



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

Prepared for the European Commission
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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

Overview of legal and policy measures promoting/supporting media pluralism

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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.

28. Overview of legal and policy measures promoting/supporting media pluralism

This document contains an overview of self regulatory instruments (+) and state regulation, including regulatory decisions (✓).

TABLE 1. Constitutional protection of press and communication freedoms

Countries	at	be	bg	cy	cz	de	dk	ee	es	fi	fr	gr	hu	ie	it	lv	lt	lu	mt	nl	pl	pt	ro	sk	si	se	uk
Measures																											
1.1. Freedom of expression	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
1.2. Freedom of/right to information	✓	✓	✓	+	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
<i>Specific act supplementing constitutional provisions</i>	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	
1.3. Explicit recognition of media pluralism	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	
1.4. Protection of journalistic sources	✓	✓	✓	+	✓	+	✓	✓b	+	+	✓	✓		+	✓	✓	✓	✓	✓b	+	+b	✓	✓	+	✓		✓
1.5. Right of reply	✓	✓	✓	+	✓	✓	✓	✓b	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	+	+
1.6. Ratification of international instruments:																											
- CoE's Framework Convention For The Protection Of National Minorities	✓		✓	✓	✓	✓	✓	✓	✓	✓			✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
- UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions (Oct 2005)	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓

TABLE 2. Editorial independence

Countries	at	be	bg	cy	cz	de	dk	ee	es	fi	fr	gr	hu	ie	it	lv	lt	lu	mt	nl	pl	pt	ro	sk	si	se	uk	
Measures																												
2.1. Journalists	✓	+	✓	+	+	+	✓ +		+	+	✓	+	+	✓	✓ +	✓ +	✓ +	✓ +	✓	✓	+	+	✓	✓	+	+		+
2.2. News / information programmes		✓			+	✓	✓	✓	✓	✓		+			✓	✓	✓ +		✓	✓	✓	✓	✓		✓	✓	✓	
2.3. Other media content	✓	✓	✓		+	✓	✓	✓b		✓	+	+	+	✓	+	✓	✓	✓	✓	✓	+	✓	✓	+	✓	✓	✓	
2.4. Subsidies/ Training of journalists		✓	✓												✓		+			✓		✓			✓		✓	
2.5. Consultative programming structure for participation of the public/citizens to media							✓			+				✓	✓		✓			✓		✓				✓	✓	

TABLE 3. Cultural pluralism

Countries	at	be	bg	cy	cz	de	dk	ee	es	fi	fr	gr	hu	ie	it	lv	lt	lu	mt	nl	pl	pt	ro	sk	si	se	uk
Measures																											
3.1. Structural rules (<i>guaranteeing or promoting access by the various cultural groups to media companies' bodies, structures...</i>)													✓											✓			
3.1.1. Special representation requirements in media company structures		✓			+			✓	✓		+									✓					✓		
3.1.2. Special representation requirements in media advisory bodies		✓			✓	✓	✓	✓												✓	✓	✓		✓			+
3.1.3. Legal or policy measures prohibiting discrimination in recruitment / promoting equal opportunities	✓	+	✓	✓	+	✓		✓			✓			✓			✓		✓	✓	✓		✓	✓			✓
3.2. Representation of various cultural groups					+								✓								✓			✓	✓		
3.2.1. Access to airtime for cultural groups	✓	✓	✓		+	✓			✓		✓		✓		✓			✓	✓	✓	✓	✓	✓		✓	✓	
3.2.2. Content obligations	✓		✓																		✓				✓		
3.2.2.1. Promotion of European works	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3.2.2.2. Promotion of European independent works	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
3.2.2.3. Promotion of national/regional works		✓	+		✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
3.2.2.4. Language requirements	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓
3.2.3. Representation of minorities on the screen		+			✓					+	✓				✓										+		+
3.2.4. Subsidies (apart from general PSB funding)	✓	✓	✓	✓	✓		✓			✓	✓		✓	✓	✓		✓	✓		✓	✓	✓			✓	✓	✓
3.3. Accessibility measures	✓	+	✓		✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	+		✓	✓	✓		✓	✓	✓	✓

TABLE 4. Political pluralism

Countries	at	be	bg	cy	cz	de	dk	ee	es	fi	fr	gr	hu	ie	it	lv	lt	lu	mt	nl	pl	pt	ro	sk	si	se	uk
Measures																											
4.1. Structural rules (relating to the organization and structures of media companies/advisory bodies)			✓	✓																							
4.1.1. Restrictions to politicians' ownership/control of media	✓	✓	✓			✓						✓		✓		✓	✓				✓					✓	✓
4.1.2. Requirements of independence from political parties / politicians	✓	✓	✓		✓								✓			✓	✓		✓	✓	✓	✓		✓		✓	✓
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies	✓	✓			✓		✓					✓		✓		✓	✓				✓	✓	✓	✓	✓		✓
4.1.4. Representation requirements in media companies' bodies		✓	✓					✓			✓			✓	✓	✓						✓			✓		
4.1.5. Representation requirements in media advisory bodies and/or regulators		✓	✓					✓				✓					✓		✓		✓	✓	✓				
4.2. Content rules (relating to media programmes, press articles, other content)											✓										✓						
4.2.1. (Equal/proportionate) Access to airtime for political groups		✓		✓	✓	✓		✓			✓			✓	✓				✓		✓	✓	✓		✓		
4.2.1.a. Non-paid access (e.g. right to insert own programmes or messages on the public channels)									✓		✓	✓		✓	✓	✓	✓	✓		✓		✓	✓				✓
4.2.1.b. Paid access (limits to political advertising)		✓	(✓)	✓		✓	✓		✓		✓	✓	(✓)	✓	✓	(✓)	(✓)		✓		(✓)	✓	✓			✓	✓
4.2.2. Government announcements	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
4.2.3. Impartiality obligations	✓	✓	✓		✓	✓	✓	✓		✓			✓	✓	✓				✓		✓	✓	+	✓	✓	✓	✓
4.2.4. Fair representation of political viewpoints (general/ election periods)		✓	✓	+	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	+	✓

TABLE 5. Geographical pluralism

Countries	at	be	bg	cy	cz	de	dk	ee	es	fi	fr	gr	hu	ie	it	lv	lt	lu	mt	nl	pl	pt	ro	sk	si	se	uk	
Measures																												
5.1. Licensing policy fostering local/regional types of media <i>(e.g.: is part of the spectrum explicitly reserved for regional/ local 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...)</i>	✓	✓	+	✓		✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓
5.2. Structural measures: access of various localities to media <i>(e.g. obligation to have branches throughout country)</i>		✓	+	✓	✓		✓		✓		✓		✓		✓						✓	✓		✓	✓			
5.3. Content obligations: requirements 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)									✓		✓											✓				✓	✓	

TABLE 6. Pluralism of ownership/control

Countries	at	be	bg	cy	cz	de	dk	ee	es	fi	fr	gr	hu	ie	it	lv	lt	lu	mt	nl	pl	pt	ro	sk	si	se	uk
Measure																											
6.1. Sector specific rules limiting media ownership																					✓			✓			
6.1.1. Moment of intervention																											
6.1.1.1. Market entry (licensing procedure)	✓	✓	✓		✓		✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
6.1.1.2. Mergers & acquisitions	✓	✓			✓				✓			✓		✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓
6.1.1.3. Other (constant monitoring/supervision)		✓				✓		✓				✓		✓	✓	✓			✓		✓	✓	✓				✓
6.1.2. Scope																											
6.1.2.1. Monomedia	✓	✓	✓	✓	✓	✓			✓		✓	✓	✓		✓	✓		✓		✓	✓	✓	✓	✓	✓		✓
6.1.2.1. Crossmedia	✓			✓	✓	✓		✓			✓	✓	✓		✓	✓			✓	✓				✓	✓	✓	✓
6.1.2.3. Vertical integration with networks	✓				✓								✓			✓								✓	✓		
6.1.2.4. Integration with advertising sector			✓			✓									✓										✓		✓
6.1.2.5. Integration with other (e.g. energy) sectors																											
6.1.2.6. Control over both commercial and public media		✓														✓					✓						
6.1.3. Criteria used to define thresholds for maximum ownership and/or control													✓										✓				
6.1.3.1. Number of licenses	✓	✓	✓	✓	✓			✓			✓	✓		✓	✓	✓		✓	✓				✓	✓		✓	✓
6.1.3.2. Market shares	✓					✓					✓				✓		✓			✓	✓						✓
6.1.3.3. Circulation and audience shares		✓			✓	✓						✓		✓	✓									✓	✓		✓
6.1.3.4. Capital shares	✓	✓		✓		✓			✓		✓	✓				✓		✓					✓	✓			
6.1.3.5. Voting shares	✓					✓			✓		✓							✓			✓				✓		
6.1.3.6. Advertising revenues																									✓		✓
6.1.3.7. Involvement in number of media sectors	✓											✓			✓					✓							✓
6.2. Sector specific rules preventing cooperation between media companies		✓							✓						✓	✓											✓
6.3. (Sector specific or general) rules preventing (non-EU) foreign ownership				✓					✓	✓	✓	✓	✓		✓		✓		✓		✓		✓	✓	✓		

Countries	at	be	bg	cy	cz	de	dk	ee	es	fi	fr	gr	hu	ie	it	lv	lt	lu	mt	nl	pl	pt	ro	sk	si	se	uk
Measure																											
6.4. General competition rules			✓	✓	✓			✓				✓	✓	✓	✓		✓				✓	✓		✓	✓		
6.4.1. Antitrust					✓			✓					✓			✓			✓		✓		✓	✓			
6.4.1.1. Specific provisions for media sectors						✓						✓				✓											✓
6.4.1.2. Case law in media sectors				✓	✓											✓		✓									
6.4.2. Merger control	✓			✓	✓			✓					✓	✓			✓	✓		✓				✓			
6.4.2.1. Specific provisions for media sector (e.g. possibility for government to overrule NCA decision)		✓												✓	✓					✓		✓					✓
6.4.2.2. Case law in media sectors					✓											✓		✓		✓							
6.5. Transparency obligations		✓	✓																✓	✓		✓			✓		
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)	✓				✓			✓		✓							✓	✓	✓		✓		✓		✓	✓	✓
6.5.2. Transparency obligations towards regulator or in general (info on capital structure, balance sheets, either in specific media laws or in general company laws...)	✓			✓	✓	✓		✓	✓		✓	✓			✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓

TABLE 7. Pluralism of media types and genres

Countries	at	be	bg	cy	cz	de	dk	ee	es	fi	fr	gr	hu	ie	it	lv	lt	lu	mt	nl	pl	pt	ro	sk	si	se	uk
Measures																											
7.1. Minimum service in a number of programme strands for commercial / community / public service media	✓	✓				✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			✓		
7.1bis. Special framework for community media		✓							✓		✓	✓		✓	✓											✓	✓
7.2. Events list	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓		✓
7.3. Short news reporting	✓	✓	✓		✓	✓	✓	✓	✓		✓		✓				✓		✓		✓	✓	✓	✓	✓		
7.4. Fixed book price	✓					✓			✓		✓				✓					✓		✓					
7.5. Public service media																					✓		✓				
7.5.1. Structural rules - organization					✓			✓					✓										✓				✓
7.5.1.1. Independence	✓	✓	✓				✓	✓	✓		✓	✓		✓		✓	✓		✓	✓	✓	✓	✓		✓		✓
7.5.1.2. Objective and transparent election of management	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓		✓	✓		✓
7.5.1.3. Specific representation requirements for board of directors, other bodies	✓	✓					✓	✓	✓	✓				✓			✓								✓		✓
7.5.1.4. Advisory bodies: broad representation of cultural, political and geographic groups	✓	✓	✓			✓		✓	✓										✓	✓	✓	✓		✓	✓		✓
7.5.1.5. Employment: broad representation of cultural, political and geographic groups		+			+					+	✓										✓					+	✓
7.5.2. Structural rules - funding				✓																							
7.5.2.1. Source of funding:	✓	✓	✓		✓			✓		✓	✓		✓	✓	✓				✓		✓	✓	✓	✓	✓		
- only license fee/ public money					✓	✓	✓	✓					✓								✓	✓	✓	✓	✓		✓
- dual funding (public + advertising/sponsoring)			✓		✓				✓			✓				✓	✓		✓	✓	✓		✓		✓	✓	
- merchandising				✓		✓	✓	✓	✓			✓				✓	✓				✓	✓			✓	✓	
7.5.2.2. Sufficiency of resources					✓	✓			✓							✓	✓			✓	✓				✓	✓	
7.5.3. Definition of public service remit				✓	+																✓				✓		
7.5.3.1. Obligation to provide a varied and pluralistic offer	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓
7.5.3.2. Obligation to engage in new media activities	✓		✓		✓		✓		✓						✓	✓				✓	✓				✓	✓	
7.5.4. Content obligations (not yet mentioned in table 3, 4 or 5)			✓		+		✓	✓	✓		✓		✓	✓	✓				✓	✓	✓			✓	✓	✓	✓
7.5.5. Universal coverage obligations	✓	✓			✓		✓		✓			✓			✓	✓				✓	✓	✓		✓	✓	✓	✓

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

Countries	at	be	bg	cy	cz	de	dk	ee	es	fi	fr	gr	hu	ie	it	lv	lt	lu	mt	nl	pl	pt	ro	sk	si	se	uk	
Measures																												
8.1. Guarantees for public interest content to be distributed (must carry)	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	+
8.2. Guarantees for network operators to distribute public interest content (must offer)		✓					✓				✓		✓								✓						✓	
8.3. Ex ante regulation (in electronic communications): SMP market analysis for broadcasting transmission					✓	✓															✓			✓				
8.3.1. Implementation of market analysis procedure in ECNS Directives	✓	✓			✓				✓						✓		✓		✓	✓	✓			✓				
8.3.2. Market 18 analysis	✓	✓							✓								✓			✓								
8.4. Ex ante regulation for associated facilities of networks																					✓							
8.4.1. Conditional access	✓	✓			✓	✓		✓	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
8.4.2. EPG (or other search tools)	✓	✓				✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
8.4.3. API	✓	✓				✓		✓	✓	✓		✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
8.4.4. Other					✓					✓							✓										✓	
8.5. Interoperability requirements	✓	✓			✓	✓					✓		✓		✓	✓			✓		✓				✓			
8.6. Specific rules for distribution systems in print media		✓					✓			✓	✓	✓				✓										✓		
8.7. General competition law								✓			✓	✓			✓								✓					
8.8. Policies fostering distribution systems (libraries, broadband networks...)							✓									✓										✓		
8.9. State Aids to distribution platforms and/or schemes (based on regional; linguistic/minority; national criteria)	✓		+					✓		✓					✓					✓						✓		

TABLE 9. Supervision

Countries	at	be	bg	cy	cz	de	dk	ee	es	fi	fr	gr	hu	ie	it	lv	lt	lu	mt	nl	pl	pt	ro	sk	si	se	uk
Measures																											
9.1. Media Regulator			✓	✓	✓		✓					✓	✓			✓	✓	✓	✓	✓	✓		✓	✓	✓		✓
9.1.1. Structure/ organisation	✓			✓	✓		✓					✓			✓	✓	✓		✓	✓	✓			✓	✓		✓
9.1.1.1. Independence	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓		✓	✓	✓
9.1.1.2. Representation requirements	✓	✓	✓	✓	✓		✓	✓				✓			✓	✓	✓				✓	✓	✓	✓	✓	✓	✓
9.1.2. Credibility and efficiency				✓				✓													✓					✓	✓
9.1.2.1. Sufficient resources				✓	✓			✓			✓			✓	✓	✓	✓			✓	✓		✓	✓	✓	✓	✓
9.1.2.2. Tasks and duties	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓		✓	✓	✓	✓	✓
9.1.2.3. Sanctioning powers	✓	✓		✓	✓		✓			✓	✓	✓		✓	✓	✓	✓		✓	✓	✓			✓		✓	✓
9.1.3. Cooperation with other regulators	✓	✓	✓	✓				✓		✓						✓			✓	✓	✓		✓	✓	✓	✓	✓
9.1. Telecoms Regulator																											
9.1.1. Structure/ organisation																											
9.1.1.1. Independence																											
9.1.1.2. Representation requirements																											
9.1.2. Credibility and efficiency																											
9.1.2.1. Sufficient resources																							✓				
9.1.2.2. Tasks and duties																							✓				
9.1.2.3. Sanctioning powers																							✓				
9.1.3. Cooperation with other regulators																							✓				
9.2. Press Council			+	✓		+	✓	✓							✓	✓	+	+							✓		+
9.2.1. Broad representation							✓	✓		+					✓		+	+							✓	+	+
9.2.2. Sufficient resources																	✓								✓		+
9.2.3. Credibility							✓										✓								✓	+	
9.3. Competition Authority			✓	✓			✓	✓	✓							✓	✓	✓	✓	✓	✓				✓	+	✓
9.3.1. Structure/ organisation				✓			✓		✓	✓	✓			✓	✓	✓	✓	✓	✓	✓	✓				✓	+	
9.3.2. Cooperation with other regulators				✓				✓	✓							✓		✓		✓					✓		