



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

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*by*

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**Final Report - Annex III**

**COUNTRY REPORTS**

**Sweden**

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**Important Notice**

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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.

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

### [SWEDEN]

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#### National regulations relevant in the area of media pluralism

- **Legislation**

- *Sector specific legislation*

Freedom of the Press Act (*Tryckfrihetsförordningen*)<sup>1</sup>

Fundamental Law on Freedom of Expression (*Yttrandefrihetsgrundlag*)<sup>2</sup>

Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression (*Lag med föreskrifter på tryckfrihetsförordningens och yttrandefrihetsgrundlagens områden*)<sup>3</sup>

Radio and TV Act (*Radio- och TV-lag*)<sup>4</sup>

Television Fees Act (*Lagen om finansiering av radio och TV i allmänhetens tjänst*)<sup>5</sup>

Electronic Communications Act<sup>6</sup>

Press Subsidy Ordinance (*Presstödsförordning*)<sup>7</sup>

Decree on State Subsidies for Literature (*Förordning om statligt litteraturstöd*)<sup>8</sup>

Decree on State Support for Radio and Cassette Newspapers (*Förordning om statligt stöd till radio- och kassettidningar*)<sup>9</sup>

Decree laying down the brief of the Broadcasting Commission (*Förordning med instruktion för Granskningsnämnden för radio och TV*)<sup>10</sup>

Decree laying down the brief of the Radio and Television Authority (*Förordning med instruktion för Radio- och TV-verket*)<sup>11</sup>

Public Libraries Act (*Bibliotekslag*)<sup>12</sup>

Secrecy Act (*Sekretesslag*)<sup>13</sup>

<sup>1</sup> SFS 1949: 105.

<sup>2</sup> SFS 1991:1469 as last amended by SFS 2002:909.

<sup>3</sup> Act (1991:1559) as last amended by SFS 2007:1288.

<sup>4</sup> SFS 1996: 844 as last amended by SFS 2007: 1439.

<sup>5</sup> SFS 1989:41 as last amended by SFS 2007: 1332.

<sup>6</sup> SFS 2003:389 as last amended by SFS 2003:394.

<sup>7</sup> SFS 1990:524 as last amended by SFS 2007:1356.

<sup>8</sup> SFS 1998:1469 as last amended by SFS 2002:1094.

<sup>9</sup> SFS 1988:582 as last amended by SFS 1999:1073.

<sup>10</sup> SFS 2007:1183.

<sup>11</sup> SFS 2007:1197 as last amended by SFS 2007:1286.

<sup>12</sup> SFS 1996:1596 as last amended by SFS 2004:1261.

Secrecy Ordinance (*Sekretessförordningen*)<sup>14</sup>

- *General legislation*

Copyright in the Literary and Artistic Works Act (1960:729)

• **Codes of conduct**

Code of Ethics for Press, Radio and Television in Sweden<sup>15</sup>

• **Other**

Charter of the Press Council<sup>16</sup>

Licences of SVT, SR, UR

Policy for Ethnic and Cultural Diversity Within SVT 2006

<sup>13</sup> SFS 1980:100 as last amended by 2008:228.

<sup>14</sup> SFS 1980:657 as last amended by SFS 2008:234.

<sup>15</sup> <http://www.po.se/Article.jsp?article=1905&avd=english>

<sup>16</sup> <http://www.po.se/Article.jsp?article=2290&avd=english>

**TABLE 1. Constitutional protection of press and communication freedoms**

Measure	Source	Scope of application	Key features
<b>1.1. Freedom of expression</b>	Instrument of Government  Fundamental Law on Freedom of Expression. (SFS 1991:1469)  Freedom of the Press Act (1949: 105)  Section 5 SVT licence	PM + AAVM	Chapter 3, Section 1 Radio- and TV Act provides that licences for R, TV broadcasting can be made conditional on requirement for objectivity and impartiality; Chapter 6 Section 1 Radio- and TV Act requires that all broadcasting of R, TV programmes subject to a licence shall reflect ‘the fundamental values of a democratic society and the principle that all persons are of equal value, and the freedom and dignity of the individual’.  The Code of Ethics for Press, Radio and Television in Sweden recognizes that individuals must be protected against unnecessary suffering as a result of reporting. This consideration is also reflected in Section 6 SVT licence; Section 7 SR licence; Section 7 UR licence
	Section 7 SVT licence; Section 8 SR licence; Section 8 UR licence	TV; R	National PSB shall take into account the importance of its activities for the process of opinion formation and express a diversity of views and opinions
<b>1.2. Freedom of/right to information</b>	Chapter 2, Art. 1, Freedom of the Press Act		Official documents shall be freely available to Swedish citizens to encourage the free exchange of opinion and availability of comprehensive information.  Chapter 2 Section 2 provides for restrictions of this right of access for a number of public interest reasons.  Chapter 3, Section 1 Radio- and TV Act provides that licences for R, TV broadcasting can be made conditional on requirement for objectivity and impartiality
<i>Note: ‘Official’ documents are documents that have been finalized, dispatched or received. Documents currently being produced are not included and may be very substantial part of the production of texts. A rather subtle but important restriction.</i>			
<i>Is there – besides constitutional provisions – a specific act dealing with citizens’ or journalists’ access to public sector information?</i>	Secrecy Act, Secrecy Ordinance		These instruments define limits of the constitutional right to access government information.
<i>Are there specific rules dealing with journalists’ access to events for news reporting?</i>			Practical installations, such as provision of equipment and premises for news agencies in ministries.
<b>1.3. Explicit recognition of media pluralism</b>	Chapter 3 Section 4 Radio- and TV Act	TV Concerns only licensed – i.e. terrestrial broadcasting. Cable and satellite not covered (no licence required).	Licensing of TV programmes shall accommodate: - different programmes that appeal to different interests; - local, regional and national programmes; - multiple operators which are independent of each other
	Chapter 5 Section 8 Radio- and TV Act	R	When there are multiple applicants for a local radio licence, the Radio and TV Authority shall prevent the establishment of a dominant position and encourage a

			diverse range of views.
<i>Note: A merely formal clause has not been applied, since radio licences are traded and in reality concentrated to 2-chains. Auction system has not permitted any other than economic considerations for commercial local radio.</i>			
	Section 7 SVT licence	TV	National PSB shall take into account the importance of its activities for the process of opinion formation and express a diversity of views and opinions.
	Section 1 Decree on State Subsidies for Literature	B	State subsidies for the publication of literature are awarded to promote pluralism. Subsidies concentrated to Swedish literature and some translations.
<b>1.4. Protection of journalistic sources</b>			
<b>1.5. Right of reply</b>			
	Sections 5 and 13 Code of Ethics for Press, Radio and Television in Sweden	R, TV, N, M	Factual errors should be corrected when called for. Anyone wishing to rebut a statement shall, if this is legitimate, be given the opportunity to do so. Persons, who are criticized in a factual report, shall be given the opportunity to reply instantly to the criticism.
<i>Note: No legally binding obligation. In practice rare.</i>			
	Section 17 SVT licence; Section 19 SR licence; Section 16 UR licence	TV; R	Affected persons shall be able to apply for the opportunity to reply to any factual statements concerning them.
<b>1.6. Ratification of international instruments:</b> - 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)	- yes - yes		Ratification: 9.2.2000  Ratification: 18.12.2006

**TABLE 2. Editorial independence**

Measure	Source	Scope of application	Key features
<b>2.1. Journalists</b>			
<i>Note: Controversy between media companies and journalists organization on the scope of multiple use of material, not entirely solved. No legal regulations specifically for journalists.</i>			
<b>2.2. News / information programmes</b>	Chapter 7 Section 8 Radio- and TV Act	R, TV	Programmes which primarily feature news and current affairs may not be sponsored.
<i>Note: Sports programmes may be sponsored.</i>			
<b>2.3. Other media content</b>	Chapter 6 Section 4 Radio- and TV Act	R, TV	Programmes that are not advertising must not promote commercial interests in an improper manner
<b>2.4. Subsidies/ Training of journalists (independence, ethic, recruitment, etc.)</b>			
<b>2.5. Consultative programming structure for participation of the public/citizens to media (i.e. a mechanism to allow citizens to participate in editorial decisions, under the form of e.g. an ombudsman, ethics or liaison committee, "Société des rédacteurs")</b>	Section 13 SVT licence; Section 15 SR licence; Section 12 UR licence	TV; R	PSB shall engage in dialogue with special target groups of its programmes.

**TABLE 3. Cultural pluralism**

Measure	Source	Scope of application	Key features
<b>3.1. Structural rules (guaranteeing or promoting access by the various cultural groupings to media companies’ bodies, structures...)</b>			
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 either prohibiting discrimination in recruitment or promoting equal opportunities (ethnic minorities, gender, age, disabled...)	Policy for Ethnic and Cultural Diversity Within SVT 2006	TV	In each programme category, ethnic and cultural diversity is to be taken into account in planning, contracting and assessment. This includes the persons participating in the actual programmes and to persons having programme-project functions.
<b>3.2. Representation of the various cultural groupings in the media</b>			
3.2.1. Access to airtime for cultural groupings	Licence obligations for SVT, SR, UR		
<i>Note: Finnish, Meänkieli, Sami, Rom, other minorities, + various minority languages. Deaf.</i>			
3.2.2. Content obligations			
3.2.2.1. Promotion of European works	Chapter 6 Section 8 Radio- and TV Act	TV	At least 50 percent of annual broadcasting time <sup>17</sup> shall be devoted to European works.
<i>Note: In practice not applied, since there are no sanctions. The obligation does not set any time prescriptions.</i>			
	Section 10 SVT licence; Section 12 SR licence	TV; R	SVT and SR shall promote programmes from the Nordic community.
<i>Note: No sanctions, English language programmes dominate purchased material in TV.</i>			
3.2.2.2. Promotion of European independent works	Chapter 6 Section 8 Radio- and TV Act	TV	At least 10 percent of annual broadcasting time or programme budget shall be devoted to works of European origin made by independent producers.
3.2.2.3. Promotion of national/regional works	Section 10 SVT licence	TV	SVT shall provide diverse cultural programmes of high quality reflecting both national and international developments and appealing to diverse interests; SVT shall contribute to the promotion of Swedish film production.

<sup>17</sup> Broadcasting time is defined as the time of programming devoted to programmes other than news, sport, competitions, advertisements and programme services. Pure text services are not considered for purposes of calculating total broadcasting time either.

3.2.2.4. Language requirements	Section 8, 10, 14 SVT licence; Section 10, 16 SR licence; Section 10, 14 UR licence	TV; R	PSB to promote Swedish language (8, 10 SVT; 10 SR; 10 UR); minority languages are to be awarded special standing (14 SVT; 16 SVT; 14 UR).
<i>Note: Inhabitants of Tornedalen have complained that Meänkieli is being treated as identical with Finnish by PSBs and that this constitutes implicit marginalization. Roma have also complained about inadequate representation.</i>			
	Section 2 Decree on State Subsidies for Literature	B	Generally facilitates support of Swedish language publications, including translations of foreign titles. Furthermore provides opportunity to subsidize the publication of books in minority languages.
<i>Note: In practice Swedish is dominant. The large communities speaking non-official minority languages have little access. (Arab, Persian, Kurdish, Serbo-Bosniak-Croatian etc.)</i>			
3.2.3. Representation of minorities in the media (e.g. presenting the news, in drama, movies...; can be engagement in an internal charter or can be imposed statutory)	Section 11, 14 SVT licence	TV	PSB to take into account the interest of ethnic and linguistic minorities (Section 14) and promote prg for children from minority backgrounds (Section 11). Efforts shall be coordinated between different PSB operators (Section 14).
<i>Note: No specification of minorities, in practice a voluntary matter.</i>			
	Policy for Ethnic and Cultural Diversity Within SVT 2006	TV	In each programme category, ethnic and cultural diversity is to be taken into account in planning, contracting and assessment. This includes the persons participating in the actual programmes and to persons having programme-project functions.
3.2.4. Subsidies (apart from general PSB funding)	Press Subsidy Ordinance	N	Provides subsidies for the production and distribution of newspapers, including electronic newspapers (Section 11a).
	Decree on State Subsidies for Literature	B	Provides subsidies for the publication of individual books in Sweden.
Subsidies for cultural magazines	Budget provision and regulations by National Council for cultural Affairs (Statens Kulturråd)		Supports cultural periodicals, by decision of Kulturrådet.
<b>3.3. Accessibility</b> (i.e. special measures to promote access to media contents by special needs groupings in society, like the elderly, disabled...)			
	Chapter 3, Section 8 Radio- and TV Act	R, TV subject to licensing requirements	Grant of licence can be made conditional on accessibility requirements, e.g. for the visually or hearing impaired.
	Section 7 SVT licence; Section 9 SR licence; Section 9 UR licence TV 4 licence contains regulations close to Public broadcasters, though issued by the Radio and TV-authority, not the Government, 2008-2014	TV; R	Programmes shall generally be accessible taking into account the needs of different groups in society

*Note: The provision is very general, and there is very little room for enforcement.*

	Section 13 SVT licence	TV	TV programmes shall take into account the needs of the disabled.  For the deaf, esp. news, cultural and informational programmes shall be accorded priority for translation into sign language. At the end of the licence period 65% of programmes on SVT1 and SVT2 of Swedish origin shall be subtitled.
	Section 15 SR licence; Section 12 UR licence	R	Radio programmes shall take into account the needs of the disabled, and be provided with the long-term objective of making all programmes available to all citizens.
	Section 1 Decree on State Support for Radio and Cassette Newspapers	N	Provides subsidies to newspaper publishers for production of audio versions of their newspapers.
	Section 11 Decree on State Support for Radio and Cassette Newspapers	N	Those who subscribe to a radio periodical can be granted access to necessary reception equipment free of charge.

**TABLE 4. Political pluralism**

Measure	Source	Scope of application	Key features
<b>4.1. Structural rules (relating to the organization and structures of media companies/advisory bodies)</b>			
4.1.1. Restrictions to politicians' ownership/control of media (avoid one dominating voice)	Chapter 5 Section 4 Radio- and TV Act	R	Central government, counties and municipalities are barred from obtaining a local radio licences.
<i>Note: In practice no control whatsoever. Very difficult to ascertain that licensing indeed serves the public interest.</i>			
4.1.2. Requirements of independence from political parties / politicians	Chapter 5 Section 3 Press Subsidies Ordinance	N	The political orientation of a newspaper is not to affect the decision concerning its eligibility for press subsidies.
<i>Note: No requirement whatsoever, on the contrary. The ordinance is a political compromise, conscious of the fact that most first newspapers have a centre-right-wing tendency, while Labour-affiliated newspapers are mostly second. Today most Labour-tendency papers are owned, or co-owned by groups, traditionally favouring centre-right positions.</i>			
4.1.3. Incompatibility of political mandate with membership in media advisory or regulatory bodies			
4.1.4. Representation requirements in media companies' bodies (board of directors...)			
4.1.5. Representation requirements in media advisory bodies and/or regulators			
<b>4.2. Content rules (relating to media programmes, press articles, other content)</b>	Section 5 Decree on State Support for Radio and Cassette Newspapers	N	Where support is awarded to areas in which newspaper of more than one political persuasion compete, support shall seek to reinforce political pluralism.
<i>Note: The provision has limited impact on media pluralism at large since Radio and Cassette newspapers are few.</i>			
4.2.1. Equal/proportionate access to airtime for political groupings			
4.2.2. Government announcements	Chapter 3, Section 8 Radio- and TV Act	R, TV subject to licensing requirements	Grant of licence can stipulate that broadcaster must broadcast announcements of importance for the general public.
	Chapter 6 Section 7b Radio- and TV Act	R	Obligation for local radio to broadcast messages of import to the general public if this is requested by government and the broadcast serves to protect people, property or the environment.
	Section 16 SVT licence; Section 18 SR licence	TV; R	SVT and SR shall transmit, free of charge, announcements of import for the general public if requested to do so by a public authority.
4.2.3. Impartiality obligations	Chapter 3, Section 7 Radio- and TV Act	R, TV subject to licensing requirements	Grant of licence can be made conditional on requirement for objectivity and impartiality.
<i>Note: A purely formal matter, apart from public broadcasters. TV 4 has the obligation but nobody is likely to prosecute the company.</i>			



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4.2.4. Fair representation of political viewpoints; special rules in election periods	Section 13 Code of Ethics for Press, Radio and Television in Sweden	R, TV, N, M	In general, in factual reporting it shall be attempted to represent the views of all parties concerned.
4.2.5. Advertising for political and religious organizations	Radio Law ch 6, 5§ prohibits advertising for political and religious views in SVT,SR,UR and TV4 – under objectivity obligations. Other broadcasters are free to advertise.		

**TABLE 5. Geographical pluralism**

Measure	Source	Scope of application	Key features
<b>5.1. Licensing policy fostering local/regional types of media</b>			
	Chapter 2, Section 2 Radio- and TV Act	R	If special reasons justify this, government can issue licence for local radio that do not meet licensing criteria.
	Chapter 5 Section 3 Radio- and TV Act	R	Radio and TV Authority must publicly announce the availability of frequencies.
	Chapter 5 Section 8 Radio- and TV Act	R	Where multiple applicants exist for a local radio licence, it shall be ensured that the applicant offers programming that has local links.
<i>Note: In practice never applied, since all commercial radio is chain-linked.</i>			
	Chapter 5 Section 11 Radio- and TV Act	R	Grant of local radio broadcast licence of TV and radio can be made conditional on provision of a specific proportion of programmes with local links.
<i>Note: Never put into practice.</i>			
	Chapter 8 Section 2 Radio- and TV Act	TV	Cable network operators serving areas comprising more than 100 homes have to reserve, without charge, in each municipality a specific frequency for TV broadcasting activities by one or more local cable transmission undertakings.
<i>Note: The Radio and TV Authority may derogate from this requirement if special reasons apply (Section 6); provision does not apply where cable retransmission only concerns terrestrial broadcasts at frequencies of less than 3 GHz (Section 3)</i>			
	Chapter 8 Section 4 Radio- and TV Act	TV	Operators retransmitting TV programmes at frequencies above 3 GHz must reserve, without charge, in each municipality a specific frequency for TV broadcasting activities by one or more local cable transmission undertakings.
<b>5.2. Structural measures: access of various localities to media (e.g. obligation to have branches throughout country)</b>			
<b>5.3. Content obligations: requirements to cover local events, etc.</b>	Chapter 5 Section 11 Radio- and TV Act	R	Grant of local radio broadcast licence of TV and radio can be made conditional on provision of a specific proportion of programmes with local links.
<i>Note: For commercial radio never applied in practice.</i>			
	Chapter 6 Section 7a Radio- and TV Act	R	Local licensees must broadcast content of their own production for at least three hours between 6 a.m. and 9 p.m.
<i>Note: The production requirement can be circumvented relative easily in practice, e.g. a machine, playing music with somebody talking in between songs.</i>			
	Chapter 7 Section 11 Radio- and TV Act	R, TV	Local cable transmission undertakings may not, as a rule, transmit commercial advertising. Sponsoring may be allowed.

<b>5.4. Regional State Aids</b>			
<b>5.5. Rules on national minorities</b>	Section 14 SVT licence; Section 16 SR licence; Section 14 UR licence	TV; R	Minority languages are to be awarded special standing in the activities of national PSB (14 SVT; 16 SR; 14 UR), including national minority languages.
<i>Note: Inhabitants of Tornedalen have complained that Meänkieli is being treated as identical with Finnish by PSBs and that this constitutes implicit marginalization. Roma have also complained about inadequate representation.</i>			
<b>5.6. Rules on social inclusion of remote areas</b> (Aménagement du territoire)	Chapter 5 Section 10 Radio- and TV Act	R	Award of a local radio broadcasting licence may be contingent on the delivery of programmes to a particular area within the transmission area.
	SVT licence  TV 4 licence Radio and TV Authority Decision (Radio och TV-verket beslut 2008-03-27 dnr 361/2008 etc. annex 30.)	TV	Right to broadcast nationwide requires that the broadcasts be divided into regional services.
<i>Note: Exact legal meaning of this requirement is unclear. On the other hand this is a reality, for once: SVT, SR and TV4 all do implement this regulation...TV4 should have 16 regional services.</i>			
	Section 7 SVT licence	TV	Broadcasting activity shall reflect Sweden's diversity in geography and living conditions.
	Section 9 SVT licence	TV	SVT is to provide a varied news production covering current events from a multiplicity of perspectives; its objective must be to provide citizens with the information necessary to participate in societal and cultural affairs on a well-founded basis.
	Section 1 SR licence	R	Obligation to provide four radio channels to the entire country, one of which has to provide regionally diversified content.
	Section 5 Decree on State Support for Radio and Cassette Newspapers	N	Support for the production of radio and cassette newspapers shall be geographically diverse.

**TABLE 6. Pluralism of ownership/control**

Measure	Source	Scope of application	Key features
<b>6.1. Sector specific rules limiting media ownership</b>			
6.1.1. Moment of intervention			
<i>Note: Broadcasting licences include provision not to change ownership risking to increase concentration as a whole. Never applied, not even when Bonnier group took over TV 4, the largest TV channel. Technical legal problems contributed – temporary lack of “double coverage” of licence withdrawal based on this provision.</i>			
6.1.1.1. At moment of market entry (licensing procedure)	Chapter 3 Section 11 Radio- and TV Act	R, TV	Grant of licence for broadcasters of TV and radio other than local and community radio can be made conditional on relative stability of ownership structure and influence within company.
<i>Note: Cf. above. The provision has not been applied so far.</i>			
	Chapter 5 Section 4 Radio- and TV Act	R	No person or entity may have more than one licence in a local transmission area, unless there are special reasons to justify this
<i>Note: In practice set aside by chain structure.</i>			
	Chapter 5 Section 11 Radio- and TV Act	R	Grant of local radio broadcast licence of TV and radio can be made conditional on relative stability of ownership structure and influence within company.
<i>Note: Never applied.</i>			
6.1.1.2. At the moment of mergers & acquisitions			
6.1.1.3. Other (constant monitoring/supervision)			
6.1.2. Scope (i.e. trying to prevent one of the following forms of concentrated ownership and/or control)			
6.1.2.1. Monomedia			
6.1.2.2. Crossmedia	Chapter 5 Section 8 Radio- and TV Act	R	In determining who is to receive a local radio broadcasting licence, the Radio and TV Authority shall, in determining whether a dominant position would result from the award, take into account whether the applicant publishes daily newspapers or broadcasts TV or radio in the transmission area concerned; exerts decisive influence over one such undertaking; or is a company in which a person exerts such influence.
<i>Note: The provision has lost much of its practical relevance as newspapers have largely left the market.</i>			
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 licences	Chapter 4 Section 6 Radio- and TV Act	R	Holders of a local or digital radio licence

	Act		cannot hold a community radio licence.
	Chapter 5 Section 4 Radio- and TV Act	R	Nobody may hold more than one local broadcasting licence, unless special reasons apply.
<i>Note: In practice, the effectiveness of this ban is somewhat limited by networking and cooperation practices between local service providers. A study by the Radio and Television Authority conducted in 2005 showed that very few stations have remained local and independent. Nevertheless, collaborative practices are usually structured in such a manner that they do not provide grounds for licence revocation.</i>			
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			
<b>6.2. Sector specific rules preventing cooperation between media companies</b>			
<b>6.3. (Sector specific or general) rules preventing foreign (non-EU) ownership</b>	Chapter 2 Section 1 Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression	N	Foreigners who are residents of Sweden or who are citizens of another Member State of the European economic area shall be allowed to own periodicals published in Sweden. This right also accrues to legal persons formed under the legal regime of another EU Member State and which have their headquarters or the centre of their activity within the European economic area.
<i>Note: None, in practice.</i>			
	Chapter 2 Section 6 Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression	N	Foreigners may be publishers of periodicals for which a certificate of no legal impediment to publication exists or is required.
<i>Note: The Radio and Television Authority has issued about 470 such certificates. In practice, these do not provide an obstacle to the take-up of operations by foreign publishers. Does not have the same extent of enforceability as licensing conditions.</i>			
<b>6.4. General competition rules</b>			
6.4.1. Antitrust			
6.4.1.1. Specific provisions for media sectors (e.g. public interest test...)	No		
6.4.1.2. Case law in media sectors (examples of leading cases; any specificities?)			
<i>Note: Controversial application of competition law for publishing part of media, easier for advertising sector. Never tested in court.</i>			
6.4.2. Merger control			
6.4.2.1. Specific provisions for media sector (e.g. possibility for government to overrule NCA decision, public interest test...)			
<i>Note: No, completely free. Legislative attempts failed.</i>			
6.4.2.2. Case law in media sectors (examples of leading cases; any specificities?)			
<b>6.5. Transparency obligations</b>			
6.5.1. Transparency towards consumer (e.g. identification obligation; cf. Art. 3a AVMS Directive)	Chapter 6 Section 9 Radio- and TV Act	R, TV	Broadcasters must provide a so-called ‘designation’ at least once per broadcast hour,

			or, if this is not possible, between programmes. Teletext shall feature such identification continuously.
	Section 8 Decree on State Support for Radio and Cassette Newspapers	N	Identification information constitutes an acceptable component of radio and cassette newspapers, inclusion of which does not void the right to receive public support
	Chapter 3 Section 1 Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression	R, TV	The editor responsible for each programme shall be recorded prior to transmission in a register kept by the broadcaster. The register shall be available for consultation by the general public.
<i>Note: In practice difficult, but increasing, for broadcasting. Very difficult for WWW.</i>			
	Chapter 3 Section 6, 10 Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression	R, TV	Where an agent acts on behalf of the editor of a radio or TV programmes (6), radio periodical (10), his name shall be made known as part of the broadcast.
<i>Note: The editor, is, on the legal level, solely responsible, and shall be named. The practically responsible producer (editor) may or may not be legally responsible.</i>			
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...)	Chapter 9 Section 5+6 Radio- and TV Act	TV	Satellite operators must provide, upon request of the Radio and TV Authority, <ul style="list-style-type: none"> <li>- ownership and financing information (Section 5)</li> <li>- information regarding its principal, the principal's address, the programmes' designation and the manner in which transmissions are carried out</li> </ul>
	Section 9a Decree on State Support for Radio and Cassette Newspapers	N	Publishers of radio and cassette newspapers can be required to provide an overview of the costs and revenues incurred from the production of these products.
	Chapter 2 Section 2 Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression	N	The Patent- and Registration Office shall maintain a register of periodicals that have applied for a legal certificate of no legal impediment to publication.
	Chapter 3 Section 7 Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression	R	The owner of the periodical that constitutes the major source of a radio periodical shall inform the Talking Newspapers Council who is to be considered as editor of the radio periodical.
	Chapter 3 Section 13 Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression	R	The person responsible for appointing the editor responsible for transmissions other than those covered by the Radio & TV Act and wire-borne text, sound or images shall notify the Radio & TV Authority of the appointee's identity.
	Chapter 3 Section 18 Act containing Regulations relating to the Freedom of the Press Act and the	R	Obligation to register database driven services with the Radio & TV Authority (to be identified by the name of the database, not

	Fundamental Law on Freedom of Expression		that of the editor).
<i>Note: Impracticable, and hence of little value as a deterrent.</i>			
	Chapter 3 Section 26, 27 Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression	R, TV	In every case where the editor of a printed periodical or a radio programme, an enterprise for the professional production of printed matter or matter equated with printed matter or of technical recordings, or a news agency, make available by electromagnetic waves to the general public (i) in response to a special request, information from a database that only it can modify, or (ii) information from such a database in accordance with a prior agreement, information on the party providing the service shall be provided concerning the identity of the company, the editors and the transmitting party. This information shall be easily accessible, clear and be publicized next to each other.  The Radio and TV Authority shall maintain a register of the companies concerned.
	Chapter 3 Section 3, 13 Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression		Changes in the identity of the editor of the service have to be notified to the appropriate authority.
<i>Note: Difficult to practice for broadcasting, impossible for Web.</i>			
	Chapter 3 Section 4, 14 Act containing Regulations relating to the Freedom of the Press Act and the Fundamental Law on Freedom of Expression		The identity of agents authorized to act on behalf of the editor has to be notified to the appropriate authority.

**TABLE 7. Pluralism of media types and genres**

Measure	Source	Scope of application	Key features
<b>7.1. Minimum service in a number of programme strands for commercial / community / public service media</b>			
7.1bis. Special framework for community media ( <i>medias associatifs</i> ): Is there a special legal framework granting protection to community media (including rules determining the criteria - e.g. being independent of political parties, non-profit, respecting the law, etc. - in order to qualify as community media; granting certain privileges to that type of media, like guaranteed access to spectrum or networks, etc	Chapter 4 Radio- and TV Act	R	Community radio = local radio for voluntary associations (Section 1); transmission area no larger than a single municipality (Section 2)  Eligible to receive a community radio broadcast licence are <ul style="list-style-type: none"> <li>- non-profits with a link to the transmission area;</li> <li>- parishes &amp; religious bodies within the Church of Sweden;</li> <li>- obligatory student associations at universities and university colleges;</li> <li>- community radio associations</li> </ul> Chapter 6 Section 7 Radio- and TV Act specifies what type of programmes are considered acceptable as community programming
<i>Note: Under 'associations' political groups may be active. Interventions have occurred in cases of racist and anti-semitic programming. Absent such prima facie evidence, effective monitoring of this field is very difficult to implement.</i>			
	Chapter 6 Section 6 Radio- and TV Act	R	Only programmes specifically produced for community radio may be broadcast under such licences; up to ten hours may be from other sources if they are of particular interest to the association's members; AND promote knowledge and culture or involve local cultural events.
<b>7.2. Events list</b> (please indicate what type of events are listed, e.g. only sports events or also cultural, political events...)	n/a		The Swedish legislator has never availed itself of the opportunity to adopt such a list. However, Chapter 6 Section 10 Radio- and TV Act stipulates that exclusive broadcasting rights may not be used to deprive a significant portion of the Swedish public from experiencing the event live and for free. Such events occur not more than once per year. The acquisition of rights to these events has to be notified to the Broadcasting Commission acc. to Chapter 9 Section 10 Radio- and TV Act.
<b>7.3. Short news reporting</b>	n/a		
<b>7.4. Fixed book price</b>	n/a		
<b>7.5. Public service media</b>			
7.5.1. Structural rules – organization			
7.5.1.1. Independence (from government, political powers, economic powers; is this explicitly guaranteed, how?)			All PSB operators (SVT, SR, UR) are owned by an administrative foundation ( <i>Förvaltningsstiftelsen för Sveriges Radio AB, Sveriges Television. AB och Sveriges Utbildningsradio AB</i> ).

<i>Note: This is a State foundation. Thus these companies are – through this foundation – state-owned.</i>			
7.5.1.2. Election of management, composition of board members...(government? Parliament? Other?)			The 13 members of its board are appointed by government following a proposal by the political parties. The Swedish Parliament seeks consensus on all appointees, and members are expected to reach their decisions unanimously.
7.5.1.3. Specific representation requirements for board of directors, other bodies			
7.5.1.4. Advisory bodies: ensured broad representation of cultural, political and geographic groupings	N.a.		
7.5.1.5. Employment: ensured broad representation of cultural, political and geographic groupings	Policy for Ethnic and Cultural Diversity Within SVT 2006	TV	In each programme category, ethnic and cultural diversity is to be taken into account in planning, contracting and assessment. This includes the persons participating in the actual programmes and to persons having programme-project functions.
	Policy for Ethnic and Cultural Diversity Within SVT 2006	TV	Ethnic and cultural diversity is an important part of SVT’s public-service task. SVT’s policy for ethnic and cultural diversity is to be paid particular attention in trainee intake, staffing, setting of salaries and management recruiting. In the long term, staffing choices are to increase the company’s ethnic diversity and cultural skills.
<b>7.5.2. Structural rules – FUNDING</b>			
7.5.2.1. Source of funding (state / tax money, public / licence fees, advertising, merchandising...)	Section 1 Television Fees Act	R, TV	Radio and television in the public interest as well as activities directly thereto shall be financed by a TV fee. The beneficiary must have obtained a licence according to the Radio- and TV Act and be barred from transmitting advertising.
	Section 18 SVT licence; Section 20 SR licence; Section 17 UR licence	TV; R	Prohibition against advertising (does not include sponsoring and self-promotion or promotion for PSB services and products more generally)
	Section 19 SVT licence; Section 21 SR licence; Section 18 UR licence	TV; R	Definition of acceptable sponsored material that can be broadcast.
7.5.2.2. Sufficiency of resources (taking into account the missions and new media activities)			
<b>7.5.3. Definition of public service remit</b>			
7.5.3.1. Obligation to provide a varied and pluralistic offer	Section 1 SVT licence	TV	Obligation to provide four TV channels to the entire country; the two channels provided in addition to SVT1 and SVT2 shall be different from those channels and each other in terms of content or transmission timing. A minimum of 50 hours of programming is to be provided by each service.
<i>Note: New remit is being prepared.</i>			
	Section 1 SR licence	R	Obligation to provide four radio channels to the entire country, one of which has to provide regionally diversified content.
<i>Note: Additionally, many web channels are produced. Moreover, a number of other web services is also offered.</i>			
	Section 7 SVT licence	TV	SVT shall offer a varied supply of programmes,

			covering both general and specific interest programmes; it shall take account of the importance of its activities for the process of opinion formation and express a diversity of views and opinions.
	Section 9 UR licence	R, TV	UR shall provide diverse programmes with a special emphasis on educational content (pre-school, primary and secondary school, university level and adult education).
	Section 9 SVT licence; Section 11 SR licence	TV; R	SVT and SR are to provide a varied news production covering current events from a multiplicity of perspectives; its objective must be to provide citizens with the information necessary to participate in societal and cultural affairs on a well-founded basis.
	Section 10 SVT licence; Section 12 SR licence; Section 13 UR licence	TV, R	SVT and SR shall provide diverse cultural programmes of high quality reflecting both national and international developments and appealing to diverse interests; it is an important objective to represent the many different cultures and cultural forms of expression that characterize contemporary Sweden.
	Section 11, 13 SVT licence; Section 14 SR licence	TV	Special regard shall be had to the production of programmes for children, incl. dedicated news and artistic programmes.
	Section 13 SR licence	R	SR broadcasts for reception abroad shall enable Swedish expatriates as well as foreign listeners to remain connected to Swedish society
	Section 15 SVT licence; Section 17 SR licence; Section 15 UR licence	TV; R	SVT shall promote diversity in programmes by exploiting different forms of production.
7.5.3.2. <i>Obligation to engage in new media activities</i>	Section 7 SVT licence; Section 9 SR licence	TV	SVT and SR shall commit to produce innovative services in terms of both content and form.
7.5.4. Content obligations (not yet mentioned in table 3, 4 or 5)	Chapter 6 Section 1 Radio- and TV Act	R, TV	All licensed broadcasting shall reflect 'the fundamental values of a democratic society and the principle that all persons are of equal value, and the freedom and dignity of the individual'.
7.5.5. Universal coverage obligations	Chapter 3, Section 2 Radio- and TV Act	R, TV subject to licensing requirements	Grant of licence can be made conditional on accessibility of programmes throughout all of Sweden
	Chapter 5 Section 10 Radio- and TV Act	R	Award of a local radio broadcasting licence may be contingent on the delivery of programmes to a particular area within the transmission area.
	Section 1, Section 3 SVT licence	TV	Obligation to provide four TV channels to the entire country (99.8% of population must be able to receive broadcasts; transmissions must not be designed in such a manner that they can only be received by a limited share of the population in the transmission area).
	Section 1, 4 SR licence	R	Obligation to provide four radio channels to the entire country (99.8% of population must be able to receive broadcasts; transmissions must not be designed in such a manner that they can only be received by a



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			limited share of the population in the transmission area).
	Section 2 UR licence	R, TV	Transmissions must not be designed in such a manner that they can only be received by a limited share of the population in the transmission area.

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

Measure	Source	Scope of application	Key features
<b>8.1. Guarantees for 'public contents' to be distributed (must carry or other)</b>	Chapter 8 Section 1 Radio- and TV Act	TV	<p>Network operators have to ensure free reception in their transmission area of TV broadcasts conducted</p> <ul style="list-style-type: none"> <li>- under a Government licence that comprises impartiality and objectivity requirements and a condition of diverse programming, incl. news coverage;</li> <li>- to meet an obligation to transmit throughout the country or parts thereof, even if this does not require a Government licence.</li> </ul> <p>No more than four channels produced by a licensee financed via the Television Fees Act have to be carried.</p>
<i>Note: The Radio and Television Authority may derogate from this requirement if special reasons apply (Section 6); provision does not apply where cable retransmission only concerns terrestrial broadcasts at frequencies of less than 3 GHz (Section 3)</i>			
	Chapter 8 Section 1, 2, 4		Obligation to provide channels for local cable transmission undertakings
	Section 2 SVT licence; Section 3 SR licence	TV; R	Place shall be reserved on TV and radio for educational programmes produced by Sveriges Utbildningsradio AB (Swedish educational broadcaster)
<b>8.2. Guarantees for network operators to distribute 'public contents' (must offer or other)</b>			
<b>8.3. Ex ante regulation (in electronic communications): SMP market analysis for broadcasting transmission</b>			
8.3.1. Implementation of market analysis procedure in ECNS Directives			
8.3.2. Result of (first) round of market analysis of market 18			
<b>8.4. Ex ante regulation for associated facilities of networks, so-called 'bottleneck facilities'</b>			
8.4.1. Conditional access			
8.4.2. EPG (or other search tools)			
8.4.3. API			
8.4.4. Other			
<b>8.5. Interoperability requirements</b>			
<b>8.6. Specific rules for distribution systems in print media</b>	Press Subsidy Ordinance	N	Provides subsidies for the production and distribution of newspapers, including electronic newspapers (Section 11a)
	Section 11 Decree on State Subsidies for Literature	B	Books eligible for publication subsidies can be awarded a distribution subsidy that seeks to promote availability of the supported works

			at public libraries throughout the country and selected cultural institutions abroad.
<b>8.7. General competition law</b>			
<b>8.8. Policies fostering distribution systems (libraries, broadband networks...)</b>	Section 2 Law on public libraries SFS 1996:1596		Every local authority has a public library. 2§ of the Law.
<b>8.9. State Aids to distribution platforms and/or schemes (can be based on one or more of the following criteria: - Regional - Linguistic/minority - National )</b>	See Section 8.2. above.		

**TABLE 9. Supervision**

Measure	Source	Scope of application	Key features
<b>9.1. National Regulatory Authority</b>			Radio and TV Authority - RTVV (www.rtvv.se)
9.1.1. Structure/ organisation	Chapter 9 Section 3 Radio- and TV Act	R, TV	Broadcasting Commission comprises Chairman and six other members. It is placed under the Ministry of Culture.
<i>Note: Swedish Constitution prohibits ministers from direct intervention in the affairs of Government authorities.</i>			
			Radio and Television Authority is located under the Ministry of Culture.
9.1.1.1. Guarantees for independence			
9.1.1.2. Representation requirements	Section 3 Regulatory brief of the BC	R, TV	Considerations of gender equality and diversity shall be integrated into the Broadcasting Commission's work.
9.1.2. Credibility and efficiency	Chapter 9 Section 3 Radio- and TV Act	R, TV	Broadcasting Commission Chairman and Vice-chairman has to be active or former professional judge
	Section 15 Decree laying down the brief of the R+TV Authority		The Director of the Radio & Television Authority shall be a lawyer and have gained professional experience as a judge.
9.1.2.1. Sufficient resources			
9.1.2.2. Tasks and duties			
	Section 1 SFS 2007:1183; Regulatory brief of the BC	R, TV	The Broadcasting Commission ensures compliance with content standards for radio and television broadcasting intended for reception by the general public, incl. those directed at the Swedish territory from abroad. Its exercises its supervisory function ex post.
			Radio and Television Authority <ul style="list-style-type: none"> <li>- grants licences for community, private local radio and occasional broadcasting activity as well as local cable transmission activity, and advises government on the distribution on DTT licences.</li> <li>- Produces voluntary publishing certificates for use on the Internet and other services as well as for databases</li> <li>- Registers every operator who provides services under the Radio- and TV Act and the designation of their services, incl. radio and radio periodicals</li> <li>- Manages licence fee payment by commercial local radio broadcasters and TV4;</li> <li>- Monitors media development in radio, TV, industry structure, media policy, EPGs and tillämpningsprogram; and digital radio broadcasting;</li> <li>- Promote a common TV standard;</li> <li>- Assess technological developments, especially in digital radio distribution.</li> </ul> The Radio and TV Authority entertains a special Investigation Unit which is tasked with following and assessing developments in the media field.
9.1.2.3. Effective sanctioning powers	Chapter 10 Section 1-5, 7 Radio- and TV Act	R, TV	<ul style="list-style-type: none"> <li>- broadcasting without the required licence is punishable;</li> <li>- offshore radio broadcasting is punishable subject to certain conditions; property used towards this end is forfeited unless manifestly reasonable and objects may be forfeited is necessary to prevent an offence or otherwise justified;</li> <li>- failure to register operations is punishable;</li> <li>- property and objects used to commit an offence are forfeited</li> <li>- a special fee is payable where selected provisions concerning advertising, sponsoring and exclusive rights are concerned; depending on the type of the offence, an additional fee may be incurred for disruptive marketing practices.</li> </ul>

			<ul style="list-style-type: none"> <li>- where the Broadcasting Commission finds a failure to abide by licensing conditions the operator may be ordered to publicize the Commission’s decision;</li> <li>- orders for compliance may be issued where the following obligations are not abided by:               <ul style="list-style-type: none"> <li>o local and community radio content requirements;</li> <li>o identification and information requirements;</li> <li>o transmission obligations (incl. provision of transmission capacity);</li> <li>o obligation to submit recordings;</li> <li>o respect for warnings issued with regard to objectionable content.</li> </ul> </li> </ul>
<i>Note: Interventions are difficult to practice because of evidentiary problems.</i>			
	Chapter 11 Radio- and TV Act	R, TV	Revocation of licences; in the case of community radio broadcaster, this may be combined with the decision to bar the licensee from receiving a new licence for up to one year (where a serious abuse of the freedom of expression has been found in court proceedings, this ban may be extended to up to five years).
<i>Note: Licence revocations have occurred extremely seldom.</i>			
9.1.3. Cooperation with other regulators	Section 3 Regulatory brief of the BC	R, TV	Experiences gained in the course of international regulatory cooperation shall be incorporated into the Broadcasting Commission’s work. The Swedish regulatory bodies shall share their experiences among themselves.
	Section 3 Decree laying down the brief of the R+TV Authority	R, TV	When taking licensing decisions, the Radio and TV Authority shall cooperate with the NCA and the Post- and Telco Authority in competition issues, and with the latter in questions of transmission standards.
<b>9.2. Press Council</b>			
9.2.1. Broad representation of sector	Charter of the Press Council	PM (N, M <sup>18</sup> )	<p>The Council shall consist of a chairman, a first, second and third vice-chairman, and fourteen ordinary members. The National Press Club, the Swedish Union of Journalists, the Newspaper Publishers Association and the Magazine Publishers Association shall each appoint two members of the Council and two deputy members.</p> <p>The Chief Parliamentary Ombudsman and the chairman of the Swedish Bar Association shall jointly appoint six members and six deputy members, who shall be respected citizens with wide experience of national affairs.</p>
9.2.2. Sufficient resources			The operation of the Press Council is financed by four of the leading media associations in Sweden (The Newspapers Publishers Association, The Magazine Publishers Association, The Union of Journalists and The National Press Club). It is incumbent on these organizations to provide adequate funding.
9.2.3. Credibility	Section 3 Charter of the Press Council	PM (N, M)	<p>The chairman and vice-chairmen should be jurists with experience of service as regular court judges.</p> <p>The six members and their deputies jointly appointed by the Chief Parliamentary Ombudsman and the chairman of the Swedish Bar Association shall be ‘respected citizens with wide experience of national affairs’ and must not be dependent on any newspaper company or press organization.</p>
	Section 10 Charter of the Press Council	PM (N, M)	Decisions should be reached unanimously; dissenting opinions should be clearly documented.
	Comment on Section 3 Charter of the Press Council	PM (N, M)	Where a case has already been submitted for legal review under the Freedom of Speech or the Freedom of the Press Act, the Press Council shall decide whether a separate treatment of the same subject from an ethical perspective is still required, keeping in mind that journalistic

<sup>18</sup> S 1 Charter of the Press Council: ‘Council shall review such cases relating to all periodicals which, by subscription, by sale of single copies or by other means, are available to the public.’ Online publications are covered to the extent that they are produced by companies represented in the Joint Committee of Press Associations or constitute supplements to periodicals and have been produced by the editorial staff of a printed periodical or by a company belonging to a corporation that also publishes periodicals.

			ethics under no circumstances may obstruct the exercise of freedom of the press.
<b>9.3. Competition Authority</b>			
9.3.1. Structure/ organization: Does the NCA face any functional limitations that might negatively affect media pluralism?			Yes. The constitutional legislation on press and broadcasting, in practice does not make any intervention possible in ownership structures. Only advertising matters have in some cases been treated in substance.
9.3.2. Cooperation with other regulators			

**Short summary of major implementation problems**  
 Many of the provisions have mostly a formal character. The market situation development has made much legislation obsolete. Legislation on media concentration is by and large absent, due to the radical liberalism of constitutional regulations, the major exception being the Press support ordinance, having had impact on press development for three decades.



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