



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

Stakeholder Workshop

Brussels, 8 June 2009









Agenda

- Welcome and Opening (J.E. de Cockborne, DG INFSO & P. Valcke, ICRI K.U. Leuven - IBBT)
- Session 1 The Media Pluralism Monitor
 - Impact of Recent Technological and Economic Trends on Policies for Media Pluralism (R. Picard, JIBS - MMTC)
 - Basic Features, Design, Methodology (P. Valcke, ICRI K.U. Leuven -IBBT)
 - Demonstration (J. Carton, Ernst & Young)

[Lunch break]

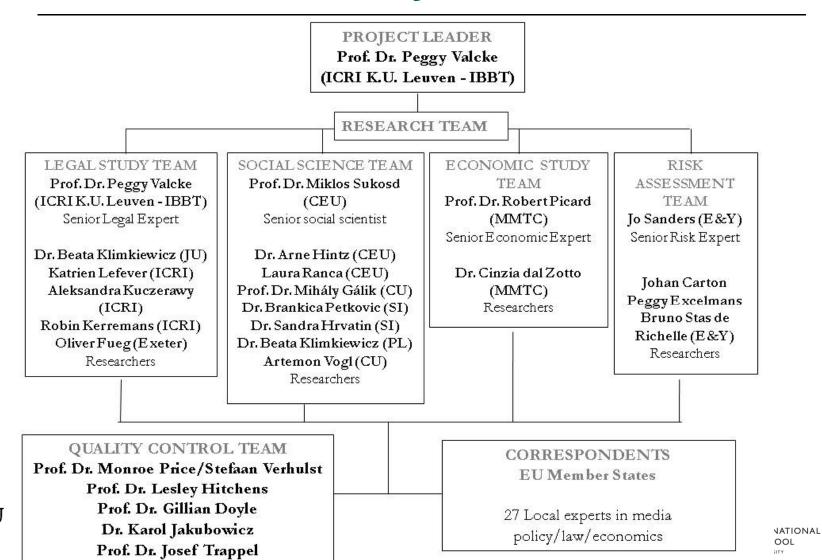
- Session 2 A Closer Look at Individual Risks and Indicators
 - Indicators on Socio-Demographic Factors (M. Sükösd, CEU CMCS)
 - Indicators on Economic and Market Factors (R. Picard, JIBS MMTC)
 - Indicators on the Legal and Policy Frameworks (P. Valcke, ICRI K.U. Leuven – IBBT)
- Summary & Closing (A. Watson Brown, DG INFSO & P. Valcke, ICR) JENNESS SCHOOL







Presentation Study Team







Preliminary Final Report

Preliminary Final Report

Media Pluralism Monitor (Annex II – MS Office Excel) User Guide (Annex I)

Country Reports

(Annex III – overview of legal measures promoting media pluralism)

will be published soon









To measure is to know

(Lord Kelvin, 1824-1907)









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Changing Context of Pluralism

- Media and communications are among the sectors most affected by contemporary technical and economic changes
 - Their transformation is affecting how pluralistic content is supplied, distributed, and used
- Traditional policy approaches to media and pluralism policy are being strained by these changes
- There is a growing need to develop policy approaches appropriate for the contemporary and future environment
 - Need to obtain benefits from opportunities presented by new information, communication and media technologies







Changing Context of Pluralism

- Developments in information and communication technologies are changing the media environment
 - Cable, satellite, internet, mobile communications, digital terrestrial TV, broadband
- Shift from scarcity and supplier-driven environment to a consumer/audience/citizen-driven environment
- The changes are altering conditions that produced traditional pluralism concerns
 - Changes may diminish or increase needs for existing pluralism measures or create needs to replace or supplement existing measures
- Some see changes as panacea to pluralism issues;
 others see it as reinforcing power of large firms
 - Pluralism issues are either moot or more important than ever
 - Reality lies between the optimistic and pessimistic views







Changing Context of Pluralism

- No single or simple policy mechanism exists for achieving desirable outcomes
- Fashioning effective policies requires recognition of underlying forces affecting media structures and operations and how contemporary changes affect the potential for pluralism
- Underlying media market factors vary considerably among nations
 - Differences are consequences of geography, demographics, economies, media market structures, public policies, and history









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Factors Affecting Pluralism

- Population / market size affects ability to support multiple producers
 - Challenge of size cannot be easily addressed by typical pluralism policy and anti-cartel measures
- Economics of media production create tendencies towards concentration
 - High first copy costs and near zero marginal costs
 - High fixed costs and economies of scale and scope
- Only a few firms have resources for investments to create television, cable, satellite, video-on-demand
 - Often force regulatory choices between allowing firms to become larger, permitting entry of foreign players, or foregoing some domestic media services







Impact of New Media & Information Technologies

- Positive developments in terms of providing more opportunities for citizens to communicate, to create content, and to access content
- These provide mechanisms to:
 - overcome limitations created by supply limitations in traditional media
 - surmount inadequate supervision of the traditional sector
 - increase domestic and independent production
 - improve minority and cultural group representation and communication ability
 - develop regional and local media absent in traditional systems
 - increase number of information sources
 - ameliorate effects of concentration and foreign ownership in traditional media



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Impact on Economics of Content

- Positive developments in terms of providing more opportunities for citizens, groups, and companies to communicate, to create content, and to access content
- These provide mechanisms to:
 - reduce costs of production of original content
 - circumvent costs of distribution of content and expression
 - reduce structural control over media markets
- These factors loosen traditional organisational control and bottlenecks on content choice and distribution









Impact on Acquisition of Content

- Positive developments in terms of providing more opportunities for citizens, groups, and companies to acquire content
- These provide mechanisms to:
 - obtain a greater array of content from a larger number of sources
 - to choose what delivery platforms they will use to acquire the content
 - to control exposure to content through greater selection and filtering
- Users are no longer passive receiver of content, but now have the abilities to interact with that content, to alter it for their needs, to seek additional content, and to create and distribute content of their own







Policy Principles Used in Protecting Pluralism

- Traditional policy mechanisms focus on the supply side, controlling media market structure and promulgating proscriptive and prescriptive content regulations to serve public purposes
- Two fundamental and common policy approaches
 - Creating and maintaining public service broadcasters to provide pluralistic content
 - Opposing media consolidation and concentration that may harm pluralism and the market
- The contemporary media environment is making these basic policies less effective









Policy Dilemmas and Risks

- Conflicting national and regional policy objectives towards media
 - Competition policy seeks to halt activities that distort and harm markets and lead to further growth of large media firms
 - Trade and industry policy tries to develop successful domestic media companies to compete with firms from other countries for economic and cultural benefits
 - Cultural and media policies promote structures and behaviours that produce social benefits, such as more domestic content production
- All three objectives cannot be pursued with equal strength







Policy Dilemmas and Risks

- Tendency of policies to be platform dependent, with different regulatory agencies provided competence within their assigned areas
 - Policies in the future need to become more platform neutral and look at the entirety of the communication systems and the content provided
- Policies often do not take into account new opportunities for pluralism that are being created by multiple distribution systems (terrestrial, cable, satellite, broadband, etc.)
- Encouraging new providers and new content across platforms can be more efficient in promoting pluralism than trying to regulate a single media







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Policy Dilemmas and Risks

- Risk that overregulation can harm pluralism by restricting additional media development
 - Systems and content supply in various forms of broadcasting, new media, and ICT are (often) the consequence of private investments and rely on private payments
- Risk that policy is seen as a choice merely between an unregulated market that may harm pluralism or a highly regulated market that reduces choice and harms development of alternative technologies
- Risk that regulators do not seek to balance priorities and opportunities to gain optimal pluralism outcomes from the total media system
 - Regulators, media firms, and users need room for manoeuvre
 - Combinations of regulation, deregulation, and incentives across the range of media systems and services







Policy Principles for Pluralism

- Encourage development of alternative and competing distribution systems and platforms
- Promote increased domestic content production and availability, not merely restrict content from foreign sources
- Permit development of new business models and financial streams to support the entry of additional creators and distributors of content and to create stable financial operations of existing firms
- Consideration should be given to fashioning support mechanisms as a means of promoting minority content and cultural pluralism and diversity







Policy Principles for Pluralism

- Public support for content production that meets specific domestic social, cultural, and political goals should target the entire range of content producers and providers — public service media, community media, non-profit media, and commercial media — to meet those objectives
- Facilitate the use of new technologies by the widest possible variety of persons, making interventions where necessary and appropriate
- Create incentives to promote supply and develop infrastructures that make material available to the entire population









Policy Principles for Pluralism

- Vertical and horizontal integration of media firms should be reviewed considering the effects of greater availability of content and communication systems in the particular market
- Public service media should not be disadvantaged in providing content across platforms and in a variety of forms; however, they should not receive undue advantage that harms other suppliers and can deny the public benefits that could be obtained from them
- Abilities to control the consumption behaviour of audiences and users through supply side regulation, is limited. There is a need to promote greater public understanding of media systems, providers, and use







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Objective of the Study

- Develop practicable monitoring tool to detect threats to pluralism with differentiated sets of indicators covering pertinent legal, economic and socio-cultural considerations
 - Signal areas or domains where media pluralism is endangered and show underlying cause
 - Standardised approach throughout EU
 - o but: taking account of different cultures, markets
 - Enhance transparency about media pluralism in Member States
 - Provide evidentiary basis for national policymakers







Main Features (& impact on design)

Neutral monitoring tool

 Does NOT prescribe remedies / dictate level of risk-appetite / defend ideology

Holistic/Comprehensive

- Covers various segments of 'media market' (print & audiovisual, private & public)
- Broad notion of media pluralism (internal, external, political, cultural, ownership...)

Risk-based

Risks include lost opportunities

Objective

Relies on quantitative measurements to largest possible extent

EU-standardised

 Common set of indicators with identical border values (but: regard for national specificities through ex ante- and ex post profiling)

Evolving

Possibility to include emerging – future risks at later stage

Practical - User-friendly

As simple as possible, but as sophisticated as necessary





Starting Point: Common Structure

RISK DOMAINS	RISK AREAS	Supply	Distribution	Use
Ш	Cultural pluralism	- LI - SI - EI	- LI - SI - EI	- LI - SI - EI
NORMATIVE GOALS	Political pluralism	- LI - SI - EI	- LI - SI - EI	- LI - SI - EI
Ž	Geographical pluralism	- LI - SI - EI	- LI - SI - EI	- LI - SI - EI
ONAL JS	Pluralism of ownership and control	- II	- LI 00 EI	- LI - SI - EI
OPERATIONAL MEANS	Diversity of media types (including PSM) and genres	- LI - SI - EI	- LI - SI - EI	- LI - SI - EI

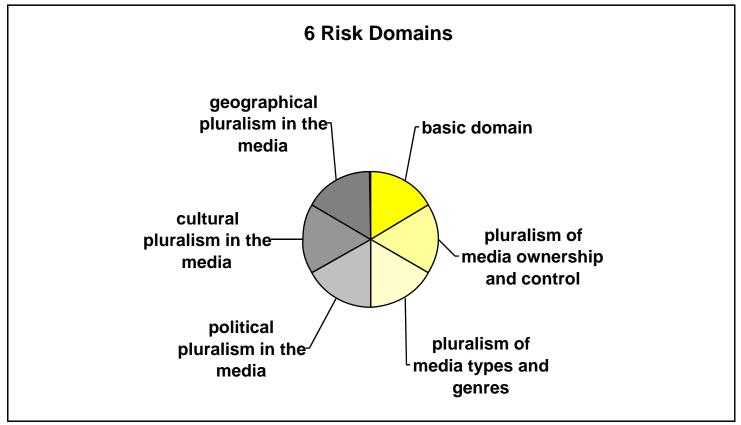
LI = Legal Indicators; SI = Socio-demographic Indicators; EI = Economic Indicators





Structure MPM

6 risk domains (> traditional descriptions of media pluralism)











Structure MPM

- O 3 risk areas (> traditional value chain)
 - Supply
 - Distribution
 - Use
- O 3 types of indicators (> ToR / holistic approach)
 - Legal
 - Socio-demographic
 - Economic
- 3 border values (> risk-based approach)
 - Green: low risk no need for action
 - Orange: medium risk attention point
 - Red: high risk need for action (infra)









Structure MPM: Statistics

Domain	Total
Basic Domain	11
Pluralism of ownership and control	28
Pluralism of media types and genres	21
Political pluralism in the media	37
Cultural pluralism in the media	44
Geographical pluralism in the media	25
Grand Total	166

Area/Type	Distribution	Supply	Use	Total
Economic	9	27	3	39
Legal	5	60	2	67
Socio-demographic	7	47	6	60 AL
Total	21	134	11	166





Structure MPM: Statistics

Area / Domain	Distribution	Supply	Use	Total
Cultural pluralism in the media	2	40	2	44
Basic domain		10	1	11
Geographical pluralism in the media	5	17	3	25
Pluralism of media types and genres	3	15	3	21
Pluralism of ownership and control	8	20		28
Political pluralism in the media	3	32	2	37
Total	21	134	11	166

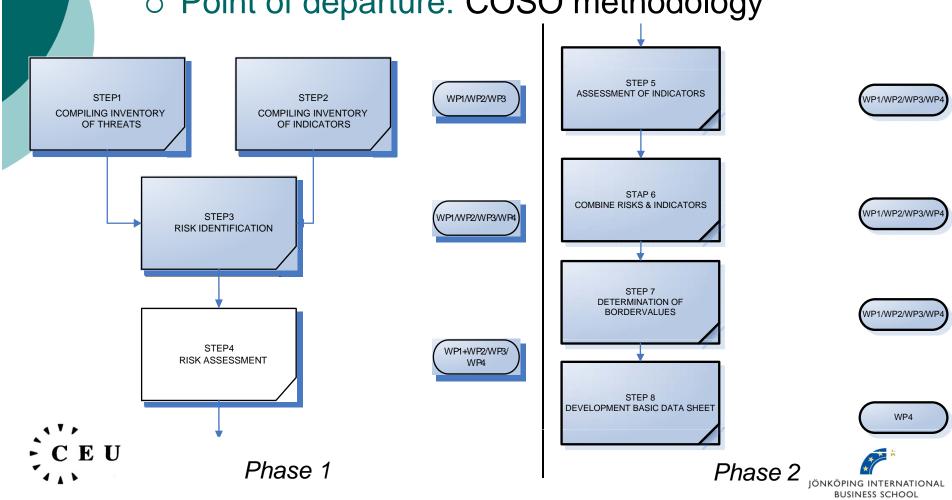
Type / Domain	Economic	Legal	Socio- demographic	Total
Cultural pluralism in the media	6	13	25	44
Basic domain		11		11
Geographical pluralism in the media	6	7	12	25
Pluralism of media types and genres	12	7	2	21
Pluralism of ownership and control	15	13		28 AL
Political pluralism in the media		16	21	37
Total	39	67	60	166





Methodology

Point of departure: COSO methodology





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	RISK	
	Basic Domain	ST&YOUNG
B1	Freedom of speech and related rights and freedoms are not sufficiently protected	SI & IOUNG
B2	Insufficiently independent supervision in media sector	In Everything We Do
B3	Insufficient media (including digital) literacy	
_	Pluralism of Media Ownership & Control	
01	High ownership concentration in terrestrial television	
02	High ownership concentration in radio	
O3	High ownership concentration in newspapers	
O4	High ownership concentration in Cable/Sat/ADSL/TV	
O5	High ownership concentration in magazines	
O6	High ownership concentration in internet content provision	
07	High ownership concentration in book publishing	
80	High concentration of cross-media ownership	
O9	High vertical concentration	
O10	Lack of transparency in ownership structures	
	Pluralism of Media Types & Genres	
T1	Lack of/under-representation of/dominance of media types	
T2	Lack of/under-representation of/dominance of media genres	
T3	Lack of sufficient market resources to support range of media	
T4 	Lack of sufficient resources to support Public Service Media (PSM)	
T5	Insufficient engagement of PSM in new media	
T6	Insufficient attention paid to public participation	
D4	Political Pluralism in the Media	
P1	Political bias in the media	
P2	Political bias in the media during election periods campaigns	
P3	Excessive politicisation of media ownership/control	
<u>P4</u>	Insufficient editorial independence	
P5	Insufficient independence of PSM	
P6	Insufficient pluralism of news agencies	
P7	Insufficient pluralism of distribution systems	
P8	Insufficient citizen activity and political impact in online media Cultural Pluralism in the Media	
C1		
C1	Insufficient media representation of European cultures Insufficient media representation of national culture	_
C2		_
C3	Insufficient proportion of independent production	_
C4	Insufficient proportion of in-house production	_
C5	Insufficient representation of world cultures	
C6	Insufficient representation of the various cultural and social groups in mainstream media content and services	
<u>C7</u>	Insufficient representation of the various cultural and social groups in PSM	
<u>C8</u>	Insufficient system of minority and community media	
C9	Insufficient representation of different cultural and social groups in HR in the media sector	
C10	Limited accessibility by disabled people Geographic Pluralism in the Media	
C1		
G1	High centralisation of the national media system	*
G2	Insufficient system of regional and local media	
G3	Insufficient representation of regional and local communities in media content and services	NKODING INITEDNIATIONIA
G4 C5	Insufficient representation of regional and local communities in HR in the media sector	NKÖPING INTERNATIONA BUSINESS SCHOOL
G5	Dominance of a limited number of information sources for local issues	JÖNKÖPING UNIVERSITY

Insufficient access to media and distribution systems due to geographic factors









First – Second Tier Indicators

SMART-test

- Specific: indicators have a sufficiently precise meaning and direct link with media pluralism
- Measurable: they can be expressed in a quantitative or qualitative score
- Achievable/attainable: data can be obtained at reasonable cost
- Relevant/realistic: reliable border values can be defined on which there is broad consensus
- (Time-bound: data can be collected frequently enough to inform the progress and influence the decisions)
- Second tier indicators may be included in MPM at a later stage (e.g. when relevance has grown, data or measurement methods have become available).







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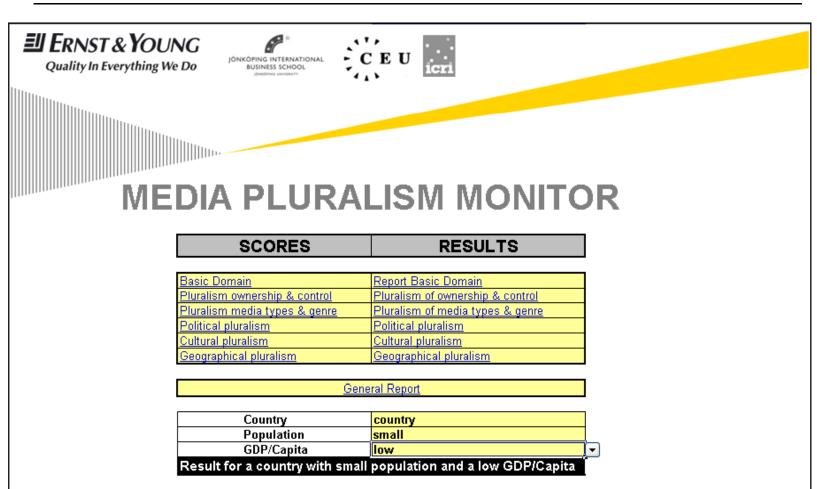
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Demo of MPM









Ex Ante-Profiling

- Why? Take into account national specificities
- How? Adjusted border values for small / large markets to combine effects of population and GDP per capita
 - 2 Variables:
 - Population: large > 20 mio.; small < 20 mio.
 - GDP/capita: high > 23,500 Euro; low < 23,500 Euro
 - 4 Options:
 - Large population and high GDP/capita: default border values
 - Large population and low GDP/capita: border values are multiplied by 1.20
 - Small population and high GDP/capita: border values are multiplied by 1.25
 - Small population and low GDP/capita: border values are multiplied by 1.33







Border values are adjusted for:

- O1.1 Ownership concentration in terrestrial television (horizontal) (E)
- O O1.2 Audience concentration in terrestrial television (E)
- O O2.1 Ownership concentration in radio (horizontal) (E)
- O2.2 Audience concentration in radio (E)
- O O3.1 Ownership concentration in newspapers (horizontal) (E)
- O O3.2 Readership concentration in newspapers (E)
- O4.1 Ownership concentration in Cable/Sat/ADSL-TV (horizontal) (E)
- O O4.2 Audience concentration in Cable/Sat/ADSL-TV (E)
- O O5.1 Ownership concentration in magazines (horizontal) (E)
- O5.2 Readership concentration in magazines (E)
- O6.1 Ownership concentration in internet content provision (horizontal) (E)
- O6.2 Readership concentration in internet content provision (E)
- O7.1 Ownership concentration in book publishing (horizontal) (E)
- O O7.2 Readership concentration in book publishing (E)
- O 08.1 Number of sectors in which top 8 firms/owners are active (E)
- o T1.1 Audience parity between the TV channels of commercial broadcasters and of PSM (E)
- T1.2 Financial parity between the TV channels of commercial broadcasters and of PSM (E)
- T1.3 Audience parity between the radio channels of commercial broadcasters and of PSM (E)
- o T1.4 Financial parity between the radio channels of commercial broadcasters and of PSM (E)
- T2.4 Ratio of Cab/Sat/ADSL-TV channels dedicated to news/public affairs, education and entertainment to total number of Cab/Sat/ADSL-TV channels (E)
- o G1.4 Ratio of number of cities with TV and radio stations to total number of cities (E)
- o G1.5 Ratio of number of cities with newspapers to total number of cities (E)
- G2.1 Proportion of regional and local television and radio broadcast channels to national broadcast channels (E)
- G2.2 Proportion of regional and local newspapers to national newspapers (E)
- G2.4 Parity of financing of regional and /local TV, radio and newspapers relative to population size (E)
- G3.1 Proportion of locally oriented and locally produced content (S)







Ex Post-Profiling

- Why? Take into account national specificities
- How? Interpret results on the basis of other national characteristics (e.g. developing / mature media markets, small / large numbers of ethnic minorities, high / low population density in urban areas...)
 - "Guidelines for interpretation" (User Guide)







■ Ernst & Young Quality In Everything We Do **Color Definition Tree** Start YES NO # High Risk = 0 YES YES NO NO # Low Risk /Total # High Risk > 1 < 75% # High Risk = 1 NO YES # High Risk /Total > 40% Green Orange Red

37





Questions



& Answers









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- What: assess socio-demographic factors which may pose threats to media pluralism
- Ouser Guide:
 - Description
 - Method of measurement
 - Data Sources
 - Score









- Pluralism of media types domain:
 - Proportion of online media offering space for publicly available comments and complaints
 - Engagement of PSM in new media









- Political pluralism domain:
 - Proportion of the various political and ideological viewpoints and interests represented (given voice) in the media
 - Political bias in media content
 - Politicisation of media ownership / control
 - Editorial independence
 - (In)dependence of PSM and news services
 - Pluralism of distribution systems
 - Citizen activity in online media









- Cultural pluralism domain:
 - Absence or insufficient representation of various cultural and social groups in the media
 - Proportion of European, national and independent works in TV broadcasting
 - Number, estimated reach and existence of community media outlets serving different communities and minority groups
 - Representation of various cultural and social groups among the HR in the media sector









- Geographical pluralism domain:
 - Local and regional media in national media systems (centralisation of national media systems)
 - Local and regional media structures (including different types of ownership, investment, access to networks and platforms)
 - Local and regional media use
 - Representation of local and regional communities
 - Lack of access to Public Service Media due to geographic obstacles









Methodological aspects:

- 1. Main measurement methods:
- Qualitative in the case of
 - Document analysis: laws and regulations, self-regulatory codes
 - Media programmes monitoring (standardised samples)
- Quantitative in the case of
 - Audience surveys
 - Media programmes monitoring (content analysis on standardised samples)
- 2. Panel of Experts as standard evaluation mechanism
- 3. Standardised sampling method re media outlets and sample period









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Details on Economic Indicators

- What: assess economic factors which may pose threats to media pluralism
- Ouser Guide:
 - Description
 - Method of measurement
 - Data Sources
 - Score









Details on Economic Indicators

Types of economic indicators

- 39 major indicators related to availability of media, ownership/control
 of media, industry structure, geographic distribution, revenue
 distribution, financing, state aid, sources of content, audience and
 advertising shares, consolidation and concentration trends
- Two-thirds related to media supply, one-quarter related to media distribution, and remainder to media acquisition and use

Applied as indicators in all risk domains

- Pluralism of media ownership/control, diversity of media types and genres, cultural pluralism, political pluralism, geographical pluralism
- Applied as indicators in the 3 value chain risk areas











Changes to Economic Indicators

Kinds of data used

- Media types/units available and geographic distribution
- Concentration (ownership & audiences) in different media
- Concentration measures of leading companies
- Financial resources available (advertiser, consumer & public)
- Costs for acquisition by individuals
- Financial parity between public service and commercial media
- Range of genres provided

Data Sources

 National official sources, International official sources, Industry Associations, and Trade yearbooks and statistical publications in media and advertising







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Legal Indicators: Introduction

 What: assess existence and effective implementation of legal/regulatory safeguards against certain threats to media pluralism

- Description
- Method of measurement
- Data Sources
- Score









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Legal Indicators: overview

O Basic Domain:

- Regulatory safeguards [RS] for freedom of expression & C°
- RS for independent supervision
- Policies for media literacy

Pluralism of media ownership/control:

- RS against high concentration in TV
- [...] in radio / [...] in newspapers / [...] in Cable/Sat/DSL-TV / [...] in magazines / [...] in internet content provision / [...] in book publishing
- RS against high concentration of cross-media ownership: [...] radio-TV / [...] print-audiovisual
- RS against high vertical integration: [...] bottlenecks in distribution / [...] advertising & media
- RS for transparency: [...] towards public, [...] towards regulator







Legal Indicators: overview

Media types & genres:

- Regulatory safeguards [RS] for distribution of public interest channels (must carry)
- RS for diversity in genres on TV: private channels PSM
- Events list, short news reporting
- RS for PSM (including in new media)

Political pluralism:

- Regulatory remedies against political bias (right to reply...)
- RS for fair, balanced and impartial political reporting on PSM
- RS for fair and accurate political reporting: [...] on private channels, [...] in print media
- Representation rules (private media, media councils)
- Special rules in election periods
- RS against excessive political ownership of media
- RS for editorial independence
- Fair and objective appointment procedures PSM









Legal Indicators: overview

Cultural pluralism:

- RS for European works in audiovisual
- RS for national works in audiovisual / national music in radio
- RS for independent works in audiovisual
- Policies and support measures for cultural diversity
- Access to airtime on PSM by various cultural groups
- RS for minority and community media
- Representation rules (PSM board, private media, media councils)

Geographical pluralism:

- RS for regional and local media
- Policies and support measures for regional and local media
- RS for locally oriented and produced content on PSM
- Representation rules (media councils)
- RS for universal coverage of PSM
- Policies and support for newspaper distribution in remote areas
- Policy measures to promote broadband







O Key Issues:

- Which « legal » or « regulatory » safeguards should we take into account?
 - state legislation
 - o co-regulation
 - o self-regulation (including internal charters)...
- How to assess « effective implementation »?
- How to avoid « over-regulation »?









- Methodology (quantitative & qualitative):
 - How to check the <u>existence</u> (E) of such safeguards: Answer the questions below and fill in the scoring grid.
 - (O1.2) E.1. Does the media legislation contain specific thresholds or limits, based on objective criteria, such as number of licences, audience share, circulation, distribution of share capital or voting rights, turnover/revenue, to prevent a high level of horizontal concentration of ownership and/or control in the terrestrial television sector?
 - E.2. Can a high level of horizontal concentration of ownership and/or control in the terrestrial television sector be prevented via merger control / competition rules
 - How to check the <u>effective implementation</u> (I) of such safeguards: Answer the questions below and fill in the scoring grid.
 - Supervision monitoring
 - Procedural aspects (objective, transparant)
 - Enforcement sanctioning
 - Evidence of non-compliance









o Score:

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

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

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





o Score:

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





Questions



& Answers









- O Welcome and Opening (J.E. de Cockborne, DG INFSO & P. Valcke, ICRI K.U. Leuven IBBT)
- Session 1 The Media Pluralism Monitor
 - Impact of Recent Technological and Economic Trends on Policies for Media Pluralism (R. Picard, JIBS - MMTC)
 - Basic Features, Design, Methodology (P. Valcke, ICRI K.U. Leuven IBBT)
 - Demonstration (J. Carton, Ernst & Young)

- Session 2 A Closer Look at Individual Risks and Indicators
 - Indicators on Socio-Demographic Factors (M. Sükösd, CEU CMCS)
 - Indicators on Economic and Market Factors (R. Picard, JIBS MMTC)
 - Indicators on the Legal and Policy Frameworks (P. Valcke, ICRI K.U. Leuven – IBBT)
- O Summary & Closing (A. Watson Brown, DG INFSO & P. Valcke, ICR PUSINESS SCHOOL ON CONTROLL ON CONTROL

