries, the final country report, which is authored by the country team, has also been further independently peer-reviewed by a leading media scholar in the country concerned. The procedure aims to maximise the accuracy of the final report. In these cases, the country report does not necessarily reflect the views of the additional peer-reviewer, however, the reviewer acknowledges that there is enough empirical evidence to justify the content of the country report. The country reports that are submitted to this additional peer-reviewing are selected in such a way that they represent all of the different regions of Europe. Countries were selected for peer review for at least one of the following three reasons: 1) a quickly-evolving situation during the past year, 2) a change of country team, and 3) the presence of a high-risk evaluation in the previous country reports.

The MPM is a holistic tool that is designed to identify the potential risks to media pluralism in Member States. The research design of the MPM was developed and tested during the two pilot implementations of the Monitor, in 2014 and 2015. It mostly focuses its analysis on news and current affairs. However, it must be noted that, as in previous MPMs (2014, 2015, 2016, 2017, 2020 and 2021), “all indicators that assess the general universality of media coverage and the outreach of the diffusion of information” (CMPF, 2015, 2016, 2017, 2020 and 2021) are included in the MPM. “They are considered to be basic indicators that are relevant to the infrastructure and universality principles as a whole” (CMPF, 2015, 2016, 2017, 2020 and 2021). In particular, indicators on Access to the media for minorities and people with disabilities, and Media literacy, are preserved as part of this holistic principle.

In order to meet the challenges that emerge from this periodic large scale comparative analysis, the MPM2022 is mostly informed by secondary data, which are collected through a questionnaire, and supplemented with primary data, gathered through interviews and document analyses (e.g., of legal and academic texts), together with the Group of Experts’ evaluation of the variables that are more difficult to measure, and/or that require a qualitative type of measurement, and/or that showed a lack of measurable and easily verifiable data. As had already been discovered from the implementation of the first MPM’s pilot-test (2014), there are many reliable, available materials which can be used as primary and secondary sources, e.g., national laws, case law, decision practice, governmental documents, NGO reports, official statistics, and academic research.

The secondary data analysis, with the cited integrations, has therefore proven to be a useful and effective approach in ensuring reliable and valid findings in the context of this project. When comprehensive, EU-wide data are available for a given variable (for example, through Eurostat surveys), the CMPF suggests that the country teams use a common dataset in their assessments so as to ensure that answers are more easily comparable across countries.

## Research and the fine-tuning of the questionnaire

The MPM2022 is an update of the MPM2021 tool. As was the practice in previous years, the CMPF updated and fine-tuned the questionnaire of the previous implementation, in this case, MPM2021, and, based on the evaluation of the tool after its implementation, the results of the previous data collection and any newly available data.

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

In the MPM2022, no major change was implemented. A description of the main differences, compared to the MPM2021 questionnaire, is given below.

The first area assessed by the Monitor is called "Fundamental Protection" (until 2020, it was called "Basic Protection"). Its five indicators are the same as in the previous MPM round: (1) Protection of freedom of expression, (2) Protection of right to information, (3) Journalistic profession, standards and protection, (4) Independence and effectiveness of the media authority and the (5) Universal reach of traditional media and access to the Internet. In the MPM2020, new variables and new sub-indicators were included in the Fundamental Protection area in order to address the potential challenges to freedom of expression online (please see the methodological section of the MPM2020 Final Report). In the MPM2022, only minor changes were made: in the variable that assesses whether online platforms generally refrain from filtering and/or monitoring, and/or blocking, and/or removing online content in an arbitrary way, and the variable that looks at whether online platforms report on filtering and removals in a transparent and effective way, the ISPs were removed from the scope of the question, so as to focus exclusively on online platforms. The questions on attacks against women journalists were redesigned in order to acknowledge that these issues deserve separate attention and to make up for the lack of data in previous assessments.

The design of the Market Plurality area is unchanged following the major revisions that were introduced in the MPM2020. The 5 indicators are the same as those in the previous year, namely: (1) Transparency of media ownership, (2) News media concentration, (3) Online platforms' concentration and competition enforcement, (4) Media viability, (5) Commercial and owner influence over editorial content. Only minor revisions have been introduced into the questionnaire for the MPM2022. In the indicator on the Transparency of media ownership, the description of the variables has been updated, asking the country teams to consider whether their country has transposed and implemented the EU Directive on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing (EU 2018/843). The indicator on "Online platforms' concentration and competition enforcement" was simplified, and some variables were merged into the sub-indicator on "Competition enforcement". Moreover, a new variable was added in the same sub-indicator, as June 7th, 2021, marked the deadline to transpose the *EU Directive on Copyright and Related Rights in the Single Market* (EU 2019/790). The new variable thus aims to assess whether, following the transposition and implementation of the new EU directive or, in the absence of the transposition, by means of spontaneous initiatives by the platforms and/or the publishers, agreements have been made to remunerate the content provider by sharing services' providers (search engines, social media, news aggregators). In the Media viability indicator, as, in previous implementations, the Country Teams have been asked to compare the market revenues' trends with the GDP's trends; for MPM2022, a more detailed method of comparison has been provided in the description of the variables, specifying that the comparison had to be carried out in nominal terms.

The Political Independence area continues to be composed of the same five indicators: (1) Political independence of media; (2) Editorial autonomy; (3) Audio visual media, online platforms and elections; (4) State regulation of resources and support to the media sector; (5) Independence of PSM governance and funding. In the MPM2022, there has been a slight change in the indicator on "Editorial autonomy", as it was suspended the question on the availability of specific codes of conduct or guidelines for the use of social media by journalists. In the indicator "Audio visual media, online platforms and elections" the question on the transparency of political advertising on online platforms was rephrased to assess the state of play in a given country beyond the implementation of the Code of Practice on Disinformation (with an eye on the evolving Digital Service Act, and considering also that there may exist country specific rules and conditions). The question now asks whether online platforms and social media take sufficient steps to ensure the transparency of online political advertising.

In the Social Inclusiveness area, the indicators remained the same: (1) Access to media for minorities, (2) Access to media for local/regional communities and for community media, (3) Access to media for women, (4) Media literacy, (5) Protection against illegal and harmful speech. However, the composition of the questionnaire was slightly modified for the indicators “Access to media for local/regional communities and for community media” and “Protection against illegal and harmful speech”. In the indicator on “Access to media for local/regional communities and for community media”, a new question was added in the sub-indicator “Access to regional/local media” in order to complement the variable that asks whether the PSM is obliged to keep its own local/regional correspondents or branches. The additional variable is a reality check, it asks whether the PSM, in fact, keeps its own local/regional correspondents or branches. In the sub-indicator “Protection against disinformation” (part of the indicator “Protection against illegal and harmful speech”), questions were added and amended in such a way that follow-up questions to the general assessment of the state of disinformation of the country look at: a) the existence and quality of laws or policies to counter disinformation, b) the effectiveness of regulatory measures, and, c) the existence of civil society and non-governmental initiatives to fight disinformation.

## **MPM2022 structure and calibration**

All of the questions in the MPM questionnaire are classified as variables. Variables are grouped into sub-indicators, and sub-indicators into indicators, which are integral parts of each MPM area. In addition, each question in the questionnaire has been classified as belonging to one of the four question types: Legal (L) questions, which are focused on whether or not a particular provision exists in a country’s legal framework, and whether due process is in place to ensure the effectiveness of the legal safeguards; Socio-political (S) questions, which examine the actual practice (i.e., a reality check); while economic (E) questions were designed to assess the risk, based on the economic data that are related and that affect media pluralism (e.g., market revenues, audience shares). In order to determine the risk for each variable, sub-indicator and indicator, a standardised formula has been applied to the entire MPM questionnaire. The formula was designed by drawing from previous studies, in which the indices were based on a list of questions/ indicators for which the answers were calibrated on a scale from 0 to 1 (e.g., Gilardi, 2002; Hanretty, 2009).

In other words, each variable is assessed by a question and receives a score from 0 to 1, according to the specific answer. The questions with a yes/no reply are rated 0 or 1. The other variables (three-option replies) are rated 0/0.5/1, according to the band into which the reply falls.

The overall result is then obtained by calculating the average of the average of the variables of the same question type (be it a legal, social or economic type of question) for each level of analysis (sub-indicators, indicators, area). The process of calibration, quantitative and qualitative answers of both a dichotomous (e.g., yes - no) and a polychotomous (e.g., low, medium, high risk) nature have thus been transformed into a scale, ranging from 0 to 1, when assigning values to the answers of the Monitor.<sup>49</sup> Scores closer to 0 indicate a low risk assessment, while those closer to 1 indicate a high risk assessment.

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

## Assessing the risk of lack of data

As the previous implementations have shown, some of the data - mostly those relating to economic factors- are missing across many of the EU Member States, and in order to better capture this information, the Monitor allows the option of a “no data” answer. Following the choice of this answer, the country teams were asked to evaluate whether the lack of data represents a transparency problem within their national context, i.e., to evaluate whether the lack of data should be seen as being problematic in their country. In this way, the specific characteristics of the national context were accounted for, since there may be a variety of reasons why certain data are not available/accessible across EU Member States and Candidate Countries, and not all of these reasons may be causes for concern.

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<sup>49</sup> The same calibration was applied to the quantitative answers of all of the Economic questions (E), whose answers were firstly transformed into qualitative replies (low, medium, high risk), based on pre-set benchmarks.

In order to ensure that all “no data” answers have contributed to the national risk assessments in the same way, a standardised procedure for assigning values to the “no data” answers was developed by the CMPF. According to this procedure, each “no data” answer was coded and was assigned one of the following five possible values: 1) very low risk: a value of 0.00; 2) low risk: a value of 0.25; 3) high risk: a value of 0.75; 4) very high risk: a value of 1; 5) missing data: when this was due to technical issues, was interpreted as “not applicable”, and was excluded from the analysis.

Generally, the following procedure was applied: firstly, if a local team took a position in the answer that indicated that a high risk was present, or, in contrast, that the lack of data was not problematic, then the CMPF followed this suggestion, and coded it accordingly, as “no data”, with either a low or a high risk value. In cases where the answer was vague, or where its meaning had to be deduced, the following criteria were considered:

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

In the **Market Plurality area**, the MPM questionnaire asks for numeric values with which to assess concentration (Top4 index for market and audience) in the news media ownership (horizontal and cross-media), in the online audience and in the online advertising market. A lack of data for these indicators is coded as a risk (high or very high), as their availability is a condition for the market being transparent and open; and is a precon-

dition of any intervention to protect or restore external pluralism, and on which to base public support for the media sector, if needed. The evaluation of the lack of data in the Market area thus follow **additional guidelines**.

- a. In relation to the questions regarding **market and audience concentration**, the lack of data can be coded as high risk or very high risk, according to the following criteria:
  - if country data on audiences are available, but those on revenue shares are not, and vice versa: the “No data” answer is given a “missing data” value, meaning that the findings are based on the available variable. In other words, the missing data is considered to be optional, as audience measurement, or revenue measurement alone, are sufficient to assess market concentration;
  - if the country produces neither data on the audience, nor on the revenue shares: the lack of data for revenue shares is coded as being “very high risk”, and the lack of audience share data as “missing data”;
  - if data are difficult to collect, due to the evolving technological environment (e.g. a lack of standardised metrics with which to measure the digital media market and the audience), then the lack of data is coded as high risk.
- b. For questions requiring the revenues and employment data in the indicator on **Media viability**:
  - With regard to the sub-indicator on revenue trends: the MPM aims to assess the economic trends in the year of implementation. Considering that official primary data may not be available at the time of the data collection, other sources (research, commercial industry, stakeholders associations) can be used by the country teams to provide an estimation of the economic trends, under the CMPF’s supervision. The lack of data is consequently evaluated taking into account the national context (e.g., if they are temporarily or permanently unavailable). The MPM’s questionnaire aims to assess separately the trend for each sector (audiovisual, radio, newspapers, digital native, local media); a back-up question asks for the total revenues of the news media. If there are data on the total news media revenue trends, the “no data” answers for the single sectors will be marked as “missing data” (and therefore neutralised in the final score of the sub-indicator); if the overall data are missing, the lack of data will be scored as high risk for the back-up question, and as “missing data” for the single sectors; if there are separate data on each sector, the back-up question will be neutralised in the scoring of the risk (to avoid counting the same risk twice). The lack of data on total news media advertising is marked as “high risk”.

- With regard to the sub-indicator on employment and salary trends: the lack of data is scored as being high risk, except when this is due to technical reasons; when the phenomenon is not relevant in the country (e.g., when there is a very limited presence of a freelance contribution for the variables on freelancers); when there are data on other variables in the same sub-indicator that show related trends (e.g., the number of journalists, layoffs and salary cuts; the number of news media outlets) the answer to one of these variables is considered enough to assess the trends in employment and salaries.

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

## **MPM2022 aggregation method**

The aggregation method relied on approaches that have been used in previous studies (for an overview, see Hanretty & Koop, 2012), but taking into account the traditions and logic of the Media Pluralism Monitor project. Specifically, the method is based on the mean of the item scores, used as the most common aggregation method to calculate indices, and it was updated to take into account the logic of the MPM, which has traditionally relied on the groupings of legal, socio-political and economic variables.

Consequently, the procedure for establishing the risk assessment of an indicator works as follows:

1. Calculate the mean of L variables within the sub-indicator;
2. Calculate the mean of E variables within the sub-indicator;
3. Calculate the mean of S variables within the sub-indicator;
4. Calculate the mean of 1), 2) and 3). This is the result of the sub-indicator;
5. The value of the indicator is calculated as the mean of all its sub-indicators.

Finally, the risk assessment of the area is calculated as the mean of all its indicators (five per area). It should be noted that all values were presented as percentages, for ease of use and interpretation (e.g., a score of 0.46 is presented as a risk of 46%). The results for each area and indicator are presented on a scale from 0% to 100%. Scores between 0 and 33% are considered to be low risk, above 33 to 66% are considered to be medium risk, while those between above 67 and 100% are considered of as high risk.



On the level of indicators, scores of 0 were rated as 3%, and scores of 100 were rated as 97%, by default, in order to avoid an assessment of a total absence or certainty of risk, concepts that are in contrast with the natural logic of the MPM tool. This trimming of the extreme values, as a methodological novelty that was introduced in MPM2016, was developed in collaboration with Gianni Betti, Professor of Statistics at the University of Siena.

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

## Data collection and research network

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

Most of the MPM2022 research network was confirmed from the 2021 implementation, in an effort to, as much as possible, ensure continuity, and therefore comparability. However, some changes or additions in the staff took place with regard to the country teams from the Czech Republic, Denmark, Finland, Greece, Hungary, Ireland, Montenegro, the Netherlands, Portugal, Slovakia, Spain and Turkey. The questionnaire was answered by national teams that were composed of renowned experts in media pluralism and media freedom in each of the countries analysed. In Italy, the data collection was carried out directly by the CMPF team. As in previous implementations, cooperation with national teams of experts proved to be essential during the implementation of the MPM2022. Firstly, due to the necessity of relying on secondary data, which is often in the native language, it is essential to have local experts who were not only able to collect these data, but were also able to evaluate their reliability and validity.

The Authors thank Lorenzo Corsani, Giulia Giannasi, and Giorgio Gamberini for the technical support in the data collection and the info-graphics. The Authors wish to thank the MPM Country Teams who carried out the data collection for each country and the experts who participated in the “group of experts procedure”. As every year, their work and passion were essential for the success of the project.



The European Commission supports the EUI through the EU budget. This publication reflects the views only of the author(s) and the Commission cannot be held responsible for any use which may be made of the information contained therein.

doi:10.2870/064168  
ISBN:978-92-9466-259-0  
QM-05-22-168-EN-N



Publications Office  
of the European Union

