



Independent Study on Indicators for Media Pluralism in the Member States – Towards a Risk-Based Approach

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1. PREFACE

1.1. Background Information

The protection of media pluralism has been a recurrent concern of the European Parliament, inviting the Commission on several occasions since the 1990s to propose concrete measures to safeguard media pluralism.¹ However, the various consultations held by the Commission in the last fifteen years have led to the conclusion that it would be inappropriate to submit a Community initiative on pluralism. The failed attempt to launch a harmonisation directive on pluralism and media ownership in the mid 1990s² demonstrated the political sensitivities surrounding the subject and the need for a balanced and realistic approach which would take into account the specificities of media markets in the various Member States. The successive enlargements of the European Union, in which Central and Eastern European countries, characterised by relatively young media markets and intense media reforms, have joined, has further diminished the feasibility and appropriateness of a uniform approach to media pluralism.

Media pluralism is a concept that goes far beyond media ownership, as was rightly pointed out at the Liverpool Audiovisual Conference and in Commission Staff Working Document SEC(2007)32 of 16 January 2007.³ It embraces many aspects, ranging from, for example, merger control rules to content requirements in broadcasting licensing systems, the establishment of editorial freedoms, the independence and status of public service broadcasters, the professional situation of journalists, the relationship between media and political actors, etc. It encompasses all measures that ensure citizens' access to a variety of information sources and voices, allowing them to form opinions *without the undue influence of one dominant opinion forming power*.⁴ Following the subsidiarity principle, most of these measures fall within the remit of the Member States.

Nevertheless, even though many different measures are already in place, mainly at national level, but a limited number also at EU level, concerns about media pluralism in the EU continue to surface at regular intervals. One area in which EU action is feasible and provides additional value, is the development of a neutral and objective monitoring mechanism, which will enhance the auditability of media pluralism. In January 2007, the European Commission launched a three-step approach for advancing the debate on media pluralism within the European Union. Following the publication of the aforementioned Commission Staff Working Document SEC(2007)32, an independent study was commissioned to develop differentiated sets of indicators that should cover pertinent legal, economic and socio-cultural considerations, and that, taken together, should be placed within a risk-based analytical framework. The results of this study will feed into a Commission Communication on media pluralism at the end of 2009.

The study resulted in the design of a European *Media Pluralism Monitor*. This instrument will equip policy makers and regulatory authorities with the tools to detect and manage societal risks in this area and provide them with a stronger evidentiary basis to define priorities and

¹ See recently: European Parliament (2008). Resolution of 25 September 2008 on concentration and pluralism in the media in the European Union.

² See: European Commission (1992). Green Paper on Pluralism and Media Concentration in the Internal Market: An Assessment of the Need for Community Action, Commission Green Paper, COM (92) 480 final, Brussels, 23 December 1992.

³ European Commission (2007). Commission Staff Working Document - Media pluralism in the Member States of the European Union, 16 January 2007, SEC(2007) 32, http://ec.europa.eu/information_society/media_taskforce/doc/pluralism/media_pluralism_swp_en.pdf.

⁴ *Ibid.*, 5.

actions for improving media pluralism within the EU Member States. The introduction of a single monitoring system throughout the EU will ensure a uniform basis for dealing with pluralism issues and provide a more objective basis for the often heated political and economic arguments. At the same time – since the tool is diagnostic and confined to the monitoring of risks – it still leaves sufficient scope for Member States to define policies depending on their likely diverging normative interpretations of media pluralism⁵ and the level of risk they are willing to accept (their ‘risk-appetite’).

1.2. Monitoring and Promoting Media Pluralism

Media and communications are among the sectors most affected by contemporary technical and economic changes and their transformation is affecting how pluralism is supplied, distributed, and used. Traditional policy approaches to media and pluralism policy that were developed in an earlier era are being strained by these changes and there is a growing need to develop policy approaches appropriate for the contemporary and future environment and policies that can obtain benefit from new opportunities presented new information, communication, and media technologies.

Fashioning effective policies to address pluralism in this environment requires a clear assessment of the contemporary state of pluralism, recognition of underlying forces affecting media structures and operations, and comprehension of how contemporary technical and economic changes are affecting the potential for pluralism.

Pluralism is a normative objective that can be facilitated or hindered by social and economic conditions and by public and private choices. The Media Pluralism Monitor is designed to assess the extent to which factors that can constrain pluralism are present, to evaluate whether those factors are mitigated by other factors, and to provide indicators of the degree of risk to various elements of pluralism.

Pluralism can be harmed by political and legal, economic and market, or social constraints on content or the means by which content is communicated. Consequently, greater potential for pluralism exists when political and legal constraints are diminished, when more content creators/suppliers exist, if multiple distribution mechanisms exist, and when audiences or users have choices among suppliers and distributors and when they are effectively able to engage in public communication themselves. There is no single or simple policy mechanism for achieving these desirable outcomes and the degree to which they can be achieved varies considerably among nations because of underlying market factors.

Some of these factors are consequences of geography, demographics, economies, media market structures, and public policies. Some factors are uncontrollable or unintended consequences of other factors; whereas other factors are intentional outcomes of factors that were planned or controllable. The Media Pluralism Monitor helps identify areas of concern, but in seeking to address those pluralism concerns policy makers need to be cognizant of root causes that may limit pluralism if they are to fashion effective policies.

⁵ When analysing national and European policy discourses, two major normative approaches can be detected: the neo-liberal marketplace of ideas model, on the one hand, and the Habermasian public sphere approach, which contains the notion of unifying public discourse, on the other hand. This dichotomy can also be understood in terms of regulatory approaches to media diversity: the competition or market approach, endorsing economic regulation to prevent market failure, and the interventionist or public regulation approach, involving an active media policy. The first approach equates diversity with freedom of choice and defends the viewpoint that diversity is best achieved when people can freely enter the ‘marketplace of ideas’ without any governmental constraints, a concept based upon classical economic market theory. The second approach relies on a different interpretation of diversity, highlighting the importance of various political views and cultural values, the support of which may require state intervention. The Media Pluralism Monitor is compatible with both of these approaches.

Population/market size, for example, affects the economic ability to support multiple suppliers of content. In countries with less than 10 million inhabitants, there will normally be 1 to 2 dominant media firms. This typically rises to 2 to 3 firms when the population is between 10 to 20 million. If there are 20 to 50 million persons in a country, there will usually be 3 to 4 leading firms and this rises to 4 to 5 if there the population is 50 to 100 million. Above that size is it normal that there are 5 to 6 leading firms. These limited numbers of firms often lead to pluralism concerns and typically exceed threshold for competition law concern. However, they are usually created by factors that cannot be easily addressed by pluralism policy and anti-cartel measures.

Underlying economic factors related to media production also create tendencies that may limit the number of firms and the potential for pluralism. Media face high first copy costs in producing content, but the marginal costs for additional production are near zero in many media. These factors combine with high fixed costs for traditional media and significant economies of scale and scope for producing physical media, creating an impetus and incentives for companies to serve large markets and toward the creation of concentration.

Financial factors create tendencies that sometimes run counter to desires to have multiple media firms. Because of huge investments needed to create television, cable, satellite, video-on-demand systems, few firms have necessary financial resources to do so and regulators may be faced with choices of allowing large established firms to become larger through such investments, to permit foreign players to enter, or to forego some domestic media services.

Competitive factors also harm and promote pluralism. High competition and heavy commercialism of content can produce a narrower range of content that can harm pluralism by leading to a reduction in diversity because of ruinous competition⁶ and because companies engage in competition that leads to ‘excessive sameness’.⁷ When commercial operations are involved there are incentives to be less politically biased to cater to interests of wider audiences,⁸ but these incentives may be ignored if an owner or managers are political figures or actively trying to influence political outcomes.

These kinds of factors need to be considered when interpreting a pluralism assessment and in fashioning policies to promote increased pluralism.

1.3. Contemporary Technical and Economic Trends and their Implications

Pluralism is pursued in an environment that is dynamic rather than static. Consequently, when environmental conditions are altered, the efficacy and effectiveness of methods used to promote pluralism may diminish, increase, or need to be replaced or supplemented by new means. This feature has particular contemporary significance because media and communications systems are in a period of extraordinary change due to technical advances and their economic consequences.

Changing technical and economic conditions in recent years have and are continuing to altering the media environment and the potential for pluralism. Information and

⁶ Van Cuilenburg, J. (1999). Between Media Monopoly and Ruinous Media Competition. In Zassoursky, Y., & Vartanova, E. (Eds.), *Media, Communications and the Open Society* (pp. 40-61). Moscow: Faculty of Journalism/IKAR Publisher; Van der Wurff, R., Van Cuilenburg, J., & Keune, G. (2000). Competition, Media Innovation and Broadcasting. In Van Cuilenburg, J., & Van der Wurff, R. (Eds.), *Media and Open Societies* (pp. 119-157). Amsterdam: Het Spinhuis.

⁷ Hotelling, H. (1929). Stability in Competition. *Economic Journal*, 39, 41-57.

⁸ Mullainathan, S., & Shleifer, A. (2005). The Market for News. *American Economic Review* (September 2005); Genzkow, M., & Shapiro, J. (2007). What Drives Media Slant? Evidence from U.S. Daily Newspapers (May 2007), <http://faculty.chicagogsb.edu/matthew.gentzkow/biasmeas081507>.

communication technologies – particularly developments related to digitalisation of content, widespread adoption of the Internet and mobile communication as general purpose technologies and the establishment of digital television technologies – all alter the established media environment which initially produced concerns over diversity and pluralism in media. Those concerns originally developed because the environment – influenced by scarcity in supply and distribution and market failures – produced media market structures and performance that tended to constrain pluralism.

To some observers, these new communication opportunities are a panacea that democratizes communication by providing opportunities for everyone to speak and distribute their views, to connect with individuals with similar views, interests, or backgrounds, to produce and distribute content not available in the traditional media, and to break the power of large media firms.⁹ To other observers, new media break down social cohesiveness, result in reduced diversity and plurality as users congregate around content and views with that reinforce their own beliefs, produce Babel, create many speakers with few listeners, and ultimately reinforce the power of large media firms who are moving heavily into the new platforms.¹⁰

The logical consequence of the former argument is that issues of pluralism are moot and irrelevant; the logical consequence of the later argument is that issues of pluralism are more important than ever. The true effects are somewhere between the idealised and overly optimistic view and the critical, highly pessimistic view.

If one considers changes in the past two decades one sees a dramatic increase in the number of established media and individual outlets of those media that has altered the characteristic of the environment from scarcity to abundance. Print media were supplemented by broadcast media, which proliferated after policymakers authorized operation of both public service and commercial broadcasters. This change has given audiences more choices among providers of news, information, and entertainment and they are making individual choices to use or ignore various media titles and channels. Their personal choices collectively produce smaller average audiences for media and, consequently, advertiser demand for the audiences has declined as average audience size has declined.¹¹ Political will to continue collective funding of public service media has also diminished in some nations as a consequence of the concurrent reduction in average viewership.

The greater audience and advertising choices have had significant effects on the newspaper industry, which has historically played significant roles in the development of democracy and democratic participation in Western nations. Although not yet destroying the industry, the changes have halted the growth of advertising that made firms wealthy in the last decades of the twentieth century, are wreaking havoc on existing business models, and are forcing newspaper companies to expand their activities into a range of new media in efforts to remain

⁹ Rheingold, H. (1998). *The Virtual Community*. Downloaded October 21, 2005 from www.rheingold.com/vc/book/; Baldwin, T. F., Stevens McVoy, D., & Steinfeld, C. (1996). *Convergence: Integrating Media, Information and Communication*. London: Sage Publications; Cairncross, F. (1999). *The Death of Distance: How the Communications Revolution will Change Our Lives*. Boston: Harvard Business School Press; Castells, M. (2001). *The Internet Galaxy*. Oxford: Oxford University Press.

¹⁰ Zittrain, J. (2008). *The Future of the Internet--And How to Stop It*. Yale University Press; Keen, A. (2007). *The Cult of the Amateur: How Today's Internet is Killing Our Culture and Assaulting Our Economy*. New York and London: Doubleday/Currency; Servaes, J. (Ed.). (2003). *The European Information Society. A Reality Check*. Bristol: Intellect Books; Van Dijk, J.A.G.M. (2005). *The Network Society: Social Aspects of New Media*, Sage Publications Ltd.; Bakardjieva, M. (2005). *Internet Society: The Internet in Everyday Life*, Sage Publications Ltd.; Fuchs, C. (2007). *Internet and Society: Social Theory in the Information Age* (Routledge Research in Information Technology and Society), Routledge; Rebillard, F. (2007). *Le web 2.0 en perspective. Une analyse socioéconomique de l'internet*, Paris: L'Harmattan, coll. Questions contemporaines, série Les industries de la culture et de la communication.

¹¹ Picard, R.G. (2002). *The Economics and Financing of Media Companies*. New York: Fordham University Press.

relevant and find new sources of revenue. Concerns over how to ensure newspapers continue to play important pluralism roles have led to important discussions and efforts to help newspapers adjust.¹²

The development and spread of new media and communication technologies have added complexity to the environment. These advances have created the ability to distribute content across multiple platforms and systems, led to the development of new content creators, and altered control over content.

Careful consideration of the effects of new media reveals that they are significantly affecting, but not destroying, existing media. Their development is altering the functions, roles, and use of some well established media and accelerated trends in audience fragmentation and business model changes that were already evident. Some media sectors – such as newspapers – are more affected by these changes than others and the pace of change varies. It must be recognised that although new media are affecting the abilities of mature media to continue operating in traditional ways, they are doing so because they provide benefits by increasing content supply, adding new methods for distributing content, reducing costs for creating and distributing content, creating multiple means by which users can obtain content, allowing users to select more specific content than previously possible, and providing control over when, where, and how that content is consumed.¹³

Although there is a relationship between established and new media, and they collectively contribute to the changing nature of media and communication, it is important to understand their separate technical, economic, and user effects.

1.3.1. Technological Impact of New Media and ICT

New technologies are increasing opportunities for the production and distribution of content and consequently the overall supply of content and the availability of content are growing. These developments will inevitably lead to changes in traditional media market structures and business models of established media, but the technologies and the changes they produce are not inherently damaging to pluralism and may even create opportunities to increase pluralism.

On the supply side production and storage of text, graphics, photos, videos, and audio has been simplified by the development of digital production technologies. These computer-based technologies incorporate skills previously held by a few specialized workers into software packages and integrate them with processing and storage capabilities that were not possible in the analogue era. The effect of these technologies has been to provide professional producers with advanced versions of hardware and software that give greater functionality, flexibility, and speed in the production of content than they had in the past. Simultaneously these technologies are providing non-professionals with simplified abilities to create content at good production quality levels than they were able to do previously. The consequence is a proliferation of opportunities to create content and a clear rise in supply.

Although the ability to create content helps individuals and groups express their aspirations and to represent themselves to others, as well as to engage in cultural, social, and political expression, the mere creation of information, entertainment, and expression does not reduce the hegemonic control of media systems that threatens pluralism. To accomplish the latter

¹² Many of the concerns and suggestions are embodied in Currah, A. (2009). *What's Happening to Our News: An Investigation into the Likely Impact of the Digital Revolution on the Economics of News Publishing in the UK*. Oxford: University of Oxford, Reuters Institute for the Study of Journalism; Reilly Center for Media and Public Affairs (2008). *The Breaux Symposium: New Models for News*. Baton Rouge: Louisiana State University; and the French Commission on the state of the press, <http://www.etatsgenerauxdelapresseecrite.fr/home/index.php>.

¹³ Küng, L., Picard, R. G., & Towse, R. (Eds.) (2008). *The Internet and the Mass Media*. London: Sage.

goal, the new content must actually be conveyed to others. Distribution of content is thus a crucial element.

Contemporary information and communication technologies have clearly improved the abilities of individuals and groups to distribute the content they create and to redistribute content produced by others that interests them. The Internet, broadband, and mobile communications provide means by which to distribute content that did not previously exist. Concurrently, digitalisation of broadcast, cable, and satellite distribution has increased the number of channels that can be provided to audiences and increases opportunities for interactive communications.

These new systems have provided established content providers new means to distribute their content and opportunities to expand their offerings. Simultaneously it has allowed new professional and non-professional content creators opportunities to communicate and distribute materials they have created that were not available in the past. The abilities to create websites, to blog, to participate in virtual communities provide powerful platforms for additional communication.

A particularly important aspect of these new technologies is that they require a different understanding of media. In the past technology defined different ways in which content was produced and distributed. It resulted in media being different industries, operating in different types of markets and serving specific geographic areas. Today, however, digitalisation has narrowed the technical differences in the production, distribution, and form of content and expanded when, where, and how it is consumed. This increases competition between providers for audience/user attention, time use, and expenditures, as well as for advertiser expenditures.

The technical impact of new information and communication technologies is thus clearly positive in terms of providing more opportunities for citizens to communicate, to create content, and to access content. It provides mechanisms to:

- overcome limitations created by supply limitations in traditional media;
- surmount inadequate supervision of the traditional sector;
- increase domestic and independent production;
- improve minority and cultural group representation and communication ability;
- develop regional and local media absent in traditional systems;
- increase number of information sources;
- ameliorate effects of concentration and foreign ownership in traditional media;
- provide alternative information views when political bias exists in media.

It must be recognised that the technologies provide the capabilities and opportunities to overcome existing constraints on pluralism, but that these possibilities do not by their appearance alone ensure a greater range of pluralism is present.

1.3.2. Impact on Economics of Content

a. Changes in Production and Distribution Economics

The new technologies have not only created technical opportunities, but have altered the cost structures of content supply and these cost reductions play important roles in making additional information, entertainment, and expression possible.

Technologies have lowered the costs of production by reducing the number of persons needed to create content and by reducing equipment and supply costs and the time required for creating, processing, and completing content. Because of the development of technical equipment intended for general consumer use, the costs of production have been lowered to such levels that many ordinary individuals can now affordably become content producers.

Significant costs reductions have been achieved in what was previously manufacturing costs for replicating content in forms for physical distribution.¹⁴ In producing physical content copies for distributions, producers incur marginal costs in production through use of manufacturing equipment and supplies necessary to make the content available. Costs for placing music or video on CDs and DVDs and for printing content on paper can be avoided with new technologies because master digital files are merely created and copied and distributed via the Internet.¹⁵

Because content is being digitised and distributed in non-physical form using information and communication technologies, costs for distribution of physical content products are reduced by ending the need for warehouses, transportation, and other logistic expenses. Even when physical products are involved, improved information and communication technologies allow significant alteration of the distribution chain that improves efficiency.¹⁶ In real terms this reduces the marginal cost of distribution to nearly zero. Companies and individuals may chose to produce only non-physical content or to produce the content in both non-physical and physical forms. The effects of both practices are a lowering of total costs and marginal costs for content distribution. Thus access to the internet and the ability to create low cost distribution sites and services, or to use sites and services offered by others, has had an immense effect on the cost of distribution.¹⁷

However, it must be recognised that new costs are created and that these are increasingly being passed on to consumers. Costs for developing and rolling out new technologies and systems are being incurred. Costs are created by new functions and intermediaries in Internet and mobile value chains in order to ensure rights management and payment collection. Costs for acquisition and regular replacement of computer hardware, software, and mobile phones have become regular parts of household expenditures, as have costs for access to content through cable, satellite, Internet and other telecommunication services.

The overall cost effects have reduced costs for production and distribution of content, but increased the cost of its acquisition by consumers.

b. Changes in Monopolistic and Oligopolistic Control of Content

To understand the impact of new technologies on media structures, one must first consider the conditions existing prior to the introduction of these new mechanisms of communication. Because pluralism results from access to different communicators, content, and points of view, research has long established that having more media and more providers of media content are important elements in creating conditions that are likely to produce greater pluralism. Thus issues of ownership and control over content are central to discussions, as are the financial strength and conditions of firms and types of persons employed in content firms. The basic construction of pluralism in most literature is thus dependent upon an industrial organisation approach to the economics of media and focuses on issues of industrial structure.

In the EU and other Western nations, the supply structures in the traditional media environment were typically characterised by monopoly or oligopoly in broadcasting services, monopolies in telecommunication services, oligopolies in newspaper industries, but significant

¹⁴ McKnight, L.W., & Bailey, J. P. (Eds.) (1997). *Internet Economics*. Cambridge, Mass.: MIT Press.

¹⁵ European Communication Council. *E-economics: Strategies for the Digital Marketplace*. Berlin: Springer Verlag, 1999; Brousseau, E., & Curien, N. (Eds.) (2008). *Internet and Digital Economics: Principles, Methods and Applications*. Cambridge: Cambridge University Press.

¹⁶ McKenzie, R. B. (2003). *Digital Economics: How Information Technology Has Transformed Business Thinking*. Westport: Praeger.

¹⁷ Nguyen, G. D., & Phar, D. (2000). *Economie des telecommunications et de l'Internet*. Paris: Economica.

competition in magazine and book publishing. Broadcasting opportunities were constrained by limitations on available radio spectrum and public policies. Telecommunications systems were seen as natural monopolies and generally granted monopoly status because of the high costs of providing universal services through fixed lines. The number of newspapers was limited because of the high costs of production and the necessity to distribute a limited lifespan product in a short period of time. Magazines and books, conversely, were relatively inexpensive to produce and enjoyed longer product lifespans that made distribution and use of other retailers possible.

Broadcasting services in Europe have traditionally been state related, either through quasi-governmental public service broadcast entities or state broadcasting in some nations in southern, central, and eastern Europe that were not democratised until last quarter and end of the twentieth century. The standard structural form was that of monopoly, granted under the argument that some essential social, cultural, and political interests would not be served by a market based, competitive broadcast system. The result of these policies were limited broadcast choices and, to some extent, limitations on content and pluralism.

Such issues led European nations to begin authorising commercially-funded broadcasters to supplement public service broadcasters or to create commercial and public service broadcasters to replace previous state broadcasting services. These processes changed broadcast monopolies into oligopolies, but have not produced highly competitive markets in terms of content provision in comparison to other industries. The newer technologies provide additional ways for existing and new broadcast services to be provided and received, and these have both technical and economic benefits. Digital Terrestrial Television (DTT) reduces barriers to entry created by spectrum limitations and alters transmission costs.¹⁸ Internet Protocol distribution removes barriers to distribution created by limitations on cable and satellite channel capacity, permits expansion of markets by allowing easy service across wide geographic areas, and permits the establishment of new streaming and video-on-demand services.¹⁹ The economics of broadcasting require sufficient audience size to produce adequate financial resources either through license fees (and related public service funding mechanisms) or advertising. Thus the number of broadcasting stations that can exist in a nation are related to population and economic factors. Consequently, large nations will have opportunities for more stations and competitors than small nations.

Newspapers have high production costs and rapidly diminishing marginal costs. These factors, combined with advertising preferences for large audiences, limit the number of newspapers that can survive in a market, thus creating a constraint on pluralism. To complicate these factors, newspapers in many nations have political press traditions and consequently concentration of number of papers or circulation has been seen as significantly affecting political pluralism.

Relatively high levels of competition among producers of magazines and books, combined with an increasing number of titles in a wide variety of genres and topics, reduced average sales of individual titles and their average profitability in the last decades of the twentieth century. Simultaneously, it increased the average cost of production per title because fewer average copies were produced. These economic conditions led publishing companies to create or acquire an array of titles so they could serve larger overall groups of readers and thus aggregate income and profits across titles, while at the same time spreading costs across titles. This, of course, created concentration in the suppliers of books and magazines.

These structural conditions in media are being challenged by contemporary and emerging information and communication technologies because they are widening opportunities to access content from multiple sources. In some cases it is content produced by or for the

¹⁸ Gerbarg, D. (1999). *The Economics, Technology, and Content of Digital Television*. Boston: Kluwer Academic Publishers.

¹⁹ Owen, B. M. (1999). *The Internet Challenge to Television*. Cambridge: Harvard University Press.

content firms in the traditional structures, but it can also be new content from alternative suppliers, whose abilities to make such content available and to compete with existing providers have grown thanks to the new technologies. The means of distribution may differ somewhat, but the functions of the content are similar. The uses of the contemporary technologies in effect expand markets and enable new entry into markets for content provision. This reduces monopolistic and oligopolistic control of some media industries.

The economic impact of new information and communication technologies is thus clearly positive in terms of providing more opportunities for citizens, groups, and companies to communicate, to create content, and to access content. It provides mechanisms to:

- reduce costs of production of original content;
- circumvent costs of distribution of content and expression;
- reduce structural control over media markets.

These factors loosen traditional organizational control and bottlenecks on content choice and distribution. These economic changes thus create significant opportunities for a wider array of content creators and distributor to develop, and for more content to be supplied. However, merely having more content produced and distributed does not ensure that its pluralistic character is improved.

c. Reliance on Two-Sided Markets

Media are increasingly reliant on two-sided markets, that is, they operate simultaneously in two interrelated markets. In the first market audiences or users are attracted by content that may be offered free or at a price. Concurrently, access to the audience is sold to commercial interests for advertising purposes. The consequence of these markets is that media are required to seek a delicate balance in which they simultaneously pay appropriate attention to the audience's/users' interests as well as to the advertisers' interests, or financing for operations will be harmed.

Two-sided markets are evident in all media in which advertising is carried, but they are particularly significant for free-to-air television and radio, newspapers, magazines, and Internet content sites.

Media differ considerably in their reliance on the dual markets. Business models vary considerably in the degree to which they are dependent upon the audiences or advertisers for revenue. The demand for different media by audiences and advertisers varies as well and affects prices they are willing to pay. The strategies of some media and media units rely on aggregating large audiences, whereas other are intent on creating smaller, niche audiences. Because of such factors, the markets and business dynamics of different media cannot differ significantly.

1.3.3. Impact on Acquisition of Content

The technical and economic opportunities created by contemporary technologies increase the opportunity for groups and individuals to express themselves, to represent themselves, and to create information, news, and entertainment content that serves their interests and desires. Even a casual observer can recognise the rising number of providers and the increasing amount of content available today. Average number of pages in newspapers tripled in the 20th century. The number of television channels in Europe has tripled in the last 15 years, there are four times as many magazines available as 25 years ago, and about 1000 new books are published daily. Worldwide there is approximately 320 million hours of radio and 123 million hours of TV programming broadcast annually that is increasingly available globally because of technological advancement. Internet content is mushrooming with more than 1.5 million new web pages every day, and new information is growing at a rate of 30 percent a year.

Technology has given individuals greatly increased opportunities to acquire content and European and national policies are promoting the development of multiple, sometimes competing platforms for content acquisition.

The rise in suppliers and supply cannot be equated with the actual use of content and expression because the public is fragmenting and polarizing in their use of content suppliers and content. This is creating heavy competition for time and attention. The public is increasingly seeking to escape the torrent of content. The time spent with packaged and streamed content is declining, use of news and information media is at a 50-year low, and significant efforts are being made to avoid advertising and marketing materials using technologies. Content is being selected using technical personalization and control systems such as internet and TV preference systems, and digital content recorders and media players.

The impact of new information and communication technologies is thus clearly positive in terms of providing more opportunities for citizens, groups, and companies acquire content. It provides mechanisms to:

- obtain a greater array of content from a larger number of sources;
- to choose what delivery platforms they will use to acquire the content;
- to control exposure to content through greater selection and filtering.

The technologies thus increase the ability of individuals to select and acquire content, but provide no guarantee that they will chose to acquire and consume pluralistic content. The importance of the new role of audiences or users in the contemporary environment is crucial in understanding the potential for intervening effectively to promote pluralism.

Users are no longer merely passive receivers of content, but now have the abilities to interact with that content, to alter it for their needs, to seek additional content, and to create and distribute content of their own. This is a fundamental and critical change in the communication process. Media space that was previously controlled by media and regulatory bodies is today increasingly controlled by consumer. Instead of a supply driven market media and communication today is increasingly a demand-driven market.²⁰ Established news media have had a particularly difficult time adapting to this new reality, especially when they move online, because it challenges their established processes and practices and underlying philosophies and functions.²¹

1.4. Policy Principles Supporting Increased Pluralism

The underlying shift in control over communication and other changes in media and communications alter the traditional ability of policy makers to effectively deal with issues of pluralism. In the traditional policy milieu, regulation focused primarily on the supply side, controlling media market structure and promulgating proscriptive and prescriptive content regulations to serve public purposes. The competence of most national regulatory authorities is limited to these types of supply side policy measures.

The classical view of pluralism policy has thus been based on creating a supply or availability of pluralistic content. Two fundamental policy approaches have resulted from this approach: 1) creating and maintaining public service broadcasters to provide pluralistic content, and 2) opposing media consolidation and concentration that may harm pluralism and the market.

Even though policy makers have been able to use their powers to influence supply and distribution, it has long been recognised that supply of content does not equal impact of content because it is impossible to force the public to consume pluralistic content. Although

²⁰ Picard, R. G. (2002), above, n.11. Küng, L., Picard, R. G., & Towse, R. (Eds.) (2008).

²¹ Currah, A. (2009), above, n.12; Küng, L., Picard, R. G., & Towse, R. (2008), above, n.13.

policy can influence suppliers and supply, distribution systems and what content is distributed, it cannot equally influence media consumption. It can at maximum create the preconditions for pluralistic consumption and ‘encourage’ citizens to consume diverse content, but never ‘force’ citizens to do so without infringing their freedom of choice and expression in an unjustified and disproportionate manner. Consequently, the new media environment is further complicating the challenge of promoting pluralism and requires innovative approaches to policy.

A fundamental challenge in fashioning pluralism policy is that there are conflicting national and regional policies toward media because policy makers simultaneously pursue different goals through various administrative organisations. The first set of policies involves competition authorities and is fashioned to halt activities that distort and harm markets. With regard to media, they are used primarily to halt further growth of large media firms. The second set of policies involves trade and industry goals that are intended to develop successful domestic media companies that are allowed to grow larger to compete with major firms from other countries or regions in order to gain economic and cultural benefits. A third set of goals are pursued through cultural and media policies that are intended to promote media structures and behaviours that produce social benefits, such as promoting more domestic content production – a goal that sometimes involves choices that promote some concentration at the national and regional level. It is clearly difficult to pursue all three goals with equal strength and decisions made to pursue one set of policies often conflict with those made in the pursuit of the others

Policy makers thus face considerable dilemmas and risks in fashioning policies supporting pluralism.²² The dilemmas involve making choices among the various goals that governments pursue and the tradeoffs of benefits and costs that occur in doing so. Risks arise because some choices may actually harm some goals or create unforeseen consequences that may negatively affect pluralism or other desired outcomes. Because of the increased complexity of the media environment, the certainty of policy outcomes is not as clear today as in the past and the risks of negative outcomes due to policy choices are increased.

Another limitation of media policies is that they tend to be platform dependent, with differing regulatory agencies provided competence only within their assigned areas. For effective pluralism policies to be pursued, policies in the future need to become more platform neutral and look at the entirety of the communication systems and the content provided. By doing so policies can take into account new opportunities for pluralism that are being created by multiple distribution systems (terrestrial, cable, satellite, broadband, etc.) that overcome bottlenecks in distribution that previously led to pluralism policies such as must carry rules. Encouraging new providers and new content across platforms can be more efficient in promoting pluralism than trying to regulate it a single media.

It needs to be recognised that in the new environment much of the development in systems and content supply in various forms of broadcasting, new media, and ICT is the consequence of private – rather than public – investment and operations, as well as private payments for consumption. This has an important impact on promoting pluralism, but also on national economies and the economy of the European Union. Markets can produce benefits as well as costs, and policy choices can seek to obtain them or miss them through over-regulation or by protecting existing industry structures against new possibilities. Policy makers need to recognise potential benefits in fashioning pluralism and other communication policies.

Because the ability and desirability of controlling the supply and demand sides are restrained in the contemporary environment, the means considered for achieving desired outcomes

²² Karppinen, K. (2009). Making a difference to media pluralism: a critique of the pluralistic consensus in European media policy. In Cammaerts, B., & Carpentier, N. (Eds.), *Reclaiming the Media – Communication Rights and Democratic Media Roles (ECREA Series)*, Intellect; Karppinen, K. (2006). Media Diversity and the Politics of Criteria – Diversity Assessment and Technocratisation of European Media Policy. *Nordicom Review*, 27, 53-68.

must be more open. Broader perspectives on promoting pluralistic content and its consumption are needed and an array of new approaches and tools are necessary so that effectual measures can be adopted. The challenges producing these new requirements are not limited to media policy, but are also being felt in a number of policy areas, including those promoting better food safety and health practices.²³

The results of policy in these areas need not be a dichotomous choice between the extreme of an unregulated market suffering from market failure with regard to pluralism or a highly regulated market that reduces choice and harms development of alternative technologies and communications that may improve pluralism.

Proponents of the Chicago School toward competition suggest the view that any organisation of the market is harmful because perfect competition can exist, even in media markets. Although there is growing competition in media markets, significant structural constraints in media and inequalities in ability of individuals and organisations to communicate and receive content still exist in many nations, so leaving the market to find its own solution may not be a viable option. Neither, however, is creating or maintaining regulatory constraints that might limit the ability to create alternative media structures or to reduce the inequalities, both of which would aid in developing more pluralism.

Thus regulators are increasingly being forced to balance opportunities and priorities. The question is not merely a choice between market or non-market services but finding ways to gain optimal pluralism outcomes from the total media system. In this environment, regulators, media firms, and users need room to manoeuvre to achieve a beneficial outcome by using combinations of regulation, deregulation, and incentives across the range of media and communication systems and services. Clearly regulators should address market failures and intervene when imminent threats to pluralism become apparent, however, they need avoid the risk of over-regulation that denies the public opportunities from new technologies and impedes its abilities to provide pluralistic content.

The new technical and economic environment of media and communications is requiring national regulatory bodies to deal with a widening array of issues and to fashion specific domestic policies depending upon national circumstances. Public policies relating to contemporary and emerging technologies and their uses can significantly influence regulators' abilities to increase pluralism.

A number of policy principles are useful for supporting increases in pluralism and diversity in this new environment:

- Public policies should encourage development of alternative and competing distribution systems and platforms whenever possible and feasible.
- Content policies should be designed to effectively promote increased domestic content production and availability, without restricting content from foreign sources. Policy makers should be cognisant that increasing domestic content requires firms to obtain adequate financial resources to implement these goals.
- Policies should permit development of new business models and financial streams to support the entry of additional creators and distributors of content and to create stable financial operations of existing firms.
- When the market alone can or does not provide sufficient content intended for minority or cultural groups, consideration should be given to fashioning support mechanisms as a means of promoting pluralism and diversity.

²³ See, for example, European Commission, Health and Consumer Protection Directorate-General, Future Challenges Paper: 2009-2014.

- Policies for public support of content production that meets specific domestic social, cultural, and political goals should be developed recognising that the entire range of content producers and providers – public service media, community (non-profit) media, and commercial media – can provide services that help meet those objectives.
- Policies should facilitate the use of new technologies by the widest possible variety of persons, making interventions to provide service where income, disability, or other factors limit access to the benefits of broader content provision.
- Policies should create incentives to promote the supply and development of infrastructures that make content available to the entire population.
- Vertical and horizontal integration of media firms should be reviewed considering the effects of greater availability of content and communication systems in the particular market. Such reviews should consider the extent to which communications systems are fully available to the public, the degree to which alternative content providers of similar types are present, and whether the additional content provided serves similar functions.
- Public service media should not be disadvantaged in providing content across platforms and in a variety of forms; however, they should not receive undue advantage that harms other suppliers and can deny the public benefits that would be obtained from them. Merely operating beyond the broadcasting sector should not be construed as creating competitive harm.
- Because regulators are losing the abilities to control the consumption behaviour of audiences and users through supply side regulation, the public are increasingly making choices of what content to consume. In this environment, governments need to make concerted efforts to promote greater understanding of media systems, providers, and use among the population. Media literacy campaigns and education take on more critical roles in helping the public make effective content consumption choices.

The need for such policy objectives and the methods used to pursue will vary depending upon national conditions, needs, and opportunities, but they provide significant means for promoting pluralism in the contemporary and future media environment.

1.5. Skills-Sets for Authorities in Seeking Increased Pluralism

The new environment of media and communications requires national regulatory authorities to have wider skills sets and to seek greater coordination of activities across authorities and agencies. In order to make effective policy that promotes pluralism and diversity, regulators need more than policymaking and legal skills. They need to ensure that they have access to internal and/or external skills so that their deliberations include:

- understanding of the capabilities of technical equipment and systems and software-based media services;
- understanding of how application of technical means supports or constrains increased pluralism;
- understanding of economic implications of technologies and how they affect existing and proposed media operations;
- understanding of financial and business implications of policy choices related to pluralism.

If such skills and knowledge bases are employed during the making of policy, it is more likely that the policies will produce more favourable outcomes in terms of pluralism.

2. BASIC INFORMATION ON THE USER GUIDE

2.1. Aim of the Media Pluralism Monitor

The **Media Pluralism Monitor** (hereinafter: **MPM**) is developed to assess media pluralism in the EU Member States in a user-friendly and objective way, and is based on risk management methodologies. It has an overall ‘signalling’ function and provides a snapshot of the situation at a given moment in time (although subsequent application may show trends and developments over time). The MPM does not, however, solve threats within a given timeframe.

Its basic features are:

- It is a *neutral* monitoring tool.

The MPM functions like a radar, signalling risks in particular areas or for particular aspects of media pluralism. It allows users to measure a set of indicators and, based on the scores assigned, to get an overview of which risks should be acknowledged and addressed within the Member State. It, however, does not prescribe which actions or measures need to be taken in order to manage high risks in particular areas; nor does it dictate a certain level of risk-aversion or risk-appetite. These decisions are entirely left to the discretion of the Member State who may elect to strengthen support for their policy by consulting widely on the issue.

Border values for the indicators, signalling a certain level of risk, have been set on the basis of commonly accepted policies and measures, grounded, as far as possible, in the academic literature, and critically scrutinised by the Quality Control Team and the Steering Committee. As a result, they do not reflect particular preferences of the study team or of the European Commission. By leaving interpretive authority to the Member States, the MPM offers the most neutral measurement tool conceivable in policy terms. It neither prescribes nor endorses harmonised levels of media pluralism throughout the EU.

- It is a *holistic* monitoring tool.

The MPM starts from a broad notion of media pluralism, encompassing aspects that relate to internal and external pluralism, cultural, political, and geographic dimensions of pluralism, ownership and concentration issues, media contents and formats (see below). It assesses the economic, socio-demographic and legal/policy context in which media are offered and consumed, looking at supply (including elements of distribution and infrastructures), demand and use. It should therefore be stressed that individual indicators can, and indeed must not be assessed in isolation, but need to be interpreted in the light of related indicators in order to have a complete and correct overview of the situation.

- It is a *risk-based* monitoring tool.

The MPM allows EU Member States to score a set of indicators, all of which provide information on *risks* to media pluralism. This risk-based approach had a fundamental impact on the design of the MPM by shaping the reflection on and the formulation of indicators. The ways in which indicators are formulated, measured and evaluated, always start from the question: What situation could possibly represent *risks* or *threats* to media pluralism?

This does not imply that possible improvements in the level of media pluralism have been disregarded. The MPM includes indicators on, for example, broadband coverage (which can be seen as offering a new distribution channel) or on-demand services (increasing the scope for diversity and narrow-interest content). In line with the methodology and format used for the other indicators, these indicators have also been formulated in terms of threats – low broadband coverage representing high risk, for instance, which in this case is synonymous to a lost opportunity. This approach is fully compatible with the acknowledgment of the positive

contribution that may derive from new media technologies and platforms. Given the need for sufficient evidentiary means to properly assess their role, the MPM takes a cautious, rather than a conjectural approach to their inclusion. Prudence in this respect, which is predicated on the volatility of these market and the lack of adequate data, both of which make an assessment of their contribution to pluralism difficult, does not imply ignorance, however.

- It is an *objective* monitoring tool.

The MPM offers objective measurements of economic, socio-demographic and regulatory factors. This implies a preference for quantitative measurements and explains why even the legal indicators, although qualitative in nature, have been conceptualised in a manner that facilitates reliance on quantitative and objective analysis through the use of questionnaires and predefined scoring options (+/-).

- It is an *evolving* monitoring tool.

As media markets evolve rapidly, the MPM has deliberately been developed to be sufficiently flexible so as to allow for regular updates and adjustments. Such adjustments may be necessitated by, *firstly*, economic and technological evolutions which are further described above, and *secondly*, new solutions to normative dilemmas. The present version of the MPM contains risks which can be considered as ‘current risks’ in all EU Member States, as well as a limited number of ‘emerging risks’. Given the task of developing a tool that could be applied in all EU Member States (see below) the current version of the MPM has striven to combine indicators which start from more ‘traditional’ media market constellations with indicators that look at new media and platforms. To mitigate a possible lack of familiarity with the results produced by some of these indicators, the User Guide contains a final chapter on *Guidelines for interpretation* that helps users to address these challenges.

- It is an *EU-standardised* monitoring tool.

The MPM offers a measurement tool that is applicable in an identical manner in all EU Member States, even though these countries may represent different profiles in terms of market size, technological development, presence of minorities, cultural and political traditions, etc. To allow for comparability between Member States, the MPM uses the same set of risks and indicators, and applies in principle the same border values (of high, medium, low risk) to all Member States. However, given the important impact of the size and wealth of a nation on its media market structures and regulatory possibilities to protect and promote media diversity, the MPM offers the possibility to account for the population size of the country concerned (large versus small) and its GDP/capita (high versus low) before starting the actual scoring of indicators. This will result in an automatic adjustment of border values for a number of indicators. Other variables, such as degrees of heterogeneity among the population in terms of ethnic and linguistic groups, the most popular means of TV reception, or dominant political viewpoints, can be taken into account via the ex post interpretation exercise (see below, Chapter 5).

- It is a *practical* and *user-friendly* monitoring tool.

The MPM offers a practical, transparent and effective tool to detect risks for media pluralism in a Member State. For ease of use, it is currently programmed in MS Office Excel, allowing the user to fill in scores for the individual indicators (in the scoring sheets) and calculating automatically the average scores per risk and risk domain (in the reporting sheets). The present User Guide contains detailed guidelines on how to measure the scores and fill in the Excel sheets. To avoid discrepancies amongst Member States, notions and concepts have been delineated carefully in the Glossary, and quantitative measurements are used to the largest possible extent. Also where qualitative assessments (like content analysis) are required, scores are expressed in simple scenarios, guiding the user towards selecting one of the three options in the scoring sheets (high, medium, low risk). Results are presented graphically in the reporting sheets in order to give a quick visual overview of problematic

areas (‘the blinks on the radar’), at the same time allowing the possibility to return to the scoring sheets to retrieve more details about the exact source of the problem.

To further improve the user-friendliness of the MPM, conversion into an online, web-based tool, with automatic links to existing databases of the European Audiovisual Observatory or of national regulators could be envisaged in the future.

When applied in a uniform, consistent and correct way, the MPM will:

- help assess the societal threat of pluralism by signalling the areas or domains where pluralism is most endangered in a particular country, and showing the underlying cause;
- become a monitoring framework for Member States and provide greater transparency about (the level of) media pluralism in the EU;
- help national policy-makers and other stakeholders to assess pluralism and to define priorities and actions for improving media pluralism;
- ensure conformity to EU principles of ‘better regulation’ by encouraging national policy makers to scrutinise actual and potential risks before adopting regulatory safeguards, and by assisting them in selecting the most appropriate regulatory tools, based on the nature of the problem, proportionate and justified in the light of the objectives pursued;
- generate an open-minded, objective discussion on media pluralism both at EU and at national level.

2.2. Structure of the Media Pluralism Monitor

2.2.1. Six Risk Domains

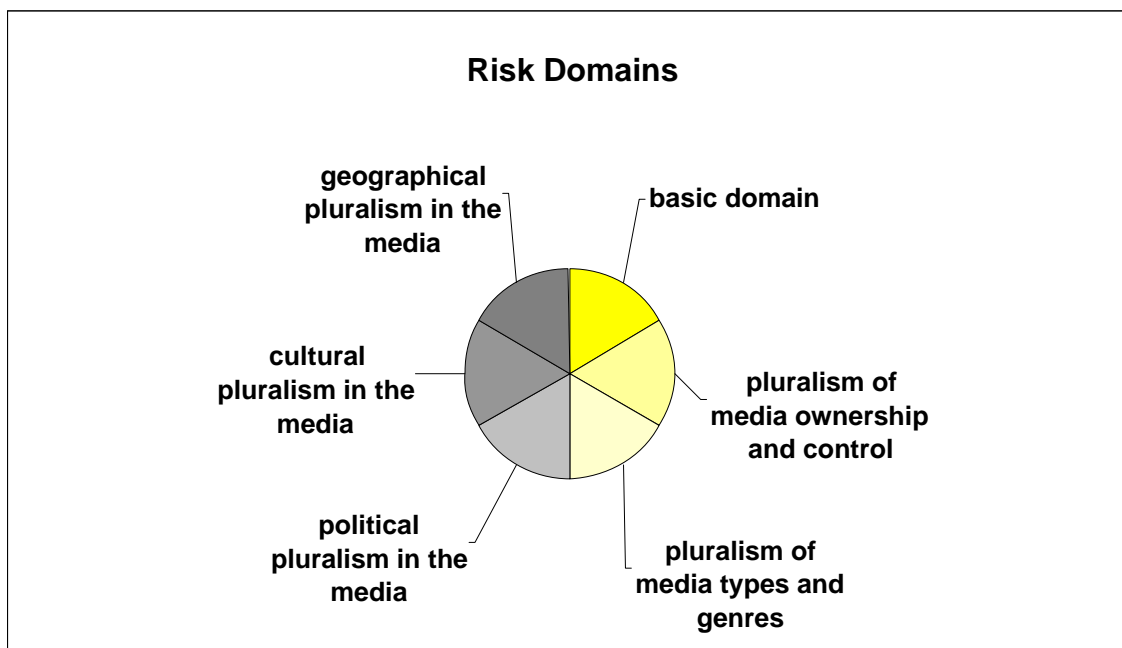
The various indicators to assess media pluralism in a Member State are grouped in six *risk domains*. Each risk domain – with the exception of one – refers to a specific dimension of media pluralism: ownership, types and genres, cultural diversity, political pluralism and geographic pluralism. One domain contains indicators looking at basic conditions for media pluralism (freedom of expression, independent supervision and media literacy), which are not confined to a single aspect of media pluralism.

Within every risk domain relevant risks have been selected combining traditional methods for risk identification (objectives-based) and risk assessment (educated opinions and literature review) with sector-specific methods.²⁴ Each risk is analysed by measuring a set of indicators on socio-demographic factors, the economic situation and/or the regulatory context (see below, 1.3.2).

Most of the risks that are currently included in the MPM are ‘current’ risks; some can be considered as ‘emerging risks’ (for instance, high concentration in internet content provision). As the aim of the MPM is to provide a holistic monitoring tool, risks have been formulated as generic, macro-level and technology-neutral as possible. *Generic* means that the risks are not linked to a single source of problems, but can result from economic, socio-demographic or regulatory factors. *Macro-level* refers to the fact that risks (in principle) have not been formulated in terms of a single media type, but cover media markets as a whole (whereby distinctions between the various forms of print and audiovisual media are only made at the lower level of indicators). *Technology-neutral* implies that the risks usually do not refer to a specific technology (in contrast to individual indicators), which makes them more future-proof (removing or adding indicators to take account of new technological developments is simpler than adjusting risks).

²⁴ These are described in more detail in the Preliminary Final Report.

OVERVIEW OF TYPES OF MEDIA PLURALISM OR RISK DOMAINS



Basic domain

The basic domain covers risks in relation to the fundamental rights context and basic regulatory conditions in which the media in a particular country function. Three areas of attention have been selected: freedom of expression (especially press freedoms), independent regulatory supervision and media literacy. Although each of these could motivate a monitor by itself – and effectively do form the subject of more comprehensive monitoring systems²⁵ – the indicators for this basic domain have been kept limited and the ambition is merely to provide a ‘snapshot’ and not an in-depth analysis of the regulatory situation with regard to freedom of expression, independent supervision and media literacy (using data obtained through existing monitoring systems).

Pluralism of media ownership and/or control

Pluralism of media ownership and control refers to the existence of media outlets and platforms owned or controlled by a plurality of independent and autonomous actors; it encompasses a plurality of actors at the level of media production, of media supply and of media distribution (*i.e.* a variety of media sources, outlets, suppliers and distribution platforms). Risks in this domain include a high horizontal concentration of ownership and/or control in the various media sectors (terrestrial television, cable/satellite/DSL television, radio, newspapers, etc.), a high degree of cross-media ownership and certain forms of vertical integration, and also a lack of transparency with regard to ownership structures.

²⁵ For instance, in the area of freedom of expression: the Map of Press Freedom by Freedom House (<http://www.freedomhouse.org/template.cfm?page=251>), reports by Human Rights Watch in the area of press freedom (http://hrw.org/doc/?t=press_freedom), the Press Freedom Index of Reporters sans Frontières (<http://www.rsf.org/>), alerts by IFEX, the International Freedom of Expression Exchange (<http://www.ifj.org/en/pages/press-freedom-safety>), the “Defamation Map” by Article19.org (http://www.article19.org/advocacy/defamationmap/map/?dataSet=defamation_legislation), etc.

Pluralism of media types and genres

Pluralism of media types refers to the co-existence of media with different mandates and sources of financing (public service media, commercial media, community or alternative media) within and across media sectors (print, television, radio, Internet).

Pluralism of media genres refers to diversity in the media in relation to media functions (information, education, entertainment, etc.).

Risks in this domain include lack of or under-representation of or dominance by certain media types or genres, lack of sufficient market resources to support the range of media, as well as a lack of resources to support public service media, and lack of or ineffectiveness of regulatory safeguards to ensure diversity of media types and genres.

Political pluralism in the media

Political pluralism in the media refers to the fair level of representation and expression of the viewpoints, opinions, ideas, and interests of various political and ideological social groups in the media, including minority viewpoints and interests. This definition is thus twofold: firstly, it encompasses the capacity and possibility of all social segments, with their likely diverse political/ideological views and interests,²⁶ to address/reach the public by means of media (whether owned by, or affiliated to them, or owned by third parties). Secondly, it implies a broad spectrum of political and ideological viewpoints, opinions and interests covered by and represented in the media.

Risks in this domain include political bias in the media (both in election periods and outside these), excessive politicisation of media ownership and/or control, insufficient editorial independence in general and of public service media in particular, insufficient pluralism of news agencies and of distribution systems, and insufficient citizen activity and political impact in online media.

Cultural pluralism in the media

Cultural pluralism in the media refers to the fair and diverse representation of and expression by (*i.e.* passive and active access) the various cultural and social groups, including ethnic, linguistic, national and religious minorities, disabled people, women and sexual minorities, in the media. It comprises a plurality of themes and voices being present in the media, socialisation through multiple forms of media access and participation, choice between different forms of interaction and the representation of diverse values, viewpoints and roles, in which citizens belonging to various cultural and social groups, including national, ethnic, and linguistic groups, women, disabled people and sexual minorities, can recognise themselves.

Risks in this domain include insufficient media representation of European/national/world culture, an insufficient proportion of independent production in relation to in-house production, an insufficient representation of the various cultural and social groups in mainstream media content and services, as well as an insufficient representation of different cultural groups in human resources in the media sector, an insufficient system of minority and community media and limited accessibility for disabled people.

²⁶ Within the scope of this definition of political pluralism, ‘social segments’ is to be understood beyond what is included in the cultural pluralism aspects of social features. Thus, ‘social segments’ include social groups with shared social characteristics such as class, age or other which are not relevant for the cultural pluralism dimension but form the basis for the creation of specific political interests, engagement and organization (for instance trade unions, youth organisations etc.).

Geographical/local pluralism in the media

Geographical pluralism in the media refers to fair and diverse representation of and expression by (*i.e.* active and passive access) local and regional communities and interests in the media. It comprises plurality and a variety of themes and voices brought to the media, socialisation through multiple forms of media access and participation, choice between different forms of interaction, and representation of diverse values, viewpoints and roles in which local and regional communities can be recognised. Such pluralism may be read through the spatial dimension (media contents are produced and distributed within a local and regional community) or the social/content dimension (media contents and services address unique needs and interests of local and regional communities).

Risks in this domain include a high centralisation of the national media system, an insufficient system of regional and local media, insufficient representation of regional and local communities in either media content and services or in human resources in the media sector, dominance of a limited number of information sources for local issues and insufficient access to media and distribution systems due to geographic factors.

Overall, 43 risks deemed inherent to media pluralism were included in the MPM. Those risks are listed in the following table:

INVENTORY OF RISKS

	RISK
	Basic Domain
B1	Freedom of speech and related rights and freedoms are not sufficiently protected
B2	Insufficiently independent supervision in media sector
B3	Insufficient media (including digital) literacy
	Pluralism of Media Ownership & Control
O1	High ownership concentration in terrestrial television
O2	High ownership concentration in radio
O3	High ownership concentration in newspapers
O4	High ownership concentration in Cable/Sat/ADSL/TV
O5	High ownership concentration in magazines
O6	High ownership concentration in internet content provision
O7	High ownership concentration in book publishing
O8	High concentration of cross-media ownership
O9	High vertical concentration
O10	Lack of transparency in ownership structures
	Pluralism of Media Types & Genres
T1	Lack of/under-representation of/dominance of media types
T2	Lack of/under-representation of/dominance of media genres
T3	Lack of sufficient market resources to support range of media
T4	Lack of sufficient resources to support Public Service Media (PSM)
T5	Insufficient engagement of PSM in new media
T6	Insufficient attention paid to public participation
	Political Pluralism in the Media
P1	Political bias in the media
P2	Political bias in the media during election periods campaigns
P3	Excessive politicisation of media ownership/control

P4	Insufficient editorial independence
P5	Insufficient independence of PSM
P6	Insufficient pluralism of news agencies
P7	Insufficient pluralism of distribution systems
P8	Insufficient citizen activity and political impact in online media
Cultural Pluralism in the Media	
C1	Insufficient media representation of European cultures
C2	Insufficient media representation of national culture
C3	Insufficient proportion of independent production
C4	Insufficient proportion of in-house production
C5	Insufficient representation of world cultures
C6	Insufficient representation of the various cultural and social groups in mainstream media content and services
C7	Insufficient representation of the various cultural and social groups in PSM
C8	Insufficient system of minority and community media
C9	Insufficient representation of different cultural and social groups in HR in the media sector
C10	Limited accessibility by disabled people
Geographic Pluralism in the Media	
G1	High centralisation of the national media system
G2	Insufficient system of regional and local media
G3	Insufficient representation of regional and local communities in media content and services
G4	Insufficient representation of regional and local communities in HR in the media sector
G5	Dominance of a limited number of information sources for local issues
G6	Insufficient access to media and distribution systems due to geographic factors

2.2.2. Three Types of Indicators: Economic, Socio-demographic and Legal

Each risk is analysed by measuring a set of indicators on socio-demographic factors, the economic situation and/or the regulatory context. Hence, the MPM contains three types of indicators:

- **Economic indicators (E):** indicators on the economics of the media, assessing the number of media companies in a particular Member State (or within a linguistic region within a Member State), the number of newspapers and magazines per head of population, comparable indicators in relation to electronic media, together with ratios or other relevant indicators that would convey an understanding of the health of the sector, including profitability.
 - The economic indicators are all *quantitative* indicators.
- **Socio-demographic indicators (S):** indicators on the socio-demographic situation, assessing the range of media available to citizens in different Member States and the socio-demographic factors having an impact on that range (including, for instance, geographic factors or working conditions for journalists).
 - The socio-demographic indicators are *quantitative* or *qualitative* indicators.
- **Legal indicators (L):** indicators on the legal and regulatory context, assessing the presence and effective implementation of policies and legal instruments that promote media pluralism; these include a wide range of measures, going beyond the scope of ownership restrictions and ranging from state regulations and state policy measures over co-regulation to self-regulatory instruments (both at sector and company level).
 - The legal indicators are all *qualitative* indicators, but the proposed measurement method relies to the largest possible extent on quantitative and objective analysis through the use of questionnaires and predefined scores (+/-).

Please note that the legal indicators fulfil a ‘serving’ role, in the sense that the absence or non-effectiveness of regulatory safeguards for media pluralism should be considered most significant if they occur in conjunction with actual or imminent risks caused by economic or socio-demographic factors. In other words, the importance of regulatory instruments that can exclude or mitigate risks comes to the forefront notably when the economic or socio-demographic situation gives rise to concerns over risks that are sufficiently urgent. Users should therefore contrast the scores for legal indicators with those of related economic and/or socio-demographic indicators, before drawing conclusions. Thus, users should not infer an inevitable need for regulatory intervention on the basis of the red score of a single legal indicator alone. Drawing such a conclusion prematurely in a situation where the economic and/or socio-demographic context is not problematic from the perspective of media pluralism, indicated by a majority of positive (green) scores obtained for the corresponding indicators, may lead to overregulation. The MPM itself neither endorses nor discourages the use of regulation by Member State governments and authorities, but simply provides a tool to assess the availability and contribution of regulatory and policy tools for countering medium or high risks highlighted by economic or socio-demographic indicators. Although excessive regulation may be harmful for media pluralism by stifling innovation or disincentivising actors to exploit new opportunities, the MPM is not designed to provide a systematic assessment of the appropriateness and proportionality of existing regulatory measures. Member States are encouraged to conduct such analysis when interpreting the results derived from the MPM indicators, taking due account of the dual contribution that regulatory safeguards, whether statutory, co- or self-regulatory, make both to the functioning of markets and the freedom and socially responsibility of the media.

From all indicators that were compiled in the inventory in an initial phase, only those which have passed the SMART test are included in the MPM. This means that they are *specific* (they have a sufficiently precise meaning and direct link with media pluralism), *measurable* (they can be expressed in a quantitative or qualitative score), *achievable/attainable* (data can be obtained at reasonable cost) and *relevant/realistic* (reliable border values can be defined over which there is broad consensus). Indicators that do not fulfil one or more of these criteria (at this point of time) have been moved to a ‘second tier’ list of indicators.²⁷

2.2.3. Three Areas: Supply, Distribution, Use

The three types of indicators can be divided into three different areas, corresponding with the major levels in the media value chain:

- **Supply (S):** the structures, processes, and outcomes of the production and packaging of content for various media types.
- **Distribution (D):** any mechanism, means, network used for distributing media content to the public, such as – in the case of print media – individual distribution systems, retail points, postal services, or -in the case of electronic media – electronic communication networks, services and associated facilities.
- **Use (U):** citizens’ abilities and skills to access and actually consume or actively use media; hence, this area includes the notion of accessibility of the media by all segments of society and looks at issues such as media literacy and digital skills, availability of subtitling and audio-description services.

The following table shows a breakdown of indicators based on type and area. In total, **166 indicators** (grand total) are included in the MPM:

- of which 39 are economic (E total), 67 are legal (L total) and 60 socio-demographic (S total), and
- of which 21 indicators are situated in the distribution area (D), 135 indicators in the supply area (S), and 10 indicators in the use area (U).

Combining type and area classification of the indicators gives us the following picture:

- Of the 39 economic (E) indicators, 9 are in the distribution area (D), 27 in the supply area (S) and 3 within the Use area (U).
- Of the 67 legal (L) indicators, 5 are in the distribution area (D), 61 in the supply area (S) and 1 within the Use area (U).
- Of the 60 socio-demographic (S) indicators, 7 are in the distribution area (D), 47 in the supply area (S) and 6 within the Use area (U).

²⁷ This list is included in the Preliminary Final Report.

Overview of indicators per type and area

Area/Type	Economic	Legal	Socio-demographic	Grand Total
Distribution	9	5	7	21
Supply	27	61	47	135
Use	3	1	6	10
Grand Total	39	67	60	166

2.3. Ex Ante Profiling

The number of major firms in a country and range of media types are directly related to market size, indicated by the size of population, as well as to the wealth of the market, indicated by GDP/capita. Nations with smaller population and/or a lower GDP/capita will normally have fewer media firms and a more limited range of media types. Consequently adjustments need to be made to a number of (mostly economic) indicators of risks of concentration and limitations to the range of media types for these nations.

This adjustment is made by entering 1) whether a nation’s population is small or large and 2) the GDP/capita. Small nations are those with populations below 20 million or fewer. Large nations are those with population of more than 20 million. The determination of high and low GDP/capita was made using Eurostat 2008 Yearbook data. Those nations above GDP/capita for the EU-27 (23,500 Euro) were considered in the high category²⁸ and those below are considered in the low category.²⁹

These indications can be placed at the beginning of the monitor’s data entry (see below, 4.2.2) and are used with the IF/THEN function in Excel to determine which border values to use on the relevant indicators.

When a nation is, for instance, designated as small and low GDP/capita, the border values of the indicators of concentration and media range threats should be increased by one-third³⁰ (thus accounting for the fact that their small size and low GDP/capita would be expected to produce a greater level of concentration and a lower range of media). Thus, the value should be multiplied by 1.33 (increasing the border values for green, yellow, red).

The indicators for which border values will be adjusted are all economic indicators (with the exception of one) and situated in the following three risk domains: pluralism of media ownership and/or control, pluralism of media types and genres, geographic pluralism in the media (see below).

The result will be one of the four following profiles, corresponding with the following adjustments of border values:

Large population and high GDP/capita: Nations with these characteristics have media systems in which market size and financial support promote competition among firms, a significant amount of broadcasting stations, and a large number of print publications. Levels

²⁸ High GDP/capita nations are: Austria, Belgium, Denmark, Finland, Germany, France, Ireland, Italy, Luxembourg, Netherlands, Sweden, United Kingdom.

²⁹ Low GDP/capita nations are: Bulgaria, Cyprus, Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain.

³⁰ This is a conservative adjustment. In some small nations concentration is 1.5 to 2 times higher than in large nations. The conservative measure is used because the monitor highlights RISKS of concentration and limited range of media and because the monitor uses on three broad ranges of risk indication (green, yellow, red).

of competition should be highest and levels of concentration should be lowest in these nations. These nations are defined as above 20 million population and above 23,500 Euro GDP/capita.

⇒ The default border values will be used.

Large population and low GDP/capita: Nations with these characteristics have media systems unconstrained by market size, but limited by financial support. They can be expected to support multiple broadcasting stations and a significant number of print publications. Levels of competition will tend to be moderate and levels of concentration will tend to be higher by comparison to those with large populations and higher GDP/capita. These nations are defined as above 20 million population and below 23,500 Euro GDP/capita.

⇒ Border values will be multiplied by 1.20.

Small population and high GDP/capita: Nations with these characteristics have media systems constrained by market size, but can financial support slightly more media than those with small populations and low GDP/capita. They can be expected to support slightly more broadcasting stations and a higher number of print publications. Levels of competition will thus tend to be higher than in nations with small populations and low GDP/capita and levels of concentration will tend to be higher than it large markets. These nations are defined as below 20 million population and above 23,500 Euro GDP/capita.

⇒ Border values will be multiplied by 1.25.

Small population and low GDP/capita: Nations with these characteristics have media systems constrained by market size and financial support. These nations can be expected to support only a few broadcasting stations and a limited number of print publications. Thus levels of competition will tend to be lower and levels of concentration will tend to be higher in these nations. These nations are defined as below 20 million population and below 23,500 Euro GDP/capita.

⇒ Border values will be multiplied by 1.33.

List of indicators for which border values are adjusted:

O1.1	Ownership concentration in terrestrial television (horizontal) (E)
O1.2	Audience concentration in terrestrial television (E)
O2.1	Ownership concentration in radio (horizontal) (E)
O2.2	Audience concentration in radio (E)
O3.1	Ownership concentration in newspapers (horizontal) (E)
O3.2	Readership concentration in newspapers (E)
O4.1	Ownership concentration in Cable/Sat/ADSL-TV (horizontal) (E)
O4.2	Audience concentration in Cable/Sat/ADSL-TV (E)
O5.1	Ownership concentration in magazines (horizontal) (E)
O5.2	Readership concentration in magazines (E)
O6.1	Ownership concentration in internet content provision (horizontal) (E)
O6.2	Readership concentration in internet content provision (E)
O7.1	Ownership concentration in book publishing (horizontal) (E)
O7.2	Readership concentration in book publishing (E)
O8.1	Number of sectors in which top 8 firms/owners are active (E)

T1.1	Audience parity between the TV channels of commercial broadcasters and of PSM (E)
T1.2	Financial parity between the TV channels of commercial broadcasters and of PSM (E)
T1.3	Audience parity between the radio channels of commercial broadcasters and of PSM (E)
T1.4	Financial parity between the radio channels of commercial broadcasters and of PSM (E)
T2.4	Ratio of Cab/Sat/ADSL-TV channels dedicated to news/public affairs, education and entertainment to total number of Cab/Sat/ADSL-TV channels (E)
G1.4	Ratio of number of cities with TV and radio stations to total number of cities (E)
G1.5	Ratio of number of cities with newspapers to total number of cities (E)
G2.1	Proportion of regional and local television and radio broadcast channels to national broadcast channels (E)
G2.2	Proportion of regional and local newspapers to national newspapers (E)
G2.4	Parity of financing of regional and /local TV, radio and newspapers relative to population size (E)
G3.1	Proportion of locally oriented and locally produced content (S)

3. GLOSSARY

In the area of media pluralism, specific terms are often used with varying meanings or are open to diverging interpretations. For the sake of clarity and in order to ensure consistency in the application of the MPM, this chapter contains definitions for key terms and concepts and explains how they are interpreted throughout the formulation of the indicators and measurement methodology. Commonly used abbreviations are included at the end of the User Guide.

- **Alternative media**

The term ‘alternative media’ encompasses both ‘community’ and ‘minority media’.

- **Associated facilities**

Those facilities associated with an electronic communications network and/or an electronic communications service which enable and/or support the provision of services via that network and/or service. It includes conditional access systems and electronic programme guides (Article 2(e) Framework Directive).

- **Audiovisual media service**

A service in the sense of Article 1(2)a AVMS Directive, *i.e.* “a service as defined by Articles 49 and 50 of the Treaty which is under the editorial responsibility of a media service provider and the principal purpose of which is the provision of programmes in order to inform, entertain or educate, to the general public by electronic communications networks within the meaning of article 2(a) of directive 2002/21/EC. Such an audiovisual media service is either a television broadcast as defined in point (e) of this article or an on-demand audiovisual media service as defined in point (g) of this article, and/or audiovisual commercial communication”.

- **AVMS Directive**

Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities as amended by Directive 1997/36/EC of the European Parliament and of the Council of 30 June 1997 (O.J. [1997] L 202/60) and by Directive 2007/65/EC of the European Parliament and the Council of 11 December 2007 (O.J. [2007] L 332/27).

- **Blasphemy**

Blasphemy is irreverence toward god, religion, a religious icon, or something else considered sacred.³¹

- **Broadcaster**

Broadcaster means a media service provider of television broadcasts (Article 1(2)f AVMS Directive).

- **Case study (in the context of pluralism risk-assessment)**

Method of investigation and assessment of a specific risk or indicator, involving in-depth examination of a single issue, instance or collection of similar issues and instances in the selected media or geographical context. Case studies can be performed through longitudinal examinations of records, collections of audio-visual material, interviews, etc.

³¹ Black’s Law Dictionary.

- **City**

A city is a relatively permanent and highly organised urban area with a relatively large population – compared to the total population of a country and the population of other urban areas – and a particular administrative, legal or historical status. The name city is given to certain urban communities according to the national legislation of a country by virtue of some or conventional distinction that varies between different parts of Europe. In some cases, a certain population size is required, while in other a historical status is recognised.

- **Community media**

Media that are non-profit and accountable to the community that they seek to serve. They are open to participation in the creation of content by members of the community. As such, they are a distinct group within the media sector alongside commercial and public media. Community media are addressed to specific target groups. They have a clearly-defined task, which is carried out in line with their content. Social benefit for a community is a primary concern. Community media create cohesion, give identity, promote common interests and preserve cultural and linguistic diversity. Community media are generally run by committed, creative citizens with a strong social conscience. Community media contribute to the goal of improving citizens’ media literacy through their direct involvement in the creation and distribution of content.³²

Community media that focus on ethnic, linguistic or national interests also fall within the category ‘minority media’ (defined below; note that minority media can also encompass commercially run media).

Community media that serve the interests of other communities (like women, elderly, religious or sexual minorities) are called ‘other community media’.

- **Competition authority**

A competition authority is an authority which upholds the rules laid down in competition laws.

- **Conditional access system**

Any technical measure and/or arrangement whereby access to a protected radio or television broadcasting service in intelligible form is made conditional upon subscription or other form of prior individual authorisation (cf. Article 2(f) Framework Directive).

- **Cultural and social groups (or communities)**

Cultural and social groups (or communities) are broadly understood as groups in society with specific characteristics, which distinguish it from the majority. These characteristics can relate to national, racial or ethnic origin, language, religion or belief, disability, sexual orientation, gender identity, and age.³³

See also the definition of ‘minority’.

- **Cultural pluralism in the media**

³² European Parliament (2008) Report on Community Media in Europe (2008/2011 (INI)), Committee on Culture and Education, A6-0263/2008, Rapporteur: Karin Resetarits, (<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2008-0263+0+DOC+PDF+V0//EN>), p. 9.

³³ Based on the categories identified by the Media Diversity Institute, International Federation of Journalists and Internews Europe in their Study on Media & Diversity; <http://www.media4diversity.eu/>.

Cultural pluralism in the media refers to fair and diverse representation of and expression (*i.e.* passive and active access) by the various cultural groups and social groups (national, linguistic, religious and ethnic groups, disabled people, women, children, elderly and sexual minorities) in the media. It comprises of a plurality and a variety of themes and voices brought to the media, socialisation through multiple forms of media access and participation, choice between different forms of interaction and representation of diverse values, viewpoints and roles, in which citizens belonging to various cultural and social groups can recognise themselves.

▪ **Current risk**

Threats to media pluralism which are well understood, based on experience, have been described in academic literature, and which can be realised today on the existing media markets (synonym: contemporary risk).

▪ **Data source**

Data sources are widely understood as studies, databases, websites, policy documents, or other sources at local, national, European or international level containing either factual data required to measure the indicator (on all Member States or some of them), or hints to other sources where such data can be obtained.

▪ **Defamation**

Defamation is the act of harming the reputation of another by making a false (written or oral) statement to a third person.³⁴

▪ **Discriminatory actions of distribution systems**

Arbitrary decisions and actions of inclusion or exclusion of certain radio and television channels or print media in distribution system, employment of unequal technical, financial and other conditions for services etc.

▪ **Domestic channels**

All channels provided by national media companies.

▪ **ECHR**

ECRH is the European Convention on Human Rights (4 November 1950)

▪ **Electronic communications networks and services**

Networks and services as defined by Article 2(a) and (c) Framework Directive:

- ‘electronic communications network’ means transmission systems and, where applicable, switching or routing equipment and other resources which permit the conveyance of signals by wire, by radio, by optical or by other electromagnetic means, including satellite networks, fixed (circuit- and packet-switched, including Internet) and mobile terrestrial networks, electricity cable systems, to the extent that they are used for the purpose of transmitting signals, networks used for radio and television broadcasting, and cable television networks, irrespective of the type of information conveyed.

- ‘electronic communications service’ means a service normally provided for remuneration which consists wholly or mainly in the conveyance of signals on electronic

³⁴ Black’s Law Dictionary

communications networks, including telecommunications services and transmission services in networks used for broadcasting, but excludes services providing, or exercising editorial control over, content transmitted using electronic communications networks and services; it does not include information society services, as defined in Article 1 of Directive 98/34/EC, which do not consist wholly or mainly in the conveyance of signals on electronic communications networks.

▪ **Emerging and future risk**

Any risk that is both new (or changing) and increasing. As such, emerging and future risks are not based on experience, but rather on prediction.³⁵ By new, it is meant that:

- the risk was previously unknown and is caused by new processes, new technologies, new types of media production, distribution or consumption, or social or organisational change; or
- a long-standing issue is newly considered as a risk due to a change in social or public perception; or
- new scientific knowledge allows a long-standing issue to be identified as a risk.

The risk is increasing if:

- the number of hazards leading to the risk is growing; or
- the likelihood of exposure to the hazard leading to the risk is increasing (exposure level and/or the number of people exposed); or
- the effect of the hazard on media pluralism is getting worse (seriousness of monopolisation effects and/or the number of people affected).³⁶

See also definitions of 'Emerging risk' and 'Future risk'.

▪ **Emerging risk**

Potential hazard that may become a risk for media pluralism in the short to mid-term (timescale from 1 to 4 years) and that arises from either new applications on existing technology (for instance: EPG's), or existing applications implemented on new technology (for instance: on-demand audiovisual media services), offered by new or existing actors.³⁷

▪ **European works**

Works as defined by Article 1(2)n AVMS Directive:

'European works' means the following:

- works originating in member states,
- works originating in European third states party to the European Convention on Transfrontier Television of the Council of Europe and fulfilling the conditions of point (ii),
- works co-produced within the framework of agreements related to the audiovisual sector concluded between the community and third countries and fulfilling the conditions defined in each of those agreements,

³⁵ European Network and Information Security Agency. (ENISA). *Risk Management Roadmap*. http://www.enisa.europa.eu/rmra/roadmap_04.html.

³⁶ European Agency for Safety and Health at Work. (2007). *European Risk Observatory Report: Expert forecast on emerging psychosocial risks related to occupational safety and health*. Luxembourg: Office for Official Publications of the European Communities, 6. http://osha.europa.eu/en/riskobservatory/risks/forecasts/psychosocial_risks/index.html.

³⁷ European Network and Information Security Agency (ENISA). (2007). *Methods for the identification of Emerging and Future Risks*. http://www.enisa.europa.eu/doc/pdf/deliverables/EFR_Methods_Identification_200804.pdf.

- application of the provisions of the second and third indents shall be conditional on works originating in member states not being the subject of discriminatory measures in the third country concerned;

The works referred to in the first and second indents of point (i) are works mainly made with authors and workers residing in one or more of the states referred to in the first and second indents of point (i) provided that they comply with one of the following three conditions:

- they are made by one or more producers established in one or more of those states, or
- production of the works is supervised and actually controlled by one or more producers established in one or more of those states, or
- the contribution of co-producers of those states to the total co-production costs is

Preponderant and the co-production is not controlled by one or more producers established outside those states;

Works that are not European works within the meaning of point (i) but that are produced within the framework of bilateral co-production treaties concluded between member states and third countries shall be deemed to be European works provided that the co-producers from the community supply a majority share of the total cost of production and that the production is not controlled by one or more producers established outside the territory of the member states.

▪ **Evidence**

All information or signs indicating whether a belief or proposition is true or valid, to be interpreted in the broadest possible sense, including data retrieved from independent reports or websites of NGOs and research centres, but also press articles and (informal) testimonies (hence not limited to information used to establish facts in a legal investigation or admissible as testimony in a law court).

▪ **Expert panel**

A group of media experts from various fields (regulators, journalists, media lawyers, media economists, media researchers specialising in social issues related to the media, civil society representatives, etc) assigned to the role of analysing and assessing the levels of risk within specific domains and types of media and media environments.

▪ **External channels**

External channels: all non domestic channels, *i.e.* channels provided by foreign media companies.

▪ **External political pluralism**

External pluralism at its very basis stands in the range of political affiliations of the media owners. From a more focused perspective applying to the present study, external pluralism is defined as pluralism of content, with different media representing different standpoints or orientations. Within this context it is relevant to observe how political affiliation of media owners, publishers and broadcasters may influence the political stances of their media outlets.

▪ **Framework Directive**

Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), O.J. [2002] L 108/33.

▪ **Functional equivalent**

Co- and/or self-regulatory measures pursuing similar policy goals as state regulations and producing similar effects (and as such fulfilling the same function as and offering an equivalent to state regulation).

▪ **Future risk**

Potential hazard that may become a risk for media pluralism in the long term (4 years and more) and that arises from situations that combine at least two of the following three features: 1) new applications on 2) new technologies by 3) new actors. Examples: search engines, online/mobile video portals (e.g. YouTube, DailyMotion), new media services in the area of gaming, etc.

▪ **Geographical/local pluralism in the media**

Geographical pluralism in the media refers to fair and diverse representation of and expression (*i.e.* passive and active access) by local and regional communities and interests in the media. It comprises plurality and variety of themes and voices brought to the media, socialisation through multiple forms of media access and participation, choice between different forms of interaction, and representation of diverse values, viewpoints and roles, in which local and regional communities can be recognised. Such pluralism may be read through the spatial dimension (media content is produced and distributed within a local and regional community) or the social/content dimension (media content and services address unique needs and interests of local and regional communities).³⁸

▪ **Horizontal concentration**

Mergers and acquisitions of companies within the same branch of activity.

▪ **ICCPR**

The International Covenant on Civil and Political Rights, the United Nations treaty based on the Universal Declaration of Human Rights. It was adopted in 1966, entered into force on 23 March 1976 and is monitored by the Human Rights Committee.

▪ **Independent producer**

Producers who are independent of broadcasters, while three particular criteria should be taken into account:

- The production company must be free from a controlling interest by a broadcaster (a broadcaster owns less than 50% of the shares of the production company).
- The programme must have been made by a production company that produces a majority of its programmes outside the broadcaster’s own management structure.
- The production company must provide programmes for different broadcasters (not just one), *i.e.* the production company cannot be bound by an exclusivity contract with 1 broadcaster for more than 5 years. If a production company clearly meets all of the criteria, it can be classified as ‘independent’. If the company does not meet all of the criteria, it cannot be classified as ‘independent’.³⁹

³⁸ DiCola, P. (2007). Employment and Wage Effects of Radio Consolidation. In P.M. Napoli (Ed.), *Media Diversity and Localism: Meaning and Metrics* (pp. 57 - 78). Mahwah: LEA Publishers, 62. Referring to Napoli, P. M. (2001). *Foundations of communication policy: Principles and process in the regulation of electronic media*. Hampton: Cresskill, 210, 217.

³⁹ Attentional (2008). *Study on the application of measures concerning the promotion of the distribution and production of European works in audiovisual media services (i.e. including television programmes*

- **Indicator**

A unit of measurement, which provides relevant information to compare, to judge and evaluate data. In the MPM, indicators highlight trouble zones, where actions or measures need to be taken.

- **Internal political pluralism**

Internal pluralism refers to different political views being expressed and presented in media content, instead of the political orientation of the media outlet and influenced by its owner’s political stance, as is the case in external pluralism. It should be noted that political affiliations of media employees may or may not be reflected in contents.

- **Instrumentalisation**

See ‘Political instrumentalisation’.

- **Investigative journalism**

A type of reporting that involves in-depth investigation of a topic of interest often involving specific and otherwise less-transparent cases of crime, (political) corruption or scandal.

- **Journalist**

Any natural or legal person who is regularly or professionally engaged in the collection and dissemination of information to the public via any means of mass communication.⁴⁰

- **Journalistic Source**

Any person who provides information to a journalist.⁴¹

- **Linear audiovisual media service**

See ‘Television broadcast(ing)’.

- **Local media**

All media located within a community such as a town or a city. Local media address and are closely connected with community of users distinguished by place of settlement. They focus predominantly on local issues and help to strengthen local identities as well as forms of local communication.

- **Mainstream media**

Media content and services targeting a wide audience (*i.e.* not dedicated to specific target groups like children, regional communities or minority groups) and covering a wide range of topics (*i.e.* not dedicated to specific themes).

and non-linear services) – Draft Final Report. Study for the European Commission.
http://ec.europa.eu/avpolicy/docs/library/studies/art4_5/draft_final_report.pdf

⁴⁰ Appendix to Council of Europe (2000) Recommendation No. R (2000) 7 of the Committee of Ministers to Member States on the Right of Journalists not to disclose their sources of information, 8 March 2000.

⁴¹ *Ibid.*

■ **Media**

The term ‘media’ refers to those responsible for the periodic creation of information and content and its dissemination over which there is editorial responsibility, irrespective of the means and technology used for delivery, which are intended for reception by, and which could have a clear impact on, a significant proportion of the general public. This could, inter alia, include print media (newspapers, periodicals) and media disseminated over electronic communication networks, such as broadcast media (radio, television and other linear audiovisual media services), online news-services (such as online editions of newspapers and newsletters) and non-linear audiovisual media services (such as on-demand television).⁴²

Contrary to the definition of ‘audiovisual media service’ in the new EU audiovisual media services directive (see above), the term ‘media’ also includes non-economic activities (including personal websites or blogs, if they contain edited information and are destined for the public at large, in order to inform, entertain or educate, and distributed with a minimum level of periodicity and structure).⁴³

It excludes, however, interpersonal communications, such as e-mails or chat.

■ **Media authority**

A media authority is an authority which upholds the rules which are formulated in media acts and laws.

■ **Media literacy**

Media literacy is the ability to access the media, to understand and to critically evaluate different aspects of the media and media contents and to create communications in a variety of contexts. Media-literate people are able to exercise informed choices, understand the nature of content and services and take advantage of the full range of opportunities offered by new communications technologies. They are better able to protect themselves and their families from harmful or offensive material.⁴⁴ Further, media literacy may be defined as the ability to access, analyze and evaluate the power of images, sounds and messages which we are now being confronted with on a daily basis and are an important part of our contemporary culture, as well as to communicate competently in media available on a personal basis. Media literacy relates to all media, including television and film, radio and recorded music, print media, the internet and other new digital communication technologies. The aim of media literacy is to increase awareness of the many forms of media messages encountered in their everyday lives. It should help citizens to recognise how the media filter their perceptions and beliefs, shape popular culture and influence personal choices. It should empower them with the critical thinking and creative problem-solving skills to make them judicious consumers and producers of information. Media education is part of the basic entitlement of every citizen, in

⁴² This is the definition of “media” that is recurring in recent texts from the Council of Europe; see, for instance, Recommendation CM/rec(2007)/15 on measures concerning media coverage of election campaigns.

⁴³ It should be noted that so-called ‘traditional media’ (including those available through new platforms like online newspapers) have a different character from individual or organised websites or blogs. Hence, they also contribute to media pluralism and diversity in an entirely different way. They aggregate information, but also thematise problems and furnish them with possible solutions. In this sense, ‘traditional media’ (usually) have a different weight than personal blogs. For example: an anti-Semitic video clip produced by an extreme right-wing activist placed on YouTube has a different weight than if it would be displayed by one of the leading TV channels in the country. Therefore we suggest focusing not on all blogs and websites, but only those that have some significance for public opinion formation and for the exercise of citizenship rights to be fully and impartially informed.

⁴⁴ Recital 37 AVMS Directive.

every country in the world, to freedom of expression and the right to information and it is instrumental in building and sustaining democracy.⁴⁵

▪ **Media ownership concentration**

This term refers to a situation in which the majority of media outlets are owned by a small number of conglomerates or corporations. Media ownership concentration may refer to states of oligopoly or monopoly in a given media industry, and/or to the presence of large scale owners.

▪ **Media pluralism**

Diversity of media supply, use and distribution in relation to 1) ownership and control, 2) media types and genres, 3) political viewpoints, 4) cultural expression and 5) local and regional interests.

This description is based on various documents of the Council of Europe and the European Union, making reference of numerous dimensions of media pluralism (for instance, internal and external pluralism, cultural and political pluralism, open and representative pluralism, structural and content pluralism, polarised and moderate pluralism, organised and spontaneous pluralism, reactive, interactive and proactive pluralism, descriptive and evaluative pluralism, etc.). Notions of media pluralism used in these policy documents and throughout the literature all emphasise the need for media to reflect the diversity that exists in society, in order to create the so-called ‘public sphere’ which is crucial for democratic debate.⁴⁶ In the context of its work in the area of media pluralism and concentrations, the Council of Europe has developed comprehensive descriptions of media pluralism. In the Explanatory Memorandum to Recommendation no. R (99) 1 on measures to promote media pluralism, it defines media pluralism as: *“diversity of media supply, reflected, for example, in the existence of a plurality of independent and autonomous media (generally called structural pluralism) as well as a diversity of media types and contents (views and opinions) made available to the public”*.

It is stressed that both the structural/quantitative and qualitative aspects are central to the notion of media pluralism and that pluralism is about diversity in the media that is made available to the public, which does not always coincide with what is actually consumed. Two features of media pluralism are explicitly mentioned and clarified as its main components:

“political pluralism, which is about the need, in the interests of democracy, for a wide range of political opinions and viewpoints to be represented in the media. Democracy

⁴⁵ European Commission (2007). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A European approach to media literacy in the digital environment, 20 December 2007, COM(2007) 833 final, 3.

⁴⁶ Gibbons, T. (1998). *Regulating the Media*, 2nd edn. London: Sweet & Maxwell. 31: “The requirement for diversity is a practical recognition of the way that complex democracies work, with ideas and opinion being channelled into the constitutional process through the media, from discussions taking place in a whole range of overlapping constituencies and representative groups”; Hitchens, L. (2006). *Broadcasting Pluralism and Diversity – A Comparative Study of Policy and Regulation*. Oxford and Portland: Hart Publishing, 31: “Notwithstanding their entertainment role, particularly obvious in the case of television and radio, the media have an important function providing information, and facilitating and promoting the public debate which is seen as essential to the proper functioning of a democracy. There is an intimate relationship between democratic debate and the media. Governments, politicians, and public figures are rarely able to gain access to citizens in sufficiently large numbers except through the media. The media have become the town square. For citizens, the media are a major source for information and commentary on public issues. To be an effective contributor to this democratic process, the media, as a channel for ideas and information and generator of debate, must be able to offer a variety of voices and views, and operate independently, without undue dominance by public or private power”.

would be threatened if any single voice within the media, with the power to propagate a single political viewpoint, were to become too dominant.” and

“cultural pluralism, which is about the need for a variety of cultures, as reflects the diversity within society, to find expression in the media”.

In earlier documents the following ‘check list’ was put forward:

- Diversity of media types and contents available to the public, resulting in a diversity of choice;
- Segments of society capable of addressing the public by means of media owned by, or affiliated to them;
- Diversity of media contents in relation to:
 - o Media functions (information, education, entertainment, etc.);
 - o Issues covered (spectrum of topics, opinions and ideas covered by and represented in the media);
 - o Audience groups served (internal pluralism).

▪ **Media service provider**

The natural or legal person who has editorial responsibility for the choice of the audiovisual content of the audiovisual media service and determines the manner in which it is organised (cf. Article 1(2)d AVMS Directive).

▪ **Minority**

A minority for the purpose of the MPM is a cultural or social group that faces discrimination on the grounds of their national, ethnic or linguistic origin, religion, gender, or another characteristic mentioned above, under the definition of ‘cultural and social group’, that distinguish that group from the majority of population. Members of the minority not only seek to protect and maintain their culture, tradition and identity, but also tend to present and express it externally.⁴⁷

The MPM uses two broad categories of minorities: ethnic, linguistic or national minorities, on the one hand, and ‘other’ minorities based on religion, gender, age, sexual orientation. The first category is linked to the concept of ‘minority media’, used for the purpose of the MPM. Ethnic, linguistic or national minorities may also share a common religion or belief; however, if

⁴⁷ The question of what constitutes a minority group in international law has remained unanswered. The CoE’s FCNM and UN’s ICCPR – both contributing to minority protection – provide different references to the subject. ICCPR has favoured ‘ethnic, religious and linguistic groups’ when addressing minority rights, while FCNM has chosen the term ‘national minorities.’ In 1979, Francesco Capotorti formulated a definition of ‘minority’ in order to clarify and facilitate the application of Article 27 of ICCPR: “A group numerically smaller to the rest of the population of the State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards presenting their culture, traditions, religions or language.” The statement of OSCE High Commissioner on National Minorities notes: “Indeed, there is no general agreement on what constitutes a (national) minority, either in the OSCE or elsewhere.” (<http://www.osce.org/hcnm/13022.html>) A working definition developed by High Commissioner van der Stoep in 1994 shares commonalities with Capotorti’s definition: “First of all, a minority is a group with linguistic, ethnic or cultural characteristics, which distinguish it from the majority. Secondly, a minority is a group which usually not only seeks to maintain its identity but also tries to give stronger expression to that identity.” (<http://www.osce.org/hcnm/13022.html>)

a minority group is characterised only by religious features, it is considered as belonging to the second category (implying that media outlets dedicated to that group will not be considered as ‘minority media’, but as ‘other community media’).

▪ **Minority language**

‘Regional or minority languages’ means languages that are:

- traditionally used within a given territory of a state by nationals of that state who form a group numerically smaller than the rest of the state's population; and
- different from the official language(s) of that state;

It does not include either dialects of the official language(s) of the state or the languages of migrants.⁴⁸

▪ **Minority media**

Minority media can be defined as media that address specific minority groups distinguished by language, ethnic or national identity (hence, only a subset of the minorities or cultural and social groups, defined above). They are closely connected with communities they serve, create new forms of interactions and initiate the emergence of media cultures (through self-representation of minority cultures) as an alternative to mainstream transnational or national media. Minority media may be run by professional journalists - who are paid for their work and who often represent communities they serve. Minority media, although accountable to the community and offering different forms of participation, might also generate an economic or commercial profit.⁴⁹

▪ **National media**

This term concerns the media situated and operating in a given state or country, targeting national audiences and offering nation-wide coverage.

▪ **National works**

Programmes which are produced locally, in the language of the country of production.

▪ **Non-linear audiovisual media service**

See ‘on-demand audiovisual media service’.

▪ **Ombudsman**

An official appointed to receive, investigate, and report on private citizens' complaints about the government. An ombudsman can also be a similar appointee in a non-governmental organisation (such as a company or university). Often shortened to *ombuds*.⁵⁰

▪ **On-demand audiovisual media service** (synonym: non-linear audiovisual media service)

⁴⁸ Article 1 (a) European Charter for Regional or Minority Languages; Council of Europe (1992). *European Charter for Regional or Minority Languages and Explanatory Report, Convention opened for signature on 5 November 1992*, European Treaty Series No.148, Council of Europe Publishing.

⁴⁹ Based on the definition given by the European Parliament in its Resolution of 25 September 2008 on Community Media in Europe.

⁵⁰ Black's Law Dictionary.

An audiovisual media service provided by a media service provider for the viewing of programmes at the moment chosen by the user and at his individual request on the basis of a catalogue of programmes selected by the media service provider (Article 1(2)g AVMS Directive).

▪ **Pluralism of media ownership and/or control**

Pluralism of media ownership and control refers to the existence of media outlets and platforms owned or controlled by a plurality of independent and autonomous actors. It encompasses a plurality of actors at the level of media production, of media supply and of media distribution (*i.e.* Variety in media sources, outlets, suppliers and distribution platforms).

▪ **Pluralism of media types and genres**

Pluralism of media types refers to the co-existence of media with different mandates and sources of financing (commercial media, community or alternative media, public service media) within and across media sectors (print, television, radio, Internet).

Pluralism of media genres refers to diversity in the media in relation to media functions (including information, education, and entertainment).

▪ **Political affiliation of media owner**

Refers to one of the following statuses of the owner:

- the owner is member of the government or the parliament,
- the owner is member of political party,
- the owner is through family relations connected to member of the government or the parliament, or to leader or member of governing board of political party,
- the owner is member of governing board of companies owned by the state,
- the owner is providing financial support to political party in election campaign.

▪ **Political bias/partisanship (in the media)**

A disproportionate and discriminatory (positive or negative) representation of one or more political groups and/or political viewpoints to the detriment of other such groups and/or viewpoints.

▪ **Political concentration of ownership**

Term employed in order to express dominance of affiliation to one political grouping of a majority of media owners .

▪ **Political instrumentalisation**

Use of the media by political groupings and/or their affiliates for employment of their political interests against professional standards in the media, including editorial independence.

▪ **Political pluralism in the media**

Political media pluralism refers to fair and diverse representation of and expression by (*i.e.* Passive and active access) the various political and ideological groups in the media, including minority viewpoints and interests. This definition is thus twofold: on the one hand it encompasses the capacity and possibility of all social segments having diverse political/ideological forms or interests⁵¹ to address/reach the public by means of media

⁵¹ Within the scope of this definition of political pluralism, ‘social segments’ is to be understood beyond what is included in the cultural pluralism aspects of social features. Thus, ‘social segments’ include social groups with shared social characteristics such as class, age or other which are not relevant for

(owned by, or affiliated to them, or owned by third parties) and on the other hand, the spectrum of (political and ideological) viewpoints, opinions and interests covered by and represented in the media.

- **Political parallelism**

Political parallelism refers to - media content – the extent to which the different media reflect distinct political orientations in their news and current affairs reporting, and sometimes also their entertainment content.⁵²

- **Press council**

A press council is the self-regulatory body of the print media.

- **Programme**

A set of moving images with or without sound constituting an individual item within a schedule or a catalogue established by a media service provider and whose form and content is comparable to the form and content of television broadcasting. Examples of programmes include feature-length films, sports events, situation comedies, documentaries, children’s programmes and original drama (Article 1(2)b AVMS Directive).

- **Public interest channel**

Channel offered by the PSM (in the institutional sense) or by a private non-profit organisation with a public service mission and providing content in the public interest (can include local/regional channels, community media, educational channels, etc.)

- **Qualitative indicators**

Qualitative indicators are narrative descriptions of situations, problems, phenomena. While quantitative indicators are measured through numbers, qualitative indicators are measured through expert opinions and perceptions or non-quantitative facts.

- **Qualifying transmission time**

The overall broadcaster’s transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services, teleshopping and sponsorship (cf. Article 4 AVMS Directive).

- **Quantitative indicators**

Quantitative indicators are statistical measures based on numerical or statistical facts that can be used to make sense of, monitor, or evaluate situations, problems or phenomena: a number or a percentage.

- **Regional media**

All media located in an administrative region within a country. Regional media address community of users distinguished by region of settlement. They focus predominantly on

the cultural pluralism dimension but form the basis for the creation of specific political interests, engagement and organisation (for instance trade unions, youth organisations, etc.).

⁵² Hallin, C. D., & Mancini, P. (2004). *Comparing Media Systems: Three Models of Media and Politics*. Cambridge: Cambridge University Press, p. 28.

regional issues and help to strengthen regional identities, often overlooked by the mainstream media. Regional media follow regional distribution patterns and reinforce forms of regional communication.

- **Regional metropolis/regional capital city**

A regional capital city is the urban area of a province, region, or land, regarded as enjoying primary status. It is the city which hosts the offices of regional, province or land administration and, in some cases, also the seat of autonomous regional government.

- **Risk**

The potential that a given threat will occur and thereby cause harm to media pluralism.

- **Score**

The result of the measurement carried out for all indicators on the basis of the methodology described in Chapter 3 for the individual indicators. The score can consist of an absolute figure, a percentage, or a qualitative assessment.

- **Secondary language**

The second most spoken language in a country

- **Social groups**

Disabled people, women, children, elderly, sexual minorities, ...

- **Telecommunications authority**

Any national regulatory authority in the sense of Article 2(g) Framework Directive, defined as “the body or bodies charged by a Member State with any of the regulatory tasks assigned in this Directive and the Specific Directives” (*i.e.* the directives on electronic communications networks and services).

- **Television broadcast(ing)** (synonym: linear audiovisual media service)

An audiovisual media service provided by a media service provider for simultaneous viewing of programmes on the basis of a programme schedule (Article 1(2)e AVMS Directive).

- **Universal Service Directive**

Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service an users’ rights relating to electronic communications networks and services (Universal Service Directive), O.J. [2002] L 108/51.

- **Vertical integration**

Concentration of ownership and/or control by a single person, company or group of key elements of the production and distribution processes, and related activities such as advertising.

4. HOW TO USE THE MEDIA PLURALISM MONITOR

4.1. Content of the Media Pluralism Monitor

The MPM is programmed in Microsoft Office Excel and contains the following sheets:

- **Overview:** Default sheet which will appear automatically upon opening the Excel file. This is the start screen from where you can access the sheet that you want to fill in or consult, by simply clicking on the corresponding hyperlink. Hence, this screen offers an alternative for the tabs at the bottom of the screen which also allow you to access the various sheets.
- **General Report:** Sheet containing the report that is automatically generated once the scoring sheets have been filled in, and that displays all the scores for the various risks.
- **Basic Domain:** Sheet where you can fill in the scores (*i.e.* the results of the measurements carried out on the basis of the methodology described in the User Guide) for the indicators in the risk domain called ‘basic domain’.
- **Report Basic Domain:** Report that is automatically generated and displays the results for the ‘basic domain’.
- **Pluralism Ownership and Control:** Sheet where you can fill in the scores for the indicators in the risk domain ‘pluralism of media ownership and/or control’.
- **Report Pluralism Ownership and Control:** Report that is automatically generated and displays the results for the risk domain ‘pluralism of media ownership and/or control’.
- **Pluralism Media Types and Genres:** Sheet where you can fill in the scores for the indicators in the risk domain ‘pluralism of media types and genres’.
- **Report Pluralism Media Types and Genres:** Report that is automatically generated and displays the results for the risk domain ‘pluralism of media types and genres’.
- **Political Pluralism:** Sheet where you can fill in the scores for the indicators in the risk domain ‘political pluralism in the media’.
- **Report Political Pluralism:** Report that is automatically generated and displays the results for the risk domain ‘political pluralism in the media’.
- **Cultural Pluralism:** Sheet where you can fill in the scores for the indicators in the risk domain ‘cultural pluralism in the media’.
- **Report Cultural Pluralism:** Report that is automatically generated and displays the results for the risk domain ‘cultural pluralism in the media’.
- **Geographical Pluralism:** Sheet where you can fill in the scores for the indicators in the risk domain ‘geographical pluralism in the media’.
- **Report Geographical Pluralism:** Report that is automatically generated and displays the results for the risk domain ‘geographical pluralism in the media’.

The ‘scoring sheets’ (*i.e.* sheets which you need to fill in) are marked by grey tabs at the bottom of the screen; ‘reporting sheets’ (*i.e.* sheets which automatically generate reports, depending on the given scores) are marked by yellow tabs.

4.2. Operating Instructions

4.2.1. Getting Started

SCORES	RESULTS
Basic Domain	Report Basic Domain
Pluralism ownership & control	Pluralism of ownership & control
Pluralism media types & genre	Pluralism of media types & genre
Political pluralism	Political pluralism
Cultural pluralism	Cultural pluralism
Geographical pluralism	Geographical pluralism

[General Report](#)

Country	country
Population	small
GDP/Capita	low

Result for a country with small population and a low GDP/Capita

When you open the MPM, a start screen called ‘Overview’ will automatically appear. From this screen all sheets can be accessed via the hyperlinks or via the tabs at the bottom in order to fill in scores or consult reports.

The start screen contains a table ‘SCORES’, listing the scoring sheets where the results of the measurements of the indicators can be filled in, ranked per risk domain. The table ‘RESULTS’ contains links to the reporting sheets that automatically generate reports displaying results of the scoring, again per risk domain.⁵³

‘General Report’ in the centre of the start screen links to the sheet that contains a general overview of average scores for all risks contained in the MPM.

Important remarks:

- This ‘Overview’ sheet will appear by default only when you open the Excel file for the first time. When you close the Excel file and reopen it, the sheet that was last consulted will be displayed.
- It is not necessary to change sheets via this ‘Overview’ sheet. You can also easily switch between sheets via the tabs at the bottom of your screen (see red arrow in the next screenshot).

⁵³ The report for a specific risk domain will only be generated after filling in the scores for the indicators in that particular risk domain.

MEDIA PLURALISM MONITOR

SCORES	RESULTS
Basic Domain	Report Basic Domain
Pluralism ownership & control	Pluralism of ownership & control
Pluralism media types & genre	Pluralism of media types & genre
Political pluralism	Political pluralism
Cultural pluralism	Cultural pluralism
Geographical pluralism	Geographical pluralism

[General Report](#)

Country	country
Population	small
GDP/Capita	low

Result for a country with small population and a low GDP/Capita

[Overview](#) /
 [General Report](#) /
 [Basic Domain](#) /
 [REPORT BD](#) /
 [Pluralism ownership & control](#) /
 [REPORT OC](#) /
 [Pluralism media types & genre](#) /
 [REPOR](#)

4.2.2. Determine your Profile

SCORES	RESULTS
Basic Domain	Report Basic Domain
Pluralism ownership & control	Pluralism of ownership & control
Pluralism media types & genre	Pluralism of media types & genre
Political pluralism	Political pluralism
Cultural pluralism	Cultural pluralism
Geographical pluralism	Geographical pluralism
General Report	
Country	country
Population	small
GDP/Capita	low
Result for a country with small population and a low GDP/Capita	

Before scoring the indicators, you can create an *ex ante* profile of your country on the basis of population size and GDP/capita (serving as proxies for the size and wealth of the market).⁵⁴

The default profile is ‘Large population and high GDP/capita’. When changing the profile in accordance with the following guidelines, border values will automatically be adjusted for a number of indicators.

This *ex ante* profiling exercise is optional. If you do not change the default profile, you can still fill in the scoring sheets, and the results will be based on the default border values.

How to determine your profile:

For ‘population’ (i.e. size of the market):

- Choose ‘large’ in the drop box (see red arrow in the screenshot) if the population in your country is above 20 million.
- Choose ‘small’ in the drop box (see red arrow in the screenshot) if the population in your country is below 20 million.

For ‘GDP/capita’ (i.e. wealth of the market):

- Choose ‘high’ in the drop box (see red arrow in the screenshot) if the GDP/capita in your country is above 23,500 Euro.
- Choose ‘low’ in the drop box (see red arrow in the screenshot) if the GDP/capita in your country is below 23,500 Euro.

⁵⁴ As explained above, these factors have an important impact on the level of pluralism that one can expect in certain areas.

How are border values adjusted:

Large population and high GDP/capita: default border values
Large population and low GDP/capita: border values are multiplied by 1.20
Small population and high GDP/capita: border values are multiplied by 1.25
Small population and low GDP/capita: border values are multiplied by 1.33

List of indicators for which border values are adjusted:

O1.1	Ownership concentration in terrestrial television (horizontal) (E)
O1.2	Audience concentration in terrestrial television (E)
O2.1	Ownership concentration in radio (horizontal) (E)
O2.2	Audience concentration in radio (E)
O3.1	Ownership concentration in newspapers (horizontal) (E)
O3.2	Readership concentration in newspapers (E)
O4.1	Ownership concentration in Cable/Sat/ADSL-TV (horizontal) (E)
O4.2	Audience concentration in Cable/Sat/ADSL-TV (E)
O5.1	Ownership concentration in magazines (horizontal) (E)
O5.2	Readership concentration in magazines (E)
O6.1	Ownership concentration in internet content provision (horizontal) (E)
O6.2	Readership concentration in internet content provision (E)
O7.1	Ownership concentration in book publishing (horizontal) (E)
O7.2	Readership concentration in book publishing (E)
O8.1	Number of sectors in which top 8 firms/owners are active (E)
T1.1	Audience parity between the TV channels of commercial broadcasters and of PSM (E)
T1.2	Financial parity between the TV channels of commercial broadcasters and of PSM (E)
T1.3	Audience parity between the radio channels of commercial broadcasters and of PSM (E)
T1.4	Financial parity between the radio channels of commercial broadcasters and of PSM (E)
T2.4	Ratio of Cab/Sat/ADSL-TV channels dedicated to news/public affairs, education and entertainment to total number of Cab/Sat/ADSL-TV channels (E)
G1.4	Ratio of number of cities with TV and radio stations to total number of cities (E)
G1.5	Ratio of number of cities with newspapers to total number of cities (E)
G2.1	Proportion of regional and local television and radio broadcast channels to national broadcast channels (E)
G2.2	Proportion of regional and local newspapers to national newspapers (E)
G2.4	Parity of financing of regional and /local TV, radio and newspapers relative to population size (E)
G3.1	Proportion of locally oriented and locally produced content (S)

4.2.3. Scoring the Risk Domain ‘Basic domain’

a. How to open the scoring sheet

To measure the indicators for the basic domain, open the sheet ‘Basic domain’ by clicking on the corresponding link in the ‘Overview’ sheet, or by selecting the grey tab ‘Basic domain’ in the toolbar at the bottom of your screen.

The following screen will appear:

RISK	INDICATOR	TYPE	AREA	SCORE	Comment	
B1 Freedom of speech and related rights and freedoms are not sufficiently protected	B1.1	Regulatory safeguards for freedom of expression	L	S	Data not available	
	B1.2	Regulatory safeguards for right to information	L	S	Data not available	
	B1.3	Recognition of media pluralism as intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation	L	S	Data not available	
	B1.4	Regulatory safeguards for journalistic practice	L	S	Data not available	
	B1.5	Regulatory safeguards for the protection of journalistic sources	L	S	Data not available	
	B1.6	Regulatory safeguards for journalists' access to events for news reporting	L	S	Data not available	
B2 Insufficiently independent supervision in media sector	B2.1	Regulatory safeguards for the independency and efficiency of the media authority (authorities)	L	S	Data not available	
	B2.2	Regulatory safeguards for the independency and efficiency of a self-regulatory body in the press sector	L	S	Data not available	
	B2.3	Regulatory safeguards for the independency and efficiency of the competition authority	L	S	Data not available	
		Regulatory safeguards for the independency and efficiency of the media regulator				

The scoring sheet contains a number of columns. White columns cannot be edited; yellow columns should be filled in; blue columns will automatically turn green, orange or red upon filling in scores.

- **Column A: Risk** = description of the risk
- **Column B:** = average score of all indicators relating to that particular risk (red by default, only after filling in the scores, the final result will automatically display)
- **Column C: ID** = unique number of the indicator
- **Column D: Indicator** = description of the indicator
- **Column E: Type** = Economic (E) indicator, Socio-demographic (S) or Legal (L)
- **Column E: Area** = Supply (S), Distribution (D), or Use (U)
- **Column G: Score** = ‘Data not available’ by default, but has to be filled in, indicator per indicator following the method of measurement and guidelines which are elaborated below for each individual risk in all risk domains.
- **Column I: Comment** = can be used to insert data sources relied upon (for instance, the relevant act or decree for the legal indicators), exact data used for the calculation of the required percentage or figure, etc.

Important remark: This structure is identical for all risk domains and will not be repeated in the subsequent subchapters.

b. How to measure the indicators for the basic domain

Risk B1 – Freedom of speech and related rights and freedoms are not sufficiently protected

Indicator B1.1 (L): Regulatory safeguards for freedom of expression

■ **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for freedom of expression. A country may have good laws relating to freedom of expression but they may not be implemented or enforced. In addition, constitutional guarantees may be eroded by exceptions and derogations from international treaty obligations or by contradictory laws covering, for example, state secrecy or criminal defamation.⁵⁵

■ **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is freedom of expression explicitly recognised in the Constitution and/or national laws?	+	-
E.2. Has the Member State signed and ratified relevant Treaty obligations with no significant exemptions (e.g. ECHR, ICCPR, and Children’s Rights Treaty)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Do citizens have sufficient legal remedies in cases of infringement of their freedom of expression and are the barriers to appeal the decisions reasonable?	+	-
I.2. Do defamation laws still enable public debate about the conduct of officials or official entities? <i>Before giving an answer to this question, answer the questions below:</i> <ul style="list-style-type: none"> • Do defamation laws provide for sufficient legal defences, e.g. that the disputed statement was an opinion, not an allegation of fact; that publication or broadcasting of the disputed fact was reasonable or in the public interest; or that it occurred during a live transmission and/or before a court 	+	-

⁵⁵ UNESCO (2008). International Programme for the Development of Communication, *Media Development Indicators: A Framework for Assessing Media Development*, UNESCO: Paris, <http://unesdoc.unesco.org/images/0016/001631/163102e.pdf>, 11.

<ul style="list-style-type: none"> or elected body? YES/NO • I.2.2. Do defamation laws provide for a regime of remedies that allow for proportionate responses to the publication or broadcasting of defamatory statements? YES/NO • I.2.3. Is the scope of defamation laws defined as narrowly as possible, including as to who may sue? YES/NO • I.2.4. Can defamation suits only be brought by natural persons and not by public bodies whether legislative, executive or judicial? YES/NO <p><i>If you answered ‘NO’ to the above questions two times or more, mark the NO/- column on the right.</i></p>		
I.3. Do privacy laws still enable public debate about issues of public concern, <i>i.e.</i> restrictions are narrowly defined in law, rather than be subject to executive discretion?	+	-
I.4. Do national security laws still enable public debate about issues of public concern, <i>i.e.</i> restrictions are narrowly defined in law, rather than be subject to executive discretion?	+	-
I.5. Are other restrictions upon freedom of expression (e.g. rules on blasphemy) clear and narrowly defined in law and justifiable as necessary in a democratic society, in accordance with Article 10 ECHR?	+	-
I.6. Is there evidence of systematic infringements of free speech by the Member State in the domain of the media (check national case law, case law European Court on Human Rights on the basis of Article 10 ECHR, and in particular the data sources mentioned below)?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

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

Overviews of national media legislation can be found on: EPRA website (http://www.epra.org/content/english/authorities/f_medialegislation.html), websites of national regulatory and competition authorities, Merlin database European Audiovisual Observatory (<http://merlin.obs.coe.int/>), Nordicom (for Scandinavian countries, <http://www.nordicmedia.info/en/index.html>)

Policy documents

For instance:

Council of Europe (1982). Declaration on freedom of expression and information, 29 April 1982

Council of Europe (2001). Recommendation 1506 (2001) on freedom of expression and information in the media in Europe, 24 April 2001.

Council of Europe (2003). Recommendation 1589 (2003) on freedom of expression in the media in Europe, 28 January 2003.

Council of Europe (2007). Guidelines of the Committee of Ministers of the Council of Europe on protecting freedom of expression and information in times of crisis, 26 September 2007, http://www.coe.int/t/e/legal_affairs/legal_cooperation/fight_against_terrorism/2_adopted_texts/Guidelines%20media%202008%20E.pdf.

Studies/reports providing overviews of and/or evaluating safeguards for freedom of expression

For instance:

European Institute for the Media on behalf of the European Parliament (2004). *Information of the citizen in the EU: obligation for the media and the Institutions concerning the citizen's right to be fully and objectively informed*, <http://www.epra.org/content/english/press/papers/European%20Citizen%20Information%20Project%20Final%20REPORT.pdf>.

EUMAP (2005). *Television across Europe: Regulation, Policy and Independence (2005)*, http://www.eumap.org/topics/media/television_europe,

Council of Europe (2002). *Media Diversity in Europe*, Report prepared by the AP-MD, H/APMD (2003)001. [http://www.coe.int/T/E/Human_Rights/Media/HAPMD\(2003\)001_en.pdf](http://www.coe.int/T/E/Human_Rights/Media/HAPMD(2003)001_en.pdf),

European Parliament (2004). Report on the risks of violation, in the EU and especially in Italy, of freedom of expression and information (Article 11(2) of the Charter of Fundamental Rights), 5 April 2004, A5-0230/2004 (Report Boogerd-Quaak),

Transparency International, *Anti-corruption handbook*, http://transparency.org/policy_research/ach/

Websites providing more information

For instance: www.ifj.org, www.hrw.org, www.freedomhouse.org,
www.indexoncensorship.org, www.rsf.org, www.epra.com,
http://portal.unesco.org/ci/en/ev.php-URL_ID=2493&URL_DO=DO_TOPIC&URL_SECTION=201.html

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
Less than 1 +	-

I.1.-I.6.	Result for I
4 or more +	+
Less than 4 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator B1.2 (L): Regulatory safeguards for right to information

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards relating to the right to information. A country may have good laws relating to the right to information but they may not be implemented or enforced.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is the right to information explicitly recognised in the Constitution and/or national laws?	+	-
E.2. Has the Member State signed and ratified relevant Treaty obligation with no significant exemptions (e.g. ECHR, ICCPR, Directive 2003/04/EC of 28 January 2003 on Public Access to Environmental Information, Directive 2003/98/EC of 17 November 2003 on the re-use of public sector information)	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.2. Are restrictions on grounds of protection of personal privacy narrowly defined so as to exclude information in which there is no legitimate public interest?	+	-
I.3. Is there evidence - in case law, decision practice, press reports, reports of independent bodies or NGOs, etc. – of systematic non-compliance with the rules?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator B1.1.

Policy documents

Idem as Indicator B1.1,

Council of Europe (2002). Recommendation Rec(2002)2 on access to official documents by the Committee of Ministers,

Council of Europe (1994). Recommendation No. R (94) 13 on measures to promote media transparency, 22 November 1994

Studies/reports providing overviews of and/or evaluating safeguards for the right to information

Idem as Indicator B1.1,

OSCE (2008). *Access to information by the media in the OSCE region: Country Reports*, http://www.osce.org/documents/rfm/2007/06/24251_en.pdf

Websites providing more information

Idem as Indicator B1.1., www.ifj.org, www.freedominfo.org

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
Less than 1 +	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator B1.3 (L): Recognition of media pluralism as intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation

- **Description:** This indicator aims to assess the existence of the recognition of media pluralism as an intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation. In most of the national legal systems, the concept of pluralism is not explicitly recognised in constitutional statutes but can be found in the rulings of the constitutional courts that treat this as a constitutional principle.⁵⁶
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is media pluralism explicitly recognised in the Constitution and/or national laws as an intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation?	+	-
E.2. Does the Constitutional Court recognises in its case law media pluralism as an intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non respect of media pluralism as policy goal by the legislator/regulator when adopting legislation respecting issuing regulatory decisions?	-	+
Total number of +		
Total number of -		

⁵⁶ European Commission (1992). Green Paper, Pluralism and media concentration in the internal market, an assessment of the need for community action, 23 December 1992, COM(92) 480 final

■ **Data sources:**

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

Idem as Indicator B1.1.

Studies/reports providing overviews of and/or evaluating the recognition of media pluralism as intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation

Idem as Indicator B1.1.

Websites providing more information

For instance: www.media-accountability.org

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
Less than 1 +	-

I.1.	Result for I
1 +	+
No +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator B1.4 (L): Regulatory safeguards for journalistic practice

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for journalistic practice. This indicator focuses on three pillars: criteria to become a journalist, editorial independence and social protection of journalists. Firstly, legal restrictions on who can become a journalist which can have a negative influence on media pluralism (e.g. burdensome accreditation, registration or licensing schemes). Secondly, whether editorial decisions are made by media organisations on the basis of professional criteria and the public’s right to know without undue commercial interference (from the owner of the media company or commercial entities.)⁵⁷ Finally, for a genuine pluralistic media landscape to be realised, it is crucial that journalists can work under good social conditions.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is access to the journalistic profession open? Or do the laws or self-regulatory instruments that prescribe who may practice journalism or requiring the licensing or registration of journalists impose transparent, objective, proportionate (not synonym for strict conditions; e.g. diploma is a proportionate condition) and non-discriminatory requirements?	+	-
E.2. Are there any laws or self-regulatory codes prohibiting commercial parties to influence, or seek to influence, editorial content of broadcasters or press?	+	-
E.3. Are there any laws or self-regulatory instruments granting social protection of journalists in case of change of ownership (change of editorial line)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there evidence that the conditions to become a journalist, even if they are transparent, objective, proportionate, non-discriminatory, impose barriers to exercise the job of journalist?	-	+
I.2. Is there evidence that commercial entities or the owner of the media company systematically ⁵⁸ influence, or seek to influence, the editorial content of broadcasters or press? ⁵⁹	-	+

⁵⁷ The risks related to political parties/politicians influencing editorial content have been dealt with in the indicators related to political pluralism.

⁵⁸ Only common practice, and not one single incident, can lead to a negative scoring.

I.3. Is there evidence that journalists in general have to work under poor working conditions (e.g. time pressure, social protection, etc.)?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator B1.1.

Websites providing more information

For instance: www.enpa.org, www.ifj.org, www.ijnet.org

■ **Score:**

E.1.-E.3.	Result for E
3 +	+
No +	-

I.1.-I.3.	Result for I
3 -	+
1 or more +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

⁵⁹ The risks related to political parties/politicians influencing editorial content have been dealt with in the indicators related to political pluralism.

Indicator B1.5 (L): Regulatory safeguards for the protection of journalistic sources

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the protection of journalistic sources. Both in the case law of the European Court of Human Rights,⁶⁰ and in Recommendation (2000) 7 on the right of journalists not to disclose their sources of information, it is recognised that the protection of journalists' sources of information constitutes a basic condition for journalistic work and freedom as well as for the freedom of the media. To promote the development of free, independent and pluralist media, it is necessary for journalists to have the right not to disclose their sources of information.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is the protection of journalistic sources explicitly recognised by the law and is it in accordance with Recommendation (2000) 7 on the right of journalists not to disclose their sources of information of the Council of Europe? If not, do the highest courts in your country recognise the principle of the protection of journalistic sources as an intrinsic part of free speech?	+	-
E.2. The right/obligation for journalists to keep professional secrecy and protect the confidentiality of their sources of information is explicitly recognised in journalistic codes.	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there evidence of systematic infringement of the protection of journalistic sources (e.g. number of cases where journalists were obliged to disclose their sources, number of cases where journalists were condemned for not disclosing their sources, did the Member State take measures after a conviction by the European Court on Human Rights, systematic use of domiciliary visit, telephone tap of journalists,...)?	-	+
Total number of +		
Total number of -		

⁶⁰ Goodwin v. United Kingdom, 27 March 1996, *Receuil/Reports* 1996; Ernst and Others v. Belgium, 15 July 2003, *Receuil/Reports* 2003; Voskuil v. The Netherlands, 22 November 2007, *Receuil/Reports* 2007.

■ **Data sources:**

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

Idem as Indicator B1.1.,

Policy documents

For instance:

Council of Europe (2000). Recommendation REC (2000) 7 on the right of journalists not to disclose their sources of information, 8 March 2000

Studies/reports providing overviews of and/or evaluating safeguards for the protection of journalistic sources

For instance:

IFJ (2004), *Protecting our sources of information*, <http://www.ifj.org/assets/docs/039/201/822cf27-238c7c9.pdf>,

Banisar, D. (2007). *Silencing Sources: An International Survey of Protections and Threats to Journalists’ Sources*, <http://www.privacyinternational.org/foi/silencingsources.pdf>

Websites providing more information

For instance: www.enpa.org, www.ifj.org, www.ijnet.org

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
No +	-

I.1.	Result for I
1 +	+
No +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator B1.6 (L): Regulatory safeguards for journalists’ access to events for news reporting

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for journalists’ access to events for news reporting. The free flow of information may be seriously hampered by organisations trying to monopolise news content in an attempt to control the production and distribution of all audiovisual content related to major events. ‘Pure censorship’ could result: with controversial images being deleted, negative publicity being covered up, and access being limited to a very small delegation of the press paying the highest fee. It is incumbent on the press to report on all matters of general interest irrespective whether the outcome of a report turns out to generate positive or negative publicity for the organisation involved.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is journalists’ access to events for news reporting explicitly recognised by the law?	+	-
E.2. If not, do the highest courts in your Member State recognise the principle of journalists’ access to events for news reporting as an intrinsic part of free speech?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there evidence of systematic illegitimate refusal of journalists’ access to events for news reporting (check in particular the data sources mentioned below)?	-	+
I.2. If an accreditation procedure is applied to access events in your Member state, is this accreditation procedure usually transparent, objective, proportionate, non-discriminatory?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator B1.1.

Websites providing more information

For instance: www.enpa.org, www.ifj.org, www.freedomhouse.org

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
No +	-

I.1.-I.2.	Result for I
2 +	+
1 or less +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk B2 – Insufficiently independent supervision in media sector

Indicator B2.1 (L): Regulatory safeguards for the independence and efficiency of the media authority (-ies)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the independence and efficiency of the media authority (-ies). The ability of a media authority to exercise its powers impartially and transparently is crucial to ensure media pluralism. An independent media authority may not be part of a governmental administration, and must have its own ‘apparatus’ and resources which do not serve any other body. Members of media authorities should also avoid exercising functions or holding interests in enterprises or other organisations in the media or related sectors, which might lead to a conflict of interest in connection with membership of the media authority. Furthermore, there should be rules to guarantee that the members of the media authority are appointed in a democratic and transparent manner, may not receive any mandate or take any instructions from any person or body, do not make any statement or undertake any action which may prejudice the independence of its functions and do not take any advantage of them. Arrangements for the funding of the media authority should be specified in law in accordance with a clearly defined plan, with reference to the estimated cost of its activities, so as to allow the authority to carry out its functions fully and independently. Public authorities should not use their financial decision-making power to interfere with the independence of the media authority.

- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Are there any explicit constitutional or legal guarantees of independence of the media authority from political or commercial interference?	+	-
E.2. Are appointment procedures transparent, democratic and objective and designed to minimize the risk of political or commercial interference, for instance by including rules on incompatibility and eligibility?	+	-
E.3. Are the procedures for allocation of budgetary resources transparent and objective, <i>i.e.</i> leaving no scope for arbitrary decisions by the governing powers?	+	-
E.4. Are the tasks, duties and responsibilities of the media authority well defined and clearly set out in law (e.g. grant licences, compliance monitoring, sanctioning,...)?	+	-
E.5. Does regulation attribute sufficient (sanctioning) powers to the media authority (e.g. warning, fine, suspension or revocation of licence,...)?	+	-
E.6. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-

Total number of +
Total number of -

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Are the appointment procedures respected in practice?	+	-
I.2. Does decision practice of the media authority point out that the authority uses its powers in practice in the interest of the public (the media authority has never been condemned after an investigation by anti-corruption bodies)?	+	-
I.3. Is the budget adequate and consistent for the media authority to safeguard its independence and/or protect it from coercive budgetary pressures and to perform its function (check annual reports of the media authority, eumap.org, transparencyinternational.org,...)?	+	-
I.4. The Government cannot arbitrarily overrule the decision of the media authority.	+	-
I.5. Is the media authority accountable to the public for its activities, and should it publish regular or ad hoc reports relevant to their work or the exercise of their missions?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator B1.1.

Policy documents

For instance:

Council of Europe (2008). Declaration of the Committee of Ministers on the independence and functions of regulatory authorities for the broadcasting sector, 26 March 2008, <https://wcd.coe.int/com.instranet.InstraServlet?Index=no&command=com.instranet.CmdBlObGet&InstranetImage=260428&SecMode=1&DocId=1232302&Usage=2>,

Council of Europe (2000). Recommendation REC (2000) 23 on the independence and functions of regulatory authorities for the broadcasting sector, 20 December 2000.

Studies/reports providing overviews of and/or evaluating safeguards for the independence and efficiency of the media authority (-ies)

For instance:

Cullen International (2006). *Study on the regulation of broadcasting issues under the new regulatory framework prepared for the European Commission Information Society and Media*
 Directorate-General,
http://ec.europa.eu/information_society/policy/ecomm/doc/library/ext_studies/reg_bc_issues_under_nrf/broadcasting_study_report.pdf.

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*,
http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429,
http://pdfserve.informaworld.com/446564_902115117.pdf.

Websites providing more information

For instance: www.epra.org, www.eumap.org, www.transparencyinternational.org,
www.mediapolicy.org

■ **Score:**

E.1.-E.6.	Result for E
6 +	+
Less than 6 +	-

I.1.-I.5.	Result for I
5 +	+
Less than 5 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator B2.2 (L): Regulatory safeguards for the independence and efficiency of a self-regulatory body in the press sector

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the independence and efficiency of a self-regulatory body in the press sector. It is widely recognised that the existence of such a body (for instance, a Press Council or Ombudsman) is recommendable in the light of maintaining and enhancing the freedom, the responsibility, and the accountability of the media (accountability to the public, but not to any source of power including the government).⁶¹ Press Councils provide, inter alia, a democratic, efficient, and inexpensive forum for the hearing of complaints against and by the media. The European Parliament has called upon the Commission to examine the establishment of an independent body in the Member States, such as a Press Council, consisting of external experts, to oversee disputes over reporting by the media and journalists, as part an action plan on measures to promote pluralism.⁶²
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is there an independent Press Council (or equivalent) in your Member State?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is a broad part of the sector represented in the Press Council (or equivalent) (e.g. journalists, publishers,...)?	+	-
I.2. Has the Press Council (or equivalent) sufficient resources in the light of the mission attributed to it?	+	-
I.3. Does its members, Government and the sector in general consider the Press Council (or equivalent) to be a credible body?	+	-

⁶¹ Constitution of the World Association Of Press Councils (WAPC); http://www.wapconline.org/lang_eng/constitutionOfWAPC.asp.

⁶² European Parliament (2004). Report on the risks of violation, in the EU and especially in Italy, of freedom of expression and information (Article 11(2) of the Charter of Fundamental Rights), 5 April 2004, A5-0230/2004 (Report Boogerd-Quaak).

I.4. Can the Press Council act on its own initiative or only after complaints?	+	-
I.5. Is there evidence that the public is aware of the existence of the Press Council (check number of cases)?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator B1.1.

Studies/reports providing overviews of and/or evaluating safeguards for the independence and efficiency of a self-regulatory body in the press sector

Idem as Indicator B2.1

Hans-Bredow-Institut for Medienforschung and European Institute for Media Law. (2006). *Co-Regulation Measures in the Media Sector*. Study for the European Commission, http://ec.europa.eu/comm/avpolicy/info_centre/library/studies/index_en.htm.

Websites providing more information

For instance: www.enpa.be, websites of nation Press Councils (e.g. www.rvdj.be, www.rvdj.nl, www.presserat.de,...)

■ **Score:**

E.1..	Result for E
1 +	+
No +	-

I.1.-I.5.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator B2.3 (L): Regulatory safeguards for the independence and efficiency of the competition authority

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the independence and efficiency of the competition authority. Competition authorities need to be granted independent status from the political sphere to ensure that the application and enforcement of competition rules is mainly based upon economic and legal arguments alone, and not shaped by political pressure.⁶³ This is not only crucial to realise competition law objectives, but also to ensure media pluralism, to the extent that the former may positively contribute to the latter.⁶⁴ Therefore members of the competition authority should avoid exercising functions or holding interests in enterprises or other organisations in the media or related sectors, which might lead to a conflict of interest in connection with membership of the competition authority. Furthermore, rules should guarantee that the members of the competition authority are appointed in a democratic and transparent manner, may not receive any mandate or take any instructions from any person or body, do not make any statement or undertake any action which may prejudice the independence of its functions and do not take any advantage of them. Arrangements for the funding of the competition authority should be specified in law in accordance with a clearly defined plan, with reference to the estimated cost of its activities, so as to allow the authority to carry out its functions fully and independently. Public authorities should not use their financial decision-making power to interfere with the independence of the competition authority.

- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Are there any explicit constitutional or legal guarantees of independence of the competition authority from political or commercial interference?	+	-
E.2. Are the appointment procedures transparent, democratic and objective and designed to minimize the risk of political or commercial interference, for instance by including rules on incompatibility and eligibility?	+	-
E.3. Are the procedures for allocation of budgetary resources transparent and objective, <i>i.e.</i> leaving no scope for arbitrary decisions by the governing powers?	+	-
E.4. Are the tasks, duties and responsibilities of the competition authority well defined and clearly set out in law?	+	-
E.5. Does the law attribute sufficient powers to the competition authority?	+	-

⁶³ Cf. Van De Gronden, J., & De Vries, S. (2006). Independent competition authorities in the EU. *Utrecht Law Review*, Council of Europe (2000) Recommendation No. R (2000) 23, on the independence and functions of regulatory authorities for the broadcasting sector., Vol 2 (1) 32.

⁶⁴ OECD (1993). *Competition policy and a changing broadcast industry*, <http://www.oecd.org/dataoecd/8/63/2376152.pdf>, 15.

E.6. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Are the appointment procedures respected in practice?	+	-
I.2. Does decision practice of the competition authority point out that the authority uses its powers in practice?	+	-
I.3. Is the budget adequate and consistent for the competition authority to safeguard its independence and/or protect it from coercive budgetary pressures and to perform its function?	+	-
I.4. The Government cannot overrule the decisions of the competition authority, <i>i.e.</i> for other reasons that public interest.	+	-
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator B1.1.

Studies/reports providing overviews of and/or evaluating safeguards for the independence and efficiency of a self-regulatory body in the press sector

Idem as Indicator B2.1.

Websites providing more information

For instance: www.epra.org, www.eumap.org, websites of national competition authorities

■ **Score:**

E.1.-E.6.	Result for E
6 +	+
Less than 6 +	-

I.1.-I.4.	Result for I
4 +	+
Less than 4 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator B2.4 (L): Regulatory safeguards for the independence and efficiency of the telecommunications authority

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the independence and efficiency of the telecommunications authority. Member States have an obligation under the electronic communications regulatory framework to guarantee the independence of their national regulatory authority (-ies) by ensuring that they are legally distinct from and functionally independent of all organisations providing electronic communications networks, equipment or services, and by ensuring that national regulatory authorities exercise their power impartially and transparently.⁶⁵ This is not only crucial to realise the policy objectives set in the electronic communications sector, but also serves media pluralism.⁶⁶ Therefore members of the telecommunications authority should avoid exercising functions or holding interests in enterprises or other organisations in the media or related sectors, which might lead to a conflict of interest in connection with membership of the telecommunications authority. Furthermore, rules should guarantee that the members of the telecommunications authority are appointed in a democratic and transparent manner, may not receive any mandate or take any instructions from any person or body, do not make any statement or undertake any action which may prejudice the independence of its functions and do not take any advantage of them. Arrangements for the funding of the telecommunications authority should be specified in law in accordance with a clearly defined plan, with reference to the estimated cost of its activities, so as to allow the authority to carry out its functions fully and independently. Public authorities should not use their financial decision-making power to interfere with the independence of the telecommunications authority.

- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Are there any explicit constitutional or legal guarantees of independence of the telecommunications authority from political or commercial interference?	+	-
E.2. Are the appointment procedures transparent, democratic and objective and designed to minimize the risk of political or commercial interference, for instance by including rules on incompatibility and eligibility?	+	-
E.3. Are the procedures for allocation of budgetary resources transparent and objective, <i>i.e.</i> leaving no scope for arbitrary decisions by the governing powers?	+	-
E.4. Are the tasks, duties and responsibilities of the telecommunications authority well defined and clearly set out in law?	+	-
E.5. Does the law attribute sufficient powers to the telecommunications authority?	+	-

⁶⁵ Article 3 Framework Directive 2002.

⁶⁶ Article 8 Framework Directive 2002; see in particular Article 8(1) last sentence: “National regulatory authorities may contribute within their competencies to ensuring the implementation of policies aimed at the promotion of cultural and linguistic diversity, as well as media pluralism.”

E.6. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Are the appointment procedures respected in practice?	+	-
I.2. Does decision practice of the telecommunications authority point out that the authority uses its powers in practice?	+	-
I.3. Is the budget adequate and consistent for the telecommunications authority to safeguard its independence and/or protect it from coercive budgetary pressures and to perform its function?	+	-
I.4. The Government cannot arbitrarily overrule the decisions of the telecommunications authority.	+	-
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator B1.1.

Studies/reports providing overviews of and/or evaluating safeguards for the independence and efficiency of a self-regulatory body in the press sector

Idem as Indicator B2.1.

Websites providing more information

For instance: www.epra.org, www.itu.int, www.eumap.org

■ **Score:**

E.1.-E.6.	Result for E
6 +	+
Less than 6 +	-

I.1.-I.4.	Result for I
4 +	+
Less than 4 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk B3 – Insufficient media (including digital) literacy

Indicator B3.1 (L): Policies and support measures for media literacy (or digital literacy in particular) among different groups of population

- **Description:** This indicator aims to assess the active measures taken by the state to promote media literacy among different groups of population. The aim of media literacy is to increase awareness of the many forms of media messages encountered in their everyday lives. It should help citizens to recognise how the media filter their perceptions and beliefs, shape popular culture and influence personal choices. It should empower them with the critical thinking and creative problem-solving skills to make them judicious consumers and producers of information.⁶⁷
- **Method of measurement:** analysis of policies and support measures and their implementation by the user on the basis of the following questionnaire.

Does the state take active measures to promote media literacy among different groups of population?

For example:

- Is media literacy taught in the context of the formal educational system in your Member State?
- Are their media literacy initiatives in environments outside the formal educational systems, such as cultural centres, film schools, life-long learning programmes, on-line discussion groups concerned with ethics in the media, advertising, media industry and the press, etc.?
- Does your Member State organize computer classes for children, elderly, minority groups? Either free of charge or at a democratic price?
- Does your Member State evaluate and assess in a reliable fashion the effectiveness of policies and media literacy activities?
- Does your Member State take measures to help children and young people to acquire the necessary skills to decipher, evaluate and develop a critical approach to advertising and other forms of commercial communication enabling them to make informed choices?
- Does your Member State take measures aiming at encouraging Europeans, and notably young audiences, to develop a critical approach to the audiovisual content available to them, including videogames?
- Does your Member State take measures aiming at encouraging Europeans to develop their curiosity for culturally-diverse audiovisual works?
- Does your Member State take measures to provide, notably to young European audiences, better awareness and knowledge about our film heritage and increasing interest in these films and in recent European films?
- Does your Member State take measures aiming at implementing and encouraging a critical approach of content, especially information material, available online?
- Does the Member State take measures to promote the acquisition of audiovisual media production and creativity skills?
- Does your Member State take measures aiming at increasing citizens' active participation in virtual information communities such as news-related discussion forums, user's

⁶⁷ http://ec.europa.eu/avpolicy/media_literacy/index_en.htm.

generated databases/encyclopaedias?

- Does your Member State take measures to raise awareness about how search engines work (prioritisation of answers, etc.) and learning to better use search engines?
- Does your Member State take measures to indicate the importance of copyright, from the perspective of both consumers and creators of content?
- Does your Member State take measures to empower users with tools to critically assess online content; extending digital creativity and production skills and encouraging awareness of copyright issues?
- Does your Member State take measures to ensure that the benefits of the information society can be enjoyed by everyone, including people who are disadvantaged due to limited resources or education, age, gender, ethnicity, people with disabilities (e-Accessibility) as well as those living in less favoured areas (all these are encompassed under e-Inclusion)?
- Did organisations in your Member State sign the European Charter for Media Literacy?
- Does your Member State’s literacy and training strategy take into account the recommendations of the Recommendation of the Committee of Ministers to Member States on empowering children in the new information and communications environment (Adopted on 27 September 2006)?

■ **Data sources:**

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

Idem as Indicator B1.1.

Policy documents

European Commission (2007). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A European approach to media literacy in the digital environment, 20 December 2007, COM(2007) 833 final

Studies/reports

Universidad Autonoma de Barcelona (2007). *Current trends and approaches to media literacy in Europe*, Study for the European Commission, http://ec.europa.eu/avpolicy/media_literacy/studies/index_en.htm

Websites providing more information

http://ec.europa.eu/avpolicy/media_literacy/Default.aspx

<http://www.euromedialiteracy.eu>

■ **Score:**

	Score (Select the correct option in the drop-box)
Policymakers have not even started to discuss the matter. There are no steps taken in the development of any policy measures whatsoever.	No policy
Policymakers are aware of the issue and started taking measures, but the existing policies are only nascent and the measures taken are fragmented.	Underdeveloped policy
There is already a strong tradition of policymaking in this area. The existing measures are divers, but coherent and up-to-date with the latest societal changes.	Well-developed policy

c. How to fill in the obtained scores

Once you have finished measuring all indicators on the basis of the provided methodology and guidelines, you can fill in the obtained results (scores) for the indicators of the general risk domain as follows: put your cursor in the correct cell in the column score in order to fill in the correct score. When the cursor is placed in the cell, a grey dart in the right bottom corner of the cell will appear (see screenshot).

RISK	INDICATOR	TYPE	AREA	SCORE	Comment	
B1 Freedom of speech and related rights and freedoms are not sufficiently protected	B1.1	Regulatory safeguards for freedom of expression	L	S	Data not available	
	B1.2	Regulatory safeguards for right to information	L	S	Data not available	
	B1.3	Recognition of media pluralism as intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation	L	S	Data not available	
	B1.4	Regulatory safeguards for journalistic practice	L	S	Data not available	
	B1.5	Regulatory safeguards for the protection of journalistic sources	L	S	Data not available	
	B1.6	Regulatory safeguards for journalists' access to events for news reporting	L	S	Data not available	
B2 Insufficiently independent supervision in media sector	B2.1	Regulatory safeguards for the independency and efficiency of the media authority (authorities)	L	S	Data not available	
	B2.2	Regulatory safeguards for the independency and efficiency of a self-regulatory body in the press sector	L	S	Data not available	
	B2.3	Regulatory safeguards for the independency and efficiency of the competition authority	L	S	Data not available	
	B2.4	Regulatory safeguards for the independency and efficiency of the telecommunications authority	L	S	Data not available	

If you click on this grey dart, a drop box will appear with scores you can choose from and that correspond with the possible scores mentioned in the detailed guidelines. You can select your score from the drop box, by clicking on it.

RISK	INDICATOR	TYPE	AREA	SCORE	Comment	
B1 Freedom of speech and related rights and freedoms are not sufficiently protected	B1.1	Regulatory safeguards for freedom of expression	L	S	Data not available	
	B1.2	Regulatory safeguards for right to information	L	S	Data not available	
	B1.3	Recognition of media pluralism as intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation	L	S	Data not available	
	B1.4	Regulatory safeguards for journalistic practice	L	S	Data not available	
	B1.5	Regulatory safeguards for the protection of journalistic sources	L	S	Data not available	
	B1.6	Regulatory safeguards for journalists' access to events for news reporting	L	S	Data not available	
B2 Insufficiently independent supervision in media sector	B2.1	Regulatory safeguards for the independency and efficiency of the media authority (authorities)	L	S	Data not available	
	B2.2	Regulatory safeguards for the independency and efficiency of a self-regulatory body in the press sector	L	S	Data not available	

After having selected the appropriate score, the blue cell at the left side of the score will automatically colour red, orange or green. The meaning of these colours is further explained in Chapter 5 ‘Interpretation of Results’.

If it is not possible to collect the requested data to measure the indicator, you can keep the default score (‘data not available’). In that case, the indicator (for which there is no result) will be ignored in the calculation of the average score (see below).

Scores can always be changed at a later stage by returning to the scoring sheet and simply selecting an alternative score in the drop box.

RISK	INDICATOR	TYPE	AREA	SCORE	Comment
B1 Freedom of speech and related rights and freedoms are not sufficiently protected	B1.1	L	S	existing and effective	
	B1.2	L	S	existing, non effective	
	B1.3	L	S	existing, non effective	
	B1.4	L	S	existing and effective	
	B1.5	L	S	existing and effective	
	B1.6	L	S	existing and effective	
B2 Insufficiently independent supervision in media sector	B2.1	L	S	Data not available	
	B2.2	L	S	Data not available	
	B2.3	L	S	Data not available	
	B2.4	L	S	Data not available	

After you have filled in all the scores for a certain risk, an average score will be calculated and will appear automatically next to the description of the risk (see red dart in the following screenshot). Indicators which have not been scored ('data not available') will be ignored in the calculation of the average score.

RISK	INDICATOR	TYPE	AREA	SCORE	Comment
B1 Freedom of speech and related rights and freedoms are not sufficiently protected	B1.1	L	S	existing and effective	
		L	S	existing, non effective	
	B1.3	L	S	existing, non effective	
	B1.4	L	S	existing and effective	
	B1.5	L	S	existing and effective	
	B1.6	L	S	existing and effective	
B2 Insufficiently independent supervision in media sector	B2.1	L	S	Data not available	
	B2.2	L	S	Data not available	
	B2.3	L	S	Data not available	
	B2.4	L	S	Data not available	

These average scores are also shown on the summarising sheet, entitled 'General Report', where you will obtain – after having carried out the measurement for all risk domains – a general overview of all risks and their average scores categorised per risk domain.

After you have filled in the scores, you can easily change sheets by going back to the overview or by selecting the sheet via the toolbar at the bottom. If not all the sheets are visible, you click on the grey dart in the right or left bottom corner (depending on your version of MS Office Excel; see following screenshot: red dart).

RISK	INDICATOR	TYPE	AREA	SCORE	Comment
B1 Freedom of speech and related rights and freedoms are not sufficiently protected	B1.1 Regulatory safeguards for freedom of expression	L	S	existing and effective	
	B1.2 Regulatory safeguards for right to information	L	S	existing, non effective	
	B1.3 Recognition of media pluralism as intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation	L	S	existing, non effective	
	B1.4 Regulatory safeguards for journalistic practice	L	S	existing and effective	
	B1.5 Regulatory safeguards for the protection of journalistic sources	L	S	existing and effective	
	B1.6 Regulatory safeguards for journalists' access to events for news reporting	L	S	existing and effective	
B2 Inefficiently independent supervision in media sector	B2.1 Regulatory safeguards for the independency and efficiency of the media authority (authorities)	L	S	existing and effective	
	B2.2 Regulatory safeguards for the independency and efficiency of a self-regulatory body in the press sector	L	S	existing and effective	
	B2.3 Regulatory safeguards for the independency and efficiency of the competition authority	L	S	existing and effective	
	B2.4 Regulatory safeguards for the independency and efficiency of the telecommunications authority	L	S	existing and effective	

Navigation bar: Overview / General Report / Basic Domain / REPORT BD / Pluralism ownership & control / REPORT OC / Pluralism media types & genre / REPORT MTG / Political pluralism

4.2.4. Scoring the Risk Domain of Pluralism of media ownership and/or control

a. *How to open the scoring sheet*

To measure the risk domain pluralism of media ownership and/or control, open the sheet ‘pluralism ownership & control’ by clicking on the corresponding link on the start screen or by selecting the grey tab in the toolbar at the bottom for the sheet ‘pluralism ownership & control’.

The following screen will appear:

1	RISK	INDICATOR	TYPE	ARE	SCORE	Comment
2	01 High ownership concentration in terrestrial television	01.1	Ownership concentration in terrestrial television (horizontal)	E	S	3%
3		01.2	Audience concentration in terrestrial television	E	D	5%
4		01.3	Regulatory safeguards against high concentration of ownership and/or control in television (horizontal)	L	S	existing, non effective
5	02 High ownership concentration in radio	02.1	Ownership concentration in radio (horizontal)	E	S	4%
6		02.2	Audience concentration in radio	E	D	5%
7		02.3	Regulatory safeguards against high concentration of ownership and/or control in radio (horizontal)	L	S	existing and effective
8	03 High ownership concentration in newspapers	03.1	Ownership concentration in newspapers (horizontal)	E	S	3%
9		03.2	Readership concentration in newspapers	E	D	5%
10		03.3	Regulatory safeguards against high concentration of ownership and/or control in newspapers (horizontal)	L	S	existing, non effective
11	04 High ownership concentration in Cable/Sat/ADSL/TV	04.1	Ownership concentration in Cable/Sat/ADSL-TV (horizontal)	E	S	3%

The scoring sheet contains the same columns as the sheet for the basic domain (see above).

b. How to measure the indicators for pluralism of ownership and/or control

Risk O1 – High ownership concentration in terrestrial television

Indicator O1.1 (E): Ownership concentration in terrestrial television (horizontal)

- **Description:** This indicator aims to assess the concentration of ownership within the terrestrial television sector. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.
- **Method of measurement:**
 - **Data:** the market share – that is the share of the total revenue in a market – per each owner of the total terrestrial television market.
 - **Measurement:** The Top4 and Top8 measures are obtained by summing the market shares of the major 4 or major 8 owners within the market. The HHI is obtained by squaring the market share of each owner competing in the terrestrial television market, and then summing the resulting numbers.

How to measure and score the indicator:

- If within one country the major 4 owners (Top4) have a market share above 50%, then the risk of high concentration of ownership is considered as very high. This situation is scored with a “>50%”.

- If within one country the major 4 owners (Top4) have a market share between 25% and 49%, then the risk of high concentration of ownership is considered as medium. This situation is scored with a “>=25% an <=50%”.

- If within one country the major 4 owners (Top4) have a market share below 25%, then the risk of high concentration of ownership is considered as low. This situation is scored with a “<25%”.

- **Data sources:** such data can be obtained by Industry Associations, Company Reports, or asked to the Country Correspondents.

■ **Score:**

Concentration of Media (Top4)	Score (select the correct option in the drop-box)
High concentration	>50%
Medium concentration	>=25% and <=50%
Low concentration	<25%

Indicator O1.2 (E): Audience concentration in terrestrial television

■ **Description:** This indicator aims to assess the concentration of audience within the terrestrial television sector. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

■ **Method of measurement:**

- **Data:** the audience share per Top4 owners competing in the terrestrial television market. Share is based on the standard or most accepted audience measurement system in place in the nation.
- **Measurement:** The Top4 and Top8 measures are obtained by summing the audience shares of the major 4 or major 8 owners within the market. The HHI is obtained by squaring the audience share of each owner competing in the terrestrial television market, and then summing the resulting numbers.

How to measure and score the indicator:

- If within one country the major 4 owners (Top4) have an audience share above 50%, then the risk of high concentration of ownership is considered as very high. This situation is scored with a “>50%”.

- If within one country the major 4 owners (Top4) have an audience share between 25% and 49%, then the risk of high concentration of ownership is considered as medium. This situation is scored with a “>=25% an <=50%”.

- If within one country the major 4 owners (Top4) have an audience share below 25%, then the risk of high concentration of ownership is considered as low. This situation is scored with a “<25%”.

■ **Data sources:** such data can be obtained by Public Bodies, Company Reports, Industry Associations, or asked to the Country Correspondents.

■ **Score:**

Concentration of Audience (Top4)	Score (select the correct option in the drop-box)
High concentration	>50%
Medium concentration	>=25% an <=50%
Low concentration	<25%

Indicator O1.3 (L): Regulatory safeguards against high concentration of ownership and/or control in terrestrial television (horizontal)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (sector-specific and/or competition law) against a high horizontal concentration of ownership and/or control in the terrestrial television sector. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, ‘high’ should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does the media legislation contain specific thresholds or limits, based on objective criteria, such as number of licences, audience share, circulation, distribution of share capital or voting rights, turnover/revenue, to prevent a high level of horizontal concentration of ownership and/or control in the terrestrial television sector?	+	-
E.2. Can a high level of horizontal concentration of ownership and/or control in the terrestrial television sector be prevented via merger control/competition rules: <ul style="list-style-type: none"> - that take into account the specificities of the media sector, for instance: <ul style="list-style-type: none"> o by containing media-specific provisions that impose stricter thresholds than in other sectors; o the mandatory intervention of a media authority in M&A cases (for instance, the obligation for the competition authority to ask the advice of the media authority); o the possibility to overrule the approval of a concentration by the competition authority for reasons of media pluralism (or public interest in general); - that – even though they do not contain media-specific provisions – do not exclude the media sector from their scope of application? 	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative authority or judicial body actively monitoring compliance with these thresholds and/or hearing complaints? (e.g. media and/or competition authority)	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the thresholds, such as: <ul style="list-style-type: none"> - refusal of additional licences - blocking of a merger or acquisition - obligation to allocate windows for third party programming - obligation to give up licences/activities in other media sectors - divestiture 	+	-
I.3. Is there evidence (for instance case law, positive evaluations in independent reports) of these powers being effectively and appropriately exercised? Is there pro-active and effective policy making and implementation?	+	-
I.4. Are conditions imposed at the moment of mergers effectively monitored?	+	-
I.5. Are competition authorities taking into account (implicitly or explicitly) considerations about media pluralism when applying competition rules to the media sector? Do they assess the impact of a proposed concentration on media pluralism? If merger procedures provide for the intervention of the media authority at some stage (like rendering its advice), is the competition authority taking the utmost account of that opinion (either because it is bound by the advice or because it does so in practice)?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

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

Overviews of national media legislations can be found on: EPRA website (http://www.epra.org/content/english/authorities/f_medialegislation.html), websites of national regulatory and competition authorities, Merlin database European Audiovisual Observatory (<http://merlin.obs.coe.int/>), Nordicom (for Scandinavian countries, <http://www.nordicmedia.info/en/index.html>)

Official statements and websites of national communications regulatory authorities setting out media ownership regulations and detailing their activities and responsibilities

Reports by credible agencies (national and international bodies, NGOs/CSOs, trade unions) on enforcement of measures to prevent undue concentration of ownership

Studies/reports providing overviews of and/or evaluating national anti-concentration rules

For instance:

Ward, D. (2004). *A mapping study of media concentration and ownership in ten European countries*, http://www.cmpd.eu.com/reports/media_concentration.pdf.

OFCOM (2006). *Review of Media Ownership Rules*. London.
http://www.ofcom.org.uk/research/media_owners/rulesreview/,

European Commission (2007). Commission Staff Working Document - Media pluralism in the Member States of the European Union, 16 January 2007, SEC(2007) 32,
http://ec.europa.eu/information_society/media_taskforce/doc/pluralism/media_pluralism_sw_en.pdf;

Harcourt, A. (2008). *Report for the group of specialists on media diversity (MC-SMD) on methodology for the monitoring of media concentration, pluralism and diversity*, February 2008.

Favre, J., Peruško, Z. & Vartanova, E. (2008). *Methodology for the monitoring media concentration and media content diversity Report prepared for the Group of specialists on media diversity (MC-S-MD)*.

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
no +	-

I.1. – I.5.	Assessment	Result for I
3 or more +	No severe implementation problems	+
Less than 3 +	Severe implementation problems	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk O2 – High ownership concentration in radio

Indicator O2.1 (E): Ownership concentration in radio (horizontal)

- **Description:** This indicator aims to assess the concentration of ownership within the radio sector. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.1.

Indicator O2.2 (E): Audience concentration in radio

- **Description:** This indicator aims to assess the concentration of audience within the radio sector. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.2.

Indicator O2.3 (L): Regulatory safeguards against high concentration of ownership and/or control in radio (horizontal)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (sector-specific and/or competition law) against a high horizontal concentration of ownership and/or control in the radio sector. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, ‘high’ should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.3.

Risk O3 – High ownership concentration in newspapers

Indicator O3.1 (E): Ownership concentration in newspapers (horizontal)

- **Description:** This indicator aims to assess the concentration of ownership within the newspaper sector. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.1.

Indicator O3.2 (E): Readership concentration in newspapers

- **Description:** This indicator aims to assess readership concentration in newspapers. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.2.

Indicator O3.3 (L): Regulatory safeguards against high concentration of ownership and/or control in newspapers (horizontal)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (sector-specific and/or competition law) against a high horizontal concentration of ownership and/or control in the newspaper sector. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, ‘high’ should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.3.

Risk O4 – High ownership concentration in Cable/Sat/ADSL-TV

Indicator O4.1 (E): Ownership concentration in Cable/Sat/ADSL-TV (horizontal)

- **Description:** This indicator aims to assess the concentration of ownership within the Cable/Sat/ADSL-TV sector. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.1.

Indicator O4.2 (E): Audience concentration in Cable/Sat/ADSL-TV

- **Description:** This indicator aims to assess concentration of audience within the Cable/Sat/ADSL-TV sector. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.2.

Indicator O4.3 (L): Regulatory safeguards against high concentration of ownership and/or control in Cable/Sat/ADSL-TV (horizontal)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (sector-specific and/or competition law) against a high horizontal concentration of ownership and/or control in the cable/satellite/ADSL television sector (both delivery networks and channels).. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, ‘high’ should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.3.

Risk O5 – High ownership concentration in magazines

Indicator O5.1 (E): Ownership concentration in magazines (horizontal)

- **Description:** This indicator aims to assess the concentration of ownership within the magazine sector. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.1.

Indicator O5.2 (E): Readership concentration in magazines

- **Description:** This indicator aims to assess readership concentration in the magazine sector. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.2.

Indicator O5.3 (L): Regulatory safeguards against high concentration of ownership and/or control in magazines (horizontal)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (sector-specific and/or competition law) against a high horizontal concentration of ownership and/or control in the magazine sector. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, ‘high’ should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.3.

Risk O6 – High ownership concentration in Internet content provision

Indicator O6.1 (E): Ownership concentration in Internet content provision (horizontal)

- **Description:** This indicator aims to assess the concentration of ownership within the sector of Internet content provision. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.1.

Indicator O6.2 (E): Readership concentration in Internet content provision

- **Description:** This indicator aims to assess readership concentration in Internet content provision. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.2. The share is based on the standard or most accepted web audience measurement system in the nation.

Indicator O6.3 (L): Regulatory safeguards against high concentration of ownership and/or control in Internet content provision (horizontal)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (sector-specific and/or competition law) against a high horizontal concentration of ownership and/or control in the sector of Internet content provision (content service providers and/or content producers). Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, ‘high’ should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.3.

Risk O7 – High ownership concentration in book publishing

Indicator O7.1 (E): Ownership concentration in book publishing (horizontal)

- **Description:** This indicator aims to assess the concentration of ownership within the sector of book publishing. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.1.

Indicator O7.2 (E): Readership concentration in book publishing

- **Description:** This indicator aims to assess the readership concentration in book publishing. Concentration is measured by using the Top4 concentration measure. This indicator can be measured also by applying the HHI and the Top8 concentration measure.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.2

Indicator O7.3 (L): Regulatory safeguards against high concentration of ownership and/or control in book publishing (horizontal)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (sector-specific and/or competition law) against a high horizontal concentration of ownership and/or control in the book publishing sector. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, ‘high’ should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.

To measure and score this indicator, please follow *mutatis mutandis* the guidelines given for indicator O1.3.

Risk O8 – High concentration of cross-media ownership

Indicator O8.1 (E): Number of sectors in which top 8 firms/owners are active

- **Description:** This indicator aims to assess the concentration of ownership in the different sectors – television, ADSL/cable/satellite, radio, newspapers, magazines, book publishing, internet content provision – of the media industry. Concentration is measured by using the Top8 concentration measure.
- **Method of measurement:**
 - **Data:** the market share – that is the share of the total revenues within a market – per Top8 owners competing in the media market.
 - **Measurement:** The Top8 measure is obtained by summing the market shares of the major 8 owners within the different sectors of the media market.

How to measure and score the indicator:

- If within one country the major 8 owners (Top8) have a market share above 70% across the different media sectors, then the risk of high concentration of ownership is considered as very high. This situation is scored with a “>70%”.

- If within one country the major 8 owners (Top8) have a market share between 50% and 70% across the different media sectors, then the risk of high concentration of ownership is considered as medium. This situation is scored with a “>=50% and <=70%”.

- If within one country the major 8 owners (Top8) have a market share below 50% across the different media sectors, then the risk of high concentration of ownership is considered as low. This situation is scored with a “<50%”.

- **Data sources:** such data can be obtained from the European Audiovisual Observatory, Eurostat, or asked to the Country Correspondents.

■ **Score:**

Concentration of cross-media Ownership (Top8)	Score (select the correct option in the drop-box)
High concentration	>70%
Medium concentration	>=50% and <=70%
Low concentration	<50%

Indicator O8.2 (L): Regulatory safeguards against high degree of cross-ownership between radio and television

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (sector-specific and/or competition law) against a high degree of cross-ownership between radio and television. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, ‘high’ should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does the media legislation contain specific thresholds, based on objective criteria, such as number of licences, audience share, circulation, distribution of share capital or voting rights, turnover/revenue, to prevent a high degree of cross-ownership between radio and television?	+	-
E.2. Can a high degree of cross-ownership between radio and television be prevented via merger control/competition rules: <ul style="list-style-type: none"> - that take into account the specificities of the media sector, for instance: <ul style="list-style-type: none"> o by containing media-specific provisions that impose stricter thresholds than in other sectors; o the mandatory intervention of a media authority in M&A cases (for instance, the obligation for the competition authority to ask the advice of the media authority); o the possibility to overrule the approval of a concentration by the competition authority for reasons of media pluralism (or public interest in general); - that – even though they do not contain media-specific provisions – do not exclude the media sector from their scope of application? 	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative authority or judicial body actively monitoring compliance with these thresholds and/or hearing complaints? (e.g. media and/or competition authority)	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the thresholds, such as: <ul style="list-style-type: none"> - refusal of additional licences - blocking of a merger or acquisition - obligation to allocate windows for third party programming - obligation to give up licences/activities in other media sectors - divestiture 	+	-
I.3. Is there evidence (for instance case law, positive evaluations in independent reports) of these powers being effectively and appropriately exercised? Is there pro-active and effective policy making and implementation?	+	-
I.4. Are conditions imposed at the moment of mergers effectively monitored?	+	-
I.5. Are competition authorities taking into account (implicitly or explicitly) considerations about media pluralism when applying competition rules to the media sector? Do they assess the impact of a proposed concentration on media pluralism? If merger procedures provide for the intervention of the media authority at some stage (like rendering its advice), is the competition authority taking the utmost account of that opinion (either because it is bound by the advice or because it does so in practice)?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator O1.3.

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
no +	-

I.1. – I.5.	Assessment	Result for I
3 or more +	No severe implementation problems	+
Less than 3 +	Severe implementation problems	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator O8.3 (L): Regulatory safeguards against high degree of cross-ownership between print (or text-based) and audiovisual media

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (sector-specific and/or competition law) against a high degree of cross-ownership between print (or text-based) and audiovisual media. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, ‘high’ should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does the media legislation contain specific thresholds, based on objective criteria, such as number of licences, audience share, circulation, distribution of share capital or voting rights, turnover/revenue, to prevent a high degree of cross-ownership between print (or text-based) and audiovisual media?	+	-
E.2. Can a high degree of cross-ownership between print (or text-based) and audiovisual media be prevented via merger control/competition rules: <ul style="list-style-type: none"> - that take into account the specificities of the media sector, for instance: <ul style="list-style-type: none"> o by containing media-specific provisions that impose stricter thresholds than in other sectors; o the mandatory intervention of a media authority in M&A cases (for instance, the obligation for the competition authority to ask the advice of the media authority); o the possibility to overrule the approval of a concentration by the competition authority for reasons of media pluralism (or public interest in general); - that – even though they do not contain media-specific provisions – do not exclude the media sector from their scope of application? 	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative authority or judicial body actively monitoring compliance with these thresholds and/or hearing complaints? (e.g. media and/or competition authority)	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the thresholds, such as: <ul style="list-style-type: none"> - refusal of additional licences - blocking of a merger or acquisition - obligation to allocate windows for third party programming - obligation to give up licences/activities in other media sectors - divestiture 	+	-
I.3. Is there evidence (for instance case law, positive evaluations in independent reports) of these powers being effectively and appropriately exercised? Is there pro-active and effective policy making and implementation?	+	-
I.4. Are conditions imposed at the moment of mergers effectively monitored?	+	-
I.5. Are competition authorities taking into account (implicitly or explicitly) considerations about media pluralism when applying competition rules to the media sector? Do they assess the impact of a proposed concentration on media pluralism? If merger procedures provide for the intervention of the media authority at some stage (like rendering its advice), is the competition authority taking the utmost account of that opinion (either because it is bound by the advice or because it does so in practice)?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator O1.3.

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
no +	-

I.1. – I.5.	Assessment	Result for I
3 or more +	No severe implementation problems	+
Less than 3 +	Severe implementation problems	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk O9 – High vertical concentration

Indicator O9.1 (L): Regulatory safeguards against bottlenecks in distribution/networks resulting from vertical integration

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards against bottlenecks in distribution (networks, platforms, retail outlets...) resulting from vertical integration in the media sector. Such safeguards can be found in national sector-specific rules (in accordance with and/or in addition to the requirements of the EU regulatory framework for electronic communications networks and services), on the one hand, and in competition law, on the other hand.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does national sector regulation provide remedies for bottlenecks in electronic communications networks and associated facilities (such as conditional access systems, electronic programme guides, etc.)? (These can include both structural rules imposing limits to combined ownership of content and networks, and behavioural rules including access obligations, non-discrimination, price regulation, etc.)	+	-
E.2. Do competition rules provide remedies to deal with bottlenecks in distribution networks and systems for print and electronic media (for instance, on the basis of abuse of dominance, or via conditions imposed at the moment of concentrations)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Does the law grant the competent (media or telecommunications) authority effective sanctioning/enforcement powers in case of non-respect of the obligations imposed on providers of associated facilities, such as conditional access systems, electronic programme guides, etc.?	+	-
I.2. Has the competent (media or telecommunications authority) conducted its analysis of the market for broadcasting transmission (market 18 of Recommendation 2003)?	+	-

I.3. Is there evidence in the decision practice of the competition authority and/or the case law of regular courts of any action that was taken against abuse of dominance by vertically integrated undertakings resulting in bottlenecks at distribution and/or network level for third parties?	+	-
I.4. Is there evidence in the decision practice of the competition authority and/or the case law of regular courts of any action that was taken against the engagement of vertically integrated undertakings in agreements or concerted practices resulting in bottlenecks at distribution and/or network level for third parties?	+	-
I.5. Is the competition authority using the possibility of obligations and conditions in merger cases to prevent the creation or strengthening of bottlenecks at distribution and/or network level?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

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

Overviews of national media legislations can be found on: EPRA website (http://www.epra.org/content/english/authorities/f_medialegislation.html), websites of national regulatory and competition authorities, Merlin database European Audiovisual Observatory (<http://merlin.obs.coe.int/>), Nordicom (for Scandinavian countries, <http://www.nordicmedia.info/en/index.html>)

Official statements and websites of national communications regulatory authorities (active in the electronic communications sector and/or broadcasting sector)

European Commission Reports on the Implementation of the Telecommunications Regulatory Package

http://ec.europa.eu/information_society/policy/ecomm/library/communications_reports/annual_reports/previousyears/index_en.htm ;
http://ec.europa.eu/information_society/policy/ecomm/library/communications_reports/annual_reports/13th/index_en.htm

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
no +	-

I.1. – I.5.	Assessment	Result for I
3 or more +	No severe implementation problems	+
Less than 3 +	Severe implementation problems	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator O9.2 (L): Regulatory safeguards against high degree of integration between advertising and media activities

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (sector-specific and/or competition law) against a high degree of vertical integration between media and advertising activities. Given the diversity of thresholds or limits that exist in EU Member States with regard to ownership and/or control, ‘high’ should be assessed according to the standards of your country and in the light of the thresholds or limits imposed by domestic laws.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does the media legislation contain specific thresholds, based on objective criteria, such as number of licences, audience share, circulation, distribution of share capital or voting rights, turnover/revenue, to prevent a high degree of vertical integration between media and advertising?	+	-
E.2. Can a high degree of vertical integration between media and advertising be prevented via merger control/competition rules:: <ul style="list-style-type: none"> - that take into account the specificities of the media sector, for instance: <ul style="list-style-type: none"> o by containing media-specific provisions that impose stricter thresholds than in other sectors; o the mandatory intervention of a media authority in M&A cases (for instance, the obligation for the competition authority to ask the advice of the media authority); o the possibility to overrule the approval of a concentration by the competition authority for reasons of media pluralism (or public interest in general); - that – even though they do not contain media-specific provisions – do not exclude the media sector from their scope of application? 	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative authority or judicial body actively monitoring compliance with these thresholds and/or hearing complaints? (e.g. media and/or competition authority)	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies (behavioural and/or structural) in case of non-respect of the thresholds, such as: <ul style="list-style-type: none"> - refusal of additional licences - blocking of a merger or acquisition - obligation to allocate windows for third party programming - obligation to give up licences/activities in other media sectors - divestiture 	+	-
I.3. Is there evidence (for instance case law, positive evaluations in independent reports) of these powers being effectively and appropriately exercised? Is there pro-active and effective policy making and implementation?	+	-
I.4. Are conditions imposed at the moment of mergers effectively monitored?	+	-
I.5. Are competition authorities taking into account (implicitly or explicitly) considerations about media pluralism when applying competition rules to the media sector? Do they assess the impact of a proposed concentration on media pluralism? If merger procedures provide for the intervention of the media authority at some stage (like rendering its advice), is the competition authority taking the utmost account of that opinion (either because it is bound by the advice or because it does so in practice)?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator O1.3.

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
no +	-

I.1. – I.5.	Assessment	Result for I
3 or more +	No severe implementation problems	+
Less than 3 +	Severe implementation problems	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk O10 – Lack of transparency in ownership structures

Indicator O10.1 (L): Regulatory safeguards for transparency of ownership and/or control towards the public

- **Description:** This indicator aims to assess the existence and effective implementation of transparency and disclosure provisions with regard to media ownership and/or control (transparency towards the public).
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does national (media, company, tax...) law contain transparency and disclosure provisions obliging media companies to publish their ownership structures on their website or in records/documents that are accessible to the public?	+	-
E.2. Are there media monitoring systems in place in your country that regularly evaluate changes in and publish information about media ownership structures?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Do these obligations ensure that the public knows which legal or natural person effectively owns or controls the media company?	+	-
I.2. Are the records or documents in which the information is made available easily accessible for the public?	+	-
I.3. Are journalists or activists using that information to react against undue forms of concentration?	+	-
I.4. Are the media monitoring systems reliable and accurate?	+	-
I.5. Is the information that is published by media monitoring systems regularly used by journalists or activists to react against undue forms of concentration and/or by policy makers when developing media policies?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator O1.3

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
no +	-

I.1. – I.5.	Assessment	Result for I
3 or more +	No severe implementation problems	+
Less than 3 +	Severe implementation problems	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator O10.2 (L): Regulatory safeguards for transparency of ownership and/or control towards the relevant authorities

- **Description:** This indicator aims to assess the existence and effective implementation of transparency and disclosure provisions with regard to media ownership and/or control (transparency towards public authorities).
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does national (media, company, tax...) law contain transparency and disclosure provisions obliging media companies to report (changes in) ownership structures to public authorities (such as the media authority)?	+	-
E.2. Are there media monitoring systems in place in your country collecting data on media ownership, following up changes in ownership structures?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Should reporting to public authorities be done on a regular basis and/or systematically after every change in ownership structures?	+	-
I.2. Are there any sanctions in case of non-respect of reporting obligations?	+	-
I.3. Do transparency and reporting provisions provide the public authorities with reliable and accurate information about media ownership?	+	-
I.4. Are reports used by the public authority to evaluate media concentration and changes in media ownership on a regular basis?	+	-
I.5. Are these evaluations used as feedback for policymaking in the area of media concentration/ownership?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator O1.3

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
no +	-

I.1. – I.5.	Assessment	Result for I
3 or more +	No severe implementation problems	+
Less than 3 +	Severe implementation problems	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

c. *How to fill in the obtained scores*

Once you have finished the measurement of all indicators on the basis of the provided methodology and guidelines, you can fill in the obtained results (scores) for the indicators of the risk domain ‘pluralism of media ownership and/or control’ as follows: put your cursor in the correct cell in the column score in order to fill in the correct score. When the cursor is placed in the cell, a grey dart in the right bottom corner of the cell will appear (see above, ‘Scoring the risk domain ‘Basic domain’, under c.).

4.2.5. Scoring the Risk Domain of Pluralism of media types and genres

a. *How to open the scoring sheet*

To measure the risk domain ‘pluralism of media types and genres’, open the sheet ‘Pluralism media types & genres’ by clicking on the corresponding link on the start screen or by selecting the grey tab in the toolbar at the bottom for the sheet ‘pluralism ownership & control’.

The following screen will appear:

RISK	Color	INDICATOR	TYPE II AREA		SCORE	Comment
T1 Lack of/under-representation of/dominance of media types		T1.1 Audience parity between the TV channels of commercial broadcasters and of PSM	E	D	Data not available	
		T1.2 Financial parity between the TV channels of commercial broadcasters and of PSM	E	S	Data not available	
		T1.3 Audience parity between the radio channels of commercial broadcasters and of PSM	E	D	Data not available	
		T1.4 Financial parity between the radio channels of commercial broadcasters and of PSM	E	S	Data not available	
		T1.5 Percent of GDP per capita required for an individual to obtain TV and radio reception, newspaper subscription, magazine subscription, or Internet Service	E	U	Data not available	
		T1.6 Regulatory safeguards for the distribution of public interest channels on cable, DSL and/or satellite platforms	L	D	Data not available	
T2 Lack of/under-representation of/dominance of media genres		T2.1 Ratio of news/public affairs, education and entertainment programs on terrestrial TV to total programs on terrestrial TV	E	S	Data not available	
		T2.2 Ratio of news/public affairs, education and entertainment programs on radio to total programs radio	E	S	Data not available	
		T2.3 Ratio of news/public affairs, education and entertainment magazines to total number of magazines	E	S	Data not available	
		T2.4 Ratio of Cab/Sat/ADSL-TV channels dedicated to news/public affairs, education and entertainment to total number of Cab/Sat/ADSL-TV channels	E	S	Data not available	

The scoring sheet contains the same columns as the sheet for the basic domain (see above).

b. How to measure the indicators for pluralism of media types and genres

Risk T1 – Lack of/underrepresentation of/dominance of media types

Indicator T1.1 (E): Audience parity between the TV channels of commercial broadcasters and PSM

- **Description:** This indicator aims to assess whether audience is equally spread between commercial and public service TV broadcasters.
- **Method of measurement:** Data needed are the audience share of commercial TV broadcasters and audience share of public service TV broadcasters.

How to measure and score the indicator:

- If within one country the audience share of the commercial broadcasters is below 20% of the total TV audience (and therefore the audience share of public service broadcasters is above 80% of the total TV audience), then the risk of having a lack of or underrepresentation of media types is considered to be very high. This situation is scored with a “<20%”.

- If within one country the audience share of the commercial broadcasters is between 20% and 35% of the total TV audience (and therefore the audience share of public service broadcasters is between 80% and 65% of the total TV audience), then the risk of having a lack of or underrepresentation of media types is considered to be medium. This situation is scored with “>=20% and <=35%”.

- If within one country the audience share of the commercial broadcasters is above 35% of the total TV audience (and therefore the audience share of public service broadcasters is below 65% of the total TV audience), then the risk of having a lack of or underrepresentation of media types is considered as non-existent. This situation is scored with “>35%”.

- **Data sources:** such data can be obtained from the Industry Associations, the European Audiovisual Observatory, or company reports.

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect.

Cammaerts, B. & Carpentier, N. (Eds.) (2007). *Reclaiming the Media*, Communication Rights and Democratic Media Roles. Bristol & Chicago: Intellect.

EURALVA - The European Alliance of Listeners' and Viewers' Associations:
<http://www.euralva.org/pages/resources.shtml>

- **Score:**

Audience share	Score (select the correct option in the drop-box)
Commercial Broadcasters below 20% of total audience	<20%
Commercial Broadcasters between 20% and 35% of total audience	>=20% and <=35%
Commercial Broadcasters above 35% of total audience	>35%

Indicator T1.2 (E): Financial parity between the TV channels of commercial broadcasters and of PSM

- **Description:** This indicator aims to assess if the sources of financing within commercial and public service TV broadcasters equal each other in amount.
- **Method of measurement:** Data needed are the total turnover of commercial TV broadcasters and the total turnover of public service TV broadcasters.

How to measure and score the indicator:

- If within one country the financing for commercial broadcasters is below 20% of the total financing for commercial and public service TV broadcasters, then the risk of a lack of or underrepresentation of media types is considered to be very high. This situation is scored with a “<20%”.

- If within one country the financing for commercial broadcasters is between 20% and 35% of the total financing for commercial and public service TV broadcasters, then the risk of a lack of or underrepresentation of media types is considered to be medium. This situation is scored with “>=20% and <=35%”.

- If within one country the financing for commercial broadcasters is above 35% of the total financing for commercial and public service TV broadcasters, then the risk of a lack of or underrepresentation of media types is considered as non-existent. This situation is scored with “>35%”.

- **Data sources:** such data can be obtained from the Industry Associations, the European Audiovisual Observatory, or company reports.
- **Score:**

Financing Parity	Score (select the correct option in the drop-box)
Commercial financing below 20% of total financing	<20%
Commercial financing between 20% and 35% of total financing	>=20% and <=35%
Commercial financing above 35% of total financing	>35%

Indicator T1.3 (E): Audience parity between the radio channels of commercial broadcasters and of PSM

- **Description:** This indicator aims to assess if audience is equally spread between commercial and public service Radio broadcasters.
- **Method of measurement:** Data needed are the audience share of commercial Radio broadcasters and audience share of public service Radio broadcasters.

How to measure and score the indicator:

- If within one country the audience share of the commercial broadcasters is below 20% of the total radio audience (and therefore the audience share of public service broadcasters is above 80% of the total radio audience), then the risk of having a lack of or underrepresentation of media types is considered to be very high. This situation is scored with a “<20%”.

- If within one country the audience share of the commercial broadcasters is between 20% and 35% of the total radio audience (and therefore the audience share of public service broadcasters is above 80% of the total radio audience), then the risk of having a lack of or underrepresentation of media types is considered to be medium. This situation is scored with “>=20% and <=35%”.

- If within one country the audience share of the commercial broadcasters is above 35% of the total radio audience (and therefore the audience share of public service broadcasters is above 80% of the total radio audience), then the risk of having a lack of or underrepresentation of media types is considered as non-existent. This situation is scored with “>35%”.

- **Data sources:** such data can be obtained from the Industry Associations, the European Audiovisual Observatory, or company reports.

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect

Cammaerts, B. & Carpentier, N. (Eds.) (2007). *Reclaiming the Media*, Communication Rights and Democratic Media Roles. Bristol & Chicago: Intellect.

EURALVA. *The European Alliance of Listeners' and Viewers' Associations*, <http://www.euralva.org/pages/resources.shtml>.

- **Score:**

Audience share	Score (select the correct option in the drop-box)
Commercial Broadcasters below 20% of total audience	<20%
Commercial Broadcasters between 20% and 35% of total audience	>=20% and <=35%
Commercial Broadcasters above 35% of total audience	>35%

Indicator T1.4: Financial parity between the radio channels of commercial broadcasters and of PSM

- **Description:** This indicator aims to assess if the sources of financing within commercial and public service Radio broadcasters equal each other in amount.
- **Method of measurement:** Data needed are the total turnover of commercial Radio broadcasters and the total turnover of public service Radio broadcasters.

How to measure and score the indicator:

- If within one country the financing for commercial broadcasters is below 20% of the total financing for commercial and public service radio broadcasters, then the risk of a lack of or underrepresentation of media types is considered to be very high. This situation is scored with a “<20%”.

- If within one country the financing for commercial broadcasters is between 20% and 35% of the total financing for commercial and public service radio broadcasters, then the risk of a lack of or underrepresentation of media types is considered to be medium. This situation is scored with “>=20% and <=35%”.

- If within one country the financing for commercial broadcasters is above 35% of the total financing for commercial and public service radio broadcasters, then the risk of a lack of or underrepresentation of media types is considered as non-existent. This situation is scored with “>35%”.

- **Data sources:** such data can be obtained from the Industry Associations, the European Audiovisual Observatory, or company reports.

- **Score:**

Financing Parity	Score (select the correct option in the drop-box)
Commercial financing below 20% of total financing	<20%
Commercial financing between 20% and 35% of total financing	>=20% and <=35%
Commercial financing above 35% of total financing	>35%

Indicator T1.5 (E): Percent of GDP per capita required for an individual to obtain TV and Radio reception, newspaper and magazine subscription, or Internet service

- **Description:** This indicator aims to assess the amount of GDP per capita required in order to have access to the different media. A more appropriate variable that could be assessed here is the total consumer spending per capita, however data on this variable are less available compared to the GDP per capita.
- **Method of measurement:** GDP per capita, licence fee for TV and Radio reception, one year subscription fee for leading newspaper and leading affair magazines.

How to measure and score the indicator:

- If within one country the percentage of GDP per capita required to have access to the above mentioned media is above 10%, then the risk of a lack of or underrepresentation of media types is considered to be very high. This situation is scored with a “>10%”.

- If within one country the percentage of GDP per capita required to have access to the above mentioned media is between 10% and 5%, then the risk of a lack of or underrepresentation of media types is considered to be medium. This situation is scored with “<=10% and >=5%”.

- If within one country the percentage of GDP per capita required to have access to the above mentioned media is below 5%, then the risk of a lack of or underrepresentation of media types is considered as non-existent. This situation is scored with “<5%”.

- **Data sources:** such data can be obtained from the National Statistic Agencies, the Ministry of Communications, Industry Associations, or asked to the country correspondents.

■ **Score:**

Media share of GDP per capita	Score (select the correct option in the drop-box)
Percentage above 10%	>10%
Percentage between 10% and 5%	<=10% and >=5%
Percentage below 5%	<5%

Indicator T1.6 (L): Regulatory safeguards for the distribution of public interest channels on cable, DSL and/or satellite platforms

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards (in accordance with Article 31 Universal Service Directive⁶⁸) for access of public interest channels to cable, DSL and/or satellite platforms.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Are there specific must carry rules in media legislation guaranteeing distribution of public interest channels on cable, DSL and/or satellite platforms?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Are these safeguards in compliance with the substantive conditions of Article 31 Universal Service Directive, in the sense that they are reasonable, necessary to meet clearly defined general interest objectives, as well as proportionate and transparent (clearly indicating in advance the radio and television broadcast channels that benefit of a must carry status)?	+	-
I.2. Are these safeguards in compliance with the prescription of Article 31 Universal Service Directive that they can only be imposed on electronic communications networks used for the distribution of radio or television broadcasts to the public where a significant number of end-users of such networks use them as their principal means to receive radio and television broadcasts?	+	-
I.3. Are these safeguards subject to periodical review?	+	-
I.4. Are these safeguards coupled with a must offer obligation?	+	-

⁶⁸ Article 31 Universal Service Directive clarifies under which conditions must carry obligations will be considered in compliance with Article 49 EC Treaty (freedom to provide services). See also the case law of the European Court of Justice with regard to must carry: ECJ, *United Pan-Europe Communications Belgium and others*, Case C-250/06, [2007] ECR I-11135; ECJ, *Kabel Deutschland Vertrieb und Service*, Case C-336/07.

I.5. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.6. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.7. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.8. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with the rules?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

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

Overviews of national media legislations can be found on: EPRA website (http://www.epra.org/content/english/authorities/f_medialegislation.html), websites of national regulatory and competition authorities, Merlin database European Audiovisual Observatory (<http://merlin.obs.coe.int/>), Nordicom (for Scandinavian countries, <http://www.nordicmedia.info/en/index.html>)

Studies/reports providing overviews of rules on media types and genres

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

Ward, D. (2004). *A mapping study of media concentration and ownership in ten European countries*, http://www.cmpd.eu.com/reports/media_concentration.pdf.

■ **Score:**

E.1.	Result for E
1 +	+
Less than 1+	-

I.1.-I.8.	Result for I
5 or more +	+
Less than 5 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk T2 – Lack of/under-representation of/dominance of media genres

Indicator T2.1 (E): Ratio of news/public affairs/education and entertainment programmes on terrestrial TV to total programmes on terrestrial TV

■ **Description:** This indicator aims to assess how many programmes on terrestrial TV are dedicated to hard news, public affairs, Education and Entertainment compared to the total offering of programmes. In particular the dominance of entertainment programmes, which constitute anyway the majority of programmes, is assessed.

■ **Method of measurement:** Number of programmes dedicated to news, public affairs, education and entertainment divided by the total number of programmes on terrestrial television.

How to measure and score the indicator:

- If within one country the proportion of entertainment programmes is above 90% of the total programmes on terrestrial TV, then the risk of having a lack of or underrepresentation of media genres is considered to be very high. This situation is scored with a “>90%”.

- If within one country the proportion of entertainment programmes is between 90% and 75% of the total programmes on terrestrial TV, then the risk of having a lack of or underrepresentation of media genres is considered to be medium. This situation is scored with “>=75% and <=90%”.

- If within one country the proportion of entertainment programmes is below 75% of the total programmes on terrestrial TV, then the risk of having a lack of or underrepresentation of media genres is considered as non-existent. This situation is scored with “<75%”.

■ **Data sources:** such data can be obtained from the European Audiovisual Observatory, Industry Associations, or asked to country correspondents.

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect

■ **Score:**

Proportion of Entertainment Programmes on Terrestrial TV	Score (select the correct option in the drop-box)
Proportion above 90%	>90%
Proportion between 90% and 75%	>=75% and <=90%
Proportion below 75%	<75%

Indicator T2.2 (E): Ratio of news/public affairs/education and entertainment programmes on radio to total programmes on radio

- **Description:** This indicator aims to assess how many programmes on Radio are dedicated to news, public affairs, Education and Entertainment compared to the total offering of programmes. In particular the dominance of entertainment programmes, which constitute anyway the majority of programmes, is assessed.
- **Method of measurement:** Number of programmes dedicated to news, public affairs, education and entertainment divided by the total number of programmes on Radio.

How to measure and score the indicator:

- If within one country the proportion of entertainment programmes is above 90% of the total programmes on Radio, then the risk of having a lack of or underrepresentation of media genres is considered to be very high. This situation is scored with a “>90%”.

- If within one country the proportion of entertainment programmes is between 90% and 75% of the total programmes on Radio, then the risk of having a lack of or underrepresentation of media genres is considered to be medium. This situation is scored with “>=75% and <=90%”.

- If within one country the proportion of entertainment programmes is below 75% of the total programmes on Radio, then the risk of having a lack of or underrepresentation of media genres is considered as non-existent. This situation is scored with “<75%”.

- **Data sources:** such data can be obtained from the European Audiovisual Observatory, Industry Associations, or asked to country correspondents.

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect

■ **Score:**

Proportion of Entertainment Programmes on Radio	Score (select the correct option in the drop-box)
Proportion above 90%	>90%
Proportion between 90% and 75%	>=75% and <=90%
Proportion below 75%	<75%

Indicator T2.3 (E): Ratio of news/public affairs/education and entertainment magazines to total number of magazines

- **Description:** This indicator aims to assess how many magazines are dedicated to news, public affairs, education and entertainment compared to the total offering of magazines on the market. In particular the dominance of entertainment magazines, which constitute anyway the majority of magazines, is assessed. Circulation is not taken into consideration here, since availability, not use, is being measured.
- **Method of measurement:** Number of magazines dedicated to news, public affairs, education and entertainment divided by the total number of magazines.

How to measure and score the indicator:

- If within one country the proportion of entertainment magazines is above 90% of the total magazines on the market, then the risk of having a lack of or underrepresentation of media genres is considered to be very high. This situation is scored with a “>90%”.

- If within one country the proportion of entertainment magazines is between 90% and 75% of the total magazines on the market, then the risk of having a lack of or underrepresentation of media genres is considered to be medium. This situation is scored with “>=75% and <=90%”.

- If within one country the proportion of entertainment magazines is below 75% of the total magazines on the market, then the risk of having a lack of or underrepresentation of media genres is considered as non-existent. This situation is scored with “<75%”.

- **Data sources:** such data can be obtained from the Industry Associations, or asked to country correspondents.

■ **Score:**

Proportion of Entertainment Magazines	Score (select the correct option in the drop-box)
Proportion above 90%	>90%
Proportion between 90% and 75%	>=75% and <=90%
Proportion below 75%	<75%

Indicator T2.4 (E): Ratio of cable/satellite/ADSL TV channels dedicated to news/public affairs/education and entertainment to total number of cable/satellite/ADSL TV channels

- **Description:** This indicator aims to assess how many cable, satellite, ADSL TV channels are dedicated to news, public affairs, Education and Entertainment compared to the total number of channels offered on those carriers. In particular the dominance of entertainment channels, which constitute the majority of channels, is assessed.
- **Method of measurement:** Number of cable, satellite, ADSL TV channels dedicated to news, public affairs, education and entertainment divided by the total number of cable, satellite, ADSL TV channels.

How to measure and score the indicator:

- If within one country the proportion of cable, satellite, ADSL TV channels dedicated to entertainment is above 90% of the total channels, then the risk of having a lack of or underrepresentation of media genres is considered to be very high. This situation is scored with a “>90%”.

- If within one country the proportion of cable, satellite, ADSL TV channels dedicated to entertainment is between 90% and 75% of the total channels, then the risk of having a lack of or underrepresentation of media genres is considered to be medium. This situation is scored with “>=75% and <=90%”.

- If within one country the proportion of cable, satellite, ADSL TV channels dedicated to entertainment is below 75% of the total channels, then the risk of having a lack of or underrepresentation of media genres is considered as non-existent. This situation is scored with “<75%”.

- **Data sources:** such data can be obtained from the European Audiovisual Observatory, Industry Associations, or asked to country correspondents.

■ **Score:**

Proportion of Entertainment Channels	Score (select the correct option in the drop-box)
Proportion above 90%	>90%
Proportion between 90% and 75%	>=75% and <=90%
Proportion below 75%	<75%

Indicator T2.5 (L): Regulatory safeguards for the presence of a diversity of media genres on the channels and services of private (commercial and non-profit) audiovisual media

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards guaranteeing diversity of media genres (news, sport, cultural, children’s programmes) for non-public general interest channels.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law impose an obligation to provide diversity of media genres (news, sport, cultural, children’s programmes) for non-public general interest channels?	+	-
E.2. If not, is it imposed through any functional equivalent (self imposed quota, internal charter, convention with government)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with the rules?	-	+
Total number of +		
Total number of -		

- **Data sources:**
 Idem as Indicator T1.6.

- **Score:**

E.1.-E.2.	Result for E
2 +	+
Less than 2 +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator T2.6 (L): Regulatory safeguards for the public's access to major events on free television

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards against access to events of major importance for society being restricted in such a way as to deprive a substantial proportion of the public in Member State of the possibility of following such events by live coverage or deferred coverage on free television (cf. Article 3j AVMS Directive).
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law and/or copyright law contain mechanisms to prevent access to events of major importance for society being restricted in such a way that would deprive a substantial proportion of the public in Member State of the possibility of following such events by live coverage or deferred coverage on free television (e.g. compulsory licensing, events list, other)?	+	-
E.2. If not, are similar safeguards ensured through any functional equivalent (sector agreement, internal charter, convention with government, other)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Has the Member State drawn up such a list in the sense of article 3(j) of the AVMS Directive?	+	-
I.2. If yes, has it notified it to the Commission and published in the Official Journal?	+	-
I.3. Does the media regulator monitor if broadcasters falling under its jurisdiction respect this obligation, in their own and other Member States?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator T1.6.

European Broadcasting Union, www.ebu.ch;

Lists of Major Events:

http://ec.europa.eu/avpolicy/reg/tvwf/implementation/events_list/index_en.htm;

■ **Score:**

E.1. – E.2.	Result for E
1 +	+
Less than 1 +	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator T2.7 (L): Regulatory safeguards for short news reporting on events of high interest in case of exclusive broadcast rights

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards against access to events of high interest to the public being limited in case of exclusive broadcasting rights (cf. Article 3k AVMS Directive).
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law and/or copyright law oblige broadcasters having exclusive rights to grant access to events of high interest to secondary broadcasters?	+	-
E.2. If not, are similar safeguards ensured through any functional equivalent (sector agreement, internal charter, convention with government, other)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with the rules?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator T2.6.

■ **Score:**

E.1.-E.2.	Result for E
2 +	+
Less than 2 +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score
		(Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator T2.8 (L): Regulatory safeguards for a varied and pluralistic offer on PSM channels and services

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards guaranteeing a varied and pluralistic offer on PSM channels and services.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law impose an obligation to provide wide diversity of media genres (news, sport, cultural, children’s programmes) for PSM?	+	-
E.2. If not, is it imposed through any functional equivalence (self imposed quota, internal charter, convention with government)?	+	-
E.3. In case there is no single PSM, does media law obliges various media service channels to bring wide diversity of media genres (news, sport, cultural, children’s programmes)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there a system of self-assessment within PSM (for instance using the ESCORT method) ⁶⁹ ?	+	-
I.2. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.3. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.4. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of	+	-

⁶⁹ European Broadcasting Union (EBU) (2007). *ESCORT 2007 - EBU System of Classification of Radio and Television Programmes*, http://www.ebu.ch/CMSimages/en/tec_doc_t3322-2007_tcm6-52544.pdf.

the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?		
I.5. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with the rules?	-	+
Total number of	+	
Total number of	-	

■ **Data sources:**

Idem as Indicator T1.6.

■ **Score:**

E.1.-E.3.	Result for E
2 or more +	+
Less than 2 +	-

I.1.-I.5.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk T3 – Lack of sufficient market resources to support range of media

Indicator T3.1 (E): Ratio of consumer spending on different media per capita to GDP per capita

- **Description:** This indicator aims to assess the amount of GDP per capita spent by consumers on different types – such as television, radio, newspapers, magazines, internet and books – of media.
- **Method of measurement:** consumer spending on different media per capita divided by the total GDP per capita

How to measure and score the indicator:

- If within one country the percentage of GDP per capita spent for one medium is below 1%, then the risk of insufficient market resources to support the range of media is considered to be very high. This situation is scored with a “<1%”.

- If within one country the percentage of GDP per capita spent for one medium is between 1% and 2,99%, then the risk of insufficient market resources to support the range of media is considered to be medium. This situation is scored with “>=1% and <=2,99%”.

- If within one country the percentage of GDP per capita spent for one medium is above 3%, then the risk of insufficient market resources to support the range of media is considered as non-existent. This situation is scored with “>3%”.

- **Data sources:** such data can be obtained from the National Statistic Agencies, or asked to the country correspondents.

■ **Score:**

Media share of GDP per capita	Score (select the correct option in the drop-box)
Percentage below 1%	<1%
Percentage between 1% and 2,99%	>=1% and <=2,99%
Percentage above 3%	>3%

Indicator T3.2 (E): Ratio of advertising expenditures per capita to GDP per capita

- **Description:** This indicator aims to assess the amount of advertising expenditure per capita compared to the total GDP per capita.
- **Method of measurement:** Spending on advertising per capita divided by the total GDP per capita

How to measure and score the indicator:

- If within one country the percentage of GDP per capita spent for advertising is below 0,5%, then the risk of insufficient market resources to support the range of media is considered to be very high. This situation is scored with “<0,5%”.

- If within one country the percentage of GDP per capita spent for advertising is between 0,5% and 0,74%, then the risk of insufficient market resources to support the range of media is considered to be medium. This situation is scored with “>=0,5% and <=0,74%”.

- If within one country the percentage of GDP per capita spent for advertising is above 0,75%, then the risk of insufficient market resources to support the range of media is considered as non-existent. This situation is scored with “>0,75%”.

- **Data sources:** such data can be obtained from the National Statistic Agencies, or asked to the country correspondents.
- **Score:**

Advertising spending share to GDP per capita	Score (select the correct option in the drop-box)
Percentage below 0,5%	<0,5%
Percentage between 0,5% and 0,74%	>=0,5% and <=0,74%
Percentage above 0,75%	>0,75%

Risk T4 – Lack of sufficient resources to support Public Service Media (PSM)

Indicator T4.1 (L): Regulatory safeguards for the objective and independent allocation of (adequate, consistent and sufficient) resources to PSM

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards against the underfunding of PSM.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid..

	YES	NO
E.1. Does media law prescribes transparent and objective procedures on determining the amount of money to be granted to PSM?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Are the financial statements controlled?	+	-
I.2. Is the sufficiency of resources controlled externally?	+	-
I.3. Is PSM financially accountable, through the governing body?	+	-
Total number of +		
Total number of -		

- **Data sources:**
 Idem as Indicator T2.6.

■ **Score:**

E.1.	Result for E
1 +	+
Less than 1 +	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk T5 – Insufficient engagement of PSM in new media

Indicator T5.1 (L): Regulatory safeguards for the engagement/presence of PSM in/on new media

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards guaranteeing the engagement/presence of PSM in/on the new media. Several policy documents show that at the political level the issue of PSM involvement in, and use of, new technologies has been resolved in Europe, in the sense that there is wide consensus that PSM should be entitled to use new technologies, as long as this complies with a specific public service remit and does not distort competition.⁷⁰ The regulatory safeguards can however differ from country to country and should be assessed in the light of the policy options and responses taken by your country to PSM use of new technologies (‘allow’, ‘oblige’, ‘restrict’, ‘support’, ‘protect’...).⁷¹ The policies should however be in line with the EU requirement (enshrined in the Amsterdam Protocol) that PSM activities in the area of new technologies also serve the social, democratic and cultural needs of a society and do not affect trading conditions and competition in the Community to an extent which would be contrary to the common interest.⁷²

- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law explicitly include an obligation for the engagement/presence of PSM in/on new media in the mission of PSM?	+	-
Total number of +		
Total number of -		

⁷⁰ For instance: Council of Europe (2007). Recommendation CM/Rec(2007)3 on the remit of public service media in the information society, 31 January 2007; Recital 9 AVMS Directive; Reding, V. (2006). *The role of public service broadcasters in a vibrant and pluralist digital media landscape*, Speech delivered at the Joint EBU-MTV conference "From secret service to public service", Budapest, 3 November 2006; Kroes, N. (2008). *The way ahead for the Broadcasting Communication*, Speech delivered at the French Presidency conference on “Public Service Media in the Digital Environment, Strasbourg, 17 July 2008.

⁷¹ Minna, A., & Syvertsen, T. (2007). Public Service Broadcasting and New Technologies: Marginalisation Or Re-Monopolisation. In Els De Bens (Ed.) *Media Between Culture and Commerce*.(pp. 167-178). Bristol: Intellect.

⁷² Please note that the opposite risk (overrepresentation of PSM in new media, thereby threatening existing or new private initiatives) is also accounted for through the measurement of concentration in Internet content provision.

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator T2.6.

■ **Score:**

E.1.	Result for E
1 +	+
Less than 1 +	-

I.1.	Result for I
1 +	+
Less than 1 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator T5.2 (S): Proportion of employees dedicated to new media services

- **Description:** This indicator aims to assess the proportion of employees dedicated to new media services in the Public Service Media sector
- **Method of measurement:** quantitative assessment based on the proportion of Public Service TV and Public Service Radio employees dedicated to new media services

Media sample: Public Service TV and Public Service Radio entities – full time and part-time employees in new media division out of the total number of employees

How to measure and score the indicator:

- High risk – if full time and part-time employees in new media division are less than 3% out of the total number of employees
- Medium risk – if full time and part-time employees in new media division are within a range higher than or equal to 3% but less than or equal to 5% out of the total number of employees
- Low risk – if full time and part-time employees in new media division are higher than 5% out of the total number of employees

■ **Data sources:**

Primary data source: employment records of Public Service TV and Public Service Radio entities

■ **Score:**

HIGH	MEDIUM	LOW
<3%	≥3%≤5%	>5%

Indicator T5.3 (E): Amount of financing invested in new media by PSM

■ **Description:** This indicator aims to assess the amount of money invested by the public service media on new media.

■ **Method of measurement:** Amount of money invested by PSM in new media

How to measure and score the indicator:

- If within one country the percentage of money invested by public service media on new media is below 3% of their total earnings, then the risk of insufficient engagement of PSM in new media is considered to be very high. This situation is scored with a “<3%”.

- If within one country the percentage of money invested by public service media on new media is between 3% and 5% of their total earnings, then the risk of insufficient engagement of PSM in new media is considered to be medium. This situation is scored with “>=3% and <=5%”.

- If within one country the percentage of money invested by public service media on new media is above 5% of their total earnings, then the risk of insufficient engagement of PSM in new media is considered as non-existent. This situation is scored with “>5%”.

■ **Data sources:** such data can be obtained from the Ministry of Communications, the National Broadcasting Union, or asked to the country correspondents.

■ **Score:**

PSM Investments in New Media	Score (select the correct option in the drop-box)
Percentage below 3%	<3%
Percentage between 3% and 5%	>=3% and <=5%
Percentage above 5%	>5%

Risk T6 – Insufficient attention paid to public participation

Indicator T6.1 (S): Proportion of online media offering space for publicly available comments and complaints

- **Description:** This indicator aims to assess the proportion of online media offering space for publicly available comments and complaints
- **Method of measurement:** Evaluation conducted by the user on the proportion of online media offering space for publicly available comments and complaints. The evaluation is to be conducted by means of quantitative assessment based on evidence review and content analysis of 20 most popular online media based on a score list (1, 2 or 3 points)

Media sample

Internet	20 most popular online media
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Period sample: The sampling period for online media monitoring shall be selected to include a period of general media reporting on very relevant social or political issues/debates (and following at least three major political/social issues/debate in the course of one calendar year).

Sample selection: one continuous week per one political/social issue/debate – meaning a total of at least 3 weeks in one year (to select 3 weeks around 3 different political/social debates, 1week/issue).

Role of panel of experts: the panel of experts develops the analysis based on available data sources and completes the checkpoint list

How to measure and score the indicator:

- High risk – if the proportion of online media offering space for publicly available comments and complaints is lower than 50%. =1 point
- Medium risk – if the proportion of online media offering space for publicly available comments and complaints is within a range equal to or higher than 50% and lower than or equal to 75%. = 2 points
- Low risk – if the proportion of online media offering space for publicly available comments and complaints is higher than 75%. = 3 points

■ **Data sources:**

Evidence of audience research activity by media organisation
 Evidence of media organisations responding to public criticism
 Evidence of media organisations offering channels for audience engagement
 Evidence and reports provided by civil society groups that advocate for electronic freedom of expression and freedom of information

■ **Score:**

HIGH	MEDIUM	LOW
<50%	≥50%≤75%	>75%

c. *How to fill in the obtained scores*

Once you have finished the measurement of all indicators on the basis of the provided methodology and guidelines, you can fill in the obtained results (scores) for the indicators of the risk domain ‘pluralism of media types and genres’ as follows: put your cursor in the correct cell in the column score in order to fill in the correct score. When the cursor is placed in the cell, a grey dart in the right bottom corner of the cell will appear (see above, ‘Scoring the risk domain ‘Basic domain”, under c.).

4.2.6. Scoring the Risk Domain of Political pluralism in the media

a. *How to open the scoring sheet*

To measure the risk domain ‘political pluralism in the media types, open the sheet ‘Political pluralism’ by clicking on the corresponding link on the start screen or by selecting the grey tab in the toolbar at the bottom for the sheet ‘Political pluralism’.

The following screen will appear:

RISK	Color	INDICATOR	TYPE	AREA	SCORE	
		P1.4 Regulatory remedies against political bias in the media (right to reply, complaints mechanisms...)	L	S	Data not available	
		P1.5 Regulatory safeguards for fair, balanced and impartial political reporting in PSM	L	S	Data not available	
		P1.6 Regulatory safeguards for fair and accurate political reporting in private radio and television broadcasting	L	S	Data not available	
		P1.7 Regulatory safeguards for fair and accurate political reporting in print media	L	S	Data not available	
		P1.8 Regulatory safeguards for the fair representation of the various political groups in management or board functions of private audiovisual media (if these include political representatives)	L	S	Data not available	
		P1.9 Regulatory safeguards for the representation of the various political groups in media councils and/or other advisory bodies in the media sector (if these include political representatives)	L	S	Data not available	
P2 Political bias in the media during election periods campaigns		P2.1 Level of successful complaints to the media and self-regulatory bodies by citizens or political groups with regard to misconduct in political reporting during election campaigns	S	U	Data not available	
		P2.2 Indication of the level of partisanship and political bias in the media during the election campaign	S	S	Data not available	
		Regulatory safeguards for fair, balanced and impartial coverage of election campaigns in radio and television broadcasting				

The scoring sheet contains the same columns as the sheet for the basic domain (see above).

b. How to measure the indicators for political pluralism in the media

Risk P1 – Political bias in the media

Indicator P1.1 (S): Proportion of the various political and ideological viewpoints and interests represented (given voice) in the media

- **Description:** This indicator aims to assess the proportions of representation of various political and ideological viewpoints and interests in the media.
- **Method of measurement:** Quantitative content analysis for measuring the proportion of actors representing different political viewpoints and interests by dividing them into 4 groups: government, governing parties, opposition parties, and other actors representing political and ideological views (such as non-parliamentary parties, unions, non-governmental organisations, churches etc.).

Content analysis sample design:

OBJECTIVE: to identify and count the occurrence of actors representing different political and ideological viewpoints and interests

MAIN RESEARCH QUESTION: Do the news contents of selected national newspapers, TV, radio programmes and internet services provide balanced representation of various political and ideological viewpoints and interests by giving voice to various political actors?

ACTORS: The category of actors may be used in two ways: either it would encompass directly or indirectly quoted speakers or also other actors who act as agents of an action in selected news items. When counting occurrence actors are divided into 4 groups: government, governing parties, opposition parties, and other actors representing political and ideological views (non-parliamentary parties, unions, non-governmental organisations, interest groups, churches etc.)

Media sample:

Print	two leading quality dailies (quality daily newspapers with the largest readership in a given country)
TV	two leading terrestrial TV channels (TV channels with a largest audience share in a given country), one leading public service channel
Radio	two leading private radio channels (radio channels with a largest audience share in a given country), one leading public service channel
Internet	two leading online news portals (online news portals with a largest audience share in a given country).

Type of the content:

NEWSPAPERS– home affairs news, reports and analysis in various sections of a newspaper.

TV– home affairs news, reports and analysis in main news programme at a day;

Radio – home affair news, reports and analysis in main news programme at a day;

Internet – home affairs news, reports and analysis in daily news service;

Period sample:

One continuous week (Monday – Sunday). Period sample for media monitoring can be selected to focus on period of intensive media reporting on political debate or political dispute on a specific social or political issue relevant for national politics.

How to measure and score the indicator:

- If one group out of four – government, governing parties, opposition parties, and other actors representing political and ideological views - is given more than 20% above or below the balanced representation (25% of space/time to each), then the risk of political bias in the media is considered to be high.
- If one group out of four – government, governing parties, opposition parties, and other actors representing political and ideological views - is given more than 10% and less than 20% above or below the balanced representation (25% of space/time to each), then the risk of political bias in the media is considered to be medium.
- If four groups – government, governing parties, opposition parties, and other actors representing political and ideological views - are given about equal space/time (25% to each) or one group is given up to 10% above or below the balanced representation, then the risk of political bias in the media is considered to be low.

■ **Data sources:**

Graber, D., McQuail, D. & Norris, P. (Eds.) (2008). *The Politics of News. The News of Politics, 2nd edition*, CQ Press: Washington.

Negrine, R. (1998). *Parliament and the Media, A Study of Britain, Germany and France*. London: The Royal Institute of International Affairs.

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*,
http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429,
http://pdfserve.informaworld.com/446564_902115117.pdf.

OSF Media Program and OSI EUMAP (2005 and 2008);

National and International Media Monitoring reports often compiled by Media Monitoring Agencies such as:

Global Media Monitoring Project : <http://www.whomakesthenews.org/>
 Portraying Politics project: <http://www.portrayingpolitics.net/what.php>

■ **Score:**

HIGH	MEDIUM	LOW
>20% above or below proportion	>10%<20% above or below proportion	<10% above or below proportion

Indicator P1.2 (S): Indication of dominant (positive or negative) media portrayal of specific political actors

- **Description:** This indicator aims to assess the existence of dominant one-sided (negative or positive) media portrayal of specific political actors.
- **Method of measurement:** Content analysis of media portrayal of specific political actors on the sample of selected media types and outlets in the selected period of time. It includes application of qualitative methods to evaluate prevailing (positive or negative) pattern of portrayal. Evaluation done by panel of experts based on content analysis.

Media sample:

Print	two leading quality dailies (quality daily newspapers with the largest readership in a given country)
TV	two leading terrestrial TV channels (TV channels with a largest audience share in a given country), one leading public service channel
Radio	two leading private radio channels (radio channels with a largest audience share in a given country), one leading public service channel
Internet	two leading online news portals (online news portals with a largest audience share in a given country).

Type of the content:

NEWSPAPERS– home affairs news, reports and analysis in various sections of a newspaper.
 TV– home affairs news, reports and analysis in main news programme at a day;
 Radio – home affair news, reports and analysis in main news programme at a day;
 Internet – home affairs news, reports and analysis in daily news service;

Period sample:

One continuous week (Monday – Sunday). Period sample for media monitoring can be selected to focus on period of intensive media reporting on political debate or political dispute on specific social or political issue relevant for national politics.

Type of analysis:

Each selected media item *i.e.* content item is assessed according to scale of value dimension:

- Positive
- Negative
- Both
- Neutral
- Ambivalent

Sample of political actors:

List of relevant political actors within one country whose media portrayal will be assessed has to be established to include political and ideological groupings represented in the parliament, but also other relevant political and ideological groupings and organisations with significant influence on state of political and social affairs in the country (for instance the church, unions, etc.).

The category of actors includes political and ideological groupings, organisations and individuals whose actions are portrayed by giving them positive, negative, positive and negative, neutral or ambivalent value dimension.

Role of panel of experts:

Panel of experts develops the content analysis. If there is no capacities for development of content analysis for the purpose of assessment of the indicator, panel of experts assess the existence of dominant one-side (negative or positive) media portrayal of specific political actors based on available content analysis, interviews and other relevant sources.

How to measure and score the indicator:

Step 1 – identification of dominant actors appearing in the media sample with specific reference to the actors who are in the focus of the analysis

Step 2 – assessment of how these actors are portrayed, as follows:

- If more than 50% of selected media items provides one-side portrayal of one or more of the selected political actors, then the risk of political bias in the media is considered to be high.
- If more than 25% and less than 50% of selected media items provides one-side portrayal of one or more of the selected political actors, then the risk of political bias in the media is considered to be medium.
- If less than 25% of selected media items provides one-side portrayal of one or more of the selected political actors, then the risk of political bias in the media is considered to be low.

■ **Data sources:**

Idem as Indicator P1.1

■ **Score:**

HIGH RISK	MEDIUM RISK	LOW RISK
>50% one-side portrayal of specific political actors	<=50% and >=25% one side portrayal of specific political actors	<25% one side portrayal of specific political actors

Indicator P1.3 (S): Indication of range of investigative reporting disclosing hidden actions of various political actors or groups

- **Description:** This indicator aims to assess the range of investigative reporting disclosing hidden actions of various political actors or groups.
- **Method of measurement:** Evaluation done by panel of experts based on a score list/checkpoint list.

How to measure and score the indicator:

There are no investigative stories disclosing hidden actions of political actors published in the media.

=1 point (the risk of political bias in the media is considered to be high)

Investigative stories disclosing hidden actions of political actors appear rarely.

=2 points (the risk of political bias in the media is considered to be medium)

Investigative stories disclosing hidden actions of political actors are published regularly (on regular basis, within news sections or in special investigative journalism sections of the media).

=3 points (the risk of political bias in the media is considered as non-existent or low)

- **Data sources:**

Idem as Indicator P1.1

Databases and reports of Centers for Investigative journalism

National and international independent journalist groups’ and centers” data-bases and reports

- **Score:**

HIGH	MEDIUM RISK	LOW RISK
1 No investigative stories disclosing hidden actions of political actors published in the media	2 Investigative stories disclosing hidden actions of political actors appear rarely.	3 Investigative stories disclosing hidden actions of political actors are published regularly.

Indicator P1.4 (L): Regulatory remedies against political bias in the media (right to reply, complaints mechanisms, ...)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory remedies which enable citizens to use media channels in order to react to or defend themselves against false information and/or criticism distributed via or by those media. The remedy should at least allow a reaction against factual misrepresentation in political reporting and should be applicable within a period of time which is short enough to guarantee an effective result⁷³.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does the Constitution guarantee a right to reply?	+	-
E.2. Does media legislation guarantee a right to reply?	+	-
E.3. Does other formal legislation (e.g. administrative law) guarantee a right to reply?	+	-
E.4. Is there a functional equivalent that guarantees this right to reply? (e.g. Codes of Conduct, internal charters of broadcasters, etc.)?	+	-
E.5 Is there an effective alternative for a formal right to reply in the form of a complaints mechanism (Press Council, Ombudsman,...)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Does the regulation apply to all media (print, audiovisual and on line) with no significant exemptions?	+	-
I.2. Are the conditions and procedures related to the remedies in place transparent and based on objective criteria?	+	-
I.3. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-

⁷³ Art.7 Council of Europe (2007) Recommendation CM/Rec(2007)15 of the Committee of Ministers to Member States on Measures concerning Media Coverage of Election Campaigns (+ Explanatory Memorandum CM(2007)155 add).

I.4. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.5. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.6. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic denial of the right to reply by the media?	-	+
I.7. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic misuse of this right by citizens to silence the media?	-	+
Total number of	+	
Total number of	-	

■ **Data sources:**

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

Overviews of national media legislations can be found on: EPRA website (http://www.epra.org/content/english/authorities/f_medialegislation.html), websites of national regulatory and competition authorities, Merlin database European Audiovisual Observatory (<http://merlin.obs.coe.int/>), Nordicom (for Scandinavian countries, <http://www.nordicmedia.info/en/index.html>)

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

Studies/reports

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.-E.5.	Result for E
1 or more +	+
no +	-

I.1.-I.7.	Result for I
4 or more +	+
Less than 4 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P1.5 (L): Regulatory safeguards for fair, balanced and impartial political reporting in PSM

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards that guarantee that in news and informative programmes on PSM channels and services all political viewpoint existing in society are represented in a fair (qualitative), balanced (quantitative) and impartial (without taking sides) way.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law (including conventions between PSM and the government) guarantee fair, balanced and impartial representation of political viewpoints in news and informative programmes on PSM channels and services?	+	-
E.2. Does other formal legislation guarantee fair, balanced and impartial representation of political viewpoints in news and informative programmes on PSM channels and services?	+	-
E.3. Is there a functional equivalent (e.g. internal charters of PSM)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic one-sided coverage?	-	+

Total number of +
Total number of -

■ **Data sources:**

Idem as P1.4

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
No +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P1.6 (L): Regulatory safeguards for fair and accurate political reporting in private radio and television broadcasting

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards that guarantee that in news and informative programmes on private television and radio channels political viewpoint are represented in a fair and accurate way. Contrary to PSM, private radio and television channels are allowed to follow an editorial line which might show specific political preferences. Fairness and accuracy however are minimal requirements which they should respect when covering any (also opposing) political viewpoints.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law guarantee fair and accurate representation of political viewpoints in news and informative programmes on private television and radio channels?	+	-
E.2. Does other formal legislation guarantee fair and accurate representation of political viewpoints in news and informative programmes on private television and radio channels?	+	-
E.3. Is there a functional equivalent (e.g. codes of conduct, internal charters of private television and radio channels)? Only mark + if the majority of the mainstream broadcasters have a code or a charter in place which contains such safeguards.	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-

I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic unfair/inaccurate coverage?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

Idem as P1.4

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
No +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P1.7 (L): Regulatory safeguards for fair and accurate political reporting in print media

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards that guarantee that in print media political viewpoints are represented in a fair and accurate way. Contrary to PSM, (private) print media are allowed to follow an editorial line which might show specific political preferences. Fairness and accuracy however are minimal requirements which they should respect when covering any (also opposing) political viewpoints.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is there a functional equivalent to guarantee fair and accurate representation of political viewpoints in print media (e.g. journalist codes, codes of ethics of press organs)? Only mark + if the majority of the mainstream publishers have a code or a charter in place which contains such safeguards.	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic one-sided coverage?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

Idem as P1.4

■ **Score:**

E.1.	Result for E
1 +	+
No +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score
		(Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P1.8 (L): Regulatory safeguards for the fair representation of the various political groups in management or board functions of private audiovisual media (if these include political representatives)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards that guarantee that in management or board functions of private audiovisual media that the various political groups are represented in a fair way (if these media include political representatives).
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law guarantee fair representation of the various political groups in management or board functions of private audiovisual media (if these include political representatives)?	+	-
E.2. Does other formal legislation (e.g. labour law, company law) guarantee fair representation of the various political groups in management or board functions of private audiovisual media (if these include political representatives)?	+	-
E.3. Is there a functional equivalent (e.g. internal charters of broadcasters)? Only mark + if the majority of the mainstream private audiovisual media outlets have a code or a charter in place which contains such safeguards.	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-

I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic denial of airtime for certain political groups or systematic one-sided coverage?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

Idem as P1.4

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). Study on Media & Diversity, Study for the European Commission, <http://www.media4diversity.eu/>.

European Commission. DG Employment, Social Affairs and Equal Opportunities. Action against Discrimination, Civil Society: http://ec.europa.eu/employment_social/fundamental_rights/index_en.htm

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
No +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P1.9 (L): Regulatory safeguards for the representation of the various political groups in media councils and/or other advisory bodies in the media sector (if these include political representatives)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards that guarantee that in media councils and/or other advisory bodies in the media sector that the various political groups are represented in a fair way (if these media include political representatives).
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law contain provisions guaranteeing the representation of the various political groups in media councils and/or other advisory bodies in the media sector (if these media include political representatives)?	+	-
E.2. Does other formal law (e.g. administrative law, non-discrimination law, labour law) contain provisions guaranteeing the representation of the various political groups in media councils and/or other advisory bodies in the media sector (if these media include political representatives)?	+	-
E.3. Is there a functional equivalent (e.g. internal charters of the media councils) Only mark + if the majority of this type of advisory bodies have a code or a charter in place which contains such safeguards.	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures	+	-

of which are not systematically misused to delay the enforcement of remedies?		
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic limitation of the career opportunities of certain political groups within media councils and/or other advisory bodies in the media sector?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

Idem as P1.4

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). Study on Media & Diversity, Study for the European Commission, <http://www.media4diversity.eu/>.

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
No +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk P2 – Political bias in the media during election campaigns

Indicator P 2.1 (S): Level of successful complaints to the media and self-regulatory bodies by citizens or political groups with regard to misconduct in political reporting during election campaigns

■ **Description:** This indicator aims to assess the level of successful complaints to the media and self-regulatory bodies by citizens or political groups with regard to misconduct in political reporting during election campaigns

■ **Method of measurement:** Expert panel evaluation based on a score list/checkpoint list.

How to measure and score the indicator:

Insignificant number of successful complaints by citizens and/or political actors to media self-regulatory bodies (internal and external, e.g. industry self-regulatory bodies such as ethics councils, press councils, press complaints commissions, media ombudsmen, or internal self-regulatory mechanisms such as readers’ editor, in-house ombudsman etc.) with regard to misconduct in political reporting during the election campaign. Complaints for media misconduct that could have major impact on prospects of exposed political actors (e.g. invented stories on legally or ethically highly controversial actions of political actors, used for ‘character assassination’ in the media) appear rarely.

=3 points (the risk of political bias in the media during election periods is considered as non-existent or low)

Small number of successful complaints by citizens and/or political actors to media self-regulatory bodies (internal and external) with regard to misconduct in political reporting during the election campaign. Complaints for media misconduct that could have major impact on prospects of exposed political actors appear occasionally.

=2 points (the risk of political bias in the media during election periods is considered to be medium)

Large number of successful complaints by citizens and/or political actors to media self-regulatory bodies (internal and external) with regard to misconduct in political reporting during the election campaign. Complaints for media misconduct that could have major impact on prospects of exposed political actors prevail.

=1 point. (the risk of political bias in the media during election periods is considered to be high)

■ **Data sources:**

Graber, D., McQuail, D. & Norris, P. (Eds.) (2008). *The Politics of News. The News of Politics, 2nd edition*, CQ Press: Washington.

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

Election monitoring reports by OSCE Election Monitoring Mission,
http://www.osce.org/odihr-elections/item_12_17721.htm ;

EURALVA. European Alliance of Listeners and Viewers Associations,
<http://www.euralva.org>;

The Guardian Social, Ethical and Environmental Audit,
<http://www.guardian.co.uk/values/socialaudit>;

International Press Center (IPC) databases and reports:
<http://www.ipcng.org/>

European Commission (2007). Current trends and approaches to media literacy in Europe, http://ec.europa.eu/avpolicy/media_literacy/studies/index_en.htm.

OFCOM (2005). *Media Literacy Audit – Report on adult media literacy*, http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrss/medialit_audit.

■ **Score:**

HIGH	MEDIUM	LOW
1 Large number of successful complaints by citizens and/or political actors to media self-regulatory bodies (internal and external) with regard to misconduct in political reporting during the election campaign. Complaints for media misconduct that could have major impact on prospects of exposed political actors prevail.	2 Small number of successful complaints by citizens and/or political actors to media self-regulatory bodies (internal and external) with regard to misconduct in political reporting during the election campaign. Complaints for media misconduct that could have major impact on prospects of exposed political actors appear occasionally.	3 Insignificant number of successful complaints by citizens and/or political actors to media self-regulatory bodies (internal and external) with regard to misconduct in political reporting during the election campaign. Complaints for media misconduct that could have major impact on prospects of exposed political actors appear rarely.

Indicator P2.2 (S): Indication of the level of partisanship and political bias in the media during election campaigns

- **Description:** This indicator aims to assess the level of partisanship and political bias in the media during election campaigns.
- **Method of measurement:** Content analysis of election reporting on the sample of selected media types and outlets. It includes application of quantitative methods to assess level of partisanship and political bias in the media during the election campaign

Media sample:

Print	two leading quality dailies (quality daily newspapers with a largest circulation in a given country), two leading tabloids (tabloid daily newspapers with a largest circulation in a given country), two leading news weeklies (two weeklies with a largest circulation in a given country)
Radio	two leading private radio stations (radio stations with a largest audience share in a given country), one leading public service channel
TV	two leading terrestrial TV channels (TV channels with a largest audience share in a given country), one leading public service channel
Satellite/Cable/Digital	a leading, nationally based news channel
Internet	two leading internet portals (internet portals with a largest share of users in a given country).

Period sample:

Media monitoring on a daily basis in the period of the official election campaign, usually four weeks before the elections day.

Type of the content:

TV AND RADIO SECTOR – a main news programme at a day (usually 15 – 30 minutes long);
 NEWSPAPERS AND PORTALS – all types of content with an exception of: advertising, weather forecasts, stock exchange and related financial listings and analyses, real estate and housing, car and motor supplements, announcements, TV and radio schedules and more specialist sections such as books, theatre, music, arts and cinema reviews, traveling and lifestyle supplements.

Sample of political actors:

List of relevant political actors within one country whose media portrayal during election campaign will be assessed has to be established to include political parties represented in the parliament, but also non-parliamentary parties and independent candidates registered for electoral race.

Type of analysis:

Each selected media item is assessed according to scale of value dimension:

- Positive
- Negative
- Both
- Neutral
- Ambivalent

How to measure and score the indicator:

- If $\geq 50\%$ of the media reports provides one side portrayal (negative/positive) of specific political actors engaged in the electoral race, then the risk of political bias in the media during election periods is considered to be high.
- If $<50\% > 25\%$ of the media reports provides one side portrayal (negative/positive) of specific political actors engaged in the electoral race, then the risk of political bias in the media during election periods is considered to be medium.
- If $\leq 25\%$ of the media reports provides one side portrayal (negative/positive) of specific political actors engaged in the electoral race, then the risk of political bias in the media during election periods is considered to be non-existent or low.

■ **Data sources:**

Graber, D., McQuail, D. & Norris, P. (Eds.) (2008). *The Politics of News. The News of Politics, 2nd edition*, CQ Press: Washington.

Ward, D., & Lange, B.-P. (Eds.) (2004). *The Media and Elections: A Handbook and Comparative Study* (pp. 264). LEA Publishing

National Regulatory Agencies monitoring, e.g.:
 European Platform of Regulatory Authorities (EPRA)
<http://www.epra.org/content/english/index2.html>

Various monitoring reports by NGOs and/or scholars

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

International Press Center (IPC) databases and reports:
<http://www.ipcng.org/>

■ **Score:**

HIGH	MEDIUM	LOW
$\geq 50\%$ one-side (negative/positive) portrayal of specific political actors engaged in the electoral race	$<50\% > 25\%$ one side (negative/positive) portrayal of specific political actors engage in the electoral race	$\leq 25\%$ one side portrayal (negative/positive) of specific political actors engaged in the electoral race

Indicator P2.3 (L): Regulatory safeguards for fair, balanced and impartial coverage of election campaigns in radio and television broadcasting

■ **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the fair, balanced and impartial representation of political viewpoints during election campaigns. Regulatory safeguards of this nature should in principle apply to both PSM and private radio and television broadcasters. So during electoral campaigns, also private broadcasters should abide by impartiality principles, given that they also play a significant role in influencing public opinion at the time of elections. Hence in this period they have an increased responsibility.⁷⁴

■ **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law guarantee fair, balanced and impartial representation of political viewpoints by radio and television broadcasters in election periods? In case there is no such obligation that applies to the whole broadcasting sector, the obligation should at least cover PSM and the mainstream private radio and television broadcasters.	+	-
E.2. Does other formal legislation (e.g. election law) guarantee fair, balanced and impartial representation of political viewpoints by radio and television broadcasters in election periods? In case there is no such obligation that applies to the whole broadcasting sector, the obligation should at least cover PSM and the mainstream private radio and television broadcasters.	+	-
E.3. Is there a functional equivalent? (e.g. Codes of Conduct, internal charters of broadcasters, etc.)? Only mark + if the majority of the mainstream broadcasters have a code or a charter in place which contains such safeguards.	+	-
Total number of +		
Total number of -		

⁷⁴ Council of Europe (2007), Recommendation CM/Rec(2007)15 of the Committee of Ministers to Member States on Measures concerning Media Coverage of Election Campaigns. The Explanatory Memorandum (CM(2007)155 add) however declares that in case the multiplication of channels and changes in the role of the broadcast media constitutes a situation close to which currently exists in the print media sector, exceptions to the principles of impartiality might be considered in the future.

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1 Does the regulation apply to all types of political elections, that is presidential, legislative and, where practicable, local elections and referenda?	+	-
I.2. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints? Alternatively, is there a right to reply or an alternative remedy which can be effectively exercised during the campaign period?	+	-
I.3. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.4. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.5. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic one-sided coverage?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as P1.4

Studies/reports

Ward, D., & Lange, B.-P. (Eds.) (2004). *The Media and Elections: A Handbook and Comparative Study* (pp. 264). LEA Publishing

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
no +	-

I.1.-I.5.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P2.4 (L): Regulatory safeguards for fair access to airtime on PSM channels and services by political actors during election campaigns

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards that allow the different political actors in society to use the airtime of the PSM media in order to reach the public in an equal or representative way. The relevance and impact of this type of active access increases significantly during election periods.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law (including conventions between PSM and the government) guarantee access to airtime on PSM channels and services for political actors during election campaigns?	+	-
E.2. Does other formal legislation (e.g. administrative law) guarantee access to airtime on PSM channels and services for political actors?	+	-
E.3. Is there a functional equivalent (e.g. internal charters of PSM)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1 Does the regulation apply to all types of political elections, that is presidential, legislative, regional and local elections?	+	-
I.2. Are the conditions and procedures in order to gain access to airtime transparent and based on objective criteria?	+	-
I.3. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.4. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.5. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies.	+	-

I.6. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic denial of airtime for certain political groups?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as P1.4

Studies/reports

European Audiovisual Observatory (2007). The Public Service Broadcasting Culture. *Iris Special 2007 edition*. http://www.obs.coe.int/about/oea/pr/irisspecial2007_1.html

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
No +	-

I.1.-I.6.	Result for I
4 or more +	+
Less than 4 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P2.5 (L): Regulatory safeguards relating to political advertising in election campaigns

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards that prevent financially stronger political actors obtaining such a large amount of airtime for political advertising that other political actors who do not have similar financial resources are relatively suppressed from those channels. The relevance and impact of political advertising increases significantly during election periods.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law (including conventions between PSM and the government) prohibit or impose restrictions to political advertising during election campaigns?	+	-
E.2. Does other formal legislation (e.g. legislation on the financing of political parties) prohibit or impose restrictions to political advertising?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Do the regulatory safeguards in place apply at least to all public and private, linear and non-linear broadcasters without significant exceptions?	+	-
I.2. Does the regulation apply to all types of political elections, that is presidential, legislative, regional and, where applicable, local elections and referenda?	+	-
I.3 In case political advertising is allowed (to a certain extent), is the possibility of buying advertising space available to all contending parties, on equal conditions and rates of payment?	+	-
I.4 In case political advertising is allowed (to a certain extent), does the regulatory framework ensure that the public is aware that the message is a paid political advertisement?	+	-
I.5. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-

I.6. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.7. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.8. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with the rules?	-	+
Total number of	+	
Total number of	-	

■ **Data sources:**

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

Idem as P1.4

Studies/reports

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*,
http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429,
http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
No +	-

I.1.-I.8.	Result for I
5 or more +	+
Less than 5 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk P3 – Excessive politicisation of media ownership/control

Indicator P3.1 (S): Public access to data about political affiliation of media owners

- **Description:** This indicator aims to assess the transparency of data about the political affiliations of media owners.
- **Method of measurement:** Transparency test using a score list/checkpoint list exploring the availability of data on political affiliation of media owners.

How to measure and score the indicator:

Data on political affiliation of media owners are hidden, no efforts are made by investigative journalists or activists to disclose hidden data.

=1 point (the risk of excessive politicisation of media ownership/control is considered to be high)

Data on political affiliation of media owners are disclosed based on investigations of journalists and media activists.

=2 points (the risk of excessive politicisation of media ownership/control is considered to be medium)

Data on political affiliation of media owners is available/transparent/not hidden.

=3 points (the risk of excessive politicisation of media ownership/control is considered as non-existent)

■ **Data sources:**

Council of Europe (2006). Final report on the study commissioned to Mr D. WARD by the MC-S-MD "the assessment of content diversity in newspapers and television in the context of increasing trends towards concentration of media markets", 27 February 2006

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*,
http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429,
http://pdfserve.informaworld.com/446564_902115117.pdf.

Transparency International data bases;
<http://www.transparency.org/>

Article 19 databases:
<http://www.article19.org/>

Existing media ownership analysis, e.g. by:

International Federation of Journalists (IFJ) and European Federation of Journalists (EFJ)

- Media concentration; <http://europe.ifj.org/en/pages/media-concentration>

- "Eastern Empires: Foreign Ownership in Central and Eastern European Media: Ownership, Policy Issues and Strategies": <http://www.ifj.org/en/articles/eastern-empires->

South East European Network for the Professionalization of the Media (SEENPM);
<http://www.seenpm.org/new/>;

Company registers; Media registers (in some countries established by media regulator such as ministry of culture or other);

National Regulatory Agencies monitoring databases, e.g.:
European Platform of Regulatory Authorities (EPRA):
<http://www.epra.org/content/english/index2.html>

■ **Score:**

HIGH	MEDIUM	LOW
1 Data on political affiliation of media owners are hidden, no efforts are made by investigative journalists or activists to disclose hidden data.	2 Data on political affiliation of media owners are disclosed based on investigations of journalists and media activists.	3 Data on political affiliation of media owners is available/transparent/not hidden.

Indicator P3.2 (S): Proportion of specific political affiliations of the media owners across the media market in terms of audience share, including proportion of the media owned by political parties, politicians or political groupings

- **Description:** This indicator aims to assess the proportion of specific political affiliation of media owners across the media market in terms of audience share.
- **Method of measurement:** Case study examining political affiliation of major 4 or major 8 media owners in terms of audience share.
 Note: Data on Top4/Top8 owners obtained for assessing the concentration of audience within indicators O1.4 (terrestrial television sector), O2.4 (radio), O3.4 (newspapers), O4.4 (Cable/Sat/ADSL-TV), O5.4 (magazines) and O6.4 (internet) shall be used in the case study for further examination of political affiliations of media owners and analysis of proportions.

How to measure and score the indicator:

- If the media having $\geq 50\%$ audience share are owned (controlled) by a specific political party, politician or political grouping, or by an owner with specific political affiliation, then the risk of excessive politicisation of media ownership/control is considered to be high.
 - If the media having $<50\% > 30\%$ audience share are owned (controlled) by a specific political party, politician or political grouping, or by an owner with specific political affiliation, then the risk of excessive politicisation of media ownership/control is considered to be medium.
 - If the media having $\leq 30\%$ audience share are owned (controlled) by a specific political party, politician or political grouping, or by an owner with specific political affiliation, then the risk of excessive politicisation of media ownership/control is considered to be low.
- **Data sources:**
Idem as Indicator P3.1
 - **Score:**

HIGH	MEDIUM	LOW
The media having $\geq 50\%$ audience share is controlled by specific political grouping (through direct ownership or political affiliation of owner).	The media having $<50\% > 30\%$ audience share is controlled by specific political grouping (through direct ownership or political affiliation of owner).	The media having $\leq 30\%$ audience share is controlled by specific political grouping (through direct ownership or political affiliation of owner).

Indicator P3.3 (S): Proportion of the state ownership in the media across the media markets in terms of audience share

- **Description:** This indicator aims to assess the proportion of state ownership in the media across the media market in terms of audience share.
- **Method of measurement:** Case study on evidences of state ownership in the media. The study focuses on the media ownership of selected samples of media types and outlets. It includes analysis of the media proportion of the state ownership in the market in terms of audience share.

Case study:

The study focuses on the media ownership of selected samples of media types and outlets. It includes analysis of the media proportion of the state ownership in the market in terms of audience share. In case of print media audience share refers to share in the total number of sold copies of selected print media type in the relevant market.

Media sample: is selected to reflect national, regional and local media markets, for example:

National print	two leading quality dailies (quality daily newspapers with a largest circulation in a given country), two leading tabloids (tabloid daily newspapers with a largest circulation in a given country)
Regional print	two regional newspapers
Local print	two local newspapers
National radio	two leading private radio stations with national coverage (radio stations with a largest audience share in a given country), one leading public service channel
Regional radio	two regional radio stations
Local radio	two local radio stations
TV	two leading terrestrial TV channels with national coverage (TV channels with a largest audience share in a given country), one leading public service channel with national coverage,
Regional TV	two regional TV stations
Local TV	two local TV stations
Satellite/Cable/Digital	a leading, nationally based news channel
Internet	two leading internet portals (internet portals with a largest share of users in a given country).

How to measure and score the indicator:

- If the media having >50% audience share (on relevant national, regional or local level, depending on the reach of the media) is owned (controlled) by the state (directly or through state owned companies), then the risk of excessive politicisation of media ownership/control is considered to be high.
- If the media having <=50%>=30% audience share (on relevant national, regional or local level, depending on the reach of the media) is owned (controlled) by the state (directly or through state owned companies), then the risk of excessive politicisation of media ownership/control is considered to be medium.
- If the media having <30% audience share (on relevant national, regional or local level, depending on the reach of the media) is owned (controlled) by the state (directly or through state owned companies), then the risk of excessive politicisation of media ownership/control is considered to be low.

■ **Data sources:**

Idem as P3.1

■ **Score:**

HIGH	MEDIUM	LOW
The media having >50% audience share is owned by the state.	The media having <=50%>=30% audience share is owned by the state.	The media having <30% audience share is owned by the state.

Indicator P3.4 (S): Level of discrimination in distribution of state advertisements reflected in favouritism of the media owned by political parties or affiliates of political parties in the government or penalisation of the media critics

- **Description:** This indicator aims to assess the level of discrimination present in the distribution of state advertisements, as reflected in favouritism towards the media owned by political parties or affiliates of political parties in the government, or of penalisation of media criticising the government (and political parties in the government).
- **Method of measurement:** State advertisement test: Case study on the distribution of state advertisements across the sample of selected media types and outlets. The study focuses on proportions between amount of state advertisements and audience share.

Media sample: is selected to include on one side the media owned by the state, by media owner politically affiliated to political grouping represented in the government, or owned directly by political grouping represented in the government, and on the other side the media critical to the government with independent ownership, owned by media owners politically affiliated to political grouping in the opposition or owned directly by political grouping in the opposition. The media sample should include different media types – print, radio, TV, internet, but if division between politically affiliated ownership is relevant only in one media type, the sample can include only the media within that type.

Period sample:

One year, preferably not the first year of the mandate of the government. For the sake of comparison the case study can examine advertising data for the media sample also for a year when the political grouping in the opposition led the government.

How to measure and score the indicator:

State advertising is disproportionately (in terms of audience share) distributed to the media connected/supportive to political group in the government. Critical media don't receive advertisements from the state institutions/companies regardless audience share. *No rules on transparency of state advertisement distribution.*

=1 point (the risk for of excessive politicisation of media ownership/control is considered to be high)

State advertising is distributed to both media connected/supportive and critical to the government but disproportionately in favour of supportive media. *Rules on transparency in state advertising distribution are being drafted.*

=2 points (the risk of excessive politicisation of media ownership/control is considered to be medium)

State advertising is distributed to the media based on transparent rules, with consideration of professional criteria, regardless political profile of the media.

=3 points (the risk of excessive politicisation of media ownership/control is considered to be low)

- **Data sources:**
 Annual reports on national audit on advertising expenditure in the media.
 Annual reports of media marketing agencies.
 Annual reports of media companies.

- **Score:**

HIGH	MEDIUM	LOW
<p>1 State advertising is disproportionately (in terms of audience share) distributed to the media connected/supportive to political group in the government. Critical media don't receive advertisements from the state institutions/companies regardless audience share. <i>No rules on transparency of state advertisement distribution.</i></p>	<p>2 State advertising is distributed to both media connected/supportive and critical to the government but disproportionately in favour of supportive media. <i>Rules on transparency in state advertising distribution are being drafted.</i></p>	<p>3 State advertising is distributed to the media based on transparent rules, with consideration of professional criteria, regardless political profile of the media.</p>

Indicator P3.5 (L): Regulatory safeguards against excessive ownership and/or control of media by politicians

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards against excessive ownership and/or control of media by politicians
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law (including conventions between PSM and the government) contain limitations to direct AND indirect ownership/control of media by politicians?	+	-
E.2. Does other formal legislation (e.g. competition law, company law) contain limitations to direct AND indirect ownership/control of media by politicians?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Does the regulation apply to all media (print, audiovisual and on line) with no significant exemptions?	+	-
I.2. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.3. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.4. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.5. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with or by-passing of these rules?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator P1.4

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
no +	-

I.1.-I.5.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score
		(Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P3.6 (L): Regulatory safeguards for structural, financial,... independence of mainstream radio and TV channels from political actors (in addition to editorial independence)

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for structural, financial, ... independence of mainstream radio and TV channels from political actors (in addition to editorial independence)
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law (including conventions between PSM and the government) guarantee the structural, financial, ... independence of mainstream radio and TV channels from political actors (in addition to editorial independence)?	+	-
E.2. Does other formal legislation (e.g. company law, legislation concerning subsidies) guarantee the structural, financial, ... independence of mainstream radio and TV channels from political actors (in addition to editorial independence)?	+	-
E.3. Is there a functional equivalent? (e.g. Codes of Conduct, internal charters of broadcasters, etc.)? Only mark + if the majority of the broadcasters have a code or a charter in place.	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with or by-passing of these rules?	-	+

Total number of +
Total number of -

■ **Data sources:**

Idem as Indicator P1.4

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
no +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk P4 – Insufficient editorial independence

Indicator P4.1 (S): Representation of the interests of media professionals and media employers in labour relations is established through professional associations, providing high level of participation of media professionals and media publishers in their membership.

- **Description:** This indicator aims to assess if the representation of the interests of media professionals and media employers in labour relations is established through professional associations, with high levels of participation of media professionals and media publishers in their membership.
- **Method of measurement:** Case study on labour relations in the media sector focusing on presence and strength of representative organisations of media professionals and media employers considering level of participation in their membership, transparency of interests and ability to efficiently run negotiations between representative organisations with regard to job security, level of wages etc.

How to measure and score the indicator:

No representative organisations of media professionals and media employers. No transparency of interests, no negotiations.

=1 point (the risk of insufficient editorial independence is considered to be high)

Representation of interests is formally established but doesn't work in practice.

=2 points (the risk of insufficient editorial independence is considered to be medium)

Representation of interests is established, interests are transparent and negotiations are efficient.

=3points (the risk of insufficient editorial independence is considered as non-existent)

■ **Data sources:**

National and International unions

International Federation of Journalists (IFJ) alerts and reports: <http://www.ifj.org/>;
<http://www.ifj.org/en/pages/reports>

IFJ Global Unions: <http://www.global-unions.org/spip.php?rubrique8>

Journalism & Media References and Resources compiled by prof. Denny Wilkins (last updated 2006): <http://jmc.sbu.edu/faculty/dwilkins/resources.html>

MediaWise.org – International Media Unions database:

International: http://www.mediawise.org.uk/display_page.php?id=108

by country: http://www.mediawise.org.uk/display_page.php?id=323

■ **Score:**

HIGH	MEDIUM	LOW
1 No representative organisations of media professionals and media employers. No transparency of interests, no negotiations.	2 Representation of interests is formally established but doesn't work in practice.	3 Representation of interests is established, interests are transparent and negotiations are efficient.

Indicator P4.2 (S): Evidences of conflicts between editorial staff and media owners due to attempts of political instrumentalisation of the media

- **Description:** This indicator aims to assess the level of conflicts between editorial staff and the media owners due to attempts to introduce political instrumentalisation of the media.
- **Method of measurement:** Expert panel evaluation of evidences of conflicts between editorial staff and media owners due to attempts of political instrumentalisation of the media.

How to measure and score the indicator:

- If conflicts between editorial staff and media owners due to attempts of political instrumentalisation of the media are frequent, then the risk of an insufficient editorial independence is considered to be high.
- If conflicts between editorial staff and media owners due to attempts of political instrumentalisation of the media appear occasionally or have been suppressed, then the risk of an insufficient editorial independence is considered to be medium.
- If conflicts between editorial staff and media owners due to attempts of political instrumentalisation of the media are rare, then the risk of an insufficient editorial independence is considered to be low.

- **Data sources:**
Idem as Indicator P4.1

- **Score:**

HIGH	MEDIUM	LOW
Frequent conflicts	Occasional or suppressed conflicts	Rare conflicts

Indicator P4.3 (S): Presence of professional associations providing advocacy for editorial independence and respect of professional standards

- **Description:** This indicator aims to assess if there are professional associations providing advocacy for editorial independence and the respect of professional standards.
- **Method of measurement:** Expert panel evaluation of presence and active role of professional associations providing advocacy for editorial independence and respect of professional standards.

How to measure and score the indicator:

- If professional associations providing advocacy for editorial independence and the respect of professional standards are not present, then the risk of an insufficient editorial independence is considered to be high.
- If professional associations providing advocacy for editorial independence and the respect of professional standards are present, but not active, then the risk of an insufficient editorial independence is considered to be medium.
- If professional associations providing advocacy for editorial independence and the respect of professional standards are present and active, then the risk of an insufficient editorial independence is considered as non-existent.

- **Data sources:**

Databases of Press Complaints Commissions (e.g. the UK Press Complaint Commissions: <http://www.pcc.org.uk/cop/practice.html>)

National unions

IFJ alerts and reports: <http://www.ifj.org/>; <http://www.ifj.org/en/pages/reports>

IFJ Global Unions:) <http://www.global-unions.org/spip.php?rubrique8>

MediaWise.org – International Media Unions database:

International: http://www.mediawise.org.uk/display_page.php?id=108

by country: http://www.mediawise.org.uk/display_page.php?id=323)

- **Score:**

HIGH	MEDIUM	LOW
Not present	Present, not active	Present, active

Indicator P4.4 (L): Regulatory safeguards for editorial independence of print media from political actors

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for editorial independence of print media from political actors
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is there a functional equivalent that guarantees editorial independence in print media? (e.g. journalistic codes, codes of ethics, etc.)? Only mark + if the majority of the publishers have a code or a charter in place.	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator P1.4

■ **Score:**

E.1.	Result for E
1 +	+
no +	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P4.5 (L): Regulatory safeguards for editorial independence of mainstream radio and television broadcast channels (linear AVMS) from political actors

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for editorial independence of traditional television broadcast channels from political actors.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law (including conventions between PSM and the government) guarantee editorial independence of traditional television broadcast channels from political actors?	+	-
E.2. Does other formal legislation (e.g. company law, legislation concerning subsidies) guarantee editorial independence of traditional television broadcast channels from political actors?	+	-
E.3. Is there a functional equivalent? (e.g. Codes of Conduct, internal charters of broadcasters, etc.)? Only mark + if the majority of the mainstream broadcasters have a code or a charter in place which contains such safeguards.	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1 Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator P1.4

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
no +	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P4.6 (L): Regulatory safeguards for editorial independence of mainstream non-linear AVMS from political actors

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for editorial independence of on line/on-demand media from political actors.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law guarantee editorial independence of on line media from political actors?	+	-
E.2. Does other formal legislation (e.g. company law, legislation concerning subsidies) guarantee editorial independence of on line media from political actors?	+	-
E.3. Is there a functional equivalent? (e.g. Codes of Conduct, internal charters, etc.)? Only mark + if the majority of the non-linear AVMS providers have a code or a charter in place.	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator P1.4

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
no +	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk P5 – Insufficient independence of Public Service Media

Indicator P5.1 (S): Level of independence of PSM considering appointment procedure and composition of its governing bodies/Level of equal/proportionate representation of all political groups (represented in the parliament) in the governing bodies

- **Description:** This indicator aims to assess the level of independence of PSM, by considering appointment procedure and the composition of its governing bodies. It also aims to assess if equal/proportionate representation of all political groups (represented in the parliament) in the governing bodies is provided and how it effects the independence of PSM.
- **Method of measurement:** Expert panel’s evaluation of independence of governing bodies of PSM with regard to appointment procedure and composition. Evaluation performed based on a score list or checkpoint list.

How to measure and score the indicator:

Governing bodies of PSM are appointed and composed to provide prevailing influence of one political grouping on editorial and business policy of PSM.

=1 point (the risk of an insufficient independence of public service media is considered to be high)

Governing bodies of PSM are appointed and composed to include balance of influence by different political groupings on editorial and business policy of PSM.

=2 points (the risk of an insufficient independence of public service media is considered to be medium)

Governing bodies of PSM are appointed and composed to exclude/minimize influence of political groupings on editorial and business policy of PSM.

=3 points (the risk of an insufficient independence of public service media is considered to be low)

- **Data sources:**
 EBU – European Broadcasting Union (<http://www.ebu.ch/en/>);

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

National media regulation data bases (available on web sites of relevant state bodies);

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

- **Score:**

HIGH	MEDIUM	LOW
1 Governing bodies of PSM are composed to provide prevailing influence of one political grouping on editorial and business policy of PSM.	2 Governing bodies of PSM are composed to include balance of influence by different political groupings on editorial and business policy of PSM.	3 Governing bodies of PSM are composed to exclude/minimize influence of political groupings on editorial and business policy of PSM.

Indicator P5.2 (S): Level of independence of PSM considering mechanisms of its financing

- **Description:** This indicator aims to assess the level of independence of PSM, by considering mechanisms of its financing.
- **Method of measurement:** Expert panel evaluation of financial mechanisms enabling the government (political groupings in the government) to exercise pressure on the PSM, such as decision-making on the level of licence fee, proportion of direct government financing, and *decision-making on wages of PSM employees*. The study includes quantitative evaluation of the above indicators of PSM financial independence. Evaluation performed based on a score list or checkpoint list.

How to measure and score the indicator:

Government decides on licence fee without public discussion or/and direct government financing is >25% of total PSM budget, *and/or government decide about wages of PSM*.
 =1 point (the risk of an insufficient independence of public service media is considered to be high)

Government decides on licence fee based on thorough analysis with public discussion or/and direct government financing is <25% >10% of total PSM budget.
 =2 points (the risk of an insufficient independence of public service media is considered to be medium)

Level of licence fee depends on the economic indicator set in the law or/and direct government financing is <10% of total PSM budget.
 =3 points (the risk of an insufficient independence of public service media is considered to be low)

- **Data sources:**

Idem as Indicator P5.1

- **Score:**

HIGH	MEDIUM	LOW
<p>1 Government decides on licence fee without public discussion or/and direct government financing >25%.</p>	<p>2 Government decides on licence fee based on thorough analysis with public discussion or/and direct government financing <25% >10%.</p>	<p>3 Level of licence fee depends on the economic indicator set in the law or/and direct government financing <10%.</p>

Indicator P5.3 (S): Level of independence of PSM considering mechanisms of appointments and dismissal of key personnel/Indication of whether key editorial personnel and management of PSM change with the change of the government

- **Description:** This indicator aims to assess the level of independence of PSM considering mechanisms of appointments and dismissal of key personnel. It includes an assessment of whether key editorial personnel and management of PSM changes with a change of government.
- **Method of measurement:** Expert panel evaluation of independence of PSM with focus on mechanisms of appointments and dismissal of key personnel, and evidences on changes of key personnel with the change of the government.

How to measure and score the indicator:

- If key personnel of PSM is appointed based on political affiliation with ruling political grouping and/or it is changed with change of the government, then the risk of an insufficient independence of public service media is considered to be high.
 - If key personnel is appointed based on political affiliation with various political groupings, then the risk of an insufficient independence of public service media is considered to be medium.
 - If key personnel is appointed regardless political affiliation, the risk of an insufficient independence of public service media is considered as non-existent.
- **Data sources:**
Idem as Indicator P5.1
- **Score:**

HIGH	MEDIUM	LOW
Key personnel of PSM is appointed based on political affiliation with ruling political grouping and/or it is changed with change of the government.	Key personnel is appointed based on political affiliation with various political groupings.	Key personnel is appointed regardless political affiliation.

Indicator P5.4 (L): Regulatory safeguards for editorial independence of PSM channels and services from government/political powers

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for editorial independence of PSM channels and services from government/political powers
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law (including conventions between PSM and the government) guarantee editorial independence of PSM channels and services from government/political powers?	+	-
E.2. Does other formal legislation (e.g. administrative law) guarantee editorial independence of PSM channels and services from government/political powers?	+	-
E.3. Is there a functional equivalent? (e.g. Codes of Conduct, internal charters, etc.)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic interference in or manipulation of the PSM by the government/political powers?	-	+

Total number of +
Total number of -

■ **Data sources:**

Idem as Indicator P1.4

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
no +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator P5.5 (L): Fair, objective and transparent appointment procedures for professional, management and board functions in PSM ensuring independence from government/a single political group

■ **Description:** This indicator aims to assess the existence and effective implementation of fair, objective and transparent appointment procedures for professional, management and board functions in PSM, which guarantee independence from government/a single political group. These requirements could be met for example by applying merits-based appointment procedures or by appointment procedures which assure the presence of the various political groups within the PSM.

■ **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law (including conventions between PSM and the government) provide fair, objective and transparent appointment procedures for professional, management and board functions in PSM, which guarantee independence from government/a single political group?	+	-
E.2. Does other formal legislation (e.g. administrative law, company law, labour law) provide fair, objective and transparent appointment procedures for professional, management and board functions in PSM, which guarantee independence from government/a single political group?	+	-
E.3. Is there a functional equivalent? (e.g. Codes of Conduct, internal charters, etc.)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-

I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic conflicts concerning appointments and dismissals of managers and board members of PSM?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

Idem as Indicator P1.4

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
no +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk P6 – Insufficient pluralism of news agencies

Indicator P6.1 (S): Range and independence of competing news agencies

- **Description:** This indicator aims to assess the range and independence of competing news agencies, including the assessment of the level of state ownership and level of independence of state owned news agencies
- **Method of measurement:** Evaluation conducted by the user on a range of competing news agencies, level of state ownership and level of independence of state owned news agencies. The study applies analysis of evidence of presence of competing news agencies. In the case of state ownership in news agencies, it also applies analysis of legal documents, economic indicators such as level of state financing of news agencies, procedures of appointment of key personnel. Evaluation performed based on a score list or checkpoint list.

News agencies assessed: all news agencies officially registered and running at national and/or local level, privately and publicly (including jointly) owned, managed and financed.

Role of Panel of experts:

The panel of experts conduct the evaluation based on analysis of available data provided from such sources as (not exclusive): media registers (in some countries established by media regulator such as ministry of culture or other), statutes and annual financial breakdowns of news agencies, state budget breakdown.

How to measure and score the indicator:

If the leading news agency has >50% market share or the largest news agency is affiliated to one political grouping and its key personnel is appointed based on political affiliation. = 1 point (the risk of insufficient pluralism of news agencies is considered to be high)

If one news agency has <50% >30% share of the market of news agencies. The news agency having the biggest market share is affiliated to one political grouping but its key personnel is appointed based on professional criteria and its editorial policy is independent from the political grouping.
= 2 points (the risk of insufficient pluralism of news agencies is considered to medium)

If no news agency dominates the market (occupy >30% of the market of news agencies). News agency having the biggest market share is independent from political groupings and from the government in terms of ownership and affiliation of key personnel.
= 3 points (the risk of insufficient pluralism of news agencies is considered to be low)

■ **Data sources:**

Media registers (in some countries established by media regulator such as ministry of culture or other); Statutes and annual financial breakdowns of news agencies; State budget breakdown.

■ **Score:**

HIGH	MEDIUM	LOW
<p>1 The leading news agency has >50% market share or the largest news agency is affiliated to one political grouping and its key personnel is appointed based on political affiliation.</p>	<p>2 One news agency has <50% >30% share of the market of news agencies. News agency having the biggest market share is affiliated to one political grouping but its key personnel is appointed based on professional criteria and its editorial policy is independent from the political grouping.</p>	<p>3 No news agency dominate the market (occupy >30% of the market of news agencies). News agency having the biggest market share is independent from political groupings and from the government in terms of ownership and affiliation of key personnel.</p>

Indicator P6.2 (S): Level of state ownership in news agencies and level of independence of state owned news agencies

- **Description:** This indicator aims to assess the level of state ownership in news agencies and the level of independence of state owned news agencies.
- **Method of measurement:** Evaluation conducted by the user on a range of competing news agencies, looking at level of state ownership and level of independence of state owned news agencies. The study applies analysis of evidence of presence of competing news agencies, and in the case of state ownership in news agencies also analysis of legal documents, economic indicators such as the level of state financing of a news agency, and procedure of appointment of key personnel. Evaluation performed based on a score list or checkpoint list.

News agencies assessed: all news agencies registered and running at national and/or local level, partially or fully owned, financed and managed (internally and externally) by the government.

Role of Panel of experts:

The panel of experts conduct the evaluation based on analysis of available data provided from such sources as (not exclusive): media registers (in some countries established by media regulator such as ministry of culture or other), statutes and annual financial breakdowns of state owned news agencies, state budget breakdown.

How to measure and score the indicator:

If the news agency having the biggest market share is owned by the government and its key personnel is appointed based on political affiliation.

= 1 point ((the risk of insufficient pluralism of news agencies is considered to be high)

If the news agency having the biggest market share is owned by the government but its key personnel is appointed based on professional criteria and its editorial policy is independent from the government.

= 2 points (the risk of insufficient pluralism of news agencies is considered to be medium)

If the news agency having the biggest market share is independent from the government in terms of ownership, affiliation of key personnel and editorial policy.

= 3 points (the risk of insufficient pluralism of news agencies is considered to be low)

- **Data sources:** Media registers (in some countries established by media regulator such as ministry of culture or other); Statutes and annual financial breakdowns of news agencies; State budget breakdown.

- **Score:**

HIGH	MEDIUM	LOW
1 The news agency having the biggest market share is owned by the government but its key personnel is appointed based on professional criteria and its editorial policy is independent from the government.	2 The news agency having the biggest market share is owned by the government but its key personnel is appointed based on professional criteria and its editorial policy is independent from the government.	3 News agency having the biggest market share is independent from the government in terms of ownership, affiliation of key personnel and editorial policy.

Risk P7 – Insufficient pluralism of distribution systems

Indicator P7.1 (S): Discrimination by politically affiliated television and radio distribution networks

- **Description:** This indicator aims to assess the evidence and level of discrimination by politically affiliated television and radio distribution networks.
- **Method of measurement:** Evaluation conducted by the user on evidence of political affiliation of the owners of the television and radio distribution networks taking discriminatory actions. Evaluation performed based on a score list or checkpoint list.

Media sample:

Radio	Two (where available) leading radio distribution networks
TV	Two (where available) leading terrestrial TV distribution networks
Satellite/Cable/Digital	two (where available) leading nationally based distribution networks

Period sample:

One year.

Role of Panel of experts:

The panel of experts conducts the evaluation of evidence and level of discriminatory actions by politically affiliated television and radio distribution systems/networks, based on analysis of available data provided from such sources as (not exclusive): company registers, media registers, existing media ownership studies/reports conducted at national and international (comparative) level.

How to measure and score the indicator:

If any of the leading distribution systems politically affiliated takes sustained discriminatory actions.

= 1 point (the risk of insufficient pluralism of distribution systems is considered to be high)

If any of the leading distribution systems politically affiliated takes occasional discriminatory action.

= 2 points (the risk of insufficient pluralism of distribution system is considered to be medium)

If leading distribution systems are not politically affiliated or do not take discriminatory actions.

= 3 points (the risk of insufficient pluralism of distribution system is considered to be low)

■ **Data sources:**

Company registers.

Media registers.

Existing media ownership studies and reports, e.g. from:

Transparency International data bases; <http://www.transparency.org/>

Article 19 data bases: <http://www.article19.org/>

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

■ **Score:**

HIGH	MEDIUM	LOW
1 Any of the leading distribution systems politically affiliated takes sustained discriminatory actions.	2 Any of the leading distribution systems politically affiliated takes occasional discriminatory action.	3 Leading distribution systems are not politically affiliated or do not take discriminatory actions.

Indicator P7.2 (S): Discrimination by politically affiliated distribution networks for print media

- **Description:** This indicator aims to assess the level of discrimination by politically affiliated distribution networks for print media
- **Method of measurement:** Evaluation conducted by the user on evidence of politically affiliated owners of the print media distribution networks taking discriminatory actions. Evaluation performed based on a score list or checkpoint list.

Media sample:

Print media	two leading distribution networks for print media
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Period sample:

One year.

Role of Panel of experts:

The panel of experts conducts the evaluation of evidence and level of discrimination by politically affiliated print media distribution networks, based on analysis of available data provided from such sources as (not exclusive): company registers, media registers, existing media ownership studies/reports conducted at national and international (comparative) level.

How to measure and score the indicator:

If any of the leading distribution systems politically affiliated takes sustained discriminatory actions.

= 1 point (the risk of insufficient pluralism of distribution systems is considered to be high)

If any of the leading distribution systems politically affiliated takes occasional discriminatory action.

= 2 points (the risk of insufficient pluralism of distribution systems is considered to be medium)

Leading distribution systems are not politically affiliated or do not take discriminatory actions.

= 3 points (the risk of insufficient pluralism of distribution systems is considered to be low)

■ **Data sources:**

Company registers.

Media registers.

Existing media ownership studies and reports, e.g. from:

Transparency International data bases; <http://www.transparency.org/>

Article 19 data bases: <http://www.article19.org/>

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

■ **Score:**

HIGH	MEDIUM	LOW
1 Any of the leading distribution systems politically affiliated takes sustained discriminatory actions.	2 Any of the leading distribution systems politically affiliated takes occasional discriminatory action.	3 Leading distribution systems are not politically affiliated or do not take discriminatory actions.

Risk P8 – Insufficient citizen activity and political impact in online media

Indicator P8.1 (S): Range of citizens and citizens’ groups using online media for posting their content relevant for political debate

- **Description:** This indicator aims to assess the range of citizens and citizens’ groups using online media for posting their own content that is relevant for political debate.
- **Method of measurement:** Expert panel evaluation of citizens’ use of new media for participation in political activities, for generating response to political reporting, and for posting own initiatives and campaigns relevant for political debate and decisions. It also includes evaluation of political actors’ response to such citizens’ activity. Evaluation performed based on a score list or checkpoint list.

How to measure and score the indicator:

No new media initiatives or platforms generating content of citizens and citizens’ groups relevant for political debate. When such initiatives are to be developed, political actors are ignoring or suppressing them.

= 1 point (the risk of insufficient citizen activity and political impact in online media is considered to be high)

Some new media initiatives or platforms generating citizens and citizens’ groups’ content relevant for political debate. Political actors are ignoring such initiatives and content.

= 2 points (the risk of insufficient citizen activity and political impact in online media is considered to be medium)

Citizens and citizens’ groups use wide range of new media platforms, including online news media, blogs and forums to post their content relevant to political debate. Political actors are responsive to such initiatives and content.

= 3 points (the risk of insufficient citizen activity and political impact in online media is considered to be low)

■ **Data sources:**

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect.

Cammaerts, B. & Carpentier, N. (Eds.) (2007). *Reclaiming the Media*, Communication Rights and Democratic Media Roles. Bristol & Chicago: Intellect.

EURALVA - The European Alliance of Listeners’ and Viewers’ Associations:
<http://www.euralva.org/pages/resources.shtml>

European Commission (2007). Current trends and approaches to media literacy in Europe,
http://ec.europa.eu/avpolicy/media_literacy/studies/index_en.htm.

OFCOM (2005). *Media Literacy Audit – Report on adult media literacy*,
http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrssi/medialit_audit.

Studies and articles on citizens’ online activism. Also see: CIVICWEB “Young people, the internet and civic participation” database and reports (FP6 project):
<http://www.civicweb.eu/>

■ **Score:**

HIGH	MEDIUM	LOW
1 No new media initiatives or platforms generating content of citizens and citizens' groups relevant for political debate. When such initiative are to be developed, political actors are ignoring or suppressing them.	2 Some new media initiatives or platforms generating citizens and citizens' groups' content relevant for political debate. Political actors are ignoring such initiatives and content.	3 Citizens and citizens' groups use wide range of new media platforms, including online news media, blogs and forums to post their content relevant to political debate. Political actors are responsive to such initiatives and content.

Indicator P8.2 (S): Level of influence on political and public debate by bloggers

- **Description:** This indicator aims to assess the evidence and level of influence exercised by bloggers on political and public debate
- **Method of measurement:** Evaluation conducted by the user on the evidence and level of influence exercised by bloggers on political and public debate. The evaluation is to be conducted by means of sampling of blogs and content analysis of the selected samples. The purpose is to identify existing evidence as well as level of influence performed by political blogs, in terms of: (1) bloggers posting own political analyses, initiatives and campaigns relevant for political debate and (2) online reactions provoked at the level of users or the ‘audience’ of such blogs. Thus, it also includes evaluation of citizens’ online response to such blogs. Evaluation is to be performed based on a score list or checkpoint list.

Media sample:

Internet	Blogs focused on political and public debates – a sample of 5 blogs with focus on local (as in national) political issues, and enabling discussion forums where citizens may post own comments and opinions in reaction to the blogger’s postings.
----------	--

Period sample:

* The sampling period for blog monitoring shall be selected to include a period of general media reporting on very relevant social or political issue/debate (and following at least three major political/social issues/debate in the course of one calendar year).

Sampled period: one continuous week per one political/social issue/debate – meaning a total of at least 3 weeks in one year (to select 3 weeks around 3 different political/social debates, 1week/issue).

Type of the content:

INTERNET: BLOGS – all types of blogger generated content with political and public opinion shaping profile, including bloggers’ opinion pieces, comments on political news and events, online political debates initiated on bloggers’ forums as reaction to the originally posted content.

Role of panel of experts:

The panel of experts develops the content analysis and completes the checkpoint list based on available content on the selected bloggers’ web pages.

How to measure and score the indicator:

- High risk – If there is no evidence of influence exercised by bloggers on public debate. =1 point
- Medium risk – If there is insignificant evidence of influence by bloggers on public debate. = 2 points
- Low risk – If there is significant evidence of influence by bloggers on public debate. = 3 points

■ **Data sources:**

Primary Sources:

Online content of analysed blogs, number of user/reader ‘hits’ (if recorded on the bloggers’ web pages), user survey to assess the impact of such blogs in political opinion shaping.

Secondary sources:

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect.

Cammaerts, B. & Carpentier, N. (Eds.) (2007). *Reclaiming the Media*, Communication Rights and Democratic Media Roles. Bristol & Chicago: Intellect.

EURALVA - The European Alliance of Listeners’ and Viewers’ Associations:
<http://www.euralva.org/pages/resources.shtml>

European Commission (2007). Current trends and approaches to media literacy in Europe,
http://ec.europa.eu/avpolicy/media_literacy/studies/index_en.htm.

OFCOM (2005). *Media Literacy Audit – Report on adult media literacy*,
http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrss/medialit_audit.

Studies and articles on citizens’ online activism. Also see: CIVICWEB “Young people, the internet and civic participation” database and reports (FP6 project): <http://www.civicweb.eu/>

■ **Score:**

HIGH	MEDIUM	LOW
No influence exercised by bloggers on public debate.	Insignificant influence by bloggers on public debate	Significant influence by bloggers on public debate

c. *How to fill in the obtained scores*

Once you have finished the measurement of all indicators on the basis of the provided methodology and guidelines, you can fill in the obtained results (scores) for the indicators of the risk domain ‘political pluralism in the media’ as follows: put your cursor in the correct cell in the column score in order to fill in the correct score. When the cursor is placed in the cell, a grey dart in the right bottom corner of the cell will appear (see above, ‘Scoring the risk domain ‘Basic domain’’, under c.).

4.2.7. Scoring the Risk Domain of Cultural pluralism in the media

a. *How to open the scoring sheet*

To measure the risk domain ‘cultural pluralism in the media types, open the sheet ‘Cultural pluralism’ by clicking on the corresponding link on the start screen or by selecting the grey tab in the toolbar at the bottom for the sheet ‘Cultural pluralism’.

The following screen will appear:

RISK	Color	INDICATOR	TYPE	AREA	SCORE	Comment
C3 Insufficient proportion of independent production	C3.1	Proportion of European works by independent producers in television broadcasting (linear AVMS)	S	S	Data not available	
		Proportion of European works by independent producers among top TV programmes in linear AVMS	S	S	Data not available	
		Regulatory safeguards for European works by independent producers in television broadcasting (linear AVMS)	L	S	Data not available	
C4 Insufficient proportion of in-house production	C4.1	Proportion of in-house production in television broadcasting (linear AVMS)	S	S	Data not available	
		Proportion of in-house production in top 10 TV programmes in linear AVMS	S	S	Data not available	
C5 Insufficient representation of world cultures	C5.1	Proportion of non-European and non-US production in television broadcasting (linear AVMS)	S	S	Data not available	
		Proportion of TV coverage focusing on non-European and non-US regions in TV news on linear AVMS	S	S	Data not available	
		Proportion of coverage focusing on non-European and non-US regions in quality daily newspapers	S	S	Data not available	
the various cultural and social groups in mainstream media content and services	C6.1	groups in selected national newspapers, TV, radio programmes and internet services (news contents).	S	S	Data not available	

REPORT BD | Pluralism ownership & control | REPORT OC | Pluralism media types & genre | REPORT MTG | Political pluralism | REPORT PP | Cultural pluralism | REPORT I

The scoring sheet contains the same columns as the sheet for the basic domain (see above).

b. *How to measure the indicators for cultural pluralism in the media*

Risk C1 – Insufficient media representation of European cultures

Indicator C1.1 (S): Proportion of European works in television broadcasting (linear AVMS)

- **Description:** Promotion of European works (TVWF, AVMS directives) is perceived as an important instrument for strengthening cultural diversity in Europe and globally. The proposed ‘European works test’ offers already broadly used assessment of the average share of qualifying transmission time devoted to European works. The assessment aims to denote the probability of a threat arising to European cultural identity perceived as absent, insufficient or decreasing European audiovisual production.
- **Method of measurement:** European works test – average share of qualifying transmission time devoted to European works in television.

Media sample: Generalist linear TV channels

How to measure and score the indicator:

The proposed scores are result of careful analysis and consideration of available comparative data. The Directive sets a clear benchmark: “Member States shall ensure where practicable and by appropriate means, that broadcasters reserve for European works a majority proportion of their transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping”⁷⁵ Therefore, an average share of transmission time below this limit could be considered as a medium or high risk. Average share of transmission time devoted to European works varied between 47,31% (Slovenia) and 81,14% (Denmark) in 2005 and between 45,44% (Sweden) and 81,07% (Poland) in 2006.⁷⁶ Many smaller or newly operating channels (especially those with an audience share of less than 3% have not met 50% benchmark and in some cases even 40% benchmark. Therefore, an average share of transmission time below the limit 30% could be considered as a borderline for the high risk situation.

- **Data sources:**
Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Commission (2008). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Eighth Communication on the application of Articles 4 and 5 of Directive 89/552/EEC ‘Television without Frontiers’, as amended by Directive 97/36/EC, for the period 2005/2006 [SEC (2008) 2310].

⁷⁵ Article 4, Directive 2007/65/EC of the European Parliament and the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (consolidated version), O.J. 2007 L 332 p. 27 –45.

⁷⁶ European Commission (2008). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Eighth Communication on the application of Articles 4 and 5 of Directive 89/552/EEC ‘Television without Frontiers’, as amended by Directive 97/36/EC, for the period 2005/2006 [SEC (2008) 2310], p 5-6.

European Commission (2006). Background documents to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Seventh communication on the application of Articles 4 and 5 of Directive 89/552/EEC “Television without Frontiers”, as amended by Directive 97/36/EC, for the period 2003-2004

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. http://www.obs.coe.int/oea_publications/index2008.htm

Graham, D. (2005). *Impact Study of Measures (Community and National) Concerning the Promotion of Distribution and Production of TV Programmes Provided for Under Article 25(a) of the TV Without Frontiers Directive*, 24 May 2005, http://ec.europa.eu/avpolicy/docs/library/studies/finalised/4-5/27_03_finalrep.pdf.

■ **Score:**

HIGH	MEDIUM	LOW
less than 30%	30% – 50%	more than 50%

Indicator C1.2 (L): Regulatory safeguards for European works in television broadcasting (linear AVMS)

- **Description:** This indicator aims to assess the existence and effective implementation of the legal obligation for TV broadcasters to reserve a majority proportion of their qualifying transmission time to European works, as laid down in Article 4 TVWF/AVMS Directive.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does the media legislation contain a rule that prescribes that broadcasters reserve for European works a majority proportion of their qualifying transmission time?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
<p>I.1. Is there an administrative or judicial body actively and reliably monitoring compliance with these rules and timely and sufficiently reporting to the European Commission?</p> <p>According to the European Commission each Member State can decide autonomously on who monitors the obligation and which method is applied, but regarding the monitoring the Commission distributed guidelines on proper procedures (Suggested Guidelines for the monitoring of the implementation of articles 4 and 5 of the “Television without Frontiers Directive” of 11 June 1999, http://ec.europa.eu/avpolicy/docs/reg/twvf/eu_works/controle45_en.pdf). Section 7 of these guidelines applies specifically to the methods used for data collection. Reporting is obliged every two years. Taken this into account, Therefore, answer the questions below before marking the next column.</p> <ul style="list-style-type: none"> • Do statistics, expressed in hours and percentages, cover the relevant output of <i>all</i> broadcasters under the jurisdiction of your country during the reporting period, irrespective of whether they are new or special-interest broadcasters? YES/NO • Does your country submit annual statistics for each channel separately? YES/NO • Does your country use the definitions provided in the Guidelines in order to ensure the compatibility of national reports and in case they do not use these definitions they explain why and how this might affect the result? YES/NO • Where broadcasters can code their programmes according to the above mentioned definitions, do they apply data recording systems in such a way that comprehensive statistics for the entire annual schedule can be compiled? YES/NO • If the national authorities were satisfied that a derogation from 	+	-

<p>comprehensive reporting was justified in the reference period, was a detailed description of the broadcaster’s sampling procedure and basis of estimates submitted for consideration to the Commission and did eventual samples consist of at least one week (chosen at random) per quarter of the reporting period? YES/NO</p> <ul style="list-style-type: none"> • Did your country always meet its reporting obligations in time? YES/NO <p>In case you answered three times or more ‘NO’ to the above questions, mark the NO/- column on the right.</p>																		
<p>I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?</p>	+	-																
<p>I.3. Is there evidence of systematic non-compliance with the rules, <i>i.e.</i> attaining the European quota?</p> <p>To this end, and in order to mark the columns on the right, two ‘indicators’ used in the Staff Working Document (SWD) which accompanies the two-yearly reports of the European Commission should be combined.</p> <p>http://ec.europa.eu/avpolicy/docs/reg/tvwf/art_4_5/2008_2310_en.pdf</p> <p>The first ‘indicator’ (Indicator 2 of the SWD) gives the Average Transmission Time (ATT) reserved for European Works. If the ATT within your country (The Member State averages are based on the average proportions of all channels covered by Article 5 and for which data were communicated (‘reported channels’) by the Member State concerned) is below 50% this indicator should be marked (-), equal or above 50% should be marked (+) in the box below.</p> <p>The second ‘indicator’ (Indicator 3 of the SWD) gives the Compliance Rate (CR) of channels achieving or exceeding the majority proportion of European works. If the CR of the Member State is below the European average (EW25) (in 2006 this average was 72.88%) it should be marked (-), if it is equal or above it should be marked (+).</p> <p>Combining these two indicators, results in a grid giving the following result:</p> <table border="1" data-bbox="236 1335 1141 1621"> <thead> <tr> <th></th> <th>CR<EW25</th> <th>CR>or=EW25</th> <th>No information</th> </tr> </thead> <tbody> <tr> <td>ATT <50%</td> <td>--</td> <td>- +</td> <td>--</td> </tr> <tr> <td>ATT >or= 50%</td> <td>+ -</td> <td>++</td> <td>+ -</td> </tr> <tr> <td>No information</td> <td>--</td> <td>- +</td> <td>--</td> </tr> </tbody> </table> <p>Only a ++ in the grid above results in a NO/+ on the right.</p>		CR<EW25	CR>or=EW25	No information	ATT <50%	--	- +	--	ATT >or= 50%	+ -	++	+ -	No information	--	- +	--	-	+
	CR<EW25	CR>or=EW25	No information															
ATT <50%	--	- +	--															
ATT >or= 50%	+ -	++	+ -															
No information	--	- +	--															
<p>Total number of +</p>																		
<p>Total number of -</p>																		

■ **Data sources:**

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

Overviews of national media legislations can be found on: EPRA website (http://www.epra.org/content/english/authorities/f_medialegislation.html), websites of national regulatory and competition authorities, Merlin database European Audiovisual Observatory (<http://merlin.obs.coe.int/>), Nordicom (for Scandinavian countries, <http://www.nordicmedia.info/en/index.html>)

Studies/reports

Bi-annual Commission reports and Staff Working Document of the European Commission:
http://ec.europa.eu/avpolicy/reg/twvf/implementation/promotion/index_en.htm

Graham, D. (2005). *Impact Study of Measures (Community and National) Concerning the Promotion of Distribution and Production of TV Programmes Provided for Under Article 25(a) of the TV Without Frontiers Directive*, 24 May 2005, http://ec.europa.eu/avpolicy/docs/library/studies/finalised/4-5/27_03_finalrep.pdf.

Attentional. (2008). *Study on the application of measures concerning the promotion of the distribution and production of European works in audiovisual media services (i.e. including television programmes and non-linear services) – Draft Final Report*. Study for the European Commission.
http://ec.europa.eu/avpolicy/docs/library/studies/art4_5/draft_final_report.pdf

Suggested guidelines for the monitoring of the implementation of article 4 and 5 of the TWFD, June 1999:
http://ec.europa.eu/avpolicy/docs/reg/twvf/eu_works/controle45_en.pdf

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*,
http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429,
http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.	Result for E
+	+
-	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator C1.3 (S): Proportion of European works in non-linear AVMS

- **Description:** This indicator aims to denote the probability of a threat arising to European cultural values, perceived as either absent, insufficient or as a decreasing percentage of European audiovisual works in non-linear (on-demand) catalogues (on-demand services including audiovisual content distribution on digital platforms such as cable, Internet or IPTV). The proposed proportional test on European works offers a measure of time devoted to European and non-European works in non-linear AVMS.
- **Method of measurement:** European works test: proportion of European works in catalogues of the five non-linear service providers with largest subscriber base. Evaluation is conducted by an expert collecting and measuring the non-linear service providers’ programme portfolios, considering data for the entire catalogue and the proportion of European works within them in a given point in time. The time measurement is conducted in terms of total hours of supplied catalogue content vs. total hours of European works.

Media sample: Catalogues of five non-linear service providers with largest subscriber base in a given country in a given point in time.

How to measure and score the indicators:

- High risk: if only <25 % of total hours in non-linear service catalogues are European works
- Medium risk: if $\geq 25\%$ $\leq 50\%$ of total hours in non-linear service catalogues are European works
- Low risk: if $> 50\%$ of total hours in non-linear service catalogues are European works

■ **Data sources:**

European Commission (2008). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Eighth Communication on the application of Articles 4 and 5 of Directive 89/552/EEC ‘Television without Frontiers’, as amended by Directive 97/36/EC, for the period 2005/2006 [SEC (2008) 2310].

European Commission (2006). Background documents to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Seventh communication on the application of Articles 4 and 5 of Directive 89/552/EEC “Television without Frontiers”, as amended by Directive 97/36/EC, for the period 2003-2004

Attentional. (2008). *Study on the application of measures concerning the promotion of the distribution and production of European works in audiovisual media services (i.e. including television programmes and non-linear services) – Draft Final Report*. Study for the European Commission.

http://ec.europa.eu/avpolicy/docs/library/studies/art4_5/draft_final_report.pdf

Rolfe, D. (Attentional) (2008). Presentation on “Part 6: Possible Monitoring Methods for Article 3” as part of the public workshop on the SMART 2007/0001 Study on the application of measures concerning the promotion of the distribution and production of European works in audiovisual media services (i.e. including television programmes and non-linear services)”.

http://ec.europa.eu/avpolicy/docs/library/studies/art4_5/present_6_7.pdf

Non-linear service providers’ databases as source of programmes duration data

■ **Score:**

HIGH	MEDIUM	LOW
<25 % of total hours	≥25% ≤50% of total hours	>50% of total hours

Indicator C1.4 (L): Regulatory safeguards for European works in non-linear AVMS

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the promotion of the production and distribution of European works by non-linear AVMS, in accordance with Article 3i AVMS Directive and its recital 48.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Are there regulatory safeguards for the promotion of the production of and access to European works by the providers of non-linear AVMS (requiring, for instance, financial contributions by such services to the production of and acquisition of rights in European works, the reservation of a minimum share of European works in video-on-demand catalogues, or the attractive presentation of European works in electronic programme guides)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively and reliably monitoring compliance with these rules and timely and sufficiently reporting to the European Commission?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Is there evidence of systematic non-compliance with the rules?	-	+
Total number of +		
Total number of -		

Data sources:

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

Overviews of national media legislations can be found on: EPRA website (http://www.epra.org/content/english/authorities/f_medialegislation.html), websites of national regulatory and competition authorities, Merlin database European Audiovisual Observatory (<http://merlin.obs.coe.int/>), Nordicom (for Scandinavian countries, <http://www.nordicmedia.info/en/index.html>)

Studies/reports

Attentional. (2008). *Study on the application of measures concerning the promotion of the distribution and production of European works in audiovisual media services (i.e. including television programmes and non-linear services) – Draft Final Report*. Study for the European Commission.
http://ec.europa.eu/avpolicy/docs/library/studies/art4_5/draft_final_report.pdf

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*,
http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429,
http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.	Result for E
+	+
-	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator C1.5 (S): Proportion of non-domestic European works in television broadcasting (linear AVMS)

- **Description:** This indicator aims to denote the probability of a threat arising to European cultural identity perceived as, either absent, insufficient or as a decreasing percentage of non-domestic European audiovisual production. In a number of studies,⁷⁷ the modest difference between the share of European and national production indicated that European quotas have, in fact, promoted national production. A proposed ‘proportional test on non-domestic European works’ offers an evaluation, which takes into account relation between the average share of qualifying transmission time devoted to European works and non-domestic production.
- **Method of measurement:** Proportional test on non-domestic European works – average share of qualifying transmission time devoted to non-domestic European works.

Media sample:

Generalist linear TV channels

How to measure and score the indicator:

The proposed scores were formulated after careful analysis and consideration of available comparative data, especially from the CEC regular Communications and background documents concerning the application of Articles 4 and 5, Directive 89/552/EEC ‘Television without Frontiers’, as amended by Directive 97/36/EC. The values proposed for benchmarks of three different levels of risk reflect a balance between minimum proportion of national and non-national European production. A low-level of risk indicates that non-national production composes at least a half proportion (25%) for the required share of qualifying transmission time devoted to European works (50%). A medium-level of risk indicates that non-national production composes less than a half proportion (25%), but more than 15% for the required share of qualifying transmission time devoted to European works (50%).

⁷⁷ EAO, 2005: 65; Collins, R. (2002) *Media and identity in contemporary Europe: consequences of global convergence*. Bristol: Intellect; Graham, D. (2005). *Impact Study of Measures (Community and National) Concerning the Promotion of Distribution and Production of TV Programmes Provided for Under Article 25(a) of the TV Without Frontiers Directive*, 24 May 2005, http://ec.europa.eu/avpolicy/docs/library/studies/finalised/4-5/27_03_finalrep.pdf.

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Collins, R. (2002). *Media and identity in contemporary Europe: consequences of global convergence*. Bristol: Intellect.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. http://www.obs.coe.int/oea_publ/yb/index2008.htm

European Commission (2008). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Eighth Communication on the application of Articles 4 and 5 of Directive 89/552/EEC ‘Television without Frontiers’, as amended by Directive 97/36/EC, for the period 2005/2006 [SEC (2008) 2310].

■ **Score:**

HIGH	MEDIUM	LOW
less than 15%	15% – 25%	more than 25%

Indicator C1.6 (S): Proportion of non-domestic European works in top TV programmes in linear AVMS

- **Description:** This indicator aims to denote the absence of non-domestic European audiovisual production among top TV programmes. A modest difference between the share of European and national production indicates a relative stagnation in the distribution of programmes produced in other members states. A proposed ‘proportional test on non-domestic European works in top TV programmes’ offers an evaluation, which takes into account relation between the average share of qualifying transmission time devoted to European works and non-domestic production in top TV programmes.
- **Method of measurement:** Proportional test on non-domestic European production in top TV programmes - average share of transmission time in 10 top TV programmes devoted to non-domestic European works.

Media sample:

Top 10 TV programmes (on linear TV channels) with a largest audience share in a given period of time (measured weekly or monthly)

- **Data sources:**
 Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/yb/index2008.htm)

AGB Nielsen Media Research (data available for 8 EU countries) (<http://www.agbnielsen.net/whereweare/whereweare.asp>).

- **Score:**

HIGH	MEDIUM	LOW
No non-domestic European production	less than 10%	more than 10%

Indicator C1.7 (S): Proportion of TV coverage focusing on non-domestic European issues in TV news on linear AVMS

- **Description:** This indicator aims to denote the probability of a threat arising to cultural diversity perceived as, either absent or insufficient coverage of European issues in TV news on linear AVMS. Cultural diversity as represented in audiovisual media contents and services can be perceived through the proportion of TV coverage focusing on European topics, issues in other European countries (both EU member states and other European countries), or regions in Europe in selected TV news programmes.
- **Method of measurement:** *European TV coverage test – content analysis of news focusing on non-domestic European issues in selected TV channels

Media sample:

Terrestrial TV: - two leading terrestrial linear TV channels
 (= TV channels with a largest audience share in a given country),
 - one leading linear PSM channel

Satellite/Cable/Digital: – a leading, nationally based linear news channel

Content analysis sample design:

OBJECTIVE: to identify and measure occurrence of news items covering European issues, countries, and regions of Europe.

MAIN RESEARCH QUESTIONS: How often different European issues, countries and regions of Europe (e.g. sessions of the European Parliament, activities by the European Commission, public events in European countries or regions, etc.) are covered in selected TV news services? What prominence is given to these issues relative to others (in the US and other regions)? What themes and topics are related with European news and news from European countries and regions, and what is their value dimension?

SAMPLE PERIOD: one continuous week (Monday – Sunday) followed by a composite week (Monday of one week, Tuesday of the following week, Wednesday of the following week, and so on).

TYPE OF CONTENT: two main news programmes at a day (usually 15 – 30 minutes long) for each of the channels.

MAIN ANALYTICAL DIMENSIONS AND CATEGORIES:

- SCOPE:
 - o Local
 - o National
 - o International
 - Europe (including European Union level issues; EU member states; non-EU states like Switzerland and Eastern Europe – Russia, Ukraine, etc.; European regions; etc.)
 - US
 - Other North American countries
 - South America
 - Arab countries (including both Middle East and North Africa)
 - Sub-Saharan Africa
 - South and Western Asia (including non-Arab West Asian countries – such as Turkey and Iran, and India)
 - East Asia (including China and Japan)
 - Central Asia (including Mongolia, Afghanistan, Kazakhstan)
 - Australia and Pacific Rim

- Other areas
 - Global
 - TOPICS:
 - Catastrophes and accidents
 - Violence and crime
 - Politics
 - War and terrorism
 - Ethnic and religious conflicts, human rights violations
 - Social issues
 - Education
 - Immigration and emigration
 - Labour
 - Economy
 - Media
 - Arts and Culture
 - Entertainment
 - Religion
 - Sports
 - Lifestyle
 - Historical events
 - Environment
 - Science and Technology
 - Other
 - VALUE DIMENSION FOR ANALYSED NEWS ITEMS:
 - Positive
 - Negative
 - Both
 - Neutral
 - Ambivalent

The use of analytical categories for the content analysis and interpretation of results should also be tested against relevant social, political, historical and media context (such as ownership, international journalistic practices, workforce diversity, news sources, level of interactivity, circulation and audience, users’ profile).

The samples, timing, categories, and analytical methods should be identical with methodology used for indicator C5.2 (Proportion of TV coverage focusing on non-European and non-US regions in TV news on linear AVMS) to ensure compatibility of research methodology and comparability of results.

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.
 Indirectly related studies:

Heinderyckx, F. (1993). Television News Programmes in Western Europe: A Comparative Study. *European Journal of Communication*, Vol. 8 (4), p. 425 – 450.

■ **Score:**

HIGH	MEDIUM	LOW
Not covered or severely underrepresented	Occasionally covered	Regularly covered

Indicator C1.8 (S): Proportion of coverage focusing on non-domestic European issues in quality daily newspapers

- **Description:** This indicator aims to denote the probability of a threat arising to cultural diversity perceived as either absent or insufficient coverage of non-domestic European issues in quality daily newspapers. Cultural diversity as represented in the press can be perceived through the proportion of press coverage focusing European topics, current affairs in other European countries (both EU member states and other European countries), or regions in Europe in quality newspapers.
- **Method of measurement:** *European press coverage test – content analysis of news items focusing on non-domestic European issues in quality daily and weekly newspapers

Media sample:

- Print:
- two leading quality dailies (quality daily newspapers with largest circulation in a given country)
 - two leading tabloids (tabloid daily newspapers with largest circulation in a given country)
 - two leading news weeklies (two weeklies with a largest circulation in a given country)

Content analysis sample design:

OBJECTIVE: to identify and count occurrence of news items covering European issues, countries, and regions of Europe.

MAIN RESEARCH QUESTIONS: How often different European issues, countries, and regions of Europe are covered in selected newspaper contents? What prominence is given to these, compared to the US and other regions of the world? What themes and topics are related with European news and news from European countries and regions, and what is their value dimension?

SAMPLE PERIOD: one continuous week (Monday – Sunday), followed by a composite week (Monday of one week, Tuesday of the following week, Wednesday of the following week, and so on).

TYPE OF THE CONTENT: *newspapers* – all types of content with an exception of advertising, weather forecasts, stock exchange and related financial listings and analyses, real estate and housing, car and motor supplements, announcements, TV and radio schedules and more specialist sections such as books, theatre, music, arts and cinema reviews, travelling supplements.

MAIN ANALYTICAL DIMENSIONS AND CATEGORIES:

- SCOPE:
 - o Local
 - o National
 - o International
 - Europe (including European Union level issues; EU member states; non EU states like Switzerland and Eastern Europe – Russia, Ukraine, etc.; European regions; etc.)
 - US
 - Other North American countries
 - South America
 - Arab countries (including both Middle East and North Africa)
 - Sub-Saharan Africa
 - South and Western Asia (including non-Arab West Asian countries – such as Turkey and Iran, and India)

- East Asia (including China and Japan)
- Central Asia (including Mongolia, Afghanistan, Kazakhstan)
- Australia and Pacific Rim
- Other areas
- Global
- TOPICS:
 - Catastrophes and accidents
 - Violence and crime
 - Politics
 - War and terrorism
 - Ethnic and religious conflicts, human rights violations
 - Social issues
 - Education
 - Immigration and emigration
 - Labour
 - Economy
 - Media
 - Arts and Culture
 - Entertainment
 - Religion
 - Sports
 - Lifestyle
 - Historical events
 - Environment
 - Science and Technology
 - Other
- VALUE DIMENSION FOR ANALYSED NEWS ITEMS:
 - Positive
 - Negative
 - Both
 - Neutral
 - Ambivalent

The use of analytical categories for the content analysis and interpretation of results should also be tested against relevant social, political, historical and media context (such as ownership, international journalistic practices, workforce diversity, news sources, level of interactivity, circulation and audience, users' profile).

The samples, timing, categories, and analytical methods should be identical with methodology used for indicator C5.3 (Proportion of coverage focusing on non-European and non-US regions in quality daily newspapers) to ensure compatibility of research methodology and comparability of results.

■ **Data sources:**

Methodological sources:

Hansen, A. et al. (1998) *Mass Communication Research Methods*, London: Macmillan Press.

Shoemaker, P., & Reese, S.D. (1996) *Mediating the Message: Theories of Influences on Mass Media Content*, New York: Longman.

Indirectly related studies:

van der Wurff, R., & Lauf, E. (Eds.). (2005) *Print and Online Newspapers in Europe: A Comparative Analysis in 16 Countries*. Amsterdam: Het Spinhuis.

■ **Score:**

HIGH	MEDIUM	LOW
Not covered or severely underrepresented	Occasionally covered	Regularly covered

Risk C2 – Insufficient media representation of national culture

Indicator C2.1 (S): Proportion of national works in television broadcasting (linear AVMS)

- **Description:** This indicator aims to denote the probability of a threat arising to national cultural identity perceived as either absent, insufficient or as a decreasing percentage of national audiovisual production. The proposed ‘national production test’ offers an assessment, used by some regulatory agencies to measure qualifying transmission time (in some cases including also news programmes) devoted to national production. The use of this indicator would be especially relevant in the case of countries with relatively small national markets and countries exposed to audiovisual production from neighbouring countries, e.g. sharing the same language.
- **Method of measurement:** *National production test – average share of qualifying transmission time devoted to national.

Media sample:

Generalist linear TV channels

- **Data sources:**
 Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/yb/index2008.htm)

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

- **Score:**

HIGH	MEDIUM	LOW
less than 10%	10% – 25%	more than 25%

Indicator C2.2 (S): Proportion of national works in top TV programmes in linear AVMS

- **Description:** This indicator aims to denote an eventual absence of national audiovisual production among top TV programmes. The proposed ‘proportional test on national production in top TV programmes’ offers an assessment of a share of qualifying transmission time devoted to national production in comparison to other European and non-European production. The use of this indicator would be especially relevant in the case of countries with relatively small national markets and countries exposed to audiovisual production from neighbouring countries sharing the same language.
- **Method of measurement:** *Proportional test on national production in top TV programmes – average share of transmission time in 10 top TV programmes devoted to national production.

Media sample:

Top 10 TV programmes (on linear TV channels) with a largest audience share in a given period of time (measured weekly or monthly)

- **Data sources:**
 Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/yb/index2008.htm)

AGB Nielsen Media Research (data available for 8 EU countries) (<http://www.agbnielsen.net/whereweare/whereweare.asp>).

- **Score:**

HIGH	MEDIUM	LOW
less than 10%	10% – 25%	more than 25%

Indicator C2.3 (L): Regulatory safeguards for national works in television broadcasting

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the reservation by TV broadcasters of a minimum proportion of their qualifying transmission time for national works, or alternatively to invest a certain amount/percentage in (funds for) national works.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media legislation guarantee the reservation by TV broadcasters of a minimum proportion of their qualifying transmission time for national works, or alternatively to invest a certain amount/percentage in (funds for) national works?	+	-
E.2. Is there a functional equivalent (e.g. internal charters of the broadcasters, licence agreements, conventions with the government, as a condition for subsidies, etc.)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively and reliably monitoring compliance with these rules? In order to assess the reliability of the monitoring procedure verify for example that: <ul style="list-style-type: none"> • where broadcasters can code their programmes according to a definition of national works, they should apply data recording systems in such a way that comprehensive statistics for the entire annual schedule can be compiled. • If the national authorities are satisfied that a derogation from comprehensive reporting is justified in a two-year reference period, then a detailed description of the broadcaster’s sampling procedure and basis of estimates should be elaborated in order to motivate this methodology. Samples should consist of at least one week (chosen at random) per quarter of a two-year reporting period. 	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Does the majority of the broadcasters and amongst them three of the five largest broadcasters (in terms of audience share)	-	+

systematically fail to reach the prescribed quota? or –in case of an investment obligation- Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... of systematic misuse of the fund, with the consequence that the invested money don't reach its target, namely the stimulation of national production?		
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator C1.2.

Studies/reports

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*,
http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429,
http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
No +	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator C2.4 (L): Regulatory safeguards for national music in radio broadcasting

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the reservation by radio broadcasters of a minimum proportion of their transmission time for music in the national (local) language and/or music that is nationally (locally) produced.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media legislation guarantee the reservation by radio broadcasters of a minimum proportion of their transmission time for music in the national (local) language and/or music that is nationally (locally) produced?	+	-
E.2. Is there a functional equivalent (e.g. internal charters of broadcasters, licence agreements, conventions with the government, as a condition for subsidies, etc.)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively and reliably monitoring compliance with these rules? In order to assess the reliability of the monitoring procedure of quota, verify for example that: <ul style="list-style-type: none"> • where broadcasters can code their programmes according to music in the national (local) language and/or music that is nationally (locally) produced, they should apply data recording systems in such a way that comprehensive statistics for the entire annual schedule can be compiled. • If the national authorities are satisfied that a derogation from comprehensive reporting is justified in a two-year reference period, then a detailed description of the broadcaster’s sampling procedure and basis of estimates should be elaborated in order to motivate this methodology. Samples should consist of at least one week (chosen at random) per quarter of a two-year reporting period. • ... 	+	-

I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Does the majority of the broadcasters and amongst them three of the five largest broadcasters (in terms of audience share) systematically fail to reach the prescribed quota? or –in case of an investment obligation: Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... of systematic misuse of the fund, with the consequence that the invested money don't reach its target, namely the stimulation of national production?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator C1.2

Studies/reports

UNESCO (2003). Legislation on Community Radio Broadcasting.
<http://unesdoc.unesco.org/images/0013/001309/130970e.pdf>

Other

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

■ **Score:**

E.1.-E.2.	Result for E
1 or more +	+
No +	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator C2.5 (L): Policies and support measures for the promotion of national works (apart from general PSM funding)

- **Description:** This indicator aims to assess the existence and effective implementation of policies for the promotion of national works (including subsidies for production or distribution, apart from general PSM funding)
- **Method of measurement:** analysis of policies and support measures and their implementation by the user on the basis of the following questionnaire

Does the State take active measures to promote national works (including subsidies for production or distribution, apart from general PSM funding)?

For example:

- Specific subsidies are granted for the production or distribution of national works (no PSM funding)
- Broadcasters receive a must-carry status when they promote national works
- Special tax shelters for producers and/or investors in national works have been created.
- Special credit systems for producers of national works have been created.
- Any other relevant measures

- **Data sources:**

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

Idem as C1.2

- **Score:**

	Score (Select the correct option in the drop-box)
Policymakers have not even started to discuss the matter. There are no steps taken in the development of any policy measures whatsoever.	No policy
Policymakers are aware of the issue and started taking measures, but the existing policies are only nascent and the measures taken are fragmented.	Underdeveloped policy
There is already a strong tradition of policymaking in this area. The existing measures are divers, but coherent and up-to-date with the latest societal changes.	Well-developed policy

Risk C3 – Insufficient proportion of independent production

Indicator C3.1 (S): Proportion of European works by independent producers in television broadcasting (linear AVMS)

- **Description:** This indicator aims to denote either an absence of or insufficient proportion of audiovisual production produced by European independent producers. Promotion of European works produced by independent producers has been perceived as an important instrument for strengthening cultural and media content diversity in Europe⁷⁸ and globally. The indicator offers already broadly used assessment of the average share of qualifying transmission time devoted to European works produced by independent producers.
- **Method of measurement:** *Independent European production test – average share of qualifying transmission time produced by independent producers in (IP).

Media sample:

Generalist linear TV channels

How to measure and score the indicator:

The proposed scores are result of careful analysis and consideration of available comparative data. The Directive sets a clear benchmark: “Member States shall ensure, where practicable and by appropriate means, that broadcasters reserve at least 10 % of their transmission time, excluding the time appointed to news, sports events, games, advertising, teletext services and teleshopping or alternately, at the discretion of the Member State, at least 10 % of their programming budget, for European works created by producers who are independent of broadcasters.”⁷⁹ Therefore, an average share of transmission time below this limit could be considered as a medium or high risk. Eighth Communication on the application of Articles 4 and 5 observes that the overall proportions of the vast majority of the Member States remained far above the 10% minimum set by the Directive.⁸⁰

- **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Commission (2008). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Eighth Communication on the application of Articles 4 and 5 of Directive 89/552/EEC ‘Television without Frontiers’, as amended by Directive 97/36/EC, for the period 2005/2006 [SEC (2008) 2310].

European Commission (2006). Background documents to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Seventh communication on the application

⁷⁸ Explaining the obligation laid down in Article 5 TVWF/AVMS Directive; see below, legal indicator C3.3.

⁷⁹ Article 5 AVMS Directive.

⁸⁰ European Commission (2008). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Eighth Communication on the application of Articles 4 and 5 of Directive 89/552/EEC ‘Television without Frontiers’, as amended by Directive 97/36/EC, for the period 2005/2006 [SEC (2008) 2310], p. 7.

of Articles 4 and 5 of Directive 89/552/EEC “Television without Frontiers”, as amended by Directive 97/36/EC, for the period 2003-2004

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. http://www.obs.coe.int/oea_public/yb/index2008.htm

Graham, D. (2005). *Impact Study of Measures (Community and National) Concerning the Promotion of Distribution and Production of TV Programmes Provided for Under Article 25(a) of the TV Without Frontiers Directive*, 24 May 2005, http://ec.europa.eu/avpolicy/docs/library/studies/finalised/4-5/27_03_finalrep.pdf.

■ **Score:**

HIGH	MEDIUM	LOW
IP less than 5%	IP 5% – 10%	IP more than 10%

Indicator C3.2 (S): Proportion of European works by independent producers among top TV programmes in linear AVMS

- **Description:** This indicator aims to denote an absence of or insufficient proportion of audiovisual production produced by European independent producers in top TV programmes.
- **Method of measurement:** *Proportional test on independent European production in top TV programmes – average share of transmission time in 10 top TV programmes produced by independent producers in (IP).

Media sample:

Top 10 TV programmes (on linear TV channels) with a largest audience share in a given period of time (measured weekly or monthly)

- **Data sources:**
 Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. http://www.obs.coe.int/oea_publ/yb/index2008.htm

AGB Nielsen Media Research (data available for 8 EU countries) (<http://www.agbnielsen.net/whereweare/whereweare.asp>).

- **Score:**

HIGH	MEDIUM	LOW
No IP	IP less than or equal to 10%	IP more than 10%

Indicator C3.3 (L): Regulatory safeguards for European works by independent producers in television broadcasting (linear AVMS)

- **Description:** This indicator aims to assess the existence and effective implementation of the legal obligation of TV broadcasters to reserve 10% of their qualifying transmission time, or alternately at least 10% of their programming budget, to European independent works, as laid down in Article 5 TVWF/AVMS Directive.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media legislation contain a rule that prescribes that broadcasters reserve for European independent works at least 10% of their qualifying transmission time, or alternately at least 10% of their programming budget, cf. art. 5 TWFD?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
<p>I.1. Is there an administrative or judicial body actively and reliably monitoring compliance with these rules and timely and sufficiently reporting to the European Commission?</p> <p>According to the European Commission each Member State can decide autonomously on who monitors the obligation and which method is applied, but regarding the monitoring the Commission distributed guidelines on proper procedures (Suggested Guidelines for the monitoring of the implementation of articles 4 and 5 of the “Television without Frontiers Directive” of 11 June 1999, http://ec.europa.eu/avpolicy/docs/reg/twvf/eu_works/controle45_en.pdf). Section 7 of these guidelines applies specifically to the methods used for data collection. Reporting is obliged every two years. Taken this into account, Therefore, answer the questions below before marking the next column.</p> <ul style="list-style-type: none"> • Do statistics, expressed in hours and percentages, cover the relevant output of <i>all</i> broadcasters under the jurisdiction of your country during the reporting period, irrespective of whether they are new or special-interest broadcasters? YES/NO • Does your country submit annual statistics for each channel separately? YES/NO • Does your country use the definitions provided in the Guidelines in order to ensure the compatibility of national reports and in case 	+	-

<p>they do not use these definitions they explain why and how this might affect the result? YES/NO</p> <ul style="list-style-type: none"> • Where broadcasters can code their programmes according to the above mentioned definitions, do they apply data recording systems in such a way that comprehensive statistics for the entire annual schedule can be compiled? YES/NO • If the national authorities were satisfied that a derogation from comprehensive reporting was justified in the reference period, was a detailed description of the broadcaster’s sampling procedure and basis of estimates submitted for consideration to the Commission and did eventual samples consist of at least one week (chosen at random) per quarter of the reporting period? YES/NO • Did your country always meet its reporting obligations in time? YES/NO <p>In case you answered three times or more ‘NO’ to the above questions, mark the NO/- column on the right.</p>																		
<p>I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?</p>	+	-																
<p>I.3. Is there evidence of systematic non-compliance with the rules, <i>i.e.</i> attaining the European quota?</p> <p>To this end, and in order to mark the columns on the right, two ‘indicators’ used in the Staff Working Document (SWD) which accompanies the two-yearly reports of the European Commission should be combined.</p> <p>http://ec.europa.eu/avpolicy/docs/reg/twvf/art_4_5/2008_2310_en.pdf</p> <p>The first ‘indicator’ gives the Average Transmission Time (ATT), or alternately the Average Proportion (AP) of the programming budget, reserved for European Works by independent producers (Indicator 4 of the SWD). If the ATT/AP within your country is below 50% this indicator should be marked (-), equal or above 50% should be marked (+) in the box below.</p> <p>The second ‘indicator’ (Indicator 5 of the SWD) gives the Compliance Rate (CR) of channels achieving or exceeding the minimum proportion of European independent productions. If the CR of the Member State is below the European average (EW25) (in 2006 this average was 79.20%) it should be marked (-), if it is equal or above it should be marked (+).</p> <p>Combining these two indicators, results in a grid giving the following result:</p> <table border="1" data-bbox="236 1554 1139 1841"> <thead> <tr> <th></th> <th>CR<EW25</th> <th>CR>or=EW25</th> <th>No information</th> </tr> </thead> <tbody> <tr> <td>ATT/AP <10%</td> <td>--</td> <td>- +</td> <td>--</td> </tr> <tr> <td>ATT/AP >or= 50%</td> <td>+ -</td> <td>++</td> <td>+ -</td> </tr> <tr> <td>No information</td> <td>--</td> <td>- +</td> <td>--</td> </tr> </tbody> </table> <p>Only a ++ in the grid above results in a NO/+ on the right.</p>		CR<EW25	CR>or=EW25	No information	ATT/AP <10%	--	- +	--	ATT/AP >or= 50%	+ -	++	+ -	No information	--	- +	--	-	+
	CR<EW25	CR>or=EW25	No information															
ATT/AP <10%	--	- +	--															
ATT/AP >or= 50%	+ -	++	+ -															
No information	--	- +	--															

Total number of +
Total number of -

■ **Data sources:**

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

Idem as Indicator C1.2

Studies/reports

Bi-annual Commission reports and Staff Working Document of the European Commission:

http://ec.europa.eu/avpolicy/reg/twvf/implementation/promotion/index_en.htm

Graham, D. (2005). *Impact Study of Measures (Community and National) Concerning the Promotion of Distribution and Production of TV Programmes Provided for Under Article 25(a) of the TV Without Frontiers Directive*, 24 May 2005, http://ec.europa.eu/avpolicy/docs/library/studies/finalised/4-5/27_03_finalrep.pdf.

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.	Result for E
+	+
-	-

I.1.-I.3.	Result for I
2 or more +	+
Less than 2 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk C4 – Insufficient proportion of in-house production

Indicator C4.1 (S): Proportion of in-house production in television broadcasting (linear AVMS)

- **Description:** This indicator aims to denote an absence of, insufficiency of or decreasing proportion of in-house audiovisual production.
- **Method of measurement:** *In-house production test – average share of qualifying transmission time devoted to in-house production (IHP).

Media sample:

Generalist linear TV channels

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/yb/index2008.htm)

AGB Nielsen Media Research (data available for 8 EU countries) (<http://www.agbnielsen.net/whereweare/whereweare.asp>).

Open Society Institute (2005) and follow-up reports (2008) *Television Across Europe: Regulation, Policy and Independence*. (http://www.soros.org/initiatives/media/articles_publications/publications/eurotv_20051011) (http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429).

■ **Score:**

HIGH	MEDIUM	LOW
IHP less than 10%	IHP 10% – 20%	IHP more than 20%

Indicator C4.2 (S): Proportion of in-house production in top 10 TV programmes in linear AVMS

- **Description:** This indicator aims to denote an absence of, insufficiency of or decreasing proportion of in-house audiovisual production.
- **Method of measurement:** Proportional test on in-house production in top TV programmes – average share of qualifying transmission time devoted to in-house production in top 10 TV programmes (IHP).

Media sample:

Top 10 TV programmes with a largest audience share in a given period of time (measured weekly or monthly)

- **Data sources:**
 Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/yb/index2008.htm)

AGB Nielsen Media Research (data available for 8 EU countries) (<http://www.agbnielsen.net/whereweare/whereweare.asp>).

- **Score:**

HIGH	MEDIUM	LOW
No IHP	IHP less than or equal to 10%	IHP more than 10%

Risk C5 – Insufficient representation of world cultures

Indicator C5.1 (S): Proportion of non-European and non-US production in television broadcasting (linear AVMS)

- **Description:** This indicator aims to denote the probability of a threat arising to cultural diversity perceived as either being absent, insufficient or as a decreasing proportion of non-EU and non-US audiovisual production. In recent years, an importance of cultural diversity has been explicitly recognised and described as a defining characteristic of humanity in the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, 2005. AVMS Directive referred to cultural diversity in the Article 3.i.3: “The Commission shall (...) report to the European Parliament and the Council on the application of paragraph 1, taking into account the market and technological developments and the objective of cultural diversity.⁸¹ Cultural diversity as represented in audiovisual media contents and services can be perceived through the proportion of European, US and world (non-EU and non-US) audiovisual production offered by European TV channels.
- **Method of measurement:** *World production test – average share of qualifying transmission time devoted to programmes produced outside of Europe and US.

Media sample:

Generalist linear TV channels

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/yb/index2008.htm)

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). *Study on Media & Diversity, Study for the European Commission*, <http://www.media4diversity.eu/>.

■ **Score:**

HIGH	MEDIUM	LOW
Less than 5%	5-15%	More than 15%

⁸¹ Article 3i.3., Directive 2007/65/EC of the European Parliament and the Council of 11 December 2007 amending Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities (consolidated version), O.J. 2007 L 332 p. 27 –45.

Indicator C5.2 (S): Proportion of TV coverage focusing on non-European and non-US regions in TV news on linear AVMS

- **Description:** This indicator aims to denote the probability of a threat arising to cultural diversity perceived as either an absence of or insufficient coverage of non European and non-US regions in TV news. Cultural diversity as represented in audiovisual media contents and services can be perceived through the proportion of TV coverage focusing on EU, US and other world regions in selected TV news programmes.
- **Method of measurement:** *World TV coverage test – content analysis of news focusing on non-European and non-US regions in selected TV channels

Media sample:

Terrestrial TV: - two leading terrestrial linear TV channels
 (= TV channels with a largest audience share in a given country),
 - one leading linear PSM channel

Satellite/Cable/Digital: – a leading, nationally based linear news channel

Content analysis sample design:

OBJECTIVE: to identify and count occurrence of news items covering different geographical areas.

MAIN RESEARCH QUESTION: How often different geographical areas of the world (e.g. sub-Saharan Africa, Arab countries, South America, Far East Asia, etc.) occur in selected TV news services? What prominence is given to these world regions relative to others (such as Europe or US)? What themes and topics are related with different geographical areas of the world and what is their value dimension?

SAMPLE PERIOD: one continuous week (Monday – Sunday) followed by a composite week – Monday of one week, Tuesday of the following week, Wednesday of the following week, and so on.

TYPE OF THE CONTENT: two main news programmes at a day (usually 15 – 30 minutes long) for each of the channels.

MAIN ANALYTICAL DIMENSIONS AND CATEGORIES:

- SCOPE:
 - o Local
 - o National
 - o International
 - Europe (including non EU Eastern Europe – Russia, Ukraine, etc.)
 - US
 - Other North American countries
 - South America
 - Arab countries (including both Middle East and North Africa)
 - Sub-Saharan Africa
 - South Western Asia (including non-Arab West Asian countries – such as Turkey and Iran, and India)
 - Far Eastern Asia
 - Middle Asia (including Mongolia, Afghanistan, Kazakhstan)
 - Australia and Pacific Rim
 - Other areas
 - o Global

- TOPICS:
 - o Catastrophes and accidents
 - o Violence and crime
 - o Politics
 - o War and terrorism
 - o Ethnic and religious conflicts, human rights violations
 - o Social issues
 - o Education
 - o Immigration and emigration
 - o Labour
 - o Economy
 - o Media
 - o Arts and Culture
 - o Entertainment
 - o Religion
 - o Sports
 - o Lifestyle
 - o Historical events
 - o Environment
 - o Science and Technology
 - o Other
- VALUE DIMENSION FOR ANALYSED NEWS ITEMS:
 - o Positive
 - o Negative
 - o Both
 - o Neutral
 - o Ambivalent

The use of analytical categories for the content analysis and interpretation of results should also be tested against relevant social, political, historical and media (such as ownership, international journalistic practices, workforce diversity, news sources, level of interactivity, circulation and audience, users’ profile) context.

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Indirectly related studies:

Heinderyckx, F. (1993). Television News Programmes in Western Europe: A Comparative Study. *European Journal of Communication*, Vol. 8 (4), p. 425 – 450.

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). Study on Media & Diversity, Study for the European Commission, <http://www.media4diversity.eu/>.

■ **Score:**

HIGH	MEDIUM	LOW
Not covered or severely underrepresented	Occasionally covered	Regularly covered

Indicator C5.3 (S): Proportion of coverage focusing on non-European and non-US regions in quality daily newspapers

- **Description:** This indicator aims to denote the probability of a threat arising to cultural diversity perceived as either an absence of or insufficient coverage of non European and non-US regions in quality daily newspapers. Cultural diversity as represented in press items can be perceived through the proportion of press coverage focusing on EU, US and other world regions in quality daily newspapers.
- **Method of measurement:** *World press coverage test – content analysis of news items focusing on non-European and non-US regions in quality daily newspapers

Media sample:

- Print:
- two leading quality dailies (quality daily newspapers with largest circulation in a given country)
 - two leading tabloids (tabloid daily newspapers with largest circulation in a given country)
 - two leading news weeklies (two weeklies with a largest circulation in a given country)

Content analysis sample design:

OBJECTIVE: to identify and count occurrence of news items covering different geographical areas.

MAIN RESEARCH QUESTION: How often different geographical areas of the world (e.g. sub-Saharan Africa, Arab countries, South America, Far East Asia, etc.) occur in selected newspaper contents? What prominence is given to these world regions relative to others (such as Europe or US)? What themes and topics are related with different geographical areas of the world and what is their value dimension?

SAMPLE PERIOD: one continuous week (Monday – Sunday) followed by a composite week – Monday of one week, Tuesday of the following week, Wednesday of the following week, and so on.

TYPE OF THE CONTENT: *newspapers* – all types of content with an exception of: advertising, weather forecasts, stock exchange and related financial listings and analyses, real estate and housing, car and motor supplements, announcements, TV and radio schedules and more specialist sections such as books, theatre, music, arts and cinema reviews, travelling and lifestyle supplements.

MAIN ANALYTICAL DIMENSIONS AND CATEGORIES:

- SCOPE:
 - o Local
 - o National
 - o International
 - Europe (including non EU Eastern Europe – Russia, Ukraine, etc.)
 - US
 - Other North American countries
 - South America
 - Arab countries (including both Middle East and North Africa)
 - Sub-Saharan Africa
 - South Western Asia (including non-Arab West Asian countries – such as Turkey and Iran, and India)
 - Far Eastern Asia
 - Middle Asia (including Mongolia, Afghanistan, Kazakhstan)

- Australia and Pacific Rim
- Other areas
- Global
- TOPICS:
 - Catastrophes and accidents
 - Violence and crime
 - Politics
 - War and terrorism
 - Ethnic and religious conflicts, human rights violations
 - Social issues
 - Education
 - Immigration and emigration
 - Labour
 - Economy
 - Media
 - Arts and Culture
 - Entertainment
 - Religion
 - Sports
 - Lifestyle
 - Historical events
 - Environment
 - Science and Technology
 - Other
- VALUE DIMENSION FOR ANALYSED NEWS ITEMS:
 - Positive
 - Negative
 - Both
 - Neutral
 - Ambivalent

The use of analytical categories for the content analysis and interpretation of results should also be tested against relevant social, political, historical and media (such as ownership, international journalistic practices, workforce diversity, news sources, level of interactivity, circulation and audience, users' profile) institutional context.

■ **Data sources:**

Methodological sources:

Hansen, A. et al. (1998) *Mass Communication Research Methods*, London: Macmillan Press.

Shoemaker, P., & Reese, S.D. (1996) *Mediating the Message: Theories of Influences on Mass Media Content*, New York: Longman.

Indirectly related studies:

Bosompra, K. (1989). African News in the World Press: A Comparative Content Analysis of a North and South Newspaper. *Africa Media Review*, Vol. 3 (3).

van der Wurff, R., & Lauf, E. (Eds.). (2005) *Print and Online Newspapers in Europe: A Comparative Analysis in 16 Countries*. Amsterdam: Het Spinhuis.

■ **Score:**

HIGH	MEDIUM	LOW
Not covered or severely underrepresented	Occasionally covered	Regularly covered

Risk C6 – Insufficient representation of the various cultural and social groups in mainstream media content and services

Indicator C6.1 (S): Proportion of actors representing different cultural and social groups in selected national newspapers, TV, radio programmes and internet services (news contents)

- **Description:** This indicator aims to denote the probability of a threat arising to cultural diversity perceived as either an absence of or insufficient media representation of cultural, religious, linguistic, ethnic groupings in society, including communities based on gender, age, disabilities.
- **Method of measurement – optional:**
 - **Absence test**⁸² – a quantitative method content analysis of selected media contents
 - **Panel of experts** – a checkpoint list mapping media representation of different cultural groups in a society – to be filled by invited experts

Media sample for the Absence test:

Print: - two leading quality dailies (quality daily newspapers with a largest circulation in a given country),
 - two leading tabloids (tabloid daily newspapers with a largest circulation in a given country),
 - two leading news weeklies (two weeklies with a largest circulation in a given country),

Radio: - two leading private radio stations (radio stations with a largest audience share in a given country),
 - one leading public service channel

TV: - two leading terrestrial TV channels (TV channels with a largest audience share in a given country),
 - one leading public service channel

Satellite/Cable/Digital: - a leading, nationally based news channel

Internet:- two leading internet portals (internet portals with a largest share of users in a given country).

Content analysis sample design:

OBJECTIVE: to identify and count occurrence of actors representing different cultural groups, women and disabled; and other actors.

MAIN RESEARCH QUESTION: Are different cultural groups, women and disabled proportionally represented in news contents of selected national newspapers, TV, radio programmes and internet services? Does the occurrence of actors representing different cultural groups, women and disabled proportionally correspond with a percentage of these groups in an overall population?

PERIOD SAMPLE: one continuous week (Monday – Sunday) followed by a composite week – Monday of one week, Tuesday of the following week, Wednesday of the following week, and so on.

TYPE OF THE CONTENT: *TV AND RADIO SECTOR* – a main news programme at a day (usually 15 – 30 minutes long); *NEWSPAPERS AND PORTALS* – all types of content with an

⁸² The data for the Absence test can be derived through the content analysis OR expert questionnaires. The selection of a method is optional.

exception of: advertising, weather forecasts, stock exchange and related financial listings and analyses, real estate and housing, car and motor supplements, announcements, TV and radio schedules and more specialist sections such as books, theatre, music, arts and cinema reviews, travelling and lifestyle supplements.

MAIN ANALYTICAL DIMENSIONS AND CATEGORIES:

- SCOPE:
 - o Local
 - o National
 - o International
 - o Global

- TOPICIS:
 - o Catastrophes and accidents
 - o Violence and crime
 - o Politics
 - o War and terrorism
 - o Ethnic and religious conflicts, human rights violations
 - o Social issues
 - o Education
 - o Immigration and emigration
 - o Labour
 - o Economy
 - o Media
 - o Arts and Culture
 - o Entertainment
 - o Religion
 - o Sports
 - o Lifestyle
 - o Historical events
 - o Environment
 - o Science and Technology
 - o Other

- DIVERSITY DIMENSION:
 - o Diversity or minority-relevant content
 - o No diversity or minority relevant content

- GENDER OF ACTORS
 - o Female
 - o Male
 - o Mixed

- BACKGROUND OF ACTORS
 - o Institutional (such as police)
 - o Group
 - Minority background (specification of group)
 - Majority background
 - Mixed
 - o Individual
 - Minority background (specification of group)
 - Majority background
 - Mixed

- Unclear or not applicable
- VALUE DIMENSION:
 - Positive
 - Negative
 - Both
 - Neutral
 - Ambivalent
- ACTIVITY DIMENSION:
 - Active
 - Passive
 - Both
 - Not applicable

ACTORS: The category of actors may be used in two ways: either it would encompass directly or indirectly quoted speakers or also other actors who act as agents of an action in selected news items.

SCORE OPTIONS:

- **Highly disproportionate representation:** Proportion of female and minority actors is considerably lower (several times lower) than their actual demographic presentation. Female and minority actors are portrayed mostly as passive or negative actors, or actors commenting diversity and minority-relevant issues.
- **Disproportionate representation:** Proportion of female and minority actors is lower than their actual demographic presentation. More female and minority actors are portrayed in passive or negative actors.
- **Inconsiderably disproportionate representation:** Proportion of female and minority actors is slightly lower than their actual demographic presentation. Female and minority actors are portrayed in similar roles than majority actors.
- **Proportionate representation:** Proportion of female and minority actors is relatively similar to their actual demographic presentation. Female and minority actors are portrayed in similar roles than majority actors.

Media sample for the Expert Questionnaire:

Print: - two leading dailies (daily newspapers with a largest circulation in a given country),
- two leading news weeklies (two weeklies with a largest circulation in a given country)

Radio: - two leading private radio stations (radio stations with a largest audience share in a given country),
-one leading public service channel

TV: - two leading terrestrial TV channels (TV channels with a largest audience share in a given country),
-one leading public service channel

Internet:- two leading internet portals (internet portals with a largest share of users in a given country)

Expert questionnaire sample design:

OBJECTIVE: to identify media representation of different cultural groups, women and the disabled

MAIN RESEARCH QUESTION: Are different cultural groups, women and the disabled proportionally represented in news contents of selected national newspapers, TV, radio programmes and internet services? Does the occurrence of actors representing different cultural groups, women and disabled proportionally correspond with a percentage of these groups in an overall population?

QUESTIONNAIRE DESIGN:

1. Do the leading media outlets (as a whole) reflect in their contents cultural diversity of a whole society?
 - a. Yes, cultural diversity is proportionally reflected in leading media outlets.
2 points
 - b. Partly yes, partly no. Some groups are proportionally represented, some groups are over-represented and some groups are under-represented.
1 point
 - c. No, cultural diversity is not proportionally reflected in leading media outlets.
No points

2. Do the leading media outlets (as a whole) reflect in their contents gender in a proportionate way?
 - a. Yes
2 points
 - b. Partly yes, partly no
1 point
 - c. No
No points

3. Does the leading public service TV channel represent proportionally actors from different ethnic, national and religious groups?
 - a. Yes
2 points
 - b. Partly yes, partly no
1 point
 - c. No
No points

4. Does the leading public service TV channel represent proportionally female actors?
 - a. Yes
2 points
 - b. Partly yes, partly no
1 point
 - c. No
No points

5. Does the leading public service TV channel represent proportionally disabled persons?
 - a. Yes
2 points
 - b. Partly yes, partly no
1 point
 - c. No
No points

6. Do two leading private TV channels represent proportionally actors from different ethnic, national and religious groups?
 - a. Yes
2 points
 - b. Partly yes, partly no
1 point
 - c. No
No points

7. Do two leading private TV channels represent proportionally female actors?
 - a. Yes
2 points
 - b. Partly yes, partly no
1 point
 - c. No
No points

8. Do two leading private TV channels represent proportionally disabled persons?
 - a. Yes
2 points
 - b. Partly yes, partly no
1 point

- c. No No points
9. Does the leading public service radio channel represent proportionally actors from different ethnic, national and religious groups?
- a. Yes 2 points
 - b. Partly yes, partly no 1 point
 - c. No No points
10. Does the leading public service radio channel represent proportionally female actors?
- a. Yes 2 points
 - b. Partly yes, partly no 1 point
 - c. No No points
11. Does the leading public service radio channel represent proportionally disabled persons?
- a. Yes 2 points
 - b. Partly yes, partly no 1 point
 - c. No No points
12. Do two leading private radio channels represent proportionally actors from different ethnic, national and religious groups?
- a. Yes 2 points
 - b. Partly yes, partly no 1 point
 - c. No No points
13. Do two leading private radio channels represent proportionally female actors?
- a. Yes 2 points
 - b. Partly yes, partly no 1 point
 - c. No No points
14. Do two leading private radio channels represent proportionally disabled persons?
- a. Yes 2 points
 - b. Partly yes, partly no 1 point
 - c. No No points
15. Do two leading daily newspapers represent proportionally actors from different ethnic, national and religious groups?
- a. Yes 2 points
 - b. Partly yes, partly no 1 point
 - c. No No points
16. Do two leading daily newspapers represent proportionally female actors?
- a. Yes 2 points
 - b. Partly yes, partly no 1 point
 - c. No No points
17. Do two leading daily newspapers represent proportionally disabled persons?
- a. Yes 2 points
 - b. Partly yes, partly no 1 point
 - c. No No points
18. Do two leading news weeklies represent proportionally actors from different ethnic, national and religious groups?
- a. Yes 2 points
 - b. Partly yes, partly no 1 point
 - c. No No points
19. Do two leading news weeklies represent proportionally female actors?
- a. Yes 2 points

- b. Partly yes, partly no 1 point
c. No No points
20. Do two leading news weeklies represent proportionally disabled persons?
a. Yes 2 points
b. Partly yes, partly no 1 point
c. No No points
21. Do two leading news portals represent proportionally actors from different ethnic, national and religious groups?
a. Yes 2 points
b. Partly yes, partly no 1 point
c. No No points
22. Do two leading news portals represent proportionally female actors?
a. Yes 2 points
b. Partly yes, partly no 1 point
c. No No points
23. Do two leading news portals represent proportionally disabled persons?
a. Yes 2 points
b. Partly yes, partly no 1 point
c. No No points

SCORE OPTIONS:

- **Less than 10 points:** Cultural diversity is not proportionally reflected in leading media outlets. Proportion of female and minority actors might be considerably lower (several times lower) than their actual demographic presentation.
- **11 – 20 points:** Some groups are proportionally represented, some groups are over-represented and some groups are under-represented. Proportion of female and minority actors might be lower than their actual demographic presentation.
- **More than 20 points:** Cultural diversity is proportionally reflected in leading media outlets. Proportion of female and minority actors is relatively similar to their actual demographic presentation.

■ **Data sources:**

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect.

Cammaerts, B. & Carpentier, N. (Eds.) (2007). *Reclaiming the Media*, Communication Rights and Democratic Media Roles. Bristol & Chicago: Intellect.

European Union Agency for Fundamental Rights (2008) *Pilot Media Project: Experts and research groups for the analysis of media content*, (http://fra.europa.eu/fra/index.php?fuseaction=content.dsp_cat_content&catid=4864fb6b22239).

Global Media Monitoring Project (2005). *A study of women and men in the news* by Margaret Gallagher. London: WACC, <http://www.whomakesthe.news.org>

ter Val, J. (Ed) (2002). *Racism and cultural diversity in the mass media: An overview of research and examples of good practice in the EU Member States. 1995-2000*, http://fra.europa.eu/fraWebsite/material/pub/media_report/MR-CH4-15-United-Kingdom.pdf.

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). *Study on Media & Diversity*, Study for the European Commission, <http://www.media4diversity.eu/>.

UNESCO (1977). *Ethnicity and The Media: An Analysis of Media Reporting in the United Kingdom, Canada and Ireland*, Paris. http://unesdoc.unesco.org/Ulis/cgi-bin/ulis.pl?catno=24719&set=49602F4B_1_25&gp=1&lin=1

Methodological sources:

Burgelin, O. (1972). Structural analysis and mass communication. In D. McQuail (Ed.) *Sociology of Mass Communication*.(p. 313 – 328). Harmondsworth: Penguin.

Hartmann, P., & Husband, Ch.: (1974). *Racism and the Mass Media*, London: Davis-Poynter.

Milivojević, S. (2003). *Media Monitoring Manual*. Media Diversity Institute: London. <http://www.media-diversity.org/PDFS/Media%20Monitoring%20Manual.pdf>

Troyna, B. (1981). *Public awareness and the media: a study of reporting on race*. London:Commission for Racial Equality.

Van Dijk, T.(1991) *Racism and the Press*. London, New York: Routledge.

- **Score:**
 - **Absence test**

HIGH	MEDIUM	LOW
1 Media representation of actors with minority background, female actors and disabled actors is highly disproportionate	2 Media representation of actors with minority background, female actors and disabled actors is disproportionate	3 Media representation of actors with minority background, female actors and disabled actors is proportionate or inconsiderably disproportionate

- **Expert Questionnaire**

HIGH	MEDIUM	LOW
1 Less than 10 points	2 11 – 20 points	3 More than 21 points

Indicator C6.2 (S): Representation of minorities on the TV screen and in news rooms

- **Description:** This indicator aims to denote the probability of a threat arising to cultural pluralism perceived as either an absence of or insufficient presence of ethnic (racial) minorities and women among media professionals in news programmes on leading television channels.
- **Method of measurement:** Absence test – a quantitative method of content analysis of selected television news contents

Media sample:

Terrestrial TV: - two leading terrestrial TV channels (TV channels with a largest audience share in a given country),
- one leading PSM channel

Satellite/Cable/Digital: - a leading, national satellite/cable/digital news channel

Please note that the sample of television news is the same as for Indicator C6.1, Proportion of actors representing different cultural and social groups, women, and disabled in selected national newspapers, TV, radio programmes and internet services (news contents).

Content analysis sample design:

OBJECTIVE: to identify and measure the presence of ethnic (racial) minorities and women among media professionals in news programmes on leading television channels.

MAIN RESEARCH QUESTION: Are ethnic (racial) minorities and women present among television professionals in the newsroom? Are they represented on the television screen in professional capacities as news presenters, journalists, editors, experts or analysts (in case of news analysis and related genres)? What kind of news do they typically cover (*i.e.*, can one establish an orientation in which media professionals with minority background, and female media professionals are systematically delegated to certain news topics? For the last question, joint analysis of results of Indicators C6.1 and 6.2 is necessary. Therefore, after the specific categories regarding media professionals, the same analytical dimensions and categories are listed below that are listed for Indicator C6.1 (detailed content data on actors, etc. is generated by Indicator C6.1).

PERIOD SAMPLE: one continuous week (Monday – Sunday) followed by a composite week (Monday of one week, Tuesday of the following week, Wednesday of the following week, and so on).

TYPE OF CONTENT: The prime time television news programme at a day (usually 15 – 30 minutes long) on each relevant channel.

MAIN ANALYTICAL DIMENSIONS AND CATEGORIES:

- MEDIA PROFESSIONALS 1.
 - o Ethnic (racial) minority background (subcategories subject to national specificities)
 - o Majority background
- MEDIA PROFESSIONALS 2.
 - o Female
 - o Male
- SCOPE:
 - o Local

- National
 - International
 - Global
- TOPICIS:
- Catastrophes and accidents
 - Violence and crime
 - Politics
 - War and terrorism
 - Ethnic and religious conflicts, human rights violations
 - Social issues
 - Education
 - Immigration and emigration
 - Labour
 - Economy
 - Media
 - Arts and Culture
 - Entertainment
 - Religion
 - Sports
 - Lifestyle
 - Historical events
 - Environment
 - Science and Technology
 - Other
- DIVERSITY DIMENSION:
- Diversity or minority-relevant content
 - No diversity or minority relevant content
- VALUE DIMENSION:
- Positive
 - Negative
 - Both
 - Neutral
 - Ambivalent

SCORE OPTIONS:

- **Highly disproportionate representation:** Proportion of ethnic (racial) minority and female media professionals is considerably lower (several times lower) than their actual demographic presentation. Ethnic (racial) minority and female news professionals typically cover diversity and minority-relevant news, or news that are not considered mainstream public affairs (such as sports, weather, or tabloid news).
- **Disproportionate representation:** Proportion of ethnic (racial) minority and female media professionals is lower than their actual demographic presentation. Ethnic (racial) minority and female news professionals cover diversity and minority-relevant news, or news that are not considered mainstream public affairs (such as sports, weather, or tabloid news) more often than news presented by media professionals with a majority background, and male news presenters, respectively.
- **Inconsiderably disproportionate representation:** Proportion ethnic (racial) minority and female media professionals is slightly lower than their actual demographic

presentation. Ethnic (racial) minority and female media professionals cover similar to news presented by media professionals with a majority background, and male news presenters, respectively.

- **Proportionate representation:** Proportion of ethnic (racial) minority and female media professionals is similar to their actual demographic presentation. Ethnic (racial) minority media and female media professionals cover similar to news presented by media professionals with a majority background and male news presenters, respectively.

■ **Data sources:**

Idem as in C6.1

■ **Score:**

HIGH	MEDIUM	LOW
1 Television news representation of media professionals with minority background, and female media professionals is highly disproportionate	2 Television news representation of media professionals with minority background, and female media professionals is disproportionate	3 Television news representation of media professionals with minority background, and female media professionals is proportionate or inconsiderably disproportionate

Indicator C6.3 (L): Policies and support measures for the promotion of cultural diversity in media (apart from general PSM funding)

- **Description:** This indicator aims to assess the existence and effective implementation of policies for the promotion of cultural diversity in media (apart from general PSM funding)
- **Method of measurement:** analysis of policies and support measures and their implementation by the user on the basis of the following questionnaire

Does the State take active measures to promote cultural diversity in media (apart from general PSM funding)?

For example:

- Specific subsidies are granted for the production or distribution of cultural programmes (book programmes, art programmes, programmes about traditional events or sports, etc.)
- Specific subsidies are granted for media training of specific cultural groups.
- There is a special foundation for the promotion of cultural diversity that is financed with money from the government and the sector
- Any other relevant measures

- **Data sources:**

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

Idem as C1.2

Studies/reports providing overviews of rules on local and/or regional media

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). Study on Media & Diversity, Study for the European Commission, <http://www.media4diversity.eu/>

OFCOM (2008). *Media Literacy Audit, Report on UK Adults from Ethnic Minority Groups*. http://www.ofcom.org.uk/advice/media_literacy/medlitpub/medlitpubrss/ml_emg08/ml_emg.pdf

OFCOM (2002). *Multicultural Broadcasting: concept and reality*. <http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/multicultural.pdf>

OFCOM (2002). *A Compilation of Codes of Conduct*. <http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/mincode.pdf>

OFCOM (2001). *Briefing Update 9 – The Representation of Minorities on Television* <http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/briefing9.pdf>

OFCOM (2003). *Briefing update 12 – Ethnicity and disability on television 1997 to 2002*. http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/BU12_ethnic_and_disability.pdf

■ **Score:**

	Score (Select the correct option in the drop-box)
<p>Policymakers have not even started to discuss the matter. There are no steps taken in the development of any policy measures whatsoever.</p>	No policy
<p>Policymakers are aware of the issue and started taking measures, but the existing policies are only nascent and the measures taken are fragmented.</p>	Underdeveloped policy
<p>There is already a strong tradition of policymaking in this area. The existing measures are diverse, but coherent and up-to-date with the latest societal changes.</p>	Well-developed policy

Risk C7 – Insufficient representation of the various cultural and social groups in PSM

Indicator C7.1 (S): Availability and proportion of programming provided for cultural and social minority groups on PSM channels and services

- **Description:** This indicator aims to denote an absence of or insufficient representation of particular cultural and groups including: national, ethnic, religious, linguistic minorities, women, elderly and disabled persons, etc. by public service media.
- **Method of measurement:** Quantitative method:⁸³ Proportion of transmission time of programming provided for different cultural communities by public service media (including ethnic, national, linguistic and religious minority groups). Qualitative method: Description of amount of investment and scheduling of programming provided for different cultural communities by public service media (including ethnic, national, linguistic and religious minority groups)

Media sample:

The measurement should include all public service TV channels (with exception of thematic channels such as sport channel, children channel, etc.) and radio channels (with exception of thematic channels such as e.g. classical music channel).

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect.

Cammaerts, B. & Carpentier, N. (Eds.) (2007). *Reclaiming the Media*, Communication Rights and Democratic Media Roles. Bristol & Chicago: Intellect.

Christensen, Ch. (2001). Minorities, Multiculturalism and Theories of Public Service. In U. Kivikuru (Ed.), *Contesting the Frontiers: Media and Dimensions of Identity* (pp. 81 – 103), Nordicom: Goeteborg.

Council of Europe (2008). *Framework Convention for the Protection of National Minorities: State Reports – focus on Article 9*.

http://www.coe.int/T/E/human_rights/minorities/

ECRI (2000). *Examples of ‘Good Practices’ to fight against racism and intolerance in the European Media*. CRI (2000) 19. [http://www.coe.int/t/e/human_rights/ecri/1-ECRI/3-General themes/2-Examples of good practices/2-Media/ecri00-19%20Good%20practice%20Media.pdf](http://www.coe.int/t/e/human_rights/ecri/1-ECRI/3-General%20themes/2-Examples%20of%20good%20practices/2-Media/ecri00-19%20Good%20practice%20Media.pdf)

Scannell, P. (1997). Britain: Public Service Broadcasting, from National Culture to Multiculturalism. In M. Raboy (Ed.) *Public Service Broadcasting in the 21st Century*, John Libbey Media: London

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). *Study on Media & Diversity*, Study for the European Commission, <http://www.media4diversity.eu/>.

⁸³ A quantitative and qualitative (descriptive) method are to be used complementary in this case.

■ **Score:**

HIGH	MEDIUM (= 2 in drop box)	LOW (= 3 in drop box)
Less than 5% of transmission time AND the provision of investment irregular or decreasing AND irregular scheduling AND more than 75% of such a programming scheduled before 14.00.	5 – 10% of transmission time AND Relatively stable provision of investment AND relatively regular scheduling AND at least 25% of such a programming scheduled between 14.00 – 22.00.	More than 10% of transmission time AND increasing or stable investment in these types of programming AND regular scheduling AND at least 50% of such a programming scheduled between 14.00 – 22.00.

Indicator C7.2 (S): Availability of media contents in minority languages on PSM channels and services

- **Description:** This indicator aims to denote the absence, decreasing or insufficient representation of minority languages in public service media.
- **Method of measurement:** *Language availability test - Proportion of media contents in minority languages in PSM

Media sample:

The measurement should include all public service TV channels (with exception of thematic channels such as sport channel, children channel, etc.) and radio channels (with exception of thematic channels such as e.g. classical music channel).

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect.

Christensen, Ch. (2001). Minorities, Multiculturalism and Theories of Public Service (p. 81 – 103) In U. Kivikuru (Ed.) *Contesting the Frontiers: Media and Dimensions of Identity*, Nordicom: Goeteborg.

Cormack, M., & Hourigan, N. (Eds.) (2007) *Minority Language Media: Concepts, Critiques and Case Studies*, Multilingual Matters: Clevedon.

Council of Europe (2008) *European Charter for Regional or Minority Languages: States Reports – focus on Article 11.*, http://www.coe.int/t/e/legal_affairs/local_and_regional_democracy/regional_or_minority_languages/2_Monitoring/Monitoring_table.asp#TopOfPage

Council of Europe (2008). *Framework Convention for the Protection of National Minorities: State Reports – focus on Article 9.* http://www.coe.int/T/E/human_rights/minorities/

ECRI (2000). *Examples of ‘Good Practices’ to fight against racism and intolerance in the European Media.* CRI (2000) 19. http://www.coe.int/t/e/human_rights/ecri/1-ECRI/3-General_themes/2-Examples_of_good_practices/2-Media/ecri00-19%20Good%20practice%20Media.pdf

Scannell, P. (1997). Britain: Public Service Broadcasting, from National Culture to Multiculturalism. In M. Raboy (Ed.) *Public Service Broadcasting in the 21st Century*, John Libbey Media: London

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). *Study on Media & Diversity, Study for the European Commission*, <http://www.media4diversity.eu/>.

■ **Score:**

HIGH	MEDIUM	LOW
No contents in minority languages	Proportion of media contents in minority languages considerably lower than proportion of population using minority languages AND irregular scheduling AND vast majority of programming scheduled in unpopular time slots	Proportion of media contents in minority languages relatively similar to proportion of population using minority languages AND regular scheduling AND scheduling of programming in different time slots, including also popular time slots

Indicator C7.3 (L): Regulatory safeguards for access to airtime on PSM by the various cultural and social groups

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for access to airtime on PSM by the various cultural and social groups
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law (including eventual conventions between PSM and the government) guarantee access to airtime on PSM channels and services by the various cultural and social groups?	+	-
E.2. Does other formal law (e.g. administrative law) guarantee access to airtime on PSM channels and services for cultural and social groups?	+	-
E.3. Is there a functional equivalent (e.g. internal charters of PSM)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Are the conditions and procedures in order to gain access to airtime transparent and based on objective criteria?	+	-
I.2. In case airtime is only granted in exchange for a remuneration, does this condition <i>de facto</i> exclude certain cultural or social groups from obtaining this airtime?	-	+
I.3. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.4. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.5. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-

I.6. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic denial of airtime for certain cultural or social groups?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as C1.2

Studies/reports

European Audiovisual Observatory (2007). The Public Service Broadcasting Culture. *Iris Special 2007 edition*. http://www.obs.coe.int/about/oea/pr/irisspecial2007_1.html

OFCOM (2002). *Multicultural Broadcasting: concept and reality*. <http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/multicultural.pdf>

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
No +	-

I.1.-I.6.	Result for I
4 or more +	+
Less than 4 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk C8 – Insufficient system of minority and community media

Indicator C8.1 (E): Ratio of Terrestrial TV channels dedicated to ethnic//linguistic/national minorities to total number of domestic Terrestrial TV channels

- **Description:** This indicator aims to assess whether within one country there are terrestrial television channels dedicated to ethnic, linguistic or national minorities, and if yes how many compared to the total domestic channels.
- **Method of measurement:** the number of television channels dedicated to ethnic, linguistic or national minorities is divided by the number of total domestic television channels. The result has to be compared with the percentage of the ethnic or language minorities in the country.

How to measure and score the indicator:

- If within one country there is no television channel dedicated to ethnic, linguistic or national minorities, then the risk of an insufficient system of minority and community media is considered to be very high. This situation is scored with a “zero”.

- If within one country there are television channels dedicated to ethnic, linguistic or national minorities up to a number proportional to the minority population, then the risk of an insufficient system of minority and community media is considered to be medium. This situation is scored with “in proportion”.

- If within one country the number of television channels dedicated to ethnic, linguistic or national minorities are more than proportional to size of the minority population, then the risk of an insufficient system of minority and community media is considered as non-existent. This situation is scored with “above proportion”.

- **Data sources:** such data can be found in the European Audiovisual Observatory (EAO), and/or required by the National Regulatory Institutions, or the National Broadcasting Union.

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect.

Cammaerts, B. & Carpentier, N. (Eds.) (2007). *Reclaiming the Media, Communication Rights and Democratic Media Roles*. Bristol & Chicago: Intellect.

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). *Study on Media & Diversity*, Study for the European Commission, <http://www.media4diversity.eu/>.

■ **Score:**

Minority TV Channels (Terrestrial TV)	Score (select the correct option in the drop-box)
No	0
Yes, up to proportional to population	In proportion
Yes, more than proportional to population	Above proportion

Indicator C8.2 (E): Ratio of TV/Cable/Satellite/ADSL television channels dedicated to ethnic/linguistic/national minorities to total number of domestic TV/Cable/Satellite/ADSL television channels

- **Description:** This indicator aims to assess whether within one country there are television (terrestrial, satellite, cable and ADSL) channels dedicated to ethnic, linguistic or national minorities, and if yes how many compared to the total domestic channels.
- **Method of measurement:** the number of cable/satellite/ADSL television channels dedicated to ethnic, linguistic or national minorities is divided by the number of total domestic television channels. The result has to be compared with the percentage of the ethnic or language minorities in the country.

How to measure and score the indicator:

- If within one country there is no cable/satellite/ADSL television channel dedicated to ethnic, linguistic or national minorities, then the risk of an insufficient system of minority and community media is considered to be very high. This situation is scored with a “zero”.

- If within one country there are cable/satellite/ADSL television channels dedicated to ethnic, linguistic or national minorities up to a number proportional to the minority population, then the risk of an insufficient system of minority and community media is considered to be medium. This situation is scored with “in proportion”.

- If within one country the number of cable/satellite/ADSL television channels dedicated to ethnic, linguistic or national minorities are more than proportional to size of the minority population, then the risk of an insufficient system of minority and community media is considered as non-existent. This situation is scored with “above proportion”.

- **Data sources:** such data can be found in the European Audiovisual Observatory (EAO), and/or required by the National Regulatory Institutions, or the National Broadcasting Union.

■ **Score:**

Minority TV Channels (Cable, Satellite, ADSL)	Score (select the correct option in the drop-box)
No	0
Yes, up to proportional to population	In proportion
Yes, more than proportional to population	Above proportion

Indicator C8.3 (E): Ratio of radio channels dedicated to ethnic/linguistic/national minorities to total number of domestic radio channels

- **Description:** This indicator aims to assess whether within one country there are radio channels dedicated to ethnic, linguistic or national minorities, and if yes how many compared to the total domestic channels.
- **Method of measurement:** the number of radio channels dedicated to ethnic, linguistic or national minorities is divided by the number of total domestic radio channels. The result needs to be compared with the ethnic or language minorities in the country.

How to measure and score the indicator:

- If within one country there is no Radio channel dedicated to ethnic, linguistic or national minorities, then the risk of an insufficient system of minority and community media is considered to be very high. This situation is scored with a “zero”.

- If within one country there are Radio channels dedicated to ethnic, linguistic or national minorities up to a number proportional to the minority population, then the risk of an insufficient system of minority and community media is considered to be medium. This situation is scored with “in proportion”.

- If within one country the number of Radio channels dedicated to ethnic, linguistic or national minorities is more than proportional to size of the minority population, then the risk of an insufficient system of minority and community media is considered as non-existent. This situation is scored with “above proportion”.

- **Data sources:** such data can be partially found in the European Audiovisual Observatory (EAO), and/or required by the National Regulatory Institutions, or the National Broadcasting Union.

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect.

Cammaerts, B. & Carpentier, N. (Eds.) (2007). *Reclaiming the Media, Communication Rights and Democratic Media Roles*. Bristol & Chicago: Intellect.

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). Study on Media & Diversity, Study for the European Commission, <http://www.media4diversity.eu/>.

- **Score:**

Minority Radio Channels	Score (select the correct option in the drop-box)
No	0
Yes, up to proportional to population	In proportion
Yes, more than proportional to population	Above proportion

Indicator C8.4 (E): Ratio of newspapers dedicated to ethnic/linguistic/national minorities to total number of domestic newspapers

- **Description:** This indicator aims to assess whether within one country there are newspapers dedicated to ethnic, linguistic or national minorities, and if yes how many compared to the total domestic newspapers.
- **Method of measurement:** the number of newspapers dedicated to ethnic, linguistic or national minorities is divided by the number of total domestic newspapers. The result needs to be compared with the percentage of ethnic or language minorities in the country.

How to measure and score the indicator:

- If within one country there is no newspaper dedicated to ethnic, linguistic or national minorities, then the risk of an insufficient system of minority and community media is considered to be very high. This situation is scored with a “zero”.

- If within one country there are newspapers dedicated to ethnic, linguistic or national minorities up to a number proportional to the minority population, then the risk of an insufficient system of minority and community media is considered to be medium. This situation is scored with “in proportion”.

- If within one country the number of newspapers dedicated to ethnic, linguistic or national minorities is more than proportional to size of the minority population, then the risk of an insufficient system of minority and community media is considered as non-existent. This situation is scored with “above proportion”.

- **Data sources:** such data can be found in the World Press Trends (WPT), and/or required by the National Industry Associations.

■ **Score:**

Minority Newspapers	Score (select the correct option in the drop-box)
No	0
Yes, up to proportional to population	In proportion
Yes, more than proportional to population	Above proportion

Indicator C8.5 (E): Ratio of number of magazines dedicated to ethnic/linguistic/national minorities compared to total number of domestic magazines

- **Description:** This indicator aims to assess whether within one country there are magazines dedicated to ethnic, linguistic or national minorities, and if yes how many compared to the total domestic channels.
- **Method of measurement:** The number of magazines dedicated to ethnic, linguistic or national minorities is divided by the number of total domestic magazines. The result has to be compared with the percentage of ethnic of language minorities in the country.

How to measure and score the indicator:

- If within one country there is no magazine dedicated to ethnic, linguistic or national minorities, then the risk of an insufficient system of minority and community media is considered to be very high. This situation is scored with a “zero”.

- If within one country there are magazines dedicated to ethnic, linguistic or national minorities up to a number proportional to the minority population, then the risk of an insufficient system of minority and community media is considered to be medium. This situation is scored with “in proportion”.

- If within one country the number of magazines dedicated to ethnic, linguistic or national minorities is more than proportional to size of the minority population, then the risk of an insufficient system of minority and community media is considered as non-existent. This situation is scored with “above proportion”.

- **Data sources:** such data can be required by the National Industry Associations.
- **Score:**

Minority Magazines	Score (select the correct option in the drop-box)
No	0
Yes, up to proportional to population	In proportion
Yes, more than proportional to population	Above proportion

Indicator C8.6 (E): Parity of financing of secondary linguistic media compared to population size

■ **Description:** This indicator aims to assess whether the financing of secondary linguistic media is proportionate to the size of the population with a secondary language (the second most spoken language in a country), compared to the total financing of media and total population of a country.

■ **Method of measurement:**

Data: the size of population with a secondary language, the total population of a country, the financing of secondary linguistic media (advertising, subsidies, subscriptions and other possible revenues), the total financing of media.

Method: By dividing the size of population with a secondary language by the total size of population you obtain the proportion which is to be compared with the proportion gained by dividing the amount of financing of secondary linguistic media by the total amount of financing of media.

How to measure and score the indicator:

- If within one country the proportion of financing of secondary linguistic media (compared to the total financing of media) is below 50% of the proportion of the population size with a secondary language, then the risk of an insufficient system of minority and community media is considered to be very high. This situation is scored with a “<50%”.

- If within one country the proportion of financing of secondary linguistic media is between 50% and 99% of the proportion of the population size with a secondary language, then the risk of an insufficient system of minority and community media is considered to be medium. This situation is scored with “<=50% and <=99%”.

- If within one country the financing of secondary linguistic media (compared to the total financing of media) is proportionate to the population size with a secondary language, then the risk of an insufficient system of minority and community media is considered as non-existent. This situation is scored with “100%”.

■ **Data sources:** such data can be asked to Public Bodies or to Country Correspondents.

■ **Score:**

Financing of Secondary Linguistic Media	Score (select the correct option in the drop-box)
Proportion below 50% of population size	<50%
Proportion between 50% and 99% of p. size	<=50% and <=99%
Proportionate to population size	100%

Indicator C8.7 (S): Number, estimated reach and existence of (other) community media outlets serving different communities and minority groups

- **Description:** This indicator aims to denote the probability of a threat arising to cultural diversity and external media pluralism perceived as either the absence of or an insufficient system of minority and community media, including in particular: the lack of media outlets serving other minority groups than ethnic, linguistic or national minorities (which are assessed in indicators C8.1 – C8.6), hence including women, disabled people, elderly, sexual minorities, religious minorities. The indicator assesses the lack of investment in such (other) community media; entry barriers for community media by cable operators and other platform providers; marginal reach; lack of public support measures aiming at compensation of disadvantaged position of minorities as media users.
- **Method of measurement:** Quantitative method: Number and estimated reach of (other) community media outlets serving other communities and minority groups than ethnic, linguistic or national minorities.

Media sample:

The measurement should include all community media outlets.

Background information:

For methodological purposes ‘marginal audience’ means an audience which is disproportionately smaller in comparison with the proportion of population composed of religious or sexual minorities, disabled population, membership in civil society organisations such as: ecologic, women’s rights, human rights, elderly rights, children’s rights, etc. organisations, trade unions.

The term ‘media sectors’ refers to: TV; radio; print press; satellite, cable, digital TV; internet (including online newspapers, news websites, on-demand audiovisual services); mobile TV.

‘Relevant audience’ means an audience which is proportionate in comparison with the proportion of population composed of religious or sexual minorities, disabled population, membership in civil society organisations such as: ecologic, women’s rights, human rights, elderly rights, children’s rights, etc. organisations, trade unions.

- **Data sources:**

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect.

Cammaerts, B. & Carpentier, N. (Eds.) (2007). *Reclaiming the Media, Communication Rights and Democratic Media Roles*. Bristol & Chicago: Intellect.

Community Media Forum Europe (2008) (<http://www.cmfe.eu/>)

Cormack, M. & Hourigan, N. (Eds.) (2007). *Minority Language Media: Concepts, Critiques and Case Studies*. Clevedon: Multilingual Matters.

European Parliament (2008) *Report on Community Media in Europe (2008/2011 (INI))*, Committee on Culture and Education, A6-0263/2008.

(<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2008-0263+0+DOC+PDF+V0//EN>)

Jankowski, N., & Prehn, O. (2001). *Community Media in the Information Age: Perspectives and Prospects*, Hampton Press: Creskill.

Jones, G. (2004). *Minority-Language Audiovisual Media in Europe*, Mercator Media Center (<http://www.aber.ac.uk/mercator/images/Bilbao.pdf>)

MAVISE (2008). Database of TV companies and TV channels in the European Union and Candidate Countries (<http://mavise.obs.coe.int/>).

MERCATOR (2008). *Minority Language Media in the European Union (2008)* (<http://www.aber.ac.uk/~merwww/>).

MIDAS (2008) European Association of daily newspapers in minority and regional languages (<http://www.midas-press.org/welcome.htm>)

Riggins, S.H. (Ed.) (1992). *Ethnic Minority Media: An International Perspective*, Newbury Park: Sage Publications.

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). *Study on Media & Diversity*, Study for the European Commission, <http://www.media4diversity.eu/>.

Online/More Colour in the Media (2008) (<http://www.olmcm.org/about.php>).

■ **Score:**

HIGH	MEDIUM	LOW
No (other) community media available	A very limited amount of (other) community media with a marginal audience available in most of the media sectors (three or more media sectors)	(Other) community media with relevant audiences developed in all media sectors.

Indicator C8.8 (S): Sustainability of investment and proportion of subsidies in community and minority media

- **Description:** This indicator aims to denote the probability of a threat arising to cultural diversity and external media pluralism perceived as either the absence of or an insufficient system of minority and community media, including in particular: the lack of media outlets serving ethnic, linguistic or national groups in society, on the one hand, and other minority groups including disabled people, religious or sexual minorities, etc.; the lack of investment in minority and community media; entry barriers for minority/community media by cable operators and other platform providers; marginal reach; lack of public support measures aiming at compensation of disadvantaged position of minorities as media users.
- **Method of measurement:** Qualitative method:⁸⁴ Description of sustainability of investment (amount of investment in different time points). Quantitative method: proportion of subsidies in comparison to overall budget of minority and community media. The measurement can be carried out for the whole sector of community/minority media or case-by-case. An alternative option as a method of measurement would be a panel of experts composed of specialists with a substantial knowledge of the system of minority and community media.

Media sample:

The measurement should include all minority and community media outlets or a sample of 10 largest minority and community media in each media sector (TV, radio, print press, internet).

Background information:

Minority and community media play an important role in fostering cultural media pluralism in Europe. Their eventual contribution to media pluralism and culture of tolerance has been recognised in Council of Europe’s recommendations on *Media and the Promotion of a Culture of Tolerance No. R (97) 21* and on *Measures to promote Media Pluralism (No. R (99) 1)*. How this potential is used and exercised in practice, depends heavily on government policies of regulation, subsidies and voluntary engagement of communities. Since the minority media have small audiences, they cannot benefit from economies of scale.

Indicator C8.3. *Sustainability of investment and proportion of subsidies in community and minority media* can be described through sustainability of investment. The amount of investment should be measured for the whole sector of community/minority media or case-by-case in different time points. An assessment of investment sustainability can be completed by the measurement of proportion of subsidies in comparison to the overall budget of minority and community media. Again, the measurement can be carried out for the whole sector of community/minority media or case-by-case. An alternative option as a method of measurement would be an evaluation made by a panel of experts composed of specialists with a substantial knowledge of the system of minority and community media. For the purpose of methodology use in this case, ‘state subsidies’ encompass subsidies provided by state administration at the national level, but also by autonomous government (if applicable), regional or local administration.

⁸⁴ A quantitative and qualitative (descriptive) method are to be used complementary in this case. The measurement can be carried out for the whole sector of community/minority media or case-by-case.

■ **Data sources:**

Community Media Forum Europe (2008) (<http://www.cmfe.eu/>)

Cormack, M. & Hourigan, N. (Eds.) (2007). *Minority Language Media: Concepts, Critiques and Case Studies*. Clevedon: Multilingual Matters.

European Parliament (2008) *Report on Community Media in Europe (2008/2011 (INI))*, Committee on Culture and Education, A6-0263/2008.
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2008-0263+0+DOC+PDF+V0//EN>)

Jones, G. (2004) *Minority-Language Audiovisual Media in Europe*, Mercator Media Center (<http://www.aber.ac.uk/mercator/images/Bilbao.pdf>)

MAVISE (2008). Database of TV companies and TV channels in the European Union and Candidate Countries (<http://mavise.obs.coe.int/>).

MERCATOR (2008). *Minority Language Media in the European Union (2008)* (<http://www.aber.ac.uk/~merwww/>).

MIDAS (2008) European Association of daily newspapers in minority and regional languages (<http://www.midas-press.org/welcome.htm>)

Riggins, S.H. (ed) (1992). *Ethnic Minority Media: An International Perspective*, Newbury Park: Sage Publications.

Online/ More Colour in the Media (2008) (<http://www.olmcm.org/about.php>).

■ **Score:**

HIGH (= 1 in drop box)	MEDIUM (= 2 in drop box)	LOW (= 3 in drop box)
Investment in the sector of community and minority media is decreasing or unstable	Investment in the sector of community and minority media is relatively stable	Investment in the sector of community and minority media is stable or increasing
AND no state subsidies available for minority and community media	AND state subsidies are provided for a very limited extent – up to 20% of community and minority media revenues	AND state subsidies are provided as an alternative and complementary source of financing – more than 20% of community and minority media revenues

Indicator C8.9 (S): Access of minority and community media to networks and platforms

- **Description:** This indicator aims to denote the probability of a threat arising to external diversity of a media system perceived as either the absence of or an insufficient system of minority and community media, including in particular the lack of/or insufficient frequencies provided to minority and community media, and the entry barriers for minority and community media by cable operators and other platform providers. This indicator measures the access of community and minority media to frequencies, cable bundles, digital and other platforms and available multiplexes.

- **Method of measurement:** Quantitative methods. Number and proportion of frequencies provided to minority and community media (versus total number of relevant frequencies). Number and proportion of minority and community media outlets available in cable bundles, digital and other platforms and multiplexes.

Media sample:

The measure includes:

- minority and community media access to frequencies
- minority and community media outlets available in multiplexes
- minority and community media outlets available in cable bundles and digital and other platforms.

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Baldi, P. & Hasebrink, U. (Eds.) (2007). *Broadcasters and Citizens in Europe. Trends in Media Accountability and Viewer Participation*, Bristol & Chicago: Intellect.

Cammaerts, B. & Carpentier, N. (Eds.) (2007). *Reclaiming the Media, Communication Rights and Democratic Media Roles*. Bristol & Chicago: Intellect.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/yb/index2008.htm)

Council of Europe (1995). Framework Convention for the Protection of National Minorities and Explanatory Report, <http://conventions.coe.int/Treaty/EN/Treaties/Html/157.htm>

European Parliament (2007). *The State of Community Media in the European Union*, http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/691/691771/691771en.pdf.

European Parliament (2008) *Report on Community Media in Europe (2008/2011 (INI))*, Committee on Culture and Education, A6-0263/2008. <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2008-0263+0+DOC+PDF+V0//EN>

MAVISE (2008). Database of TV companies and TV channels in the European Union and Candidate Countries (<http://mavise.obs.coe.int/>).

Open Society Institute (2005) and follow-up reports (2008) *Television Across Europe: Regulation, Policy and Independence*. http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429

http://www.soros.org/initiatives/media/articles_publications/publications/eurotv_20051011

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009).
 Study on Media & Diversity, Study for the European Commission,
<http://www.media4diversity.eu/>.

■ **Scores:**

HIGH	MEDIUM	LOW
No Access	Limited Access	Unrestrained Access
Regarding allocation of frequencies Less than 5% allocated to minority and community media, out of total number of frequencies And/Or Regarding cable bundles and digital and other platforms No minority and community media outlets available And/Or Regarding multiplexes Less than 5% of minority and community media outlets available on multiplexes	Regarding allocation of frequencies 5 – 10% allocated to minority and community media, out of total number of frequencies And/Or Regarding cable bundles and digital and other platforms 1 – 10 minority and community media outlets available And/Or Regarding multiplexes 5 – 10% of minority and community media outlets available on multiplexes	Regarding allocation of frequencies More than 10% allocated to minority and community media, out of total number of frequencies And/Or Regarding cable bundles and digital and other platforms More than 10 minority and community media outlets available And/Or Regarding multiplexes More than 10% of minority and community media outlets available on multiplexes

Indicator C8.10 (L): Regulatory safeguards for minority and community media

- **Description:** This indicator aims to assess the existence and effective implementation of specific regulatory safeguards for minority and community media.⁸⁵
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does the media law contain specific provisions on minority and community media (granting legal recognition to such media as a distinct group alongside commercial and public media)?	+	-
E.2. Are frequencies reserved for minority and community media?	+	-
E.3. Does the media legislation ensure access by regional and/or local media to platforms of electronic communication network providers (in particular, via must carry rules)?		
E.4. Does the State, regional and/or local authority actively support minority and community media through direct or indirect subsidies or other policy measures?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Was this specific regulation designed in close collaboration with the minority or community it is destined for?	+	-
I.2. Is this regulation sufficient (transparent, well-known within the minority community) to stimulate minority or community media to surface?	+	-
I.3. Does this regulatory framework guarantee independence of the minority or community media, meaning that they are <i>de facto</i> owned by or accountable to the community or the minority that they seek to serve (e.g. they can elect their own board/management bodies)?	+	-
I.4. Are these media <i>de facto</i> open to participation (both in programme making and management)?	+	-

⁸⁵ The various elements of such regulatory framework, further detailed in the questionnaire, are inspired by the Resolution of the European Parliament of 25 September 2008 on Community Media in Europe.

I.5. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints and Is this supervision over these media done in an objective way?	+	-
I.6. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.7. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.8. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic political censorship, interference or manipulation of these media?	-	+
Total number of	+	
Total number of		-

■ **Data sources:**

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

Idem as C1.2

Studies/reports

European Parliament (2007). *The State of Community Media in the European Union*, http://www.europarl.europa.eu/meetdocs/2004_2009/documents/dv/691/691771/691771_en.pdf.

OFCOM (2002). *Multicultural Broadcasting: concept and reality*. <http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/multicultural.pdf>

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.-E.4.	Result for E
2 or more +	+
No +	-

I.1.-I.8.	Result for I
5 or more +	+
Less than 5 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk C9 – Insufficient representation of different cultural and social groups in human resources in the media sector

Indicator C9.1 (S): Proportion of journalists and media executives from different cultural and social groups (including ethnic/linguistic/national minorities, women and disabled people) in PSM

- **Description:** This indicator aims to denote the probability of a threat arising to balanced and fair representation of journalists and media executives from ethnic, linguistic or national minority groups, and also female journalists and media executives and media professionals representing disabled persons, perceived as an absent or insufficient workforce diversity, especially in public service media.

A great variety of measures have been taken in numerous EU countries to promote cultural diversity in the workplace, yet the implementation of projects is still limited and their success is ambivalent or not easily accountable due to a lack of systematic evaluation schemes.⁸⁶ Most of diversity practices are based on diversity monitoring – a systematic collection of the data on ethnic, national, gender composition of the workforce in order to ensure fair representation in a workplace of persons from diverse cultural and social backgrounds, including women and disabled people.⁸⁷

The indicator C9.4. measured by Workforce Diversity Test is proposed as a progress measurement (to be carried out in different time points). The idea to monitor the workforce representation in public service media in particular would not aim at imposing arithmetical proportion of different groups in media organisational structures. The main objective would rather be to detect trends and tendencies in journalistic and media professional employment and to indicate serious discrepancies of representation, such as an absence or minimal representation of certain groups over a period of time.

- **Method of measurement:** *Workforce Diversity test – quantitative method: measurement of a proportion of journalists and media executives from different groups in a society (including women, ethnic, linguistic or national minority groups and disabled people) in public media outlets.

Media sample:

The measurement should include all public service TV and radio channels, as well as online applications.

⁸⁶ Berliner Institut für Vergleichende Sozialforschung (2005). *Cultural diversity and Mainstreaming in Employment*, <http://fra.europa.eu/fraWebsite/material/pub/discussion/MainStreamFinRep.pdf>.

⁸⁷ “In the United Kingdom, public authorities are required to undertake ethnic monitoring as a result of the duty in section 71(1) to produce race equality scheme (public authorities), or a race equality policy (schools and institutions of further and higher education). Similar monitoring of workforces is being encouraged by the Commission for Racial Equality. (...) Northern Ireland offers another example. The *Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO)* (1998 No. 3162 (N.I. 21), 16 December 1998, as amended by the *Fair Employment and Treatment Order (Amendment) Regulations (Northern Ireland) 2003*, which came into operation on 10 December 2003). The FETO places a number of significant duties on employers which may lead to the adoption of affirmative action measures in order to ensure a proportionate representation of the Protestant and Catholic communities.” (EU Network of Independent Experts on Fundamental Rights, 2006: 9 – 10).

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Berliner Institut für Vergleichende Sozialforschung (2005). *Cultural diversity and Mainstreaming in Employment*, <http://fra.europa.eu/fraWebsite/material/pub/discussion/MainStreamFinRep.pdf>.

ECRI (2000). *Examples of ‘Good Practices’ to fight against racism and intolerance in the European Media*. CRI (2000) 19. http://www.coe.int/t/e/human_rights/ecri/1-ECRI/3-General_themes/2-Examples_of_good_practices/2-Media/ecri00-19%20Good%20practice%20Media.pdf

European Parliament (1998) *EU Anti-Discrimination Policy: From Equal Opportunities between Women and Men to Combating Racism*, Public Liberties Series, LIBE 102 EN, Brussels. http://www.europarl.europa.eu/workingpapers/libe/102/default_en.htm

E.U. Network of Independent Experts on Fundamental Rights (2006) *Ethnic Profiling*. CFR-CDF.Opinion4.2006. http://ec.europa.eu/justice_home/cfr_cdf/doc/avis/2006_4_en.pdf

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). *Study on Media & Diversity*, Study for the European Commission, <http://www.media4diversity.eu/>.

■ **Score:**

HIGH	MEDIUM	LOW
<p>1</p> <p>Proportion of journalists and media executives from different groups in a society absent or considerably lower than in actual demographic data</p>	<p>2</p> <p>Proportion of journalists and media executives from different groups in a society lower than in actual demographic data</p>	<p>3</p> <p>Proportion of journalists and media executives from different groups in a society relatively similar to actual demographic data</p>

Indicator C9.2 (S): Availability of diversity measures within media companies (such as a diversity officer, targeted training etc.)

- **Description:** This indicator aims to denote the probability of a threat arising to proportionate representation of journalists and media executives from ethnic, linguistic or national minority groups, and also female journalists and media executives and media professionals representing disabled persons, perceived as an absence of or insufficient workforce diversity.

The indicator C9.5. measured by Workforce Diversity Checkpoint List is proposed to detect availability of diversity practices and measures within media companies. The main objective would be to extract trends and tendencies in journalistic and media professional employment and to indicate serious discrepancies of representation, such as an absence or minimal representation of certain groups over a period of time.

Some media organisations use different measures and practices in this respect. These include e.g. employment of a diversity officer, whose main competence covers diversity monitoring and monitoring of the progress in hiring journalists, writers, actors and media executives from diverse backgrounds. Weak progress may be followed up by two types of action: one which seeks to offer additional support to minorities up to the point of employment selection (training before minorities stay for job competition) and those forms of positive action which provide specific advantages at the point of selection (employment quota).⁸⁸

Other diversity measures, such as outreach advertising might involve explicit expression of the commitment in terms of equal opportunities during advertising vacancies by media organisations in order to motivate persons from underrepresented groups to apply. Similarly, targeted training is tailored for under-represented minority groups: it aims to provide the skills and experience necessary to enable minorities to better compete in labour market.

- **Method of measurement:** *Workforce Diversity Checkpoint List

Media sample:

- Print press: - two leading quality dailies (quality daily newspapers with a largest circulation in a given country),
 - two leading tabloids (tabloid daily newspapers with a largest circulation in a given country)
 - two leading news weeklies (two weeklies with a largest circulation in a given country)
- Radio: - two leading private radio stations (radio stations with a largest audience share in a given country),
- TV: - two leading terrestrial TV channels (TV channels with a largest audience share in a given country),
- Satellite/Cable/Digital: - a leading, nationally based news channel
- Internet: - two leading internet portals (internet portals with a largest share of users in a given country).

⁸⁸ European Parliament (1998) *EU Anti-Discrimination Policy: From Equal Opportunities between Women and Men to Combating Racism*, Public Liberties Series, LIBE 102 EN, Brussels, p. 36.

How to measure and score the indicator:

A sample format for the checkpoint list:

- | | |
|--|---------|
| 1. A media entity carries out diversity monitoring | 1 point |
| 2. A media entity employs a diversity officer ⁸⁹ | 1 point |
| 3. A media entity carries out targeted training ⁹⁰
or outreach advertising ⁹¹ | 1 point |
| 4. A media entity applies other diversity measures | 1 point |

The borderlines for different levels of risk are displayed in the table below.

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Berliner Institut für Vergleichende Sozialforschung (2005). *Cultural diversity and Mainstreaming in Employment*, <http://fra.europa.eu/fraWebsite/material/pub/discussion/MainStreamFinRep.pdf>.

ECRI (2000). *Examples of ‘Good Practices’ to fight against racism and intolerance in the European Media*. CRI (2000) 19. http://www.coe.int/t/e/human_rights/ecri/1-ECRI/3-General_themes/2-Examples_of_good_practices/2-Media/ecri00-19%20Good%20practice%20Media.pdf

European Parliament (1998) *EU Anti-Discrimination Policy: From Equal Opportunities between Women and Men to Combating Racism*, Public Liberties Series, LIBE 102 EN, Brussels. http://www.europarl.europa.eu/workingpapers/libe/102/default_en.htm

E.U. Network of Independent Experts on Fundamental Rights (2006) *Ethnic Profiling*. CFR-CDF.Opinion4.2006. http://ec.europa.eu/justice_home/cfr_cdf/doc/avis/2006_4_en.pdf

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). *Study on Media & Diversity*, Study for the European Commission, <http://www.media4diversity.eu/>.

■ **Score:**

HIGH	MEDIUM	LOW
No points	1 – 2 points x n (n = the number of media entities)	More than 2 points x n

⁸⁹ An officer or executive with competencies to systematically review workforce structure and representation of employees from different backgrounds.

⁹⁰ Targeted training is tailored for under-represented minority groups and it aims at providing the skills and experience necessary to enable these groups to compete for the jobs in media industry.

⁹¹ Outreach advertising is an explicit expression of the commitment in terms of equal opportunities during advertising vacancies by media organisations in order to motivate persons from underrepresented groups to apply.

Indicator C9.3 (L): Regulatory safeguards for the representation of the various cultural and social groups in professional, management and board functions in private (commercial and/or non-profit) media

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the representation of the various cultural and social groups in professional, management and board functions in private (commercial and/or non-profit) media.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law contain provisions guaranteeing the representation of the various cultural and social groups in professional, management and board functions in private (commercial and/or non-profit) media?	+	-
E.2. Does other formal law (e.g. company law, non-discrimination law, labour law) contain provisions guaranteeing the representation of the various cultural and social groups in professional, management and board functions in private (commercial and/or non-profit) media?	+	-
E.3. Is there a functional equivalent (e.g. internal charters of the broadcasters, positive discrimination measures,...)? Only mark + if the majority of the mainstream media outlets have a code or a charter in place which contains such safeguards.	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and	+	-

whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?		
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic limitation of the career opportunities of certain cultural or social groups within media companies?	-	+
Total number of	+	
Total number of	-	

■ **Data sources:**

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

Idem as C1.2

Studies/reports providing overviews of rules on local and/or regional media

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). Study on Media & Diversity, Study for the European Commission, <http://www.media4diversity.eu/>.

OFCOM (2002). *Multicultural Broadcasting: concept and reality*.
<http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/multicultural.pdf>

OFCOM (2002). *A Compilation of Codes of Conduct*.
<http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/mincode.pdf>

Others

European Commission – DG Employment, Social Affairs and Equal Opportunities, Action against Discrimination, Civil Society:
http://ec.europa.eu/employment_social/fundamental_rights/index_en.htm

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
No +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator C9.4 (L): Regulatory safeguards for the representation of the various cultural and social groups in professional, management and board functions in PSM

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the representation of the various cultural and social groups in professional, management and board functions in PSM.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does media law (including conventions between PSM and the government) contain provisions guaranteeing the representation of the various cultural and social groups in professional, management and board functions in PSM?	+	-
E.2. Does other formal law (e.g. administrative law, non-discrimination law, labour law) contain provisions guaranteeing the representation of the various cultural and social groups in professional, management and board functions in PSM?	+	-
E.3. Is there a functional equivalent (e.g. internal charters, positive discrimination measures, equal employment charter, ...)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic limitation of the career opportunities of certain cultural or social groups within PSM?	-	+

Total number of +
Total number of -

■ **Data sources:**

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

Idem as C1.2

Studies/reports

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). Study on Media & Diversity, Study for the European Commission, <http://www.media4diversity.eu/>.

European Audiovisual Observatory (2007). The Public Service Broadcasting Culture. *Iris Special 2007 edition*. http://www.obs.coe.int/about/oea/pr/irisspecial2007_1.html

OFCOM (2002). *Multicultural Broadcasting: concept and reality*. <http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/multicultural.pdf>

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

Others

European Commission – DG Employment, Social Affairs and Equal Opportunities, Action against Discrimination, Civil Society: http://ec.europa.eu/employment_social/fundamental_rights/index_en.htm

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
No +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator C9.5 (L): Regulatory safeguards for the representation of the various cultural and social groups in media councils and/or other advisory bodies in the media sector

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the representation of the various cultural and social groups in media councils and/or other advisory bodies in the media
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1 Does media law contain provisions guaranteeing the representation of the various cultural and social groups in media councils and/or other advisory bodies in the media sector?	+	-
E.2 Does other formal law (e.g. administrative law, non-discrimination law, labour law) contain provisions guaranteeing the representation of the various cultural and social groups in media councils and/or other advisory bodies in the media sector?	+	-
E.3 Is there a functional equivalent (e.g. internal charters of the media councils e.a., positive discrimination measures, equal employment charters, ...)?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic limitation	-	+

of the career opportunities of certain cultural or social groups within media councils and/or other advisory bodies in the media sector??		
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as C1.2

Studies/reports

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). Study on Media & Diversity, Study for the European Commission, <http://www.media4diversity.eu/>.

Others

European Commission – DG Employment, Social Affairs and Equal Opportunities, Action against Discrimination, Civil Society: http://ec.europa.eu/employment_social/fundamental_rights/index_en.htm

Works Associations of Press Councils: http://www.wapconline.org/lang_eng/declarations_detail.asp?declarationID=9&declarationTitle=Declaration%20of%201985

■ **Score:**

E.1.-E.3.	Result for E
1 or more +	+
No +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk C10 – Limited accessibility by disabled people

Indicator C10.1 (S): Availability of content and service applications for disabled people

- **Description:** This indicator aims to denote the probability of a threat arising to accessibility of contents and services by disabled people.
- **Method of measurement:** Number and reach of applications offered by public service media, largest private TV and radio stations and online media outlets.

Media sample:

Radio: - two leading private radio stations (radio stations with a largest audience share in a given country),
 - all public service radio stations.

TV: - two leading terrestrial TV channels (TV channels with a largest audience share in a given country),
 - all public service television channels.

Internet: - two leading internet portals (internet portals with a largest share of users in a given country),
 - all public service on-line applications and services.

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). Study on Media & Diversity, Study for the European Commission, <http://www.media4diversity.eu/>.

■ **Score:**

HIGH	MEDIUM	LOW
No services available	Services available only on irregular basis and in least popular scheduling windows (e.g. before 14.00)	Services available on a regular basis in different scheduling windows

Indicator C10.2 (L): Policies and support measures for enhanced access to media contents and services by special needs groups in society, like the elderly, disabled, ...

- **Description:** This indicator aims to assess the existence and effective implementation of policies for the promotion of access to media content and services by special needs groups in society, especially the elderly and disabled people.
- **Method of measurement:** analysis of policies and support measures and their implementation by the user on the basis of the following questionnaire

E.1. Does the state take active measures to promote access to media content and services by special needs groups in society, in particular the elderly and disabled.

For example:

- Media law contains formal obligations for broadcasters to distribute subtitle applications and audio-description for people with hearing disabilities.
- The convention between PSM and the government contains provisions concerning disabled.
- Special subsidies are granted to broadcasters who apply these applications.
- Any other relevant measures.

- **Data sources:**

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

Idem as C1.2

Studies/reports providing overviews of rules on local and/or regional media

OFCOM (2002). *Multicultural Broadcasting: concept and reality.*

<http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/multicultural.pdf>

OFCOM (2002). *A Compilation of Codes of Conduct.*

<http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/mincode.pdf>

OFCOM (2001). *Briefing Update 9 – The Representation of Minorities on Television*

<http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/briefing9.pdf>

OFCOM (2003). *Briefing update 12 – Ethnicity and disability on television 1997 to 2002.*

http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/BU12_ethnic_and_disability.pdf

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence,*

http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429,

http://pdfserve.informaworld.com/446564_902115117.pdf.

Media Diversity Institute, International Federation of Journalists & Internews Europe (2009). Study on Media & Diversity, Study for the European Commission, <http://www.media4diversity.eu/>.

■ **Score:**

	Score (Select the correct option in the drop-box)
Policymakers have not even started to discuss the matter. There are no steps taken in the development of any policy measures whatsoever.	No policy
Policymakers are aware of the issue and started taking measures, but the existing policies are only nascent and the measures taken are fragmented.	Underdeveloped policy
There is already a strong tradition of policymaking in this area. The existing measures are divers, but coherent and up-to-date with the latest societal changes.	Well-developed policy

c. *How to fill in the obtained scores*

Once you have finished the measurement of all indicators on the basis of the provided methodology and guidelines, you can fill in the obtained results (scores) for the indicators of the risk domain ‘cultural pluralism in the media’ as follows: put your cursor in the correct cell in the column score in order to fill in the correct score. When the cursor is placed in the cell, a grey dart in the right bottom corner of the cell will appear (see above, ‘Scoring the risk domain ‘Basic domain’, under c.).

4.2.8. Scoring the Risk Domain of Geographical pluralism in the media

a. How to open the scoring sheet

To measure the risk domain ‘geographical pluralism in the media types, open the sheet ‘Geographical pluralism’ by clicking on the corresponding link on the start screen or by selecting the grey tab in the toolbar at the bottom for the sheet ‘Geographical pluralism’.

The following screen will appear:

RISK	Color	INDICATOR	TYPE	AREA	SCORE	Comment
G1 High centralisation of the national media system		G1.1 A relative strength of local/regional media (daily newspapers, TV channels, radio stations, news websites) in a particular media system	S	G	Data not available	
		G1.2 Proportion of regional metropolises (main city in a given region, province, land) with compelling regional or local media (daily newspapers, TV channels, radio stations, news websites)	S	G	Data not available	
		G1.3 Combined ownership of regional/local media and national media outlets by the same company	S	G	Data not available	
		G1.4 Ratio of number of cities with TV and radio stations to total number of cities	E	G	Data not available	
		G1.5 Ratio of number of cities with newspapers to total number of cities	E	G	Data not available	
G2 Insufficient system of regional and local media		G2.1 Proportion of regional and local television and radio broadcast channels to national broadcast channels	E	G	Data not available	
		G2.2 Proportion of regional and local newspapers to national newspapers	E	G	Data not available	
		G2.3 Herfindahl-Hirschman Index (HHI) based on regional channels/newspapers available in the region, divided by total number of channels/newspapers	E	G	Data not available	
		G2.4 Parity of financing of regional and local TV, radio and newspapers relative to population size	E	G	Data not available	
		G2.5 Estimated reach and audience share of regional and local media	S	G	Data not available	

The scoring sheet contains the same columns as the sheet for the basic domain (see above).

b. *How to measure the indicators for geographical pluralism in the media*

Risk G1 – High centralisation of the national media system

Indicator G1.1 (S): A relative strength of local/regional media (daily newspapers, TV channels, radio stations, news websites) in a particular media system

- **Description:** The proposed indicator aims to denote the probability of a threat arising to external diversity of a media system perceived as high and growing centralisation of a media system on a national scale; high and growing concentration of local and regional media ownership.

A relative strength of regional daily newspapers in a particular media system shows the level of its decentralisation and potential to offer information from diverse sources for local and regional communities. Rich and well-developed regional media may compensate a lack of external diversity on highly concentrated national markets. The decentralisation test proposes measurement of a relative strength of regional daily newspapers, local and regional TV, radio stations and news websites/ internet portals in a particular media system over a longer period of time (in different time points, e.g. 2006, 2001, 1996, 1991, 1986 – more recent for websites/web portals: 2006, 2001).

It is important in this context to underline the difference between the indicator G.1.1. (a relative strength of local/regional media in a particular media system) aiming at measuring the strength of a regional media system as a whole and the indicator G.1.2. (proportion of regional capital cities with competing regional or local media) focusing on an eventual diversity within different parts of that system.

Calculated borderlines are estimated for a middle size media system with relatively balanced strength of local and regional media. Media system indicators require country specific evaluation and interpretation, and should be correlated with such factors as: population size, density of settlement, proportion of urban population, population size of a capital city, Gross National Product per inhabitant, administrative arrangements. Growing or high centralisation of a particular media system might result from significant concentration of the population in a capital agglomeration. In other cases, a position of the capital, especially as a location of media outlets with national coverage, might be weaker. In other words, in some media systems (e.g. Germany) media outlets with a national reach may be located outside the capital. Such specific characteristics should be taken into account when applying the measurement.

- **Method of measurement:** Decentralisation test – the relation between sold circulation of national dailies (CND) published in the capital and circulation of regional dailies (CRD) published outside the capital; audience share of local and regional TV (ALTV) and radio (ALR) stations; readership /user access rate of news & features websites/web portals with regional/local focus (ALWeb)

Media sample:

The measurement should include following media outlets:

- national daily newspapers published in the capital,
- regional daily newspapers published outside the capital (e.g. in regional metropolises),
- local and regional TV stations,
- local and regional radio stations
- news & features websites/web portals portals with regional/local focus

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Bakker, P. (2008). The Simultaneous Rise and Fall of Free and Paid Newspapers in Europe. *Journalism Practice*, Vol 2 (3), 427 – 443.

Council of Europe (2005). *Regional Media and Transfrontier Co-operation – CPR (12) 2 Part II: Explanatory Memorandum*.

[https://wcd.coe.int/ViewDoc.jsp?Ref=CPR\(12\)2&Language=lanEnglish&Ver=original&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CPR(12)2&Language=lanEnglish&Ver=original&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679)

Drok, N. (1998). Local and Regional Journalism in Europe, (EJTA: European Journalism Training Association).

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.htm)

Gustafson, K. E., & Weibull, L. (1996). *Europeans Read Newspapers*. Brussels: ENPA.

Open Society Institute (2005) and follow-up reports (2008) *Television Across Europe: Regulation, Policy and Independence*.

(http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429).

World Association of Newspapers (1996 – 2007) *World Press Trends*, Paris, <http://www.wanpress.org/worldpresstrends/home.php>

■ **Score:**

HIGH	MEDIUM	LOW
1	2	3
CND – more than 80%	CND – 80 %– 60%	CND – up to 60%
ALTV – less than 5%	ALTV – 5 – 15%	ALTV – more than 15%
ALR – less than 10%	ALR – 10 – 30%	ALR – more than 30%
ALWeb – less than 5%	ALWeb – 5 – 15%	ALWeb – more than 15%

Indicator G1.2 (S): Proportion of regional metropolises (main city in a given region, province, land) with competing regional or local media (daily newspapers, TV channels, radio stations, news websites)

- **Description:** This indicator aims to denote the probability of a threat arising to external diversity of a media system perceived as high and growing centralisation of a media system on a national scale; high and growing concentration of local and regional media ownership.

A presence of competing newspapers in local and regional markets is an important indicator of media diversity and pluralism, especially when referred to a regional press system. A city index offers a tool for analysing the structural change of media markets at the level of major cities. It shows the dynamics in proportion of province capitals with competing regional or local dailies; TV, radio stations and local internet sites, including municipal websites over a longer period of time (proposed time checkpoints: 2006, 2001, 1996, 1991, 1986). Calculated borderlines are estimated for a middle size media system with relatively balanced strength of local and regional media. Media system indicators require country specific evaluation and interpretation, and should be correlated with such factors as: population size, density of settlement, proportion of urban population, population size of a capital city, Gross National Product per inhabitant, administrative arrangements.

- **Method of measurement:** City index
 - percentage of regional metropolises with competing (at least two) regional or local dailies (CLD) (100% = number of province metropolises with regional or local dailies).
 - percentage of regional metropolises with competing (at least two) local radio stations (CLR) (100% = number of regional metropolises with regional or local radio stations).
 - percentage of regional metropolises province capitals with competing (at least two) local TV stations (CLTV) (100% = number of regional metropolises with local TV stations).
 - percentage of regional metropolises with competing (at least two) local internet sites (CLI) (100% = number of regional metropolises with local internet sites).

Media sample:

The measurement should include following media outlets:

- regional or local daily newspapers,
- local and regional radio stations,
- local and regional TV stations,
- local or regional news internet portals.

- **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Bakker, P. (2008). The Simultaneous Rise and Fall of Free and Paid Newspapers in Europe. *Journalism Practice*, Vol 2 (3), 427 – 443.

Council of Europe (2005) *Regional Media and Transfrontier Co-operation – CPR (12) 2 Part II: Explanatory Memorandum*, [https://wcd.coe.int/ViewDoc.jsp?Ref=CPR\(12\)2&Language=lanEnglish&Ver=original&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CPR(12)2&Language=lanEnglish&Ver=original&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679)

Drok, N. (1998). Local and Regional Journalism in Europe, (EJTA: European Journalism Training Association).

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

Gustafson, K. E., & Weibull, L. (1996). *Europeans Read Newspapers*. Brussels: ENPA.

World Association of Newspapers (1996 – 2007) *World Press Trends*, Paris (<http://www.wan-press.org/worldpresstrends/home.php>).

■ **Score:**

HIGH	MEDIUM	LOW
1	2	3
CLD – less than 30%	CLD – 30% - 60%	CLD – more than 60%
CLR – less than 30%	CLR – 30% - 60%	CLR – more than 60%
CLTV – less than 20%	CLTV 20% - 40%	CLTV more than 40%
CLI – less than 30%	CLI – 30% - 60%	CLI – more than 60%

Indicator G1.3 (S): Combined ownership of regional/local media and national media outlets by the same company

- **Description:** This indicator aims to denote the probability of a threat arising to external diversity of a media system perceived as high and growing centralisation of a media system on a national scale; high and growing concentration of local and regional media ownership.

As there are also national papers being published next to regional one, and national TV and radio stations being broadcast, it would be relevant to indicate which of the regional newspapers, TV and radio stations are owned by the same entities that produces a national paper, TV or radio channel with a leading position in a given city/region.

- **Method of measurement:** *Combined ownership test (concerns only media owners operating both on national and regional markets). Measurement of combined ownership can be carried out for five largest regional capital cities in a given country:
 - market share of the largest regional daily publisher and national daily publisher
 - market share of the largest regional TV broadcaster and national TV broadcaster
 - market share of the largest regional radio broadcaster and national radio broadcaster
 - market share of the largest regional internet portal provider and national internet portal provider

It is proposed that the market share of different types of media ownership is to be measured through market shares relevant for each media sector: audience shares (for TV and radio), sold circulation (in the case of paid newspapers) and distributed copies (in the case of free newspapers).

Media sample:

The measurement should include the following media outlets:

- 3 largest regional or local daily newspapers in 5 largest regional capital cities,
- 10 largest national daily newspapers,
- 3 largest local and regional radio stations in 5 largest regional capital cities,
- 10 largest national radio stations,
- 3 local and regional TV stations in 5 largest regional capital cities,
- 10 largest national TV stations,
- 3 local or regional news internet portals in 5 largest regional capital cities.
- 10 largest national news internet portals.

- **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Council of Europe (2005) *Regional Media and Transfrontier Co-operation – CPR (12) 2 Part II: Explanatory Memorandum*, [https://wcd.coe.int/ViewDoc.jsp?Ref=CPR\(12\)2&Language=lanEnglish&Ver=original&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CPR(12)2&Language=lanEnglish&Ver=original&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679)

The Dutch Media Authority (Commissariaat voor de Media) (2003). *A View on Media Concentration: Concentration and Diversity of the Dutch Media 2002*, Hilversum, <http://www.cvdm.nl/>

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

European Federation of Journalists (2005). *Media power in Europe: The big picture of ownership*, <http://www.ifj.org/pdfs/EFJownership2005.pdf>

Petković, B. (Ed.) (2004). *Media Ownership and Its Impact on Media Independence*. Ljubljana: SEENPM and Peace Institute.

World Association of Newspapers (1996 – 2007) *World Press Trends*, Paris (<http://www.wan-press.org/worldpresstrends/home.php>).

■ **Score:**

HIGH	MEDIUM	LOW
1 More than 40% of regional market share AND more than 30% of national market share	2 More than 40% of regional market share AND 10%-30% of national market share OR 20% – 40% of regional market share AND more than 30% of national market share	3 Less than 20% of regional market share AND less than 10% of national market share

Calculated borderlines in the table above are estimated for a middle size media system with relatively balanced strength of local and regional media. Media system indicators require country specific evaluation and interpretation, and should be correlated with such factors as: population size, density of settlement, proportion of urban population, population size of a capital city, Gross National Product per inhabitant, administrative arrangements. The table below offers a framework for the analysis used in the combined ownership test.

COMBINED OWNERSHIP TEST: A FRAMEWORK FOR THE ANALYSIS

*Combined ownership test:				
	Largest regional daily publisher	Regional market share	Largest national daily publisher	National market share in a given region
Regions/cities				
	Largest regional TV channel	Regional market share	Largest national TV channel	National market share in a given region
Regions/cities				
	Largest regional radio channel	Regional market share	Largest national radio channel	National market share in a given region
Regions/cities				
	Largest regional Internet portal	Regional market share	Largest national Internet portal	National market share in a given region
Regions/cities				

Indicator G1.4 (E): Ratio of number of cities with TV and radio stations to total number of cities

- **Description:** This indicator aims to assess whether the majority of cities within one country have their own TV and Radio stations, or whether they receive mostly only the national TV and Radio stations.
- **Method of measurement:** the ratio is obtained by dividing the number of cities with TV and Radio stations by the total number of cities of a country.

How to measure and score the indicator:

- If within one country there is no city with local TV and radio stations, then the risk of high centralisation of the national media system is considered to be very high. This situation is scored with a “zero”.
- If within one country there are less than 50% of the cities with local TV and radio stations, then the risk of high centralisation of the national media system is considered to be medium. This situation is scored with “<=50%”.
- If within one country there are more than 50% of the cities with local TV and radio stations, then the risk of high centralisation of the national media system is considered as non-existent. This situation is scored with “>50%”.

- **Data sources:** such data can be obtained by the National Regulatory Institutions, or asked to the Country Correspondents.

■ **Score:**

Cities with TV and Radio stations	Score (select the correct option in the drop-box)
No	0
Less than 50% of cities with own TV and Radio stations	<=50%
More than 50% of cities with own TV and Radio stations	>50%

Indicator G1.5 (E): Ratio of number of cities with newspapers to total number of cities

- **Description:** This indicator aims to assess whether the majority of cities within one country have their own local newspaper, or whether they distribute only or predominantly the national newspapers.
- **Method of measurement:** the ratio is obtained by dividing the number of cities with local newspaper by the total number of cities of a country.

How to measure and score the indicator:

- If within one country there is no city with local newspaper, then the risk of high centralisation of the national media system is considered to be very high. This situation is scored with a “zero”.

- If within one country there are less than 50% of cities with local newspaper, then the risk of high centralisation of the national media system is considered to be medium. This situation is scored with “<=50%”.

- If within one country there are more than 50% of cities with local newspaper, then the risk of high centralisation of the national media system is considered as non-existent. This situation is scored with “>50%”.

- **Data sources:** such data can be obtained by the National Newspapers Associations, or asked to the Country Correspondents.

■ **Score:**

Cities with local Newspaper	Score (select the correct option in the drop-box)
No	0
Less than 50% of cities with own local newspaper	<=50%
More than 50% of cities with own local newspaper	>50%

Risk G2 – Insufficient system of regional and local media

Indicator G2.1 (E): Proportion of regional and local television and radio broadcast channels to national broadcast channels

- **Description:** This indicator aims to assess whether the ratio of regional and local TV and Radio channels compared to the total national channels is proportionate to the ratio of regional population to the national population.
- **Method of measurement:** the indicator is assessed by dividing the number of regional and local TV and Radio channels by the total number of national channels, , as well as the population of the different regions by the total national population, and then comparing the two ratios. This assessment has to be made for each region in a country.

How to measure and score the indicator:

- If within one country there are no regional and local TV and radio channels, then the risk of an insufficient system of regional and local media can be considered as very high. This situation is scored with a “zero”.

- If within one country the proportion of regional and local TV and radio channels to national channels is under 80% of the proportion of regional to national population, then the risk of an insufficient system of regional and local media is considered medium. This situation is scored with “>=0 and <=80%”.

- If within one country the proportion of regional and local TV and radio channels to national channels is above 80% of the proportion of regional to national population,, then the risk of an insufficient system of regional and local media is considered as non-existent. This situation is scored with “>80%”.

- **Data sources:** such data can be obtained by the National Regulatory Institutions, the Ministry of Communication, the National Broadcasting Union, or asked to the Country Correspondents.

■ **Score:**

Regional and Local TV and Radio channels	Score (select the correct option in the drop-box)
No	0
Less than 80% compared to national channels	>= 0 and <=80%
More than 80% compared to national channels	>80%

Indicator G2.2 (E): Proportion of regional and local newspapers to national newspapers

- **Description:** This indicator aims to assess whether the ratio of regional and local newspapers compared to the total national newspapers is proportionate to the ratio of regional population to the national population.
- **Method of measurement:** the indicator is obtained by dividing the number of regional and local newspapers by the total number of national newspapers, as well as the population of the different regions by the total national population, and then comparing the two ratios. This assessment has to be made for each region in a country.

How to measure and score the indicator:

- If within one country there are no regional and local newspapers, then the risk of an insufficient system of regional and local media can be considered as very high. This situation is scored with a “zero”.

- If within one country the proportion of regional and local newspapers to the national newspapers is under 80% of the proportion of regional to national population,, then the risk of an insufficient system of regional and local media is considered medium. This situation is scored with “>= 0 and <=80%”.

- If within one country the proportion of regional and local newspapers is to the national newspapers is above 80% of the proportion of regional to national population, then the risk of an insufficient system of regional and local media is considered as non-existent. This situation is scored with “>80%”.

- **Data sources:** Such data can be found on World Press Trends (WPT), at the European Journalism Centre, or asked to the Newspaper Associations.

■ **Score:**

Regional and Local Newspapers	Score (select the correct option in the drop-box)
No	0
Less than 80% compared to national newspapers	>= 0 and <=80%
More than 80% compared to national newspapers	>80%

Indicator G2.3 (E): Herfindahl Herschman Index (HHI) based on regional channels/newspapers available in the region divided by total number of channels/newspapers

■ **Description:** This indicator aims to assess the concentration of regional and local TV and Radio channels/Newspapers compared to the total national channels/newspapers. The HHI is a standard measure of concentration, the usual values of which are adjusted and increased by one-third in case of small nations.

■ **Method of measurement:**

Data: the number of regional and local TV and Radio channels/Newspapers, the number of national TV and Radio channels/newspapers.

Measurement: the index is obtained by squaring the number of regional and local TV and Radio channels/newspapers divided by the total number of national channels/newspapers.

How to measure and score the indicator:

- If within one country there is a high concentration of regional and local TV and radio channels/newspapers in a certain area, then the risk of an insufficient system of regional and local media can be considered as very high. This situation is scored with a “>1800”.
- If within one country there is some concentration of regional and local TV and radio channels/newspapers in a certain area, then the risk of an insufficient system of regional and local media is considered medium. This situation is scored with “>=1000 and <=1799”.
- If within one country there is no concentration of regional and local TV and radio channels/newspapers in a certain area, then the risk of an insufficient system of regional and local media is considered as non-existent. This situation is scored with “<1000”.

■ **Data sources:** such data can be obtained by the National Regulatory Institutions, the Ministry of Communication, the National Broadcasting Union, national Newspaper Associations, or asked to the Country Correspondents.

■ **Score:**

Concentration of Regional and Local Media	Score (select the correct option in the drop-box)
High concentration	>1800
Some concentration	>=1000 and <=1799
No concentration	<1000

Indicator G2.4 (E): Parity of financing of regional/local TV, radio and newspapers relative to population size

■ **Description:** This indicator aims to assess whether the financing of regional/local TV, Radio and Newspapers is proportionate to the size of the population within one region/area, compared to the total financing of media and total population of a country.

■ **Method of measurement:**

Data: the size of regional/local population, the total population of a country, the financing of regional/local TV, Radio and newspapers (advertising, subsidies, subscriptions and other possible revenues), the total financing of TV, Radio and newspapers.

Method: By dividing the size of regional/local population by the total size of population you obtain the proportion which is to be compared with the proportion gained by dividing the amount of financing of regional/local media by the total amount of financing of media. This indicator has to be assessed for each region in a country.

How to measure and score the indicator:

- If within one country the proportion of financing of regional/local TV, Radio and newspapers (compared to the total financing of media) is below 50% of the proportion of the population size, then the risk of an insufficient system of regional and local media is considered to be very high. This situation is scored with a “<50%”.

- If within one country the proportion of financing of regional/local TV, Radio and newspapers is between 50% and 99% of the proportion of the population size with a secondary language, then the risk of an insufficient system of regional and local media is considered to be medium. This situation is scored with “>=50% and <=99%”.

- If within one country the financing of regional/local TV, Radio and newspapers (compared to the total financing of media) is proportionate to the population size, then the risk of an insufficient system of regional and local media is considered as non-existent. This situation is scored with “100%”.

■ **Data sources:** such data can be asked to the National Statistic Agencies, or to Country Correspondents.

■ **Score:**

Financing of Regional/Local Media	Score (select the correct option in the drop-box)
Proportion below 50% of population size	<50%
Proportion between 50% and 99% of p. size	>=50% and <=99%
Proportionate to population size	100%

Indicator G2.5 (S): Estimated reach and audience share of regional and local media

- **Description:** This indicator aims to denote the probability of a threat arising to the external diversity of a media system perceived as either an absence of or insufficient system of local and regional media, including in particular: the of lack independent media outlets serving local and regional communities; the lack of investment in local and regional media; entry barriers for local and regional media by cable operators and other platform providers; marginal reach; lack of support measures.

This indicator shows an audience share of local and regional media in the overall media system, therefore should be measured media sector-by-sector (TV, radio, print, internet). As the print press is financed to a greater extent by sales than other types of media, sold circulation rather than readership data should be used for the measurement in the case of paid newspapers and distributed copies in the case of free newspapers.

The score table proposes different scores for different media sectors. When calculating scores corresponding with a particular level of risk (high, medium, low) for all sectors together, these should be weighted as an average. For example, if TV sector reaches the score less than 5% and thus also a high risk level, radio sector reaches the score between 10% and 30% and thus a medium risk level and the press more than 40% and thus also a low level of risk; the average for all three sectors together will be medium risk level.

- **Method of measurement:** Quantitative method: Estimated audience share of local and regional media outlets in a given media sector. For the print sector, circulation rather than readership data should be used.

Media sample:

The measurement should include following media outlets:

- national, regional and local newspapers (for the print sector),
- national, regional and local radio stations (for the radio sector),
- national, regional and local TV stations (for the TV sector),
- national, regional and local news internet portals (for the internet sector).

- **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Bakker, P. (2008). The Simultaneous Rise and Fall of Free and Paid Newspapers in Europe. *Journalism Practice*, Vol 2 (3), 427 – 443.

Drok, N. (1998). Local and Regional Journalism in Europe, (EJTA: European Journalism Training Association).

The Dutch Media Authority (Commissariaat voor de Media) (2003). *A View on Media Concentration: Concentration and Diversity of the Dutch Media 2002*, Hilversum, <http://www.cvdm.nl/>

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

Gustafson, K. E., & Weibull, L. (1996). *Europeans Read Newspapers*. Brussels: ENPA.

Open Society Institute (2005) and follow-up reports (2008) *Television Across Europe: Regulation, Policy and Independence*.
http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429).

Petković, B. (Ed.) (2004). *Media Ownership and Its Impact on Media Independence*. Ljubljana: SEENPM and Peace Institute.

World Association of Newspapers (1996 – 2007) *World Press Trends*, Paris (<http://www.wanpress.org/worldpresstrends/home.php>).

■ **Score:**

HIGH	MEDIUM	LOW
TV sector Less than 5%	TV sector 5 – 15%	TV sector More than 15%
Radio sector Less than 10%	Radio sector 10 – 30%	Radio sector More than 30%
Print sector Less than 20%	Print sector 20-40%	Print sector More than 40%
Internet sector Less than 10%	Internet sector 10 – 30%	Internet sector More than 30%

Indicator G2.6 (S): Access of regional and local media to networks and platforms

- **Description:** This indicator aims to denote the probability of a threat arising to the external diversity of a media system perceived as either an absence of or insufficient system of local and regional media, including in particular: the lack of/or insufficient frequencies provided to local and regional media and the entry barriers for local and regional media by cable operators and other platform providers.

The indicator measures access of local and regional media to frequencies, and demonstrates accessibility of local and regional media outlets through cable bundles, digital platforms and available multiplexes. It should be measured differently for TV and radio sector.

The score table proposes different scores for different media sectors. When calculating scores corresponding with a particular level of risk (high, medium, low) for all sectors together, these should be weighted as an average.

- **Method of measurement:** Quantitative method: Number and proportion of frequencies provided to local and regional media (vs total number of relevant frequencies). Number of local and regional media outlets available in each cable bundle and digital platform within a given national market; proportion of local and regional media outlets available in multiplexes

Media sample:

The measurement should include:

- local and regional media (radio and TV stations) access to frequencies
- local and regional media (radio and TV stations) outlets available in multiplexes
- local and regional media (radio and TV stations) outlets available in cable bundles and digital and other platforms.

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

MAVISE (2008). Database of TV companies and TV channels in the European Union and Candidate Countries (<http://mavise.obs.coe.int/>).

Open Society Institute (2005) and follow-up reports (2008) *Television Across Europe: Regulation, Policy and Independence*. (http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429).

■ **Score:**

HIGH	MEDIUM	LOW
No Access	Limited Access	Unrestrained Access
<p>Regarding allocation of frequencies</p> <p>Less than 5% allocated to local and regional media, out of total number of frequencies</p> <p>And/Or</p> <p>Regarding cable bundles and digital and other platforms</p> <p>No local and regional media outlets available</p> <p>And/Or</p> <p>Regarding multiplexes</p> <p>Less than 5% of local and regional media outlets available on multiplexes</p>	<p>Regarding allocation of frequencies</p> <p>5 – 10% allocated to local and regional media, out of total number of frequencies</p> <p>And/Or</p> <p>Regarding cable bundles and digital and other platforms</p> <p>1 – 10 local and regional media outlets available</p> <p>And/Or</p> <p>Regarding multiplexes</p> <p>5 – 10% of local and regional media outlets available on multiplexes</p>	<p>Regarding allocation of frequencies</p> <p>More than 10% allocated to local and regional media, out of total number of frequencies</p> <p>And/Or</p> <p>Regarding cable bundles and digital and other platforms</p> <p>More than 10 local and regional media outlets available</p> <p>And/Or</p> <p>Regarding multiplexes</p> <p>More than 10% of local and regional media outlets available on multiplexes</p>

Indicator G2.7 (S): Proportion of different types of media ownership of regional and local media

- **Description:** This indicator aims to denote the probability of a threat arising to the external diversity of a media system perceived as either an absence of or insufficient system of local and regional media, including in particular: the lack of independent media outlets serving local and regional communities; the lack of investment in local and regional media; entry barriers for local and regional media by cable operators and other platform providers; marginal reach; lack of support measures.

A rich and viable system of local and regional media contributes to geographical pluralism and media diversity in general. The measurement of local ownership pattern demonstrates how are different types of ownership (private, state or local administration, staff, NGO, church, etc.) represented in the local and regional landscape. Varied types of media ownership often imply more diversified media functions, and consequently also more diverse contents and services for their users.

- **Method of measurement:** *Local ownership test – Ownership pattern of local and regional media by share of:
 - local and regional government ownership (LGO),
 - chain ownership (CHO),
 - independent private ownership (IPO),
 - NGO and non-profit ownership (NGO),
 - church ownership (CHRO),
 - staff ownership (SO),
 - others.

Local ownership test can be carried out media sector by sector (TV, radio, print press, internet).

It is proposed that the proportion of different types of media ownership of regional and local media is to be measured through market shares within each different media sector: audience shares (for TV and radio), sold circulation (in the case of paid newspapers) and distributed copies (in the case of free newspapers).

Media sample:

The measurement should include following media outlets:

- regional and local newspapers and magazines,
- regional and local radio stations,
- regional and local TV stations,
- regional and local news internet portals

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

The Dutch Media Authority (Commissariaat voor de Media) (2003). *A View on Media Concentration: Concentration and Diversity of the Dutch Media 2002*, Hilversum, <http://www.cvdm.nl/>.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

European Federation of Journalists (2005). *Media power in Europe: The big picture of ownership*, <http://www.ifj.org/pdfs/EFJownership2005.pdf>

Petković, B. (Ed.) (2004). *Media Ownership and Its Impact on Media Independence*. Ljubljana: SEENPM and Peace Institute.

World Association of Newspapers (1996 – 2007) *World Press Trends*, Paris (<http://www.wanpress.org/worldpresstrends/home.php>).

■ **Score:**

HIGH	MEDIUM	LOW
1 Dominant LGO or CHO (more than 75%)	2 Dominant LGO and CHO (other ownership actors less than 10%)	3 Proportional representation of different types of ownership

Indicator G2.8 (S): Level of investment in production of regional/local news in regional and local media

- **Description:** This indicator aims to denote the probability of a threat arising to external diversity of a media system perceived as either an absence of or insufficient system of local and regional media, including in particular: the lack of independent media outlets serving local and regional communities; the lack of investment in local and regional media; entry barriers for local and regional media by cable operators and other platform providers; marginal reach; lack of support measures.

The indicator shows a level of investment in the production of local or regional news in the local and regional media outlets, and should be measured media sector-by-sector (TV, radio, print, internet).

- **Method of measurement:** Quantitative method: amount of investment (and also proportion of the overall budget in a given media sector). The level of investment should be measured through the investment in the production of local or regional news in the local and regional media.

Border values should be tested against macroeconomic structural factors. For instance if economic recession, weaker economic performance of media companies and lack of sustainable business models influence predominantly red scoring of these indicators, the conclusion should be formulated with regard to these macroeconomic developments.

Media sample:

The measurement should include following media outlets:

- regional and local newspapers (for the print sector),
- regional and local radio stations (for the radio sector),
- regional and local TV stations (for the TV sector),
- regional and local news internet portals (for the internet sector).

- **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

World Association of Newspapers (1996 – 2007) *World Press Trends*, Paris (<http://www.wanpress.org/worldpresstrends/home.php>).

Score:

HIGH	MEDIUM	LOW
The investment is considerably decreasing (decrease more than 40% of the last year's investment)	The investment is decreasing (20 – 40% of the last year's investment)	The investment is stable or increasing (decrease no more than -20% in comparison with the last year's investment)

Indicator G2.9 (L): Regulatory safeguards for regional and local media

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards for the existence and preservation of regional and local media (radio and TV).
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Does the media legislation recognise regional and/or local media (radio and TV) as specific categories of media (with special mission, obligations...)?	+	-
E.2. Are frequencies reserved for regional/local (radio and TV)?	+	-
E.3. Does media regulation prohibits networking or affiliation arrangements (which can jeopardize local/regional character) between regional and/or local media and national media?	+	-
E.4. Does the media legislation ensure access by regional and/or local media to platforms of electronic communication network providers (in particular, via must carry rules)?		
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-

I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with the rules?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

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

Overviews of national media legislations can be found on: EPRA website (http://www.epra.org/content/english/authorities/f_medialegislation.html), websites of national regulatory and competition authorities, Merlin database European Audiovisual Observatory (<http://merlin.obs.coe.int/>), Nordicom (for Scandinavian countries, <http://www.nordicmedia.info/en/index.html>)

Studies/reports providing overviews of rules on local and/or regional media

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.-E.4.	Result for E
3 or more +	+
Less than 3 +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator G2.10 (L): Policies and support measures for regional or local media

- **Description:** This indicator aims to assess the states’ involvement in promoting regional and local media through active policy measures.
- **Method of measurement:** analysis of policies and support measures and their implementation by the user on the basis of the following questionnaire.

Does the state take active measures to promote regional and local media?

For example:

- Subsidies for the regional and local media
- Any other support mechanism

■ **Data sources:**

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

Idem as Indicator G2.9.

Studies/reports

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Ader, T. (2006). Cultural and Regional Remits in Broadcasting. *IRIS plus: Legal observations of the European Audiovisual Observatory*, Strasbourg, http://www.obs.coe.int/oea_publ/iris/iris_plus/iplus8_2006.pdf.en.

Bakker, P. (2008). The Simultaneous Rise and Fall of Free and Paid Newspapers in Europe. *Journalism Practice*, Vol 2 (3), 427 – 443.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

MAVISE (2008). Database of TV companies and TV channels in the European Union and Candidate Countries (<http://mavise.obs.coe.int/>).

Open Society Institute (2005) and follow-up reports (2008) *Television Across Europe: Regulation, Policy and Independence*. (http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429).

Petković, B. (Ed.) (2004). *Media Ownership and Its Impact on Media Independence*. Ljubljana: SEENPM and Peace Institute.

Picard, R.G. (2007). Subsidies for Newspapers: Can the Nordic Model Remain Viable?. In H. Bohrmann; E. Klaus & M. Machill (Eds.) *Media Industry, Journalism Culture and Communication Policies in Europe*, Koln: Halem

World Association of Newspapers (1996 – 2007) *World Press Trends*, Paris (<http://www.wan-press.org/worldpresstrends/home.php>).

■ **Score:**

	Score (Select the correct option in the drop-box)
Policymakers have not even started to discuss the matter. There are no steps taken in the development of any policy measures whatsoever.	No policy
Policymakers are aware of the issue and started taking measures, but the existing policies are only nascent and the measures taken are fragmented.	Underdeveloped policy
There is already a strong tradition of policymaking in this area. The existing measures are diverse, but coherent and up-to-date with the latest societal changes.	Well-developed policy

Risk G3 – Insufficient representation of regional and local communities in media content and services

Indicator G3.1 (S): Proportion of locally oriented and locally produced content

- **Description:** This indicator aims to denote the probability of a threat arising to the diversity of media content and the fair representation of regional and local communities, perceived as an insufficient representation of regional and local communities in content provided by public service media.

Geographical pluralism refers not only to availability of information on local issues from diverse sources, but also to proportional and fair media representation of local and regional communities, thereby bringing different perspectives and backgrounds into the public debate at the local and regional level. The present indicator refers to the extent in which public service media offer locally produced and locally oriented contents and services. The main aim is to measure proportion of transmission time (excluding advertising and sponsorship) devoted to locally oriented and locally produced contents in a given sample period (e.g. annually).

- **Method of measurement:** Proportion of transmission time of locally oriented and locally produced contents in public service media.

Media sample:

The measurement should include:

- all public service TV channels,
- all public service radio channels,

*The programming sample may include selected news or analysis of the programming structure in TV, radio schedules and offer of Internet

- **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Ader, T. (2006). Cultural and Regional Remits in Broadcasting. *IRIS plus: Legal observations of the European Audiovisual Observatory*, Strasbourg, http://www.obs.coe.int/oea_publ/iris/iris_plus/iplus8_2006.pdf.en.

Council of Europe (2005) *Regional Media and Transfrontier Co-operation – CPR (12) 2 Part II: Explanatory Memorandum*,

[https://wcd.coe.int/ViewDoc.jsp?Ref=CPR\(12\)2&Language=lanEnglish&Ver=original&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679](https://wcd.coe.int/ViewDoc.jsp?Ref=CPR(12)2&Language=lanEnglish&Ver=original&Site=Congress&BackColorInternet=e0cee1&BackColorIntranet=e0cee1&BackColorLogged=FFC679).

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

MAVISE (2008). Database of TV companies and TV channels in the European Union and Candidate Countries (<http://mavise.obs.coe.int/>).

Open Society Institute (2005) and follow-up reports (2008) *Television Across Europe: Regulation, Policy and Independence*.

(http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429).

■ **Score:**

HIGH	MEDIUM	LOW
Less than 5% of transmission time	5 – 15%	More than 15%

Indicator G3.2 (L): Regulatory safeguards for locally oriented and locally produced content on PSM channels and services

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards guaranteeing local orientation and local production of content delivered by PSM channels and services.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is PSM obliged (either via legislation or management charter) to have a minimum proportion of regional and/or local communities involved in production and distribution of content?	+	-
E.2. Is PSM obliged (either via legislation or management charter) to have its own regional correspondents or do they use material from acquired from news agencies?	+	-
E.3. Is PSM obliged to install and maintain local presence with regard to production and transmission facilities in its area of coverage?	+	-
E.4. Is PSM obliged (either via legislation, management charter, employment rules or code) to have the balance of journalists coming from various geographic groups?	+	-
E.5. Is PSM obliged (either via legislation or management charter) to have national news available in regional languages?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-

I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with the rules?	-	+
I.5. Does PSM effectively cover local events?	+	-
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator G2.9.

Studies/reports

Idem as Indicator G2.9

■ **Score:**

E.1.-E.5.	Result for E
3 or more +	+
Less than 3 +	-

I.1.-I.5.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk G4 – Insufficient representation of local and regional communities in HR in the media sector

Indicator G4.1 (S): Proportion of journalists and media executives based in local communities

■ **Description:** This indicator aims to denote the probability of a threat arising to the diversity of media internal practices and perspectives used for the production of media contents, perceived as absent or insufficient representation of journalists and media executives from local and regional communities.

Workforce composition test allows to measure the balance of journalists and media executives based in local communities as well as to describe the organisational structure of a particular media outlet with reference to localism and regionalism. It is suggested, that especially this indicator should be measured in different time points.

■ **Method of measurement:** *Workforce composition test - Percentage of journalists and media executives based in local communities.

It is proposed in this case, that the method of measurement is focused on the proportion of journalists and media executives based or settled in local communities. Such a potential measurement would be especially relevant for largest media outlets (therefore the methodology proposed 10 largest media outlets, measured separately for each sector (print, TV, radio, internet). The quantitative method may be optionally completed by a qualitative description of organisational structure with reference to regionalism and localism.

The quantitative method may be optionally completed by a qualitative description of organisational structure with reference to regionalism and localism.

Media sample:

The measurement should include 10 largest media outlets in each sector (print, TV, radio, internet).

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

DiCola, P. (2007). Employment and Wage Effects of Radio Consolidation. In P.M. Napoli (Ed.), *Media Diversity and Localism: Meaning and Metrics* (pp. 57 - 78). Mawhaw: LEA Publishers.

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

Paukens, H. & Uebbing, S. (Eds.) (2006). *Tri-Medial Working in European Local Journalism*, DG Education and Culture: Leonardo da Vinci Pilot Projects.

Petković, B. (Ed.) (2004). *Media Ownership and Its Impact on Media Independence*. Ljubljana: SEENPM and Peace Institute.

■ **Score:**

HIGH	MEDIUM	LOW
Less than or equal to 5%	More than 5 – less or equal to 20%	More than 20%

Indicator G4.2 (L): Regulatory safeguards for the representation of regional and local communities in media councils and/or other advisory bodies in the media sector

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards guaranteeing equal representation of various geographical groups in media councils and/ or other advisory bodies in the media sector.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Are there specific representation requirements for media councils?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with the rules?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator G2.9.

Studies/reports

Idem as Indicator G2.9.

■ **Score:**

E.1.	Result for E
1 +	+
Less than 1 +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Risk G5 – Dominance of a limited number of information sources for local issues

Indicator G5.1 (S): News source preferences of audiences for local issues (what is the primary source of information?)

■ **Description:** This indicator aims to assess local audiences’ sources of information and news regarding local issues. It assesses the news source preferences of citizens on such issues and aims at identifying the probability of a threat arising through certain ‘source monopolies’ that may dominate the news market and/or affect the public’s access to alternative local news/information suppliers.

■ **Method of measurement:**
 Local audience survey: quantitative method involving a targeted, representative survey of media audiences at the local level at selected localities.

Audience sample and questions: Targeted, representative surveys of media audiences in two localities. Questions address preferred media sources (local, regional and national; print, radio, tv, satellite/cable/digital, Internet) about local issues.

How to measure and score the indicator:

- High risk – If there is >50% dominance of any medium as the primary source of information
- Medium risk – If there is ≤50%>30% of any medium as the primary source of information
- Low risk – If there is ≤30% of all media as the primary source of information

■ **Data sources:**
 Available audience surveys

Annual media audience share reports by national regulatory agencies of audio-visual and telecommunications (media, communications or broadcasting). See: EPRA (European Platform of Regulatory Authorities) - <http://www.epra.org/content/english/index2.html>.

OFCOM Audience Reports/studies (www.ofcom.org.uk) e.g. “audience fragmentation raises questions for tv news, says ofcom” at: http://www.ofcom.org.uk/media/news/2007/07/nr_20070704)

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

Original targeted local audience research

■ **Score:**

HIGH	MEDIUM	LOW
>50% of any medium as the primary source of information	>30% ≤50% of any medium as the primary source of information	≤30% of all media as the primary source of information

Risk G6 – Insufficient access to media and distribution systems due to geographic factors

Indicator G6.1 (S): Number of people without access to public service media because of geographic obstacles

■ **Description:** This indicator aims to denote the probability of a threat arising to accessibility of public service media contents and services. The indicator shows the population coverage of public service television and radio broadcasters.

■ **Method of measurement:** Coverage of population of public service broadcasters, including terrestrial television and radio.

■ **Data sources:**

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – <http://www.epra.org/content/english/index2.html>.

Reports of companies involved in terrestrial transmission in the Member States of the European Audiovisual Observatory (<http://www.obs.coe.int/db/gavis/transmission.html#4>)

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe*. (http://www.obs.coe.int/oea_publ/index.html)

■ **Score:**

HIGH	MEDIUM	LOW
Less than 98%	98%-99%	More than 99%

Indicator G6.2 (L): Regulatory safeguards for universal coverage of PSM channels and services

- **Description:** This indicator aims to assess the existence and effective implementation of regulatory safeguards against insufficient coverage of PSM channels and services.
- **Method of measurement:** analysis of laws and regulations and their implementation by the user on the basis of the following questionnaire.

How to check the existence (E) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
E.1. Is PSM under a legal obligation to ensure universal coverage of its (at least major) channels and services?	+	-
E.2. Is universal coverage of the (at least major) PSM channels and services enshrined in the charter/agreement/convention between the PSM and public authorities?	+	-
Total number of +		
Total number of -		

How to check the effective implementation (I) of such safeguards: Answer the questions below and fill in the scoring grid.

	YES	NO
I.1. Is there an administrative or judicial body actively monitoring compliance with these rules and/or hearing complaints?	+	-
I.2. Does the law grant that body effective sanctioning/enforcement powers in order to impose proportionate remedies in case of non-compliance with the rules?	+	-
I.3. Are there effective appeal mechanisms in place, <i>i.e. primo</i> before a judicial body or if not, before a body that is independent of the parties involved, held to provide written reasons for its decisions and whose decisions are subject to review by a court or tribunal within the meaning of Article 234 EC Treaty), and <i>secundo</i> , the procedures of which are not systematically misused to delay the enforcement of remedies?	+	-
I.4. Is there evidence – in case law, decision practice, press reports, reports of independent bodies or NGOs... – of systematic non-compliance with the rules?	-	+
Total number of +		
Total number of -		

■ **Data sources:**

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

Idem as Indicator G2.9.

Studies/reports

Open Society Institute (2005) and follow-up reports (2008). *Television Across Europe: Regulation, Policy and Independence*, http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429, http://pdfserve.informaworld.com/446564_902115117.pdf.

■ **Score:**

E.1.-E.2.	Result for E
2 +	+
Less than 2 +	-

I.1.-I.4.	Result for I
3 or more +	+
Less than 3 +	-

E	I	Score (Select the correct option in the drop-box)
-	N.A.	Non-existing
+	-	Existing, non-effective
+	+	Existing and effective

Indicator G6.3 (S): Availability of broadband networks in rural areas

- **Description:** This indicator aims to denote the probability of a threat arising to external media pluralism perceived as either an absence of or insufficient system of broadband networks in rural areas, preventing people from accessing the internet through DSL or cable modem. The indicator shows the rural coverage of DSL and cable modem.
- **Method of measurement:** Assessment of DSL and cable modem coverage (Cov) in rural areas. Scores are calculated based on the available figures of the EU member states. DSL coverage in rural areas was 71.7% on average at the end of 2006, 18 percentage points below the average national DSL coverage. In rural areas, cable modem coverage has reached 7.2% on average, at the end of 2006, which is far below coverage at national levels (37%) as, in many countries cable is available primarily in big cities. Even in countries where cable is well developed, cable modem is only available to between 40% and 50% of the population in rural areas. (DSL coverage figures refer to the percentage of the population depending on a Local Exchange equipped with a DSLAM, including those people (households or businesses units) that reside too far from these switches to be able to purchase a DSL connection even if they wanted to do so. On the other hand, cable modem coverage figures refer to the percentage of the population living in households effectively passed for cable.)
- **Data sources:**

IDATE (2007). *Broadband Coverage in Europe. Final Report, 2007 Survey*. Study for the European Commission, October 2007, http://ec.europa.eu/information_society/eeurope/i2010/docs/benchmarking/broadband_coverage_10_2007.pdf.

- **Score:**

HIGH	MEDIUM	LOW
Rural Cov of DSL < 75%	Rural Cov of DSL ≥ 75% < 95%	Rural Cov of DSL ≥ 95%
AND	OR	OR
Rural Cov of cable modem < 5%	Rural Cov of cable modem ≥ 5% < 15%	Rural Cov of cable modem ≥ 15%

Indicator G6.4 (L): Policy measures to promote roll out of and access to broadband networks in remote and/or rural areas

- **Description:** This indicator aims to assess the states’ involvement in promoting roll out of and access to broadband network in remote and/ or rural areas through active policy measures.
- **Method of measurement:** analysis of policy measures and their implementation by the user on the basis of the following questionnaire.

Does the state take active measures to promote roll out of and access to broadband network in remote and/or rural areas? (for example: subsidies for computers, internet subscriptions, tax reductions)

For example:

- Supply all schools and universities with broadband Internet access for educational and research purposes.
- Supply museums, libraries, archives and similar institutions that play a key role in eLearning with broadband Internet access for educational and research purposes.
- Using structural funds and/or financial incentives to support of broadband deployment in less favoured areas.
- Ensure the availability of financial incentives (from the EU or the national level), in case of clear market failures, especially in peripheral regions characterised by low density of population and/or geographical remoteness.
- Introduction of national broadband strategies by the Member States.
- Ensure involvement of local governments to properly address needs of particular localities.
- Implementation of the regulatory framework for electronic communications by the Member States to enhance open access and facilitate competitive entry in rural areas.
- Promotion of wireless solutions for rural areas.
- Support of public intervention in the forms of loans and grants, often as public-private partnerships in under-served areas.
- Promotion of fiscal incentives for subscribers in rural and remote areas in compliance with competition rules and technological neutrality.
- Ensure access to the funding from Structural Funds which aim at ensuring availability of ICT infrastructure where the market fails to provide it at an affordable cost and to an adequate level to support the required services.
- Ensure access to the funding from Rural Development Fund which is focused on forward-looking investment in human capital and innovation, including the take-up of ICTs in rural areas.
- Support of the development of on-line public services.
- Provide connectivity for public administrations, schools and health centres at national and local level.
- Any other measure

■ **Data sources:**

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

Idem as Indicator G2.9.

Studies/reports

European Commission (2006) Bridging the Broadband Gap. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, COM (2006) 129 final.
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2006:0129:FIN:EN:PDF>,

IDATE (2007). *Broadband Coverage in Europe. Final Report, 2007 Survey*. Study for the European Commission, October 2007,
http://ec.europa.eu/information_society/eeurope/i2010/docs/benchmarking/broadband_coverage_10_2007.pdf.

■ **Score:**

	Score (Select the correct option in the drop-box)
<p>Policymakers have not even started to discuss the matter. There are no steps taken in the development of any policy measures whatsoever.</p>	No policy
<p>Policymakers are aware of the issue and started taking measures, but the existing policies are only nascent and the measures taken are fragmented.</p>	Underdeveloped policy
<p>There is already a strong tradition of policymaking in this area. The existing measures are divers, but coherent and up-to-date with the latest societal changes.</p>	Well-developed policy

Indicator G6.5 (L): Policies and support measures for the distribution of newspapers in remote areas

- **Description:** This indicator aims to assess the states’ involvement in promoting sufficient distribution of newspapers in remote areas through active policy measures.

- **Method of measurement:** analysis of policies and support measures and their implementation by an expert panel on the basis of the following questionnaire.

Does the state take active measures to promote sufficient distribution of newspapers in remote and/or rural areas?

For example:

- subsidies for the distribution of newspapers in remote areas
- Any other measure

- **Data sources:**

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

Idem as Indicator G2.9.

Studies/reports/ sources

Harcourt, A. (2008). *Report for the group of specialists on media diversity (MC-SMD) on methodology for the monitoring of media concentration, pluralism and diversity*, February 2008.

Alonsa, I. F., de Moragas, M., Blasco, J.J., & Nuria Almiron, G. (Eds.) (2006). *Press Subsidies in Europe*. Barcelona: Institute de la Comunicacio, Universitat Autonoma de Barcelona.

Murschetz, P. (1997). *State support of the press: Theory and practice: A survey of Austria, France, Norway and Sweden*. Düsseldorf: European Institute for the Media.

Picard, R.G. (2007). Subsidies for Newspapers: Can the Nordic Model Remain Viable?. In H. Bohrmann; E. Klaus & M. Machill (Eds.) *Media Industry, Journalism Culture and Communication Policies in Europe*, Koln: Halem

Picard, R. G. (2006). Issues and Challenges in the Provision of Press Subsidies. In Alonsa, I. F., de Moragas, M., Blasco, J.J., & Nuria Almiron, G. (Eds.) (2006). *Press Subsidies in Europe* (pp. 211-220), Barcelona: Institute de la Comunicacio, Universitat Autonoma de Barcelona.

Picard, R. G. (1985). Patterns of state intervention in western press economics. *Journalism Quarterly*, 62, 3–9.

Picard, R. G. (1985). *The press and the decline of democracy: The democratic socialist response in public policy*. Westport, CT: Greenwood.

Santini, A. (1990). *L'État et la press*. Paris: LITEC.

Smith, A. (1977). *Subsidies and the press in Europe*. London: PEP.

■ **Score:**

	Score (Select the correct option in the drop-box)
<p>Policymakers have not even started to discuss the matter. There are no steps taken in the development of any policy measures whatsoever.</p>	No policy
<p>Policymakers are aware of the issue and started taking measures, but the existing policies are only nascent and the measures taken are fragmented.</p>	Underdeveloped policy
<p>There is already a strong tradition of policymaking in this area. The existing measures are divers, but coherent and up-to-date with the latest societal changes.</p>	Well-developed policy

c. *How to fill in the obtained scores*

Once you have finished the measurement of all indicators on the basis of the provided methodology and guidelines, you can fill in the obtained results (scores) for the indicators of the risk domain ‘geographical pluralism in the media’ as follows: put your cursor in the correct cell in the column score in order to fill in the correct score. When the cursor is placed in the cell, a grey dart in the right bottom corner of the cell will appear (see above, ‘Scoring the risk domain ‘Basic domain’, under c.).

5. HOW TO INTERPRET THE RESULTS

5.1. Interpretation of the Report Sheets

5.1.1. Individual Reports

Once the scores for all indicators have been filled in, a report will automatically be generated for each risk domain.

These reports can be consulted by clicking on the corresponding links in the ‘Overview’ sheet or by selecting the relevant yellow tab at the bottom of the screen.

SCORES	RESULTS
Basic Domain	Report Basic Domain
Pluralism ownership & control	Pluralism of ownership & control
Pluralism media types & genre	Pluralism of media types & genre
Political pluralism	Political pluralism
Cultural pluralism	Cultural pluralism
Geographical pluralism	Geographical pluralism

[General Report](#)

Country	Country
Population	small
GDP/Capita	low

Result for a country with small population and a low GDP/Capita

Navigation bar: Overview / General Report / Basic Domain / **REPORT BD** / Pluralism ownership & control / REPORT OC / Pluralism media types & genre / REPORT

When you select one of the reports (e.g. Report Basic domain), the following screen will appear:

Basic Domain

B1 Freedom of speech and related rights and freedoms are not sufficiently protected

- B1.1 Regulatory safeguards for freedom of expression
- B1.2 Regulatory safeguards for right to information
- B1.3 Recognition of media pluralism as intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation
- B1.4 Regulatory safeguards for journalistic practice
- B1.5 Regulatory safeguards for the protection of journalistic sources
- B1.6 Regulatory safeguards for journalists’ access to events for news reporting

B2 Insufficiently independent supervision in media sector

- B2.1 Regulatory safeguards for the independency and efficiency of the media authority (authorities)
- B2.2 Regulatory safeguards for the independency and efficiency of a self-regulatory body in the press sector
- B2.3 Regulatory safeguards for the independency and efficiency of the competition authority
- B2.4 Regulatory safeguards for the independency and efficiency of the telecommunications authority

B3 Insufficient media (including digital) literacy

- B3.1 Policies and support measures for media literacy (or digital literacy in particular) among different groups of population

This sheet contains 1) the title of the risk domain, 2) an overview of the risks and indicators that have been scored for that particular domain, and 3) the following graphs:

- Rose 1: Risk Profile Basic Domain: Overview of indicators per risk,
- Rose 2: Risk Profile Basic Domain: Overview of all indicators,
- Rose 3: Risk Profile Basic Domain: Average risk scores.

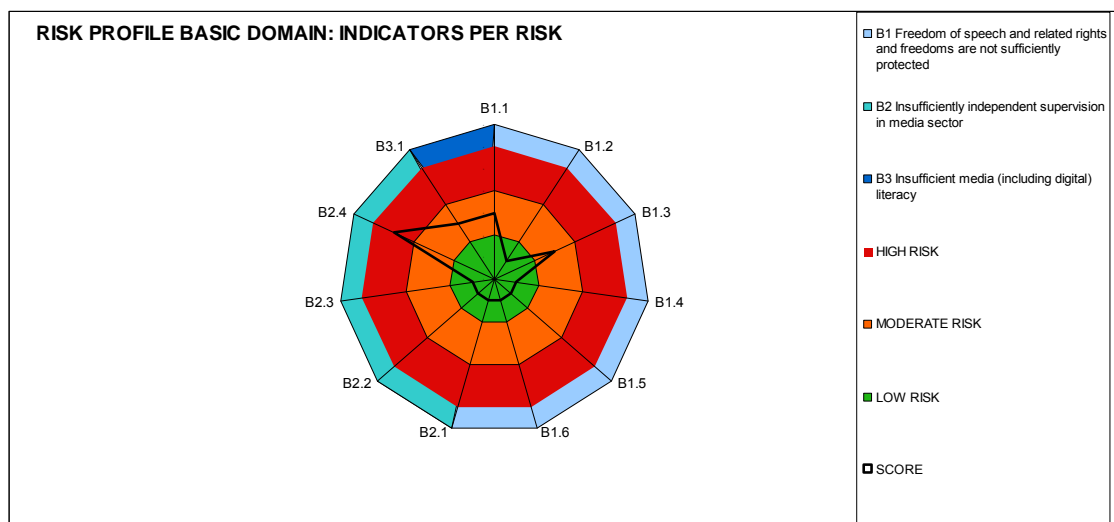
These graphs or ‘roses’ show the risk profile of a Member State for a particular risk domain by visualising the indicator scores in that risk domain. The scores are only displayed within a specific range (red – orange – green), depending on the applicable border values. To see more detailed information on individual scores (for instance, the exact figure or percentage resulting from the measurement), return to the corresponding scoring sheet where you can consult the individual scores.

a. Rose 1: Overview of Indicators Per Risk

The first rose depicts a Member State’s risk profile for a particular risk domain as a graphic overview of the scores for all indicators measured within that domain, categorised per risk. It shows:

- all risks within that risk domain, each marked in a different colour in the outer circle of the diagram;
- all indicators relating to a particular risk listed clockwise in ascending order;
- individual scores for all indicators in one of the colour-coded areas between the centre and the outer circle. Scores are displayed only within the corresponding range (high, medium, low risk), not with the specific indicator value.

The black line which appears in the red, orange and green zones connects the scores which have been given to the indicators. Indicators which could not be calculated (with the default score ‘data not available’ as a result in the scoring sheet), will be marked by a dot at the outer circle of the rose.



If data have been obtained for the indicator, its score, depending on the applicable border values, will fall into either the red, orange or green zone. Each colour indicates a particular level of risk:

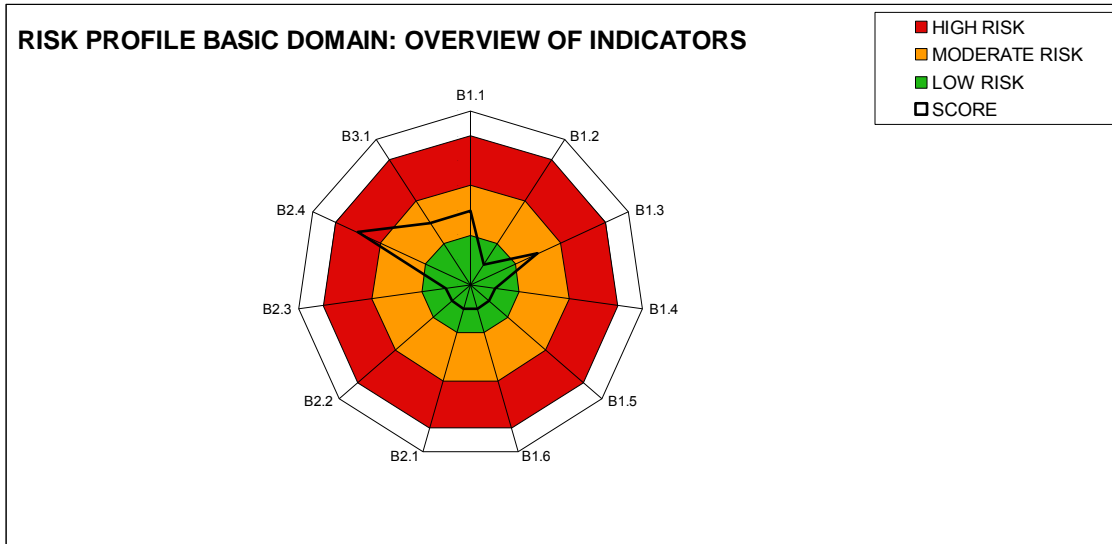
- **Red - high risk:** Threats to media pluralism occur and immediate actions or measures are required at short time.
- **Orange - moderate risk:** Immediate follow-up is necessary, actions or measures are possibly required, depending on the range between the orange and the red zone.
- **Green - low risk:** Safe zone, no immediate follow-up is required, no immediate actions are required.

Interpretation of the scores obtained needs to occur at the risk and not at the indicator level alone. This means that risk assessment must take into account the entire set of indicators for each risk within the risk domain rather than to rely on individual indicator scores only (see below).

b. Rose 2: Overview of All Indicators in a Risk Domain

The second rose shows the risk profile of a Member State in a given risk domain on the basis of a graphic overview of all indicators pertaining to that domain. It contains:

- all indicators that have been measured in that particular risk domain;
- the scores given for each indicator displayed within the red, orange and green zones. Here, too, scores are displayed only within the corresponding range (high, medium, low risk), not with the specific indicator value.

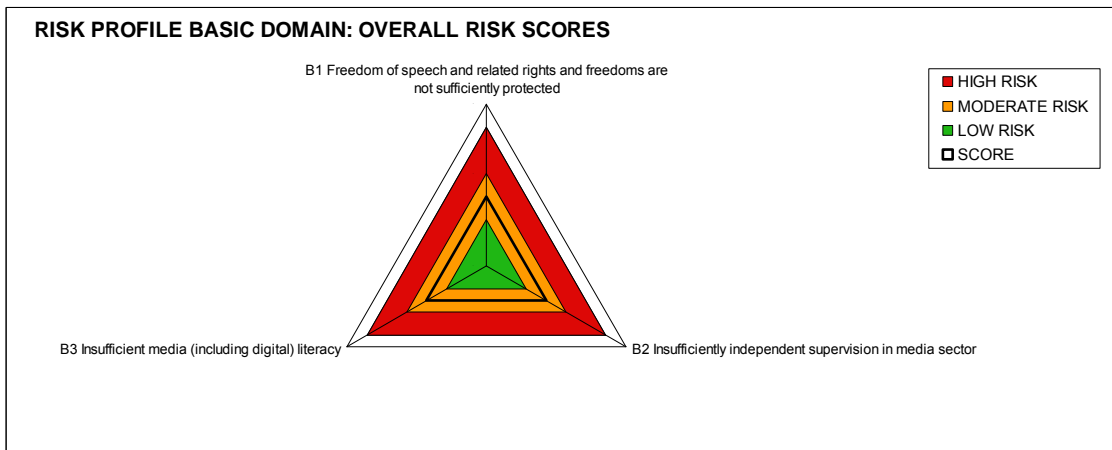


This rose contains a distillation of the previous one. It shows all indicators and their scores but without the outer circle showing the risks in different colours. The red, orange and green zones have the same meaning as in the first rose (see above).

c. Rose 3: Average Risk Scores

The third graph (in this case, a triangular, due to the fact that the basic domain only contains three risks) presents a graphic overview of the risk profile in a given risk domain on the basis of average risk scores. It contains:

- the average scores related to the risks displayed within the red, orange and green zones.



No individual indicators are displayed in this graph. Indicators that have not been measured are not considered for the calculation of average scores. If none of the indicators for a particular risk could be calculated, the average score for that risk will also remain undetermined (*i.e.* not marked as high, medium or low risk); this will be shown by a dot at the outer borderline of the graph.

This graph presents a summary of a Member State’s risk profile for the particular risk domain, generated on the basis of the average scores of all domain-specific risks. To obtain further details on individual indicators and individual scores, return to the previous roses and/or the scoring sheets.

5.1.2. General Report

Finally, the general report sheet contains an aggregate overview of the average scores for all 43 risks. To access the general report, click on its link on the start screen or select the relevant yellow tab in the toolbar at the bottom of the screen.

This sheet displays the average scores, which are calculated automatically as the scores are being entered in the various scoring sheets. It provides a clear and general overview of all the threats to media pluralism within a particular Member State.

Indicator	RISK	Domain	SCORE
B1	B1 Freedom of speech and related rights and freedoms are not sufficiently protected	B	
B2	B2 Insufficiently independent supervision in media sector	B	
B3	B3 Insufficient media (including digital) literacy	B	
O1	O1 High ownership concentration in terrestrial television	O	
O2	O2 High ownership concentration in radio	O	
O3	O3 High ownership concentration in newspapers	O	
O4	O4 High ownership concentration in Cable/Sat/ADSL/TV	O	
O5	O5 High ownership concentration in magazines	O	
O6	O6 High ownership concentration in internet content provision	O	
O7	O7 High ownership concentration in book publishing	O	
O8	O8 High concentration of cross-media ownership	O	
O9	O9 High vertical concentration	O	
O10	O10 Intransparency in ownership structures	O	
T1	T1 Lack of/under-representation of/dominance of media types	T	
T2	T2 Lack of/under-representation of/dominance of media genres	T	
T3	T3 Lack of sufficient market resources to support range of media	T	
T4	T4 Lack of sufficient resources to support public service media	T	
T5	T5 Insufficient engagement of PSM in new media	T	
T6	T6 Insufficient attention paid to public participation	T	
P1	P1 Political bias in the media	P	
P2	P2 Political bias in the media during election periods campaigns	P	
P3	P3 Excessive politicization of media ownership/control	P	
P4	P4 Insufficient editorial independence	P	
P5	P5 Insufficient independence of PSM	P	
P6	P6 Insufficient pluralism of news agencies	P	
P7	P7 Insufficient pluralism of distribution systems	P	
P8	P8 Insufficient citizen activity and political impact in online media	P	
C1	C1 Insufficient media representation of European cultures	C	
C2	C2 Insufficient media representation of national culture	C	
C3	C3 Insufficient proportion of independent production	C	
C4	C4 Insufficient proportion of in-house production	C	
C5	C5 Insufficient representation of world cultures	C	
C6	C6 Insufficient representation of the various cultural and social groups in mainstream media content and services	C	
C7	C7 Insufficient representation of the various cultural and social societal groups in PSM	C	
C8	C8 Insufficient system of minority and community media	C	
C9	C9 Insufficient representation of different cultural and social groups in HR in the media sector	C	
C10	C10 Limited accessibility by disabled people	C	
G1	G1 High centralisation of the national media system	G	
G2	G2 Insufficient system of regional and local media	G	
G3	G3 Insufficient representation of regional and local communities in media content and services	G	
G4	G4 Insufficient representation of regional and local communities in HR in the media sector	G	
G5	G5 Dominance of a limited number of information sources for local issues	G	
G6	G6 Insufficient access to media and distribution systems due to geographic factors	G	

5.2. Interpretation of Results: Guidelines

As a standardised monitoring tool, the MPM should be applied in an identical manner in all EU Member States, even though these countries may differ significantly in several dimensions, including market size, technological development, presence of minorities, etc. However, to establish consistent assessment criteria and ensure comparability across Europe, the MPM utilises the same set of risks and indicators, and applies the same border values (for high, medium, low risk) to all Member States. Only one exception has been made to account for the size and wealth of the market: on the basis of the population number in combination with GDP/capita, a country will be classified as either ‘large’ or ‘small’ with ‘high’ or ‘low’ GDP/capita, and the border values for a number of indicators will be automatically adjusted according to this classification. Country profiles—national characteristics regarding socio-demographic, economic contexts and types of media markets—must be taken into account through the *ex post* interpretation of results in which there is scope to clarify differences in relevance of certain risks and indicators.

Interpretation of the results is therefore not simply a matter of listing the red (and orange) zones and concluding that all measures should be taken at any cost to remedy the ‘blinking spot on the radar’. It is important to interpret the results in the light of:

- a. Interaction between indicators and between risks
- b. Interaction between indicator types
- c. Country profiles

The following paragraphs offer examples and additional guidance on how this may be achieved.

5.2.1. Interaction between Indicators and between Risks

When interpreting MPM results, the following interactions should be taken into account:

- the particular indicator and its interaction with other indicators for the same risk,
- the particular risk and its relation to other risks within the same risk domain and other risk domains as appropriate.

a. *Example: Cultural Pluralism*

Cultural pluralism is a complex media policy concept, and therefore the indication of threats and risk areas encompasses a number of dimensions. At the level of the national media system as a whole (and comparatively across the EU), it is important to detect trends of the development of both public service media as well as minority, community or autonomous media. Culturally diversified media contents and services should be examined in a broader context including the place of production, employment structures, and outreach. An examination of some indicators, for example, media system and workforce indicators, at different points of time can capture how these measures vary across time.

Substitutability and complementarity of indicators must be carefully considered. Empirical evidence regarding substitutability between various media (like television, radio, Internet, and newspapers) for media users has been described as scant.⁹² Similarly, a high access of minority/community media to cable operators would not substitute a low performance of the absence test. At the same time, weak performance of both indicators would pose a higher risk for cultural media pluralism than a weak performance of one indicator. In a similar vein, weak

⁹² Napoli, P.M. (Ed.) (2007). *Media Diversity and Localism: Meaning and Metrics*, Mahwah: LEA Publishers.

performance of a majority of indicators in a given media system would pose a stronger risk to cultural media pluralism than a weak performance of only one indicator.

b. Example: Geographical Pluralism

In the domain of geographical pluralism (again a complex media policy concept encompassing a number of dimensions), it is important to detect trends of decentralisation at the level of the national media system as well as the relative strength of local and regional media during a longer period of time. Locally oriented media content and services should be examined in the broader context of local production, employment, and outreach.

The indicators for this risk domain allow for the illustration of geographical pluralism at different levels. For this, it is not necessary that the national media system meets all criteria. The weight of and correlation between different criteria has to be carefully judged in the geographical context of each country, including consideration of such factors as: population size, density of settlement, proportion of urban population, population size of a capital city and its proportion in the total population, Gross National Product per inhabitant, and administrative arrangements. On the one hand, growing or high centralisation of a particular media system might result from significant concentration of the population in a capital agglomeration. On the other hand, the relative strength of the regional and local media might be affected by a decentralised administrative structure (like, for example, in Germany, the UK, Belgium) or subsidy system for regional and local media (such as in Sweden).

5.2.2. Interaction between Indicator Types

It is important to note that the indicator type should be considered carefully before drawing conclusions from negative (red) scores for individual indicators. This is especially relevant for the *legal* indicators: a critical score on a legal indicator assumes particular relevance in those situations where the corresponding economic and/or socio-demographic indicators for the same risk have received a negative score (as a rule of thumb we suggest at least 50% red or 75% orange).

Thus, users should not infer an inevitable need for regulatory intervention on the basis of the red score of a single legal indicator alone. Drawing such a conclusion prematurely in a situation where the economic and/or socio-demographic context is not problematic from the perspective of media pluralism, indicated by a majority of positive (green) scores obtained for the corresponding indicators, may lead to overregulation.

5.2.3. Country ‘Profiles’

To interpret MPM results, users may also rely on country profiles which describe common characteristics of certain countries on the basis of a specific variable such as the size of media markets, the life cycle of media markets, the size of population belonging to minorities, the separation between political and media power, the concentration of population in urban areas, and the purchasing power of a country’s population.

Profiles allow 1) the putting of results into social, economic, and political contexts, and 2) comparisons of countries sharing the same profile.

The profiles call attention to important, in some cases problematic areas, and measures that can increase or decrease the relevance of those areas. Profiles may also offer analytical tools to differentiate between critical and non-critical needs in order to counterbalance high risks for pluralism.

a. Profile 1: Small versus Large Media Markets

Within this profile countries are grouped according to the size of their media market measured in terms of total audience, or alternatively total revenues. A media market is defined as small

when the population is under 20 million people, or alternatively the total revenues are up to \$150 billion. Media markets exceeding 20 million people, or alternatively \$150 billion in revenues are considered medium or large.

In a small market, characterized by low revenues and/or audience, media firms have access to limited resources, which means that the pressure and the trend towards concentration increase. Small markets may support only a limited number of firms. Therefore, countries with small media markets will inherently be predisposed towards a higher risk in terms of ownership concentration than countries representing larger media markets. This problem could also be represented by a low supply of different media types and genres. In order to reliably assess whether ownership concentration and the relative lack of media types and genres constitute a real threat to pluralism in small media markets, users need to check the availability of other policy measures to offset these effects and protect pluralism. One example of a policy counteracting such effects on pluralism is represented by the existence of measures to support minority media, such as subsidies for minority oriented TV programme development or for magazines addressing minority audiences. If such policies exist, then the relevance of the detected risks of ownership concentration and lack of media types and genres may be lower than suggested by the indicator value alone.

Although the size of population is a factor which can be taken into account before scoring the indicators through the *ex ante* profiling exercise (resulting in an adjustment of border values), this profile may still be relevant for the *ex post* interpretation if the user did not apply the optional *ex ante* profiling and/or if he considers the factor of market size relevant to interpret the results for indicators other than those whose border values are automatically adjusted.

b. Profile 2: Developing versus Mature Media Markets and Regulatory Frameworks

Within this profile countries are grouped according to the life cycle of their media economies and related regulatory frameworks.

Within developing media markets the risks related to the non-existence of regulatory frameworks will appear as highly relevant. This is due to the fact that the regulatory framework may still be in the process of being developed. In order to understand if this is a real risk for pluralism, users need to check whether the framework is really being developed and whether policies are in place to support its development and application. Another key issue is thus the degree of effective implementation of already established regulations. If the answer is yes in both instances, the importance of high risk scores for some aspects of the regulatory framework may be successfully mitigated.

c. Profile 3: Countries with Small versus Large Size of Population Belonging to an Ethnic or National Minority

Within this profile countries are grouped according to the size of the ethnic minority present in the country.

The MPM considers a minority representing less than 2% of the entire population small, while a minority exceeding 5% of the entire population is considered large.

If the risks related to the insufficient representation of minorities are perceived as high, the interested parties need to check the size of the minority population present in the country. If the size is small, it might be that there are not sufficient resources to cover the costs of media dedicated to minorities and keep firms surviving. The risk needs therefore to be mitigated by impellent economic reasons. On the contrary, if the size of the minority population is rather large, the non-existence of policies to address that part of the population is not justified by a lack of resources.

d. *Profile 4: Countries with/without Constitutional Separation between Political and Media Power, or with/without Tradition of Political Parallelism and Media with Distinct Political Orientation*

This profile groups countries according to the degree of separation between political and media power, and the tradition of partisan media.⁹³

The emergence of high risk in the political pluralism domain, such as an excessive politicisation of media ownership and/or an insufficient editorial independence, is more likely in countries without a strong separation of political and media power and a tradition of partisan media. Such a context can explain why a country scores 'high risks' for indicators relating to political independence of media; for example, if many media outlets are controlled by political forces. The relevance of this risk, at the same time, needs to be verified by establishing whether there are counterbalancing factors, which may offset this negative effect on pluralism. An example of such a factor could be low ownership concentration, which would assure more competition between media firms and therefore lower control of media content by few owners. However, the risk of insufficient independence of public service media cannot be counterbalanced by the presence of other media types within the media landscape.

e. *Profile 5: Countries with High versus Low Population Density in Urban Areas*

Within this profile countries are grouped according to the density of their population around urban areas, or around the capital compared to other cities or other parts of the country.

Population density is considered high when there are more than 200 inhabitants/km²; it is considered low for values of less than 100 inhabitants/km².⁹⁴

If a high risk in the domain of geographic pluralism is detected – for example a high centralisation of the national media system, or an insufficient representation of regional and local media – users need to verify the distribution of population within the country. If population density is higher around urban areas and very low in rural areas, then the low development of regional and local media may be explained by economic reasons. Another variable that can be checked is the average income per person (GDP per capita). If it is lower in rural areas compared to urban areas, as it usually is, this provides another possible explanation for the non-sustainability of regional and local media. In these cases the risk of a high centralisation of the national media system combined with the lack of regional and local media remains relevant in principle, but responses can be tailored around a more realistic appraisal of the options available.

f. *Profile 6: Low versus High Purchasing Power*

Within this profile countries are grouped according to the purchasing power of the residents. According to the World Bank's purchasing power parity list, the average purchasing power in the EU is around \$11.000, therefore below that level the purchasing power of a country can be considered as low.

If the purchasing power of a country is low, it is evident that the average spending per capita for media products decreases. The resources available for media firms are very limited in this case, therefore threats to pluralism such as ownership concentration, insufficient systems of regional and local media, and/or insufficient representation of minorities will be common. If the interested parties know about this causal relationship between purchasing power and risks for pluralism, the relevance of such risks can be mitigated.

⁹³ Cf. the “polarized pluralist” model of democratic media systems development in Hallin, D. C. & Mancini, P. (2004). *Comparing Media Systems: Three Models of Media and Politics*. Cambridge: Cambridge University Press

⁹⁴ Cf. UN World Prospects Report.

Although the purchasing power as an interpretative factor is closely linked to GDP/capita, which can be taken into account before scoring the indicators through the *ex ante* profiling exercise, Profile 6 may still be relevant for the *ex post* interpretation if the user did not apply the (optional) *ex ante* profiling exercise and/or if he considers the factor of purchasing power relevant to interpret the results for indicators other than those whose border values are automatically adjusted.

g. Profile 7: Terrestrial TV Reception versus Cable or Multi-Platform Countries

The predominant means of television reception is likely to affect the level of pluralism one can expect on a particular platform. Some countries, like Belgium or the Netherlands, are typical ‘cable countries’, while in other countries terrestrial networks are still the most important means of television distribution and reception. This factor is important to interpret correctly the results for indicators which look at a single means of distribution, such as in the risk domain of media ownership and control, where two separate risks have been identified for high concentration in terrestrial television, on the one hand, and for high concentration in cable/sat/ADSL television, on the other hand. A negative score for an indicator focusing on one platform only (usually terrestrial reception), should be interpreted in the light of the availability of alternative platforms, like satellite or ADSL.

6. ABBREVIATIONS

API – Application Programme Interface

CAS – Conditional Access Systems

COE – Council of Europe

CSO – Community Service Organisation

DSO – Digital Switch Over

EAO – European Audiovisual Observatory

EBU – European Broadcasting Union

ECHR – European Court of Human Rights *or* European Convention of Human Rights

ECJ – European Court of Justice

EFJ – European Federation of Journalists

EPG – Electronic Programme Guide

EJC – European Journalism Centre

ENPA – European Newspaper Publishers’ Association

EStat – Eurostat

EU – European Union

HR – Human Resources

ICCPR – International Covenant on Civil and Political Rights (United Nations treaty based on the Universal Declaration of Human Rights, adopted in 1966, entered into force on 23 March 1976 and monitored by the Human Rights Committee).

IFJ – International Federation of Journalists

IFRA – International Newspaper Publishers’ Association

ILO – International Labour Organization

INMA – International Newspaper Marketing Association

M&A – Mergers and Acquisitions

MC – Ministry of Communication

MPM – Media Pluralism Monitor

ML – Ministry of Labour

NBU – National Broadcasting Units

NRA – National Regulatory Authority

NSA – National Statistic Agency

PSB – Public Service Broadcaster

PSM – Public Service Media



RA – Regulatory Authority

SMP – Significant Market Power

TVBA – Television Broadcasters Association

TVISB – Television International Source Book

WAN – World Association of Newspapers