



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

Prepared for the European Commission
Directorate-General Information Society and Media
SMART 007A 2007-0002

by

**K.U.Leuven – ICRI (lead contractor)
Jönköping International Business School - MMTC
Central European University - CMCS
Ernst & Young Consultancy Belgium**

Final Report - Annex III

COUNTRY REPORTS

Contract No.: 30-CE-0154276/00-76

Leuven, July 2009



Legal Notice

By the Commission of the European Communities
Directorate-General for Information Society and Media

Neither the European Commission nor any person acting on behalf of the European Commission is responsible for the use which might be made of the information contained in the following report. The views expressed are those of the authors. The report does not necessarily reflect the views of the European Commission, nor does the European Commission accept responsibility for the accuracy of the information contained herein.

Important Notice

By K.U.Leuven, Jönköping International Business School, Central European University and Ernst & Young Consultancy Belgium

The country reports are not in any way intended to be an implementation of the Media Pluralism Monitor in the Member States. They were drafted during the initial stages of the study, with the intention of obtaining a better view of regulatory measures in the broad sense – including co- and self-regulatory measures – adopted in the Member States to promote or safeguard, directly or indirectly, pluralism in the media. The intention was to obtain a high-level snapshot of possible implementation problems and not to express any value judgements on existing rules. The resulting overview facilitated the development of methods for assessing the effective implementation of regulatory safeguards, which had to be, according to the Terms of Reference for the study, an intrinsic element of the legal indicators. We strongly recommend that you also download the file containing our Introduction as it sets out our approach to the initial stages of the project in detail and includes a short manual on how to read the country reports. We draw your attention to the Overview file as well.

Please note that the country reports were finalized in the middle of 2008 and do not therefore reflect progress made with the transposition of the Audiovisual Media Services Directive or any subsequent initiative by Member States. They are made available not as final deliverables of the study, but as interim deliverables, intended to illuminate part of the route taken by the study team and thereby to contribute towards the full transparency of the MPM project.

Annex III. WP 1 COUNTRY INVENTORIES OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM

BACKGROUND INFORMATION

On the basis of existing studies and reports and through online research and our own analysis of legislations, members of the research team prepared inventories of legal and policy measures promoting media pluralism in the different Member States. Those inventories were completed, updated and finalised on the basis of:

- input from national media experts (belonging to the network we set up for this study; *infra, sub A for the list of names*)
- input from broadcasting regulators (via EPRA, *European Platform for Regulatory Authorities*)

Both groups have been asked to revise the reports, check their completeness and accuracy, and signal implementation problems relating to these measures. The draft report was accompanied by an explanatory memorandum explaining the structure and content of the report, as well as our expectations (*infra, sub B*). In addition to the country inventory and explanatory memorandum, a questionnaire was sent to the broadcasting regulators, focusing on implementation problems (*infra, sub C*).

Questionnaires have also been sent to members of ENPA (*European Newspaper Publishers' Association*) with the aim of receiving more input on specific issues relating to editorial statutes, the right of reply, and barriers that could arise from licensing/registration requirements to perform journalistic activities (*infra, sub D*).

These three sources provided extremely useful information both on the presence of legal and policy measures and on the effective implementation of these measures. Where appropriate, requests for further clarification to the national experts was submitted.

This information subsequently fed into the development of the Media Pluralism Monitor. More specifically, it was relied upon during the process of formulating the legal indicators and developing the methods to measure those indicators.

The country reports were disseminated to Member States' authorities via their permanent representatives in the period between the submission of the Preliminary Final Report and the stakeholder workshop. In response to comments received subsequently, factual or material errors have been corrected, but no major changes have been made to the country correspondents' appreciation of implementation problems. Hence, the implementation problems signalled in the country reports only reflect the opinion of the study team and may not always be supported by the Member States' authorities. They do not constitute an assessment by the Commission services responsible for managing the study either.

A short manual on how to read the country reports is included *infra, sub E*.

A. Country correspondents

Austria	Prof. Dr. Matthias Karmasin Institut für Medien- und Kommunikationswissenschaft, Universität Klagenfurt
Belgium	Prof. Dr. Peggy Valcke Interdisciplinary Centre for Law & ICT (ICRI) - Katholieke Universiteit Leuven – Faculty of Law
Bulgaria	Danail Danov Program Director and Training Manager of the Media Development Center (Sofia)
Cyprus	Olga Georgiades Partner at Lellos P. Demetriades Law Office (Nicosia)
Czech Republic	Prof. Dr. Milan Smid Department of Journalism and Mass Communication, Faculty of Social Sciences, Charles University (Prague)
Denmark	Prof. Dr. Anders Henten Center for Information and Communication technologies (CICT), Technical University of Denmark
Estonia	Prof. Dr. Epp Lauk Department of Journalism and Communication, University of Tartu

Finland	Dr. Soc. Sc. Jyrki Jyrkiäinen Department of Journalism and Mass Communication, University of Tampere
France	Prof. Dr. Nadine Toussaint Desmoulin Institut Français de Presse de l'Université Panthéon Assas (Paris2)
Germany	Arne Hintz Project Manager at the Center for Media and Communication Studies, Central European University (Budapest)
Greece	Prof. Dr. Ioannis K. Karakostas Law Faculty of the National Kapodistrian, University of Athens
Hungary	Dr. Peter Molnar Senior Research Fellow at Center for Media and Communication Studies, Central European University (Budapest)
Ireland	Prof. Dr. Marie McGonagle Law Department at NUI (Galway)
Italy	Davide Maria Parrilli Legal Researcher at the Interdisciplinary Centre for Law & ICT (ICRI) - Katholieke Universiteit Leuven – Faculty of Law
Latvia	Dipl. Jur. Linda Austere Centre of Public Policy PROVIDUS (Riga)

Lithuania	Prof. Dr. Arturas Tereskinas Department of Sociology, Vytautas Magnus University
Luxembourg	/
Malta	Dr. Eugene Buttigieg Lecturer at the Faculty of Laws, University of Malta
Poland	Prof. Dr. Beata Klimkiewicz Institute of Journalism and Social Communication, Jagiellonian University (Krakow)
Portugal	Prof. Dr. Joaquim Fidalgo Universidade do Minho – Instituto de Ciências Sociais – Campus de Gualtar (Braga)
Romania	Prof. Dr. Brandusa Armanca University "Aurel Vlaicu" Arad ZIUA Press Group (Romania)
Slovakia	Dr. Andrej Skolkay Independent media and political analyst
Slovenia	Brankica Petkov Media Program Director and Researcher at the Peace Institute, Institute for Contemporary Social and Political Studies (Ljubljana)
Spain	Prof. Dr. Carles Llorens Universitat Autònoma de Barcelona

Sweden	Prof. Dr. Jens Cavallin Media and Communication Studies at the Department for Communication and Design, Kalmar University (Högskolan i Kalmar).
The Netherlands	Ad van Loon Lawyer specialized in media and telecommunications law
United Kingdom	Prof. Dr. Damian Tambini Department of Media and Communications London School of Economics and Political Science (London)

The study team would like to thank EPRA, ENPA and their members, in particular:

Austria	Austrian Regulatory Authority for Broadcasting and Telecommunications; Rundfunk und Telekom Regulierungs-GmbH (Nicole Wagner)
Belgium	- Vlaamse Regulator voor de Media (Marc Chatelet, Dieter Gillis, Karen Dekeyser, Ingrid Kools) - Conseil Supérieur de l’Audiovisuel (Sarah Païman, Julien Gilson) - ENPA – Vlaamse Dagbladpers (Alex Fordyn, Sandrien Mampaey)
Denmark	- Mediesekretariatet (Erik Nordahl Svendsen) - ENPA - Danish Newspaper Publishers' Assn (Ebbe Dal)
France	CSA (Julie Mamou)

Germany	- Direktorenkonferenz der Landesmedienanstalten (Christina Uekermann) - ENPA – Bundesverband Deutscher Zeitungsverleger (Dietmar Wolff)
Hungary	National Council for Communications and Information Technology (NHIT) and National Radio and Television Board (ORTT) (János Timár)
Italy	Autorità per le Garanzie nelle Comunicazioni (Daniela Esposito Vezzoler)
Lithuania	Radio and Television Commission of Lithuania (Jurgita Iesmantaitė (lawyer), Birute Kersiene (Head of Public and International Relations))
Luxembourg	CNP (Natalie Beck)
Malta	Malta Broadcasting Authority (Kevin Aquilina)
Poland	ENPA – Chamber of Press Publishers (Jacek Wojtas)
Portugal	ENPA – Apimprensa (João Palmeiro)
Romania	Romanian Audiovisual Council (Laura Franzeti)
Spain	Consell de l'Audiovisual de Catalunya (Soledat Balaguer)
Sweden	- Radio and TV Authority (Ulrika Köling) - ENPA - Swedish Newspaper Publishers Association (Per Hultengård)

B. Explanatory Memorandum (provided to local experts and regulatory authorities)

This section describes the background information and instructions that have been sent to the country correspondents in the first phase of the study (March-April 2008), together with the draft country report prepared by the legal study team.

I. Introduction

This explanatory memorandum provides guidance to the draft inventory of legal and policy measures relating to media pluralism in your Member State. It contains a more detailed explanation of the structure and ambitions of that inventory, and the type of legal and policy measures that the inventory (should) contain(s).

The aim of these inventories is to provide input to develop “legal indicators” for media pluralism. These “legal indicators” should, combined with socio-demographic and economic indicators, constitute the basis for a risk-based framework to measure media pluralism in the Member States (for more details, please see the extract from the Tender Specifications).

The draft inventory is based on desk research (analysis of existing studies and legislation) by the study team. We kindly request you to check the completeness and accuracy of the listed measures, and add the missing elements (in some case, you will find explicit questions formulated by the research team). Feel free to add information on items which you cannot find in the tables yet; we very much welcome spontaneous remarks and comments!

It is important to note that the “legal indicators” which we are required to develop in this study should cover both the presence and effective implementation of policies and legal instruments that support pluralism and diversity. Especially with regard to the latter aspect, *i.e.* effective implementation, we rely on your input as national expert. It is, however, not the ambition of this study to provide an in-depth analysis of the effective implementation of all legal measures listed, only to detect possible implementation problems (thereby relying on so-called “bad practices” from the past). Hence, you are only requested to give a short summary of problems that have occurred (or may occur) in relation to one or more of the listed measures (thereby focusing on the most relevant ones – it is certainly not necessary to fill in all boxes under ‘implementation problems’). Should you have additional information on these problems, under the form of case law, press articles, doctrine, commentaries, studies, website links...please insert/attach these in/to your reply.

Thank you very much in advance!

II. Structure of the inventory

The inventory opens with an overview of national regulations relevant for media pluralism, including legislative measures and implementation decrees (both sector specific and general, if relevant for media pluralism), co- and self-regulatory measures (e.g. codes of conduct), other (policy) measures.

In a second box, the most important implementation problems related to one or more of these measures can be briefly summarised (or this can be done under the form of notes or comments under the relevant measure).

Each table consists of 4 columns:

- 1) a short label for the measure
- 2) the source of the measure: constitutional provision, act, decree, ethical code...
- 3) scope of application: only radio, only newspapers, all audiovisual media, etc. – see the aforementioned ‘manual’ for more information
- 4) key features: short description of the measure

In these tables (nine in total), the relevant legal and policy measures have been grouped as follows:

- o constitutional protection of freedom of expression and right to information (**table 1**) and editorial independence (**table 2**)

We believe that effective protection of free speech is a prerequisite for pluralism and diversity in the media. Therefore, we would like to get a ‘snapshot’ of free speech protection in the various Member States, without having the ambition to provide an in-depth analysis of all aspects / all restrictions.

The same can be said of editorial independence, which is closely linked to the previous category (freedom of expression). Due to the specificity of the rules, however, it has been decided to put them in a separate table for the time being.

- o three normative dimensions of media pluralism: cultural pluralism (**table 3**), political pluralism (**table 4**) and geographical pluralism (**table 5**)

We have grouped the various aspects of media pluralism into three normative dimensions and two operational dimensions (*infra*). The first category relates to the substance of media pluralism (*i.e. representation of and expression – in other words, passive and active access – by the various respectively cultural, political/ideological and geographical groupings in society in the media – including minority groupings*), while the second category refers to methods to realize the previous category (*for example, pluralism of ownership/control, which is not an objective by itself, but a means to realize cultural, political and/or geographical pluralism*).

Tables 3 to 5 should provide an overview of legal and policy measures that aim to prevent over- or under representation of respectively cultural, political and geographical groupings in society (including minority groupings). In other words, in these tables we want to list the *various legal and policy measures that have been adopted* (and indicate whether there are major implementation problems related to them) *in order to prevent threats to cultural, political and geographical pluralism*, such as:

- (with regard to cultural media pluralism:)
 - o absent or insufficient media representation of particular cultural, religious, linguistic, ethnic groupings in society, including communities based on gender, age, disabilities, sexual orientation (and in particular in public media, both in its governing bodies and in the programmes)
 - o stereotypical, unfair or discriminatory media portrayal of particular cultural, religious, linguistic, ethnic groupings in society, including communities based on gender, age, disabilities, sexual orientation,
 - o absence or insufficient system of minority and community media, including in particular: the lack of media outlets serving ethnic, religious, linguistic groups in society, including disabled people; 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 producers and media users, including journalism training programs and stipends for high education in the field of media and journalism aiming at minority students, and media literacy programs aiming at minority audiences,
 - o separate and exclusive system of minority and community media, preventing particular cultural, religious, linguistic and ethnic groups, including communities based on age, sexual orientation disabilities from their integration with the rest of a society,
 - o absent or insufficient representation of journalists and media executives from minority, ethnic, religious, linguistic groups in society, including women, disabled people and sexual minorities
- (with regard to political media pluralism:)
 - o excessive or exclusive representation or promotion of the political beliefs and ideology of the governing party(ies) in the media; excessive journalist and editorial preference and positive / propagandistic coverage of selected political parties and ideological opinions.
 - o absent or insufficient media representation of particular political or ideological opinions and positions in society, including minority or extreme ideas on the political spectrum.
 - o stereotypical, unfair or discriminatory media portrayal of particular political groupings in a society, including political initiatives based on ethnic, religious, gender, age, disabilities, sexual orientation, environmental issues.
 - o absence or insufficient allocation of media space allocated to political opposition groupings, restrictions to right-of-reply and promotion of alternative political programs.
 - o media content affected by ideological points of view of reporters, producers, providers.
 - o absent or scarce representation of journalists and media executives from political minority or opposition groups
 - o excessive presence of media financially dominated and managed by political figures, political parties
 - o active market presence and excessive audience capture by diverse media outlets owned by the same political figure /grouping or by politically affiliated individuals
 - o excessive political pressure on programming due political ownership and/or pressure on specific media outlets at national /local level
 - o absence of particular political groups and ideological communities from public debate and elections (voting) resulting from underserved and underrepresented minority points of view in the media
- (with regard to geographical media pluralism:)
 - o absent or insufficient media representation of local and regional communities,
 - o absence 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 public support measures,

- o high and growing centralization of a media system on a national scale; high and growing concentration of local and regional media ownership;
- o absent or insufficient representation of journalists and media executives from local and regional communities,
- o absence or insufficient representation of local and regional communities in the public media,
- o insufficient or decreasing local and regional production

- o two operational dimensions of media pluralism: pluralism of ownership/ control (**table 6**), pluralism of media types and genres (**table 7**)

Some legal and policy measures are aimed at realising media pluralism indirectly:

- by ensuring a diversity in ownership and control over media
- by ensuring the co-existence of different media types (commercial, public, community media; national, regional, local media...) and different media genres (a diversity of media in relation to media functions, such as information, education, entertainment, as well as audiences, e.g. children, adults, elderly...).

Hence, tables 6 and 7 should provide an overview of the *existence* and the *effectiveness* of legal and policy measures that aim to foster these ‘operational’ dimensions of media pluralism.

- o two ‘related’ categories: distribution (**table 8**) and supervision/monitoring (**table 9**)

Risks for media pluralism can also arise from bottlenecks at distribution level. Table 8 therefore lists the various measures in place that aim to tackle/remedy such bottleneck situations and/or promote effective competition at distribution level.

In Table 9 the various legal and policy measures that deal with the bodies supervising/monitoring the media sector (in broad sense) are brought together. Similar to what was stated for Table 1, the ambition here is limited to getting a ‘snapshot’ of the rules relating to the organisation and tasks of these regulators/competition authorities, in particular where the existence and effectiveness of these rules is directly relevant for media pluralism (e.g. independence of the regulator).

N.B. We have aspired to design the tables in such a way that duplication of legal and policy measures is avoided to the largest possible extent. However, we acknowledge that some measures may fit under more than one category, in which case the row can simply be copied into the other table(s).

III. Legal and policy measures listed in the tables

Table 1. Constitutional protection of freedom of expression and right to information

- 1.1. Recognition of freedom of expression / press freedoms / media freedoms in constitutional provisions & related case law
 - o *Please signal also, where appropriate, existing rules that may restrict free speech to such an extent that media pluralism is threatened. Examples could include rules on blasphemy (restricting ideological/religious speech), criminalisation of defamation, of injury to the Majesty and/or of insulting foreign heads of state (cf. examples from Germany and Poland on http://en.wikipedia.org/wiki/L%C3%A8se_majest%C3%A9) ...*
- 1.2. Recognition of freedom of/right to information
 - o *Is there – besides constitutional provisions – also a specific act dealing with citizens’ or journalists’ access to public sector information?*
 - o *Are there specific rules dealing with journalists’ access to events for news reporting?*
- 1.3. Explicit recognition of media pluralism (in constitutional provisions, case law, media legislation, ethical codes/charters, other...)
- 1.4. Protection of journalistic sources
- 1.5. Right of reply
- 1.6. Ratification of relevant international instruments: a yes/no reply is sufficient

Table 2. Editorial independence

- 2.1. Rules safeguarding editorial independence relating to journalists, for example: rules preventing interference by the management in the editorial decisions of newspaper journalists, rules prohibiting journalists from acting in advertising spots or moderate political debates in election periods (in order not to mislead the public about their impartiality)...

The source of these rules can be:

- o Legislation (can also include, for instance, prohibition for radio or TV journalists to appear in advertising spots)
- o Editorial statutes
- o Labour agreements
- o Codes of ethics
- o (Self-regulatory bodies, see *infra*)

Please signal also, where appropriate, whether there are any legal measures hindering journalists from expressing themselves freely and independently (on various platforms), in particular measures in the domain of copyright.

- 2.2. Rules safeguarding editorial independence (besides those dealing with journalists) in relation to news/information, for example: legal rules obliging

- broadcasters to ensure editorial independence in news and information programmes and/or to establish an editorial statute.
- 2.3. Rules safeguarding editorial independence in other media content (than news/information), for instance:
 - o Prevention of commercial influence
 - Advertising or sponsoring restrictions (e.g. Barter agreement, product placement bans/restrictions)
 - (rules preventing commercial influence via ownership restrictions are covered in Table 6)
 - o (Prevention of political influence: covered in Table 4)
 - 2.4. Subsidies/Training of journalists with the aim of strengthening their independence

Table 3. Cultural pluralism

- 3.1. Structural rules: guaranteeing or promoting access by the various cultural groupings to media companies' bodies, structures, media advisory bodies...
 - These include:
 - o representation requirements for media companies, e.g. obligation to reflect the various cultural groupings in the composition of the board of directors
 - o representation requirements for media advisory bodies and/or regulators
 - o anti-discrimination rules for recruitment and/or policies promoting equal chances / equal opportunities (for ethnical minorities, based on gender, age, handicap...)
 - 3.2. Representation of the various cultural groupings in the media
 - These include:
 - o access to airtime for cultural groupings, e.g. third party emissions on public channels by accredited representative associations
 - o content regulation: obligations relating to the media contents
 - this category contains the European quota, independent productions quota, national and regional quota, but also language requirements (e.g. obligation to broadcast in the local language).
 - 3.2.3. Representation of minorities on the screen (e.g. presenting the news, in drama, movies...; can be engagement in an internal charter or can be imposed statutory)
 - 3.2.4. Subsidies: specifically focused on the promotion of cultural diversity (e.g. subsidizing programmes in minority languages), so either funds which come on top of the PSM's general funding, or funds granted to commercial broadcasters or print media.

- 3.4. Accessibility: policies promoting and/or legal provisions obliging special facilities for disabled people to access the media, such as subtitling, audio-description...

Table 4. Political pluralism

- 4.1. Structural rules (relating to the organisation of media companies or media advisory/regulatory bodies), for instance:
 - o restricting politicians’ ownership of media, obligations for media companies to be independent from political parties/politicians, incompatibility of political mandate with membership in media advisory or regulatory bodies
 - o representation requirements in media companies’ bodies (board of directors...) or media advisory/regulatory bodies
- 4.2. Content regulation (relating to media programmes, press articles, other content):
 - o Guarantees for (equal/proportionate) access to airtime for political groupings: on the one hand *non-paid access* (e.g. the right to insert own productions into the programming schedule of the public broadcaster), on the other hand *paid access*, *i.e.* rules on political advertising (prohibition, restrictions...)
 - o Rules on government announcements
 - o Obligations relating to impartiality of news/information
 - o Obligations for media companies to ensure equal/proportionate representation of political views (special rules in election periods) (closely related to the first item in this list)

Table 5. Geographical pluralism

- 5.1. Licensing policy fostering local/regional types of media: is geographical pluralism a relevant criterion for the assignment of broadcasting frequencies; is part of the spectrum reserved for local/regional types of media...? Are there any rules safeguarding the local character of these media once they are operating, e.g. restrictions to cooperate or centralize programming/advertising decisions...?
- 5.2. Structural measures: access of various localities to media (e.g. obligation for media companies – e.g. BBC – to have branches throughout country)
- 5.3. Content regulation: obligations to cover local events, etc.
- 5.4. Regional state aids
- 5.5. Rules on national minorities
- 5.6. Rules on social inclusion of remote areas (Aménagement du territoire): for example universal coverage obligations (usually for PSM) or must carry rules specifically aimed at guaranteeing access to specified channels in certain regions can be repeated here (also covered in tables 7 and 8).

Table 6. Pluralism of Ownership/Control

- 6.1. Sector specific rules restricting media ownership – the information in the table should provide insight in:
 - o The moment of intervention of these rules: market entry, merger, constant monitoring...
 - o Their scope: monomedia, cross-media, vertical integration...at a national level, regional level...
 - o Criteria used to define thresholds: number of licenses, market shares...
- 6.2. Sector specific rules preventing cooperation between media companies (softer form of preventing concentration of control)
- 6.3. (Sector specific or general) rules preventing foreign (non-EU) ownership
- 6.4. General competition rules (both antitrust and merger control): is there a special treatment of the media sector in national competition rules? Do they contain specific rules for the media sector (e.g. public interest test for mergers in media in UK)...? Has there been interesting case law in the area of media (pluralism)?
- 6.5. Transparency obligations: towards consumer – towards regulator

Table 7. Pluralism of media types/genres

- 7.1. Minimum service in a number of programme strands for commercial / community / public service media
Please indicate (under ‘source’) how this is realised: via broadcasting licences, via legislation, via agreements, via codes of conduct, other.
- 7.2. Events list: what type of programmes are included in the list: sports or also culture?
- 7.3. Short news reporting
- 7.4. Fixed book price (listed in this table, as the aim of this measure is to promote certain book genres, in particular those that are ‘more difficult to market’, and hence enlarge the diversity of available book genres)
- 7.5. Public service media (PSM)

The aim is not to provide an in-depth analysis of the public service broadcasting system in each Member State, but to get a ‘snapshot’ of its organisation and remit, in particular the aspects relevant for media pluralism:

- o 7.5.1. With regard to the structure of the PSM:
 - Is it independent from government?
 - How is the management elected?
 - Are there any specific representation requirements for PSM structures?
- o 7.5.2. With regard to the funding of the public service broadcaster
- o 7.5.3. With regard to the public service remit:

- Is there an explicit obligation to bring a variety of programmes?
- Is there a special remit with regard to new media?
- o 7.5.4. Content regulation (not yet mentioned in table 3, 4 or 5)
- o 7.5.5. Universal coverage obligations (cf. also table 5)

Table 8. Distribution (networks / network facilities / print distribution)

- 8.1. & 8.2. must carry/must offer rules
- 8.3. Access regulation under the electronic communications regulatory framework (market 18: broadcasting transmission)
- 8.4. Regulation of conditional access systems and other associated facilities (such as application programme interfaces, electronic programme guides)
- 8.5. Interoperability requirements: in the area of media devices, networks...

Only a brief overview of such legal requirements in the media sector (focusing on those interoperability requirements without which media pluralism might be endangered due to bottlenecks at infrastructure level).

- 8.6. Specific rules for distribution systems in print media
- 8.7. General competition law

Only necessary to indicate whether the application of competition rules in the past has already resulted in remedying pluralism endangering bottlenecks at infrastructure level (e.g. by imposing certain obligations in a merger case).

- 8.8. Policies fostering distribution systems, in order to promote citizen’s access to information, for instance promotion of (digital) libraries, citizen’s access to broadband (via tax reduction schemes or other), promotion of internet at schools
- 8.9. State aids to distribution platforms/networks, for instance subsidy schemes for newspaper distribution

Table 9. Supervision/monitoring

- This table intends to provide some insight in the organisation and tasks of three institutions/bodies (with a focus on the first one), limited to those aspects which are relevant for media pluralism:
 - o broadcasting and/or telecoms regulators (‘NRA’; are they independent, are there any representation requirements in cultural or political or geographical terms for management positions, do they have specific tasks in the area of media pluralism, such as monitoring of concentration...)
 - o self-regulatory bodies, such as a press council (is the sector broadly represented, is it a credible organ, is it sufficiently financed?)
 - o competition authority (‘NCA’; these rows of the table should tell us whether there is a problem for media pluralism because the NCA does not function properly; it should not contain an in-depth analysis of functioning of NCA!)



Independent Study on
“Indicators for Media Pluralism in the Member States
– towards a risk-based approach”



- cooperation between these bodies: should the broadcasting regulator give (binding or non-binding) advice to the NCA in merger cases? Should the NCA give advice to the NRA in the framework of market analysis in the electronic communications sector?

C. Questionnaire for the media regulators

1. If you look at the inventory of legal and policy measures supporting/promoting media pluralism in your country/region, do you think that important measures are missing? Do you find the categories appropriate?
2. If you consider the way in which the current media legislation in your country/region is trying to promote and safeguard media pluralism, do you see any major gaps or deficits in this legislation? Have you been confronted in the past with major implementation problems in relation to broadcasting rules protecting media pluralism? (if possible, please list them in the relevant row/column in the inventory for your country) What were, for instance, the most important problems that you have signaled in your recent annual reports?
3. Does your media legislation contain measures to support non-profit, community broadcasters, minority programming and other kinds of contents and services that are not usually offered by mainstream commercial players? If yes, what is your evaluation of implementation of these policies? If no, are there other relevant laws that pursue similar objectives?
4. Is there effective monitoring of:
 - a. impartiality and accuracy of political reporting on radio and television
 - b. cultural diversity of the programmes (in general) and minority programming (in particular)
 - c. media concentration
 - d. geographical (local) diversity of the media.If not, is this because of:
 - a. no remit to do this
 - b. lack of resources
 - c. unavailability of necessary data
 - d. other:...
5. What is your general evaluation of the subsidy system for cultural and/or minority productions? What are its main strengths and weaknesses?

D. Questionnaire for the ENPA Members

Country: Contact persons:

1. Licensing/registration

Is there a legal registration or notification obligation for publishing a newspaper in your country?	
If yes, is this considered as a neutral procedure or is it sometimes perceived as a barrier to the free flow of information/does it have a deterring effect in some cases?	
Is there a legal registration or notification obligation to work as a journalist in your country?	
If yes, what are the main requirements to work as a professional journalist?	

2. Right of reply

Are readers legally entitled to a right of reply? Both in print and electronic versions of newspapers (or only print)?	
If there is no legal right of reply, is it guaranteed in another way, or is it granted automatically by the newspaper?	
Have there been severe conflicts regarding the right of reply? (e.g. a politician or company systematically claiming a right of reply in order to silence critical journalists?)	

3. Editorial statutes

Is there a legal obligation for newspapers to have an editorial statute?	
If not, is there a tradition of editorial statutes in your country? (or an equivalent tradition, e.g. so-called ‘foundations’, that decide on the editorial line of the newspaper and often have the power to veto HR decisions – like the appointment of a chief editor – of the publisher/management)	
Does the editorial statute (or rules of the foundation) contain explicit safeguards with	

regard to the editorial staff’s independence from the management / the publisher? If yes, how (just by explicitly confirming journalists’ independence, or also by providing special protection in case of dismissals, damage claims, etc.)?	
Does the editorial statute (or rules of the foundation) confer special powers on the editorial staff to participate in / veto certain strategic decisions (e.g. the appointment of a chief editor) of the management / publisher? (see also infra, for decisions relating to ownership of the newspaper)	

4. Ownership

Are there special provisions (e.g. in the editorial statute) conferring special powers on the editorial staff in case of change in ownership of the newspaper?	
Are there special measures (in the editorial statute, labour contracts...) protecting journalists in case of resignation at the occasion of change in ownership/editorial line of the newspaper?	
Can politicians participate in newspaper ownership structures? (i.e. can they own newspapers, on the one hand, and can they be on the board of directors, on the other hand)?	
If not, is this the result of a legal provision?	
Are newspapers obliged to identify their owners/shareholders (e.g. in their newspapers or on their website, or to a monitoring body)?	
Are there any legal transparency obligations with regard to ownership/capital structure?	
Are there special rules for newspapers in case of mergers or take-over (e.g. need for approval from a special body, outside the general merger procedures applied by the competition authority)?	

5. Monitoring

Do you have a Press Council in your country?	
If yes, what is its relationship towards government: does it receive public funding,	

can government co-decide on the members...?	
Are there special bodies or procedures at the level of individual newspapers to receive and hear complaints from readers and/or to allow readers' participation in editorial decisions (e.g. “Ombudsman”, “Société des Rédacteurs”...)?	

6. Journalists and e-publishing

Are legal rules relating to newspapers/journalists (e.g. protection of journalistic sources, right of reply) in general also applicable to e-journalists, bloggers...?	
Is there a legal definition of the notion of ‘journalist’?	

7. Subsidies

Do newspapers in your country receive subsidies?	
What type of newspapers/magazines receive subsidies? Only daily newspapers, or also weekly magazines?	
If yes, are these subsidies an important source of income for newspapers?	
How are subsidies awarded? On the basis of the number of readers? A beauty contest (and in that case: what are the main criteria to award subsidies: pluralism, quality, investigative journalism...?)	
Are there special government/policy measures to promote readership (e.g. granting subsidies to schools in order to buy and discuss newspapers in class)?	

E. Manual

The country reports consist of **nine tables** grouping relevant legal and policy measures as follows:

- **Table 1:** Constitutional protection of freedom of expression and right to information
- **Table 2:** Editorial independence
- **Table 3:** Cultural pluralism
- **Table 4:** Political pluralism
- **Table 5:** Geographical pluralism
- **Table 6:** Pluralism of ownership/control
- **Table 7:** Pluralism of media types and genres
- **Table 8:** Distribution (networks/network facilities/print distribution)
- **Table 9:** Supervision

Each table is composed of **four columns** containing the following data:

- **Column ‘Measure’:** general description of the measure
- **Column ‘Source’:** specifies whether the source of the measure is a legislative provision (act, decree, decision, other), a co-regulatory mechanism, self-regulatory instruments such as codes of conduct, a policy campaign, other...
- **Column ‘Scope of application’:** specifies whether the measure applies to one or more of the following categories:
 - text/print media (PM):
 - N = all newspapers, both on paper and online
 - PN = printed newspapers
 - EN = electronic newspapers
 - M = magazines
 - B = book
 - audio+audiovisual media (AAVM):
 - R = traditional radio
 - AMS = all audio media services, including on-demand and online, e.g. podcast
 - TV = traditional linear television
 - AVMS = all audiovisual media services, including on-demand and online
- **Column ‘Key features’:** gives a short description of the measure, highlighting its main characteristics.

Table of Contents

Table of Contents

1. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [AUSTRIA] _____	27
2. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [BELGIUM] _____	49
3. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [BULGARIA] _____	85
4. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [CYPRUS] _____	105
5. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [CZECH REPUBLIC] _____	131
6. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [DENMARK] _____	163
7. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [ESTONIA] _____	183
8. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [FINLAND] _____	211
9. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [FRANCE] _____	229
10. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [GERMANY] _____	247
11. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [GREECE] _____	267
12. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [HUNGARY] _____	291
13. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [IRELAND] _____	309

14. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [ITALY] _____	333
15. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [LATVIA] _____	361
16. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [LITHUANIA] _____	389
17. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [LUXEMBOURG] _____	429
18. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [MALTA] _____	447
19. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [THE NETHERLANDS] _____	473
20. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [POLAND] _____	501
21. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [PORTUGAL] _____	541
22. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [ROMANIA] _____	593
23. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [SLOVAKIA] _____	621
24. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [SLOVENIA] _____	645
25. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [SPAIN] _____	681
26. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [SWEDEN] _____	711
27. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM [UNITED KINGDOM] _____	737
28. OVERVIEW OF LEGAL AND POLICY MEASURES PROMOTING/SUPPORTING MEDIA PLURALISM _____	779



Independent Study on
“Indicators for Media Pluralism in the Member States
– towards a risk-based approach”

