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

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

by

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Preliminary Final Report

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

Leuven, April 2009

KATHOLIEKE UNIVERSITEIT LEUVEN

Editorial Note: The findings reported here provide the basis for a public hearing to be held in Brussels in the spring of 2009. The Final Report will take account of comments and suggestions made by stakeholders at that meeting, or subsequently submitted in writing. The deadline for the submission of written comments will be announced at the hearing as well as on the website of the European Commission from where this preliminary report is available.

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EXECUTIVE SUMMARY

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The present study forms part of the European Commission's three-step approach for advancing the debate on media pluralism within the European Union. The approach was launched in January 2007 with a Commission Staff Working Paper and is planned to result in a Commission Communication on media pluralism at the end of 2009.

The objective of the study is to develop a monitoring tool for assessing the level of media pluralism in the EU Member States and identifying threats to such pluralism based on a set of indicators, covering pertinent legal, economic and socio-cultural considerations.

The Preliminary Final Report describes the approach and method used to design these indicators and their integration into a risk-based framework. The report starts with an outline of the context and the objectives of the study (Chapter 1), followed by a discussion of the definition and measurement of media pluralism (Chapter 2), and an overview of the technological and economic trends in the media sector, and their likely impact on media pluralism (Chapter 3).

Chapters 4 to 6 explain in detail the development of the Media Pluralism Monitor (MPM). Following the presentation of the study team and work plan, Chapter 4 describes the starting points for developing the Monitor, and clarifies how they affected its design and structure with regard to the options included.

Chapter 5 elaborates on the methods applied to develop three sets of MPM indicators and provides in-depth description of these indicators. A first section addresses the *legal indicators*, assessing the availability of policies and legal instruments that support pluralism in Member States and their effectiveness (objective 1 of the study). Subchapter 5.2 presents the *socio-demographic indicators* that serve to measure the range of media available to citizens in different Member States based on socio-demographic factors like geographic location, social class, age, gender, etc. (objective 2). The last subchapter focuses on the *economic indicators,* measuring the range, diversity and economic performance media on the supply side based on the number of media companies, the level of market concentration, profitability ratios, and other factors (objective 3).

Chapter 6 sets out how these indicators have been integrated within a risk-based analytical framework (objective 4 of the study). After a short introduction to the terminology and methodology deployed in risk management strategies in other areas, this chapter describes the various steps followed to build the Media Pluralism Monitor. It also includes illustrations of so-called second tier indicators, *i.e.* indicators that did not pass the SMART test[1] and were therefore not included in the Monitor. A last subchapter addresses what is meant by current, emerging and future risks in the context of this study.

The Media Pluralism Monitor has been tested for proof of concept in various ways, including a partial implementation in three non-EU countries. The test results as well as lessons learned from the testing phase are presented in Chapter 7.

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[1] The SMART test assesses whether indicators are *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) and *relevant/realistic* (reliable border values can be defined on which there is broad consensus). As the Monitor has been designed to provide a snapshot of situations at a given moment in time, a detailed assessment of the time-principle has not been conducted. See also section 6.3 below.

In Chapter 8, the contractors formulate preliminary suggestions for the implementation and future updates of the Media Pluralism Monitor, including organisational issues regarding expert panels and timing. A biennial implementation cycle combined with a triennial review of the Media Pluralism Monitor is suggested for the period until 2014.

Chapter 9 contains an extensive bibliography.

The outcome of this study is a prototype for a *European Media Pluralism Monitor* – a risk-based, holistic, user-friendly and evolving monitoring tool that includes indicators of a legal, economic and socio-demographic nature. In order to account for the multi-faceted character of media pluralism, these indicators relate to various risk domains, including media ownership and/or control, media types and genres, political pluralism, cultural pluralism and geographic pluralism. Furthermore, they cover the various stages of the media value chain: supply, distribution and use. The Monitor offers a diagnostic, not a prescriptive tool on the basis of established risk management strategies. Its purpose is to facilitate the collection of empirical data on various risks for media pluralism given the particular economic, socio-demographic and legal situation in each Member State. The Monitor does not prescribe specific remedies or actions for particular risk profiles. Thus, while it urges the application of the same analytical framework in all Member States to ensure comparability of the results obtained, it is not a call for harmonisation of policies in this area. Given the far-reaching socio-cultural, economic and political importance of the media for the functioning of European democracies, the sensitive matter of how to protect media pluralism is ultimately left to the discretion of Member States and their authorities who, in defining their nation's risk appetite, are free to consider market-based as well as regulatory approaches to diversity.

The Media Pluralism Monitor aids policy-makers by providing them with a tool for auditing media pluralism that highlights areas of current and potential risk and allows for the comparison of situations and responses adopted. It is designed to accommodate the diverging profiles of media landscapes throughout the EU by considering differences in market size, media development, cultural and regulatory traditions, and takes into account the impact that underlying realities such as population size and average income levels have on the level of media pluralism sustainable by commercial means. By bringing together a host of previously disparate concerns to offer a multi-faceted approach to media pluralism, the Media Pluralism Monitor provides decision-makers with the means to develop a wider and stronger evidentiary basis for defining priorities and actions in this important area.

The following are annexed to the Preliminary Final Report:

- The **User Guide (UG)**, which explains how the Monitor can be applied in practice (how to install the MPM software, how to calculate indicator scores, how to interpret the resulting risk profiles, etc.).

- The **Country Reports** describing legal, regulatory and policy measures supporting media pluralism in the 27 Member States.

- The **Media Pluralism Monitor (MPM)** programme.

ABBREVIATIONS

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AVMS – Audiovisual Media Services

COE – Council of Europe

EAO – European Audiovisual Observatory

EBU – European Broadcasting Union

ECHR – European Court of Human Rights

EFJ – European Federation of Journalists

EJC – European Journalism Centre

ENPA – European Newspaper Publishers' Association

EStat – Eurostat

EU – European Union

HR – Human Resources

IFJ – International Federation of Journalists

IFRA – International Newspaper Publishers' Association

ILO – International Labour Organization

INMA – International Newspaper Marketing Association

M & A – Mergers and Acquisitions

MC – Ministry of Communication

MPM – Media Pluralism Monitor

ML – Ministry of Labour

PSB – Public Service Broadcaster

PSM – Public Service Media

SMP – Significant Market Power

UN – United Nations

UNESCO – United Nations Educational, Scientific and Cultural Organisation

US – United States

WAN – World Association of Newspapers

I. INTRODUCTION

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1   CONTEXT AND OBJECTIVE OF THE STUDY

1.1 Context of the Study

This study forms part of the three-step approach on media pluralism in the European Union (EU), announced by Commissioner Viviane Reding and Vice-President Margot Wallström in January 2007 in response to continuing concerns from the European Parliament and non-governmental organisations about media concentration, and its possible effects on pluralism and freedom of expression.[2]

Step 1 was the publication on 16 January 2007 of a Commission Staff Working Paper on Media Pluralism in the Member States of the European Union.[3] The Working Paper provides a concise discussion of the issues raised by media pluralism. Step 2 is this study, launched by DG INFSO with the aim of clarifying and advancing the debate on pluralism. The results of the study will form a significant input to a subsequent Commission Communication on indicators for media pluralism in the EU Member States, on which a broad public consultation will then ensue (step 3).

The protection of media pluralism has been a recurrent concern of the European Parliament, inviting the Commission on several occasions since the 1990s to propose concrete measures to safeguard media pluralism.[4] However, the various consultations held by the Commission in the last fifteen years have led to the conclusion that it would be inappropriate to submit a Community initiative on pluralism. The failed attempt to launch a harmonisation directive on pluralism and media ownership in the mid 1990s[5] demonstrated the political sensitivities surrounding the subject and the need for a balanced and realistic approach which would take into account the specificities of media markets in the various Member States. The successive enlargements of the European Union, in which Central and Eastern European countries, characterised by relatively young media markets and intense media reforms, have joined, has further diminished the feasibility and appropriateness of a uniform approach to media pluralism.

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[2] Media pluralism: Commission stresses need for transparency, freedom and diversity in Europe's media landscape, Press Release IP/07/52, Brussels, 16 January 2007; see also: Reding, V. (Member of the European Commission responsible for Information Society and Media), _The future of content markets: Business cannibals or media partners_, Speech delivered at the Global Digital Magazine Media 2.0 Conference (CeBIT), Hannover, 14 March 2007.

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

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

[5] See: European Commission, Green Paper on Pluralism and Media Concentration in the Internal Market: An Assessment of the Need for Community Action, Commission Green Paper, COM (92) 480 final, Brussels, 23 December 1992. The Green Paper and the subsequent discussions have been described in: Hitchens, L. (1994). Media Ownership and Control: A European Approach. _Modern Law Review_, 585-601; Doyle, G. (1998). Towards a pan-European Directive? From 'Concentrations and Pluralism' to 'Media Ownership'. _Communications Law_ 1998, 1, 11-15; Doyle, G. (1997). From 'Pluralism' to 'Ownership': Europe's emergent policy on Media Concentrations navigates the doldrums, _JILT_ 1997, 3, http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/1997_3/doyle/.

Media pluralism is a concept that goes far beyond media ownership, as was rightly pointed out at the Liverpool Audiovisual Conference and in the Commission Staff Working Document of January 2007. It embraces many aspects, ranging from, for example, merger control rules to content requirements in broadcasting licensing systems, the establishment of editorial freedoms, the independence and status of public service broadcasters, the professional situation of journalists, the relationship between media and political actors, etc. It encompasses all measures that ensure citizens' access to a variety of information sources and voices, allowing them to form opinions *without the undue influence of one dominant opinion forming power*.[6]

Following the subsidiarity principle, most of these measures fall within the remit of the Member States. The Commission itself has emphasised on a number of occasions that *"the protection of media pluralism is primarily a task for the Member States"*.[7] There is, however, considerable potential for the Union to support and, where necessary, supplement the Member State measures regarding media pluralism. Even though the Founding Treaties do not provide expressly for EU action to guarantee media pluralism, there are a number of legal bases on which such action might be founded.[8] Fundamental rights, including the freedom of expression (to which media pluralism is inherently linked) have been considered by the Court of Justice as core principles of the European legal system; hence, the EU institutions are expected to respect these rights when exercising their powers and competences conferred upon them by the Founding Treaties.[9] In 2000, the European Parliament, Council and Commission explicitly committed to respecting media pluralism via the proclamation of the Charter of Fundamental Rights of the European Union, which states in its article 11, alinea 2 that *"the freedom and pluralism of the media shall be respected"*. Consequently, when adopting measures that affect the media sector on the basis of, for instance, Community competition and merger control rules, or for the completion of the internal market, the EU institutions should at least take into account media pluralism, but can also directly or indirectly support media pluralism in the Member States. This explains and justifies measures like the cultural quota in the Audiovisual Media Services Directive,[10] the MEDIA programmes, references to media pluralism in internal market instruments, such as the electronic communications directives,[11] and in the Merger Control Regulation,[12] and cultural considerations under other competition rules.[13]

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[6] European Commission, Commission Staff Working Document, SEC(2007)32, 5.

[7] See, for instance: European Commission, Green Paper on Services of General Economic Interest, COM(2003) 270 final, para. 74.

[8] For a detailed discussion, see: Craufurd Smith, R. (2004). Rethinking European Union Competence in the Field of Media Ownership: The Internal Market, Fundamental Rights and European Citizenship. *European Law Review,* 29(5), 652-672.

[9] Article 151 (4) EC Treaty also obliges the Community to "take cultural aspects into account in its action under other provisions of this Treaty, in particular in order to respect and to promote the diversity of its cultures." On the dual nature of this article, underlining the subsidiary nature of the Community's role in the area of culture and at the same time constituting a potential basis for Community action, see: Craufurd Smith, R. (Ed.) (2004). Culture and European Union Law, Oxford: Oxford University Press, 49-78.

[10] Article 3i, 4 and 5 Audiovisual Media Services Directive (Council Directive 89/552/EEC on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the pursuit of television broadcasting activities as amended by Directive 1997/36/EC of the European Parliament and of the Council of 30 June 1997 (O.J. [1997] L 202/60) and by Directive 2007/65/EC of the European Parliament and the Council of 11 December 2007 (O.J. [2007] L 332/27). Hereinafter: AVMS Directive.

[11] Articles 8(1) and 18(1) and Recitals 5, 6 and 31 Framework Directive (Directive 2002/21/EC of the European Parliament and of the Council of 7 March 2002 on a common regulatory framework for electronic communications networks and services (Framework Directive), O.J. [2002] L 108/33); Article 5 (2) Authorisation Directive (indirectly, via the notion of 'general interest objectives') (Directive 2002/20/EC of the European Parliament and of

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Nevertheless, even though many different measures are already in place, concerns about media pluralism in the EU continue to surface at regular intervals. One area in which EU action is feasible and provides additional value, is the development of a neutral and objective monitoring mechanism, which could enhance the auditability of media pluralism. This instrument would equip policy makers and regulatory authorities with the tools to detect and manage societal risks in this area and provide them with a stronger evidentiary basis to define priorities and actions for improving media pluralism within the EU. This would ensure a uniform basis for dealing with pluralism issues and provide a more objective basis for the often heated political and economic arguments.

Technological developments in the media sector and the acceleration of convergence, concentration and transfrontier investment trends have increased the need to identify precursors of threats to pluralism. These should therefore be investigated with differentiated sets of indicators, taking into account legal, socio-demographic and economic concerns.

1.2 Study Objectives

The purpose of this study is to develop a monitoring tool that can assess the level of media pluralism in the EU Member States and investigate threats to pluralism with differentiated sets of indicators covering pertinent legal, economic and socio-cultural considerations.

Hence, a first important task was to define these sets of indicators, which, according to the Terms of Reference, had to cover the following:

- (1) a *first* set of indicators to measure the presence and effectiveness of *policies and legal instruments that support pluralism in Member States* (objective 1);

- (2) a *second* set of indicators to measure the *range of media available to citizens in different Member States* in the light of socio-demographic factors, like geographic location, social class, age and gender, and to define different types of media markets from an end-user perspective (objective 2);

- (3) a *third* set of indicators to assess the range and diversity of media, looking at the *supply side and economic performance of the media, such as*, the number of media companies and concentration and profitability ratios (objective 3).

Hence, while both the indicators developed under (2) and (3) relate to available media, they do so from different angles: the second category of indicators should be able to assess

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the Council of 7 March 2002 on the authorisation of electronic communications networks and services (Authorisation Directive) [2002] O.J. L108/21); Recital 10 Access Directive (Directive 2002/19 of the European Parliament and of the Council of 7 March 2002 on access to, and interconnection of, electronic communications networks and associated facilities (Access Directive) [2002] O.J. L108/7); Article 31 (1) Universal Service Directive (again indirectly, via the notion of 'general interest objectives') (Directive 2002/22/EC of the European Parliament and of the Council of 7 March 2002 on universal service and users' rights relating to electronic communications networks and services [2002] O.J. L108/51).

[12] Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings, O.J. [2004] L24/1; article 21(4) explicitly refers to the plurality of the media as a legitimate interest that can justify the review by a Member State of a proposed merger, approved by the Commission.

[13] Even though the competition rules (both the antitrust rules in Articles 81-82 EC Treaty and the merger rules) leave less and less scope for taking into account non-economic considerations (as was occasionally done in the past; see the cases mentioned in Ariño, M. (2004). Competition Law and Pluralism in European Digital Broadcasting: Addressing the Gaps, *Communications & Strategies*, 54, 97-128), it is usually acknowledged that competition law indirectly contributes to media pluralism by keeping markets open and competitive, by preventing undue concentration of markets, and by remedying abusive behaviour.

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media pluralism in relation to social categories cutting across society, while the third category should measure pluralism in relation to media markets.

As the ultimate goal is to develop a practical tool enabling regular monitoring to detect threats to media pluralism, the indicators, taken together, had to be placed within a risk-based analytical framework (objective 4).

The result is a prototype for a **Media Pluralism Monitor** (hereinafter: MPM) – a risk-based, holistic, user-friendly and evolving monitoring tool that includes indicators of a legal, economic and socio-demographic nature relating to various risk areas and covering several dimensions of media pluralism.

2 NOTION AND MEASURABILITY OF MEDIA PLURALISM

2.1 Broad Working Definition of Media Pluralism

Following the Council of Europe, this study adopts a broad working definition of media pluralism as the scope for a wide range of social, political and cultural values, opinions, information and interests to find expression through the media.[14] More specifically, it understands media pluralism to mean; the diversity of media supply, use and distribution, in relation to 1) ownership and control, 2) media types and genres, 3) political viewpoints, 4) cultural expressions and 5) local and regional interests. Indicators look at both active and passive access to the media, of the various cultural, political and geographic groups in society. In some instances, diversity will be measured across the whole media sector or a specific segment, such as print or television, in order to assess external pluralism. In other instances, internal pluralism will be measured, looking at the diversity within a single media outlet.

In construing this working definition, the study has drawn from various documents of the Council of Europe and the European Union, making reference to numerous dimensions of media pluralism, such as, internal and external pluralism, cultural and political pluralism, open and representative pluralism, structural and content pluralism, polarised and moderate pluralism, organised and spontaneous pluralism, reactive, interactive and proactive pluralism, descriptive and evaluative pluralism. Recent concerns relating to the concept and regulation of media pluralism raised in academic literature have also been taken into account. (All policy documents and literature have been listed in the bibliography in Chapter 9.)

It is important to note that formulating an EU-wide harmonised definition of media pluralism for legal or policy purposes was *not* within the remit of this study. This would entail normative discussions that this study was not supposed to embark on.

Nevertheless, it is feasible to search for general and substantive criteria to measure media pluralism, and to develop tools for empirical assessments of diversity in the media sector, without jeopardising the multi-faceted and normative character of media pluralism. In this spirit, this study aspires to reconcile the different normative approaches to media pluralism, and to media policy in general, that exist in Europe, with the enhancement of the auditability of media pluralism.

2.2 Measurability and Normative Approaches to Media Pluralism

When analysing national and European policy discourses, two major normative approaches can be detected: the neo-liberal marketplace of ideas model, on the one hand, and the Habermasian public sphere approach, which contains the notion of unifying public discourse, on the other hand. Both models rely on very different rationalities when interpreting diversity and pluralism as media policy goals. While the former is based on competition and freedom of choice, the latter emphasizes a broader defence of 'principled pluralism;' an attempt to serve the society in its entirety with various political views and cultural values. The argument over the nature and objectives of media pluralism is endemic to both points of view, which

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[14] See, for instance, Council of Europe, Recommendation Rec (2007)2 on media pluralism and diversity of media content, 31 January 2007; Council of Europe, Recommendation No. R (99) on measures to promote media Pluralism, 19 January 1999.

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implies that the concept of media pluralism in itself is an object of political contestation, subject to continuous processes of social negotiation.[15]

This dichotomy can also be understood in terms of regulatory approaches to media diversity: the competition or market approach, endorsing economic regulation to prevent market failure, and the interventionist or public regulation approach, involving an active media policy.[16] The first approach equates diversity with freedom of choice and defends the viewpoint that diversity is best achieved when people can freely enter the 'marketplace of ideas' without any governmental constraints, a concept based upon classical economic market theory. The second approach relies on a different interpretation of diversity, highlighting the importance of various political views and cultural values, the support of which may require state intervention.[17]

The Media Pluralism Monitor developed in this study is compatible with both of these approaches. As a diagnostic tool, its goal is primarily to collect empirical data on risks to media pluralism given the particular economic, socio-demographic and legal situation in each Member State. It does not prescribe any remedies or actions for particular risk profiles. This is left to the discretion of the users/policy makers, who remain entirely free to opt for a more market-driven approach of diversity, emphasising choice and deregulation, or for one tending more towards public regulation and which relies on cultural-political norms of cultural diversity, civic equality, and universalism.

This choice is closely linked to a nation's 'risk appetite' or 'risk tolerance', that being the amount of risk that a nation is willing to take in pursuit of value. Nations who are prepared to accept a higher level of risk, will favour a laissez-faire approach and Schumpeterian 'creative destruction' scenario in dealing with the fast changing media landscape, while the more interventionist public regulation approach usually results from a very low, or zero-tolerance risk appetite. Although this study involves awarding 'low, medium and high risk' scores for indicators, depending on the border values defined in the User Guide, this does *not* entail a harmonisation of Member States' risk appetite or risk tolerance.

2.3   Measuring as an Evidentiary Basis for Policy-Making

The MPM ultimately offers the tool to evaluate the state of media pluralism, by allowing a comparison of the socio-political goals for media pluralism with empirical data, and as such, assists policy makers in managing risks. However, it does not suggest what action should be taken towards these threats. Moreover, the identification of types of risks to pluralism builds on a combination of risk indicators across various domains, eschewing the one-dimensional character of much discussion about media pluralism.

The legal indicators in the MPM should always be assessed in the light of the relevant economic and socio-demographic indicators, since having in place regulatory safeguards for media pluralism is most significant if there are actual or imminent risks caused by economic

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

[16] Grisold, A. (1996). Press Concentration and Media Policy in Small Countries: Austria and Ireland Compared. *European Journal of Communication,* 1996, 11, 485-509 (at p. 505); Karppinen, 2006, above, n.15 (at p. 58).

[17] Puppis, M. (2009). Media Regulation in Small States. *International Communication Gazette,* 71, 1-2, 7-17 (at p.13).

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or socio-demographic factors. In other words, the importance of regulatory instruments that can exclude or mitigate risks comes to the forefront notably when the economic or socio-demographic situation gives rise to concerns over risks that are sufficiently urgent.

The MPM itself neither endorses nor discourages the use of regulation by Member State governments and authorities, but simply provides a tool to assess the availability and contribution of regulatory and policy tools for countering medium or high risks highlighted by economic or socio-demographic indicators. Although excessive regulation may be harmful for media pluralism, as it may stifle innovation or disincentivise actors to exploit new opportunities, the MPM is not designed to provide a systematic assessment of the appropriateness and proportionality of existing regulatory measures. Member States are encouraged to conduct such analysis when interpreting the results derived from the MPM indicators, taking due account of the dual contribution that regulatory safeguards, whether statutory, co- or self-regulatory, make both to the functioning of markets and the freedom and social responsibility of the media.

2.4   A Holistic Approach Towards Measuring Media Pluralism

In response to the criticism – voiced especially in the United States, following the FCC's proposal for a diversity index – that reducing pluralism to quantitative measurements fails to account for the complexities of the media landscape and substitutes mechanical devices for serious analysis of media power,[18] the MPM has endeavoured to:

- combine quantitative and qualitative indicators in order to account for the various aspects of media pluralism;

- take a holistic approach, not only measuring ownership and concentration, but also other restrictive forces, and to furthermore examine not only external pluralism but to look at aspects of internal pluralism as well;

- leave scope for qualitative analysis of MPM results while ensuring that indicators provide the most objective basis possible.

Finally, it is important to stress the evolving character of the MPM, which has deliberately been developed to be sufficiently flexible so as to allow for regular updates and adjustments. Such adjustments may be necessitated by, *firstly*, economic and technological evolutions which are further described in *Chapter 3*, and *secondly*, new solutions to normative dilemmas. To that end, a mechanism for such updating is suggested in Chapter 8.

The necessity of periodically re-examining the MPM makes it clear that the Monitor is not to be considered the ultimate response to the challenge of media pluralism. What it does offer, is a practical instrument to obtain empirical data on a set of indicators that is considered the most relevant in the contemporary media environment. These data can subsequently be used to stimulate public debate and underpin robust policy making.

It should be noted, though, that already in its current version, the MPM takes into account many of the more dynamic and contextual aspects of diversity and pluralism that have been called for in academic literature:[19] It contains indicators for information accessibility and

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[18] See, for instance, Howley, K. (2005). Diversity, localism and the public interest: the politics of assessing media performance. *International Journal of Media and Cultural Politics,* 1, 1, 103-106.

[19] See, for instance, Van Cuilenburg, J. (1998). Diversity Revisited: Towards a Critical Rational Model of Media Diversity. In Brants, K., Hermes, J., & van Zoonen, L. (Eds.), *The Media in Question* (pp. 39-49). London: Sage;

openness, particularly to new and innovative ideas and opinions of minority groups, and pays attention to the inclusiveness of the public sphere.

Given the task of developing a tool that could be applied in all EU Member States the current version of the MPM has striven to combine indicators which start from more 'traditional' media market constellations with indicators that look at new media and platforms. To mitigate a possible lack of familiarity with the results produced by some of these indicators, the User Guide contains a final chapter on *Guidelines for interpretation* that helps users to address these challenges.

Gibbons, T., & Young, D. (2008). *Conceptions of Pluralism*, Paper presented at the workshop 'Media Ownership in Europe', University of Exeter, 10 June 2008; Karppinen (2009), above, n.15.

3 TECHNOLOGICAL AND ECONOMIC TRENDS IN THE MEDIA SECTOR AND THEIR IMPACT ON MEDIA PLURALISM

Technological and economic changes and their transformation are affecting established media and communications sectors and the means by which pluralism has been traditional created, promoted, and regulated. Traditional policy approaches to media and pluralism policy that were developed in an earlier era are being strained by these changes and there is a growing need to develop policy approaches appropriate for the contemporary and future environment and policies that can obtain benefit from new opportunities presented new information, communication, and media technologies.

A dramatic increase in the number of media has altered the characteristic of the media environment from scarcity to abundance. During the twentieth century print media were supplemented by public service and commercial broadcasters, cable and satellite television providers, and Internet suppliers. Contemporary developments and spread of new media and communication technologies have created the ability to distribute content across multiple platforms and systems, leading to the development of new content creators.

These changes produce benefits but also create new types of potential harm to pluralism. Consequently policy makers must broaden their consideration of pluralism, the roles of public service and commercial media, and the array of measures available to protect and promote pluralism. To effectively carry out their tasks, regulators require wider skills sets than they traditionally possessed and they need to seek greater coordination of activities across authorities and agencies.

Chapter 1 of the User Guide contains a more in-depth discussion of the main technological and economic trends in the media sector and describes their impact on markets, business models and users. We would like to refer the reader to that chapter, as some of the factors that are mentioned there are relevant for a future update of the MPM following a first round of implementation.

4 APPROACH AND METHOD

4.1 Presentation of Study Team

The present study was carried out by a consortium of three academic institutions and a consultancy firm, in cooperation with sub-contractors from all EU Member States. The consortium was led by the Interdisciplinary Centre for Law & ICT of K.U. Leuven, which was responsible for the project management and the legal work package (WP1). The social science team, in charge of the work package on socio-demographic indicators (WP2), was coordinated by the Center for Media and Communication Studies and included scholars from Corvinus University in Hungary (Budapest), Jagellonian University in Poland, and Ljubljana University and Mirovni Institut in Slovenia. The economic work package (WP3) was carried out by the Media Management and Transformation Centre (MMTC) at Jönköping International Business School (JIBS) in Sweden. Ernst & Young Consultancy Belgium was responsible for the work package dealing with risk assessment and management (WP4).

The study team was supported by a network of local media experts in the 27 Member States of the European Union *(Country Correspondents)*, who have provided input on the regulatory situation in their country and the availability of economic data.
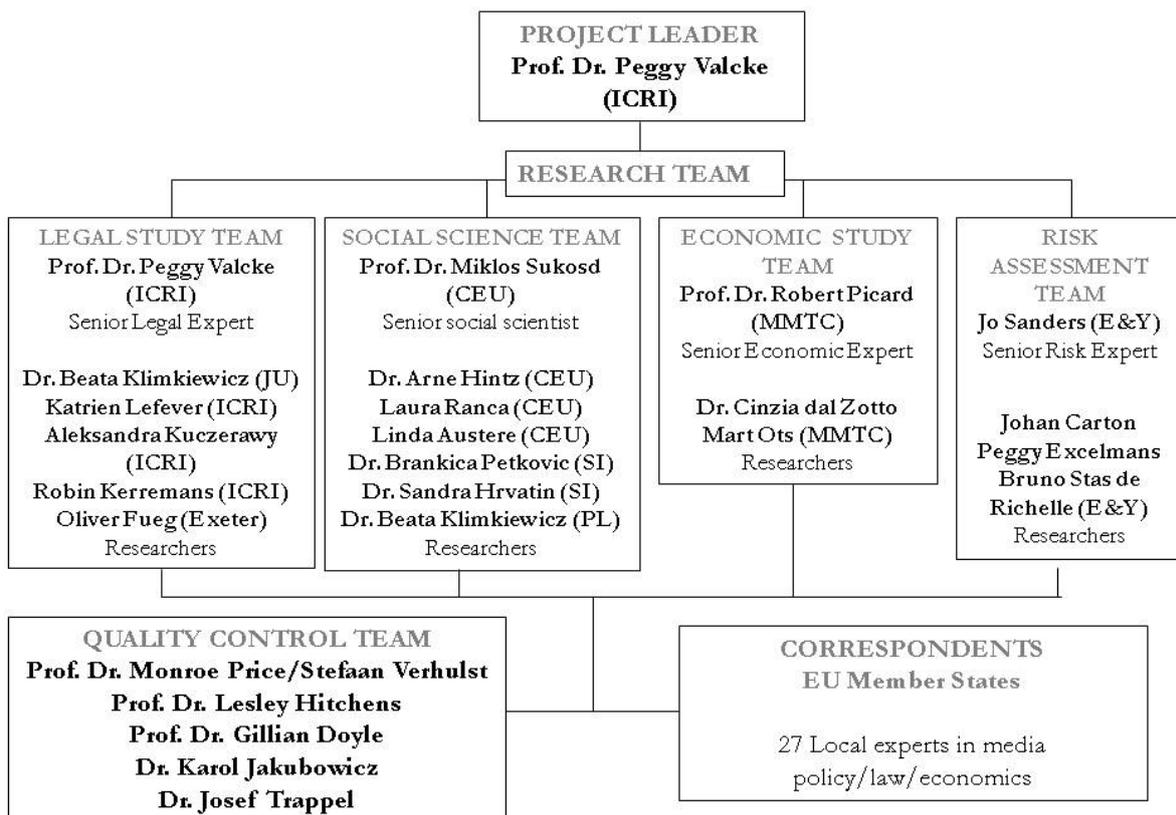
4.2 Quality Assurance

The quality of the analysis and reports was safeguarded by a *Quality Control Team (QCT)* consisting of academics with expertise in the various facets involved in the study (media law, policy and economics) and representing the various regions in the European Union and abroad. The members of the QCT are well known experts on the topic of media pluralism who have made lasting contributions to the academic study of the topic and served in various positions as consultants to national and international organisations in this domain before: Prof. Dr. Gillian Doyle (UK), Dr. Karol Jakubowicz (Poland), Dr. Josef Trappel (Switzerland), Prof. Dr. Lesley Hitchens (Australia), Prof. Dr. Monroe Price (United States), and Dr. Stefaan Verhulst (United States). They have assessed the interim reports with regard to their scientific qualities and have provided comments on the comprehensiveness, consistency, feasibility, effectiveness and scalability of the MPM, and other relevant aspects of the study. They have functioned as a soundboard for ad hoc questions and have provided assistance in testing the Media Pluralism Monitor in three countries outside the European Union. Contacts with the QCT were maintained through physical meetings, e-mails and telephone calls.

4.3 Work Plan

The study has been conducted in three phases.

4.3.1 Phase I: Development of indicators – Disciplinary Approach – First Interim Report

4.3.1.1 Common Structure and Common Scheme

After the **kick-off meeting** which took place in Brussels on January 29, 2008, the legal, social science and economic study teams have, from January to June 2008, focused on developing indicators related to their respective disciplines. Each team listed relevant threats to media pluralism from its perspective and identified appropriate indicators to assess those risks (see below). In order to facilitate the integration of the various indicators in the risk framework at a later stage, a **common structure** for the development of the respective sets of indicators was agreed upon at the initial stage of the study.

This common structure was based on **three areas** of risk assessment corresponding with the following levels of the media value chain:

- **supply**, *i.e.* the structures, processes, and outcomes of the production and packaging of content for various media types;

- **distribution**, *i.e.* any mechanism, means or network used for distributing media content to the public, such as, in the case of print media, individual distribution systems, retail points and postal services, or in the case of electronic media, electronic communication networks, services and associated facilities;

- **use**, *i.e.* the abilities and skills of citizens that allow them to access and actually consume or actively use media, taking into account the notion of **accessibility** to the media by all segments of society and looking at issues such as media literacy and digital skills, and the availability of subtitling and audio-description services, etc.

The common structure was also grounded in **five dimensions** of media pluralism, named '**risk domains**': three 'normative' and two 'operational,' of which the following working definitions were formulated:[20]

1.   Cultural Pluralism in the Media

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

2.   Political Pluralism in the Media

Political pluralism in the media refers to the fair and diverse representation of and expression by (*i.e.* passive and active access) various political and ideological groups, including minority viewpoints and interests, in the media. This definition is thus twofold: firstly it encompasses the capacity and possibility of all social segments, with their likely diverse political/ideological views and interests,[21] to address/reach the public by means of media (whether owned by, or affiliated to them, or owned by third parties), and secondly it designates the spectrum of political and ideological viewpoints, opinions and interests covered by and represented in the media.

3.   Geographical/Local Pluralism in the Media

Geographical pluralism in the media refers to fair and diverse representation of and expression by (*i.e.* passive and active access) local and regional communities and interests in the media. It comprises a plurality of themes and voices being present in the media, socialisation through multiple forms of media access and participation, choice between different forms of interaction, and representation of diverse values, viewpoints and roles, in which local and regional communities can be recognised. Such pluralism may be assessed through the spatial dimension, *i.e.* how media content is produced and distributed within local

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[20] 'Normative' here refers to the actual policy goals that media pluralism measures seek to achieve. Guaranteeing access to the media by the various (cultural/ethnic/religious, political/ideological and geographical) groups in society as well as ensuring fair and diverse representation of their ideas and opinions in the media is what media pluralism is really about: creating a public sphere where citizens are confronted with diverse opinions and ideas to foster democratic debate. 'Operational' refers to the dimensions of media pluralism that can be seen as means to achieve the aforementioned normative dimensions: pluralism of ownership and control, on the one hand, and a diversity of media types (public, commercial, community media), on the other hand are not pursued as such, but because it is believed that they will help to promote diversity of voice and idea, because of the availability of media outlets which are owned and controlled by different persons, or which have different programme mandates or sources of financing. Although there may be problems with these assumptions in some cases, they are still considered as valid assumptions influencing to a large extent media regulation in EU Member States (as well as other parts of the world) and underpinning a wide array of measures which are sometimes commonly referred to as 'structural regulation'; Hitchens, L. (2006). *Broadcasting Pluralism and Diversity – A Comparative Study of Policy and Regulation.* Oxford and Portland, Oregon: Hart Publishing (at p. 65).

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

and regional communities, or the social/content dimension, *i.e* whether media content and services address unique needs and interests of local and regional communities.[22]

4. Pluralism of Media Ownership and Control

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

5. Pluralism of Media Types and Genres

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

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

Common Structure

RISK DOMAINS	RISK AREAS	Supply	Distribution	Use
NORMATIVE GOALS	Cultural pluralism	- LI - SI - EI	- LI - SI - EI	- LI - SI - EI
NORMATIVE GOALS	Political pluralism	- LI - SI - EI	- LI - SI - EI	- LI - SI - EI
NORMATIVE GOALS	Geographical pluralism	- LI - SI - EI	- LI - SI - EI	- LI - SI - EI
OPERATIONAL MEANS	Pluralism of ownership and control	- LI - SI - EI	- LI - SI - 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

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[22] DiCola, P. (2007). Employment and Wage Effects of Radio Consolidation. In Napoli, P. M. (Ed.), *Media Diversity and Localism: Meaning and Metrics* (pp. 57 -78), LEA Publishers, NJ: Mawhaw and London (at p. 62), with reference to Napoli, P. M. (2001). *Foundations of communication policy: Principles and process in the regulation of electronic media*, Cresskill, NJ: Hampton (at p. 210 and 217).

It was also agreed, after analysis of various indicator systems developed earlier and/or already in place,[23] that a common scheme for describing the indicators, method and data sources would be followed:

Common Scheme

CATEGORIES	KEY QUESTIONS	INDICATORS	METHOD	DATA SOURCES
Specify the category to which the indicator belongs (in terms of risk area, media segment and/or topic).	Formulate key questions that clarify the risk at hand in order to arrive at potential indicators.	Define sample indicators, indicating the type of measurable data that might be sought.	Describe the method to be followed to measure the indicator.	Provide guidance to data sources for measuring the indicator.

Following these common grids, three sets ('matrices') of indicators were developed and presented, together with a preliminary treatment of the risk-based framework in the **First Interim Report** (submitted on May 29, 2008 and discussed with the Steering Committee on June 18, 2008). The following paragraphs describe the methodology that was followed to develop the legal, socio-demographic and economic indicators.

4.3.1.2 Method Followed to Develop Legal Indicators

According to the Terms of Reference, the legal indicators should cover the *"presence and effective implementation of policies and legal instruments that support pluralism and diversity"* in Member States. They should include a wide range of measures, going far beyond the scope of ownership restrictions, which have traditionally been the focus of studies and policy documents dealing with media pluralism. The Commission Staff Working Document of January 2007 has rightly pointed out that pluralism of ownership is a necessary, but not a sufficient condition for ensuring media pluralism. Media ownership rules need to be complemented by other provisions, which must consequently also be reflected in the legal indicators.

The legal and policy indicators have been developed on the basis of a combined top down – bottom up approach, by reviewing academic literature, interviewing experts and performing empirical research.

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[23] For instance, in the area of democracy and human rights in general (e.g. www.democraticaudit.com; www.bertelsmann-transformation-index.de; www.freedomhouse.org; UNDP's Democratic Governance Indicators), and media development and freedoms in particular (e.g. UNESCO Media Development Indicators; IREX's Media Sustainability Index; Worldwide Press Freedom Index of Reporters sans Frontières; African Media Barometer). In particular the Background Paper (March 2007) for the UNESCO Media Development Indicators: a Framework for Assessing Media Development (adopted at the 26th Intergovernmental Council of the IPDC in Paris on 26-28 March 2008) offered substantial inspiration for the scheme adopted in the first phase of this Study. Systems that work with economic or financial indicators solely (e.g. i2010 Benchmarking Framework) were also included in the survey, but provided little guidance.

Top down

In the *first step*, the range of legal and policy measures (in the broad sense) that potentially exist in Member States to support media pluralism has been identified through review and analysis of existing studies, policy documents and ready knowledge of Member States' media legislations. 'In the broad sense' means that not only have measures relating to traditional media, such as press, radio and television been examined, but that measures relating to new media, as well as measures relating to the distribution and transmission stage of the value chain, have also been looked at. It also refers to the fact that the term, 'legal and policy measures,' has been widely interpreted, as also encompassing self- and co-regulatory measures, like ethical codes, internal charters, etc. This explains why the legal indicators have afterwards consistently been formulated in terms of 'regulatory safeguards', as they may encompass both state legislation and co/self-regulatory measures (unless where non-statutory instruments are inappropriate, for instance, because of constitutional and/or human rights requirements). A *'rough inventory'* of possible measures that Member States may have in place was drafted.

In the *second step*, this wide array of measures has been categorised following the five dimensions of media pluralism that were identified in the common structure (above). To these five dimensions, a 'basic domain' was added, containing measures that relate to, on the one hand, fundamental rights and freedoms relevant to media pluralism (freedom of expression and the right to information), and, on the other hand, effective and independent supervision. This *'structured inventory'* was translated into various tables serving as a basis for mapping the presence and effective implementation of legal and policy measures promoting media pluralism in the EU Member States. A template was designed for the country inventories, containing those various tables.

Bottom up

The *third step* consisted of drafting detailed and thorough studies of the legal and policy framework in the 27 Member States. Based on literature review, the Merlin database of the European Audiovisual Observatory, and online research, the legal study team prepared draft versions of the country overviews. These reports were subsequently sent out to the Country Correspondents and national media regulators via the *European Platform for Regulatory Authorities* (EPRA) for revision, updating and completion. At the same time, the local experts and regulators have been asked to signal implementation problems relating to these measures (*step 4)*. Questionnaires were also sent out via the *European Newspaper Publishers' Association* (ENPA) in order to gather additional input on specific issues relating to editorial statutes, the right of reply, and barriers that could arise from licensing/registration requirements to the performance of journalistic activities.

The information derived from these country reports fed into the matrix of legal and policy indicators *(step 5)*, which was presented in the First Interim Report.

4.3.1.3 Method Followed to Develop Socio-Demographic Indicators

The social science team focused on the range of media and sources of information available to citizens in different Member States. The objective was to develop indicators demonstrating whether and how the range of diversified social needs and preferences is reflected by different media markets, and to which extent socially grounded user demands are met by the media, both in terms of their structural arrangements and their programming offer.

The development of these socio-demographic indicators was achieved through desk research, questionnaire analysis and in-depth telephone interviews with Country Correspondents and/or experts. As a starting point, the social science team drew from existing studies and publications at EU, Council of Europe and national level in order to

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create an overview of the various different situations of media availability in the Member States and to extract typical profiles.

In the *first step,* a *rough inventory* of possible indicators was drafted for the following three dimensions which interact in the thematic field described by objective 2 of the study, namely: the end users of the media, the available media, and the information which they transmit. The inventory was discussed in a group meeting with a view to suggesting issues, concepts, lists of preliminary indicators, and identifying relevant research questions to be further elaborated by the team. The *second step* consisted of categorising and contextualising these indicators, focusing on each dimension of indicators, including political, cultural and geographic pluralism, as well as pluralism of ownership and control, media types, and media genres. This resulted in *structured inventories.* The *final step* entailed the presentation of the identified indicators in a matrix following the common structure and scheme (above).

4.3.1.4 Method Followed to Develop Economic Indicators

The economic study team concentrated on economic measures of supply and their implications on media pluralism, exploring how they affect the potential for pluralism and degrees of pluralism present. After a general brainstorming regarding the factors that could threaten the different dimensions of pluralism from an economic perspective, the economic study team explored in more detail how economic aspects of markets and market structures, financial resources for media, mergers and acquisitions, and consumption choices affect the market, structures, resources and consumption to influence pluralism in content. Through this method, starting from the threats to the aforementioned five dimensions of pluralism, a set of economic indicators could be identified and listed in a *rough inventory*. Data needed to calculate those indicators were outlined. A brainstorming session about possible data sources was organised, and sources for most of the aggregated data and for some of the specific data were found. This was based on data gathering from standard media handbooks and guides, as well as national studies. Questionnaires were sent out to the Country Correspondents in order to get an understanding about the real availability of the data needed and the feasibility of a possible future project implementation. For some Member States, additional input was received via the broadcasting regulators (via EPRA).

In a final step, the economic study team developed its matrix of indicators on the economics of the media.

4.3.2 Phase II: Integration of Indicators in Risk-Based Framework – Multidisciplinary Approach – Second Interim Report

In the second phase of the study, which ran from July to October 2008, the focus shifted from a disciplinary to a multidisciplinary approach. On the basis of the preparatory work of the risk expert team,[24] the various teams have cooperated intensely, through various workshops and conference calls, to integrate the three sets of indicators into a risk-based framework and to develop a prototype of the MPM. The MPM, together with an extensive User Guide, were presented in the **Second Interim Report**, which was submitted on October 15, 2008 and discussed with the Steering Committee on November 6, 2008. The methodology that has been followed for developing the MPM is described in detail below, Chapter 6.

Overview of Content of First and Second Interim Reports *(not published)*

First Interim Report	Second Interim Report
- WP1: set of indicators covering policies and legal instruments described in objective 1 ('policies and legal instruments that support pluralism in Member States'): **draft list** of indicators covering policies and legal instruments AND **detailed country inventories** of regulatory instruments in relation to media pluralism	- WP1: **completed list** of indicators covering policies and legal instruments integrated in the MPM, accompanied by description of methodology for measurement in the UG <u>AND</u> **updated version of the country inventories** of regulatory instruments in relation to media pluralism
- WP2: **draft list** of socio-demographic indicators (full set + 'workable' set) with description and methodology	WP2: **completed list** of socio-demographic indicators, integrated in the MPM, accompanied by description of methodology for measurement in the UG <u>AND</u> listing of profiles (part of 'Interpretation of Results' in the UG)
- WP3: (objective 3: 'supply side indicators on the economics of the media'): **draft list of economic indicators** (with description and methodology)	- WP3: **completed list** of socio-demographic indicators integrated in the MPM, accompanied by description of methodology for measurement in the UG <u>AND</u> analysis of technological and economic trends in the media sector
- WP4: objective 4 ('risk-based framework for the indicators') preliminary treatment of the risk framework	- WP4: detailed description of the MPM, accompanied by UG

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[24] Which involved a review of the academic literature on risk framework modelling, relevant to the scope of this project.

4.3.3   Phase III: Testing of the MPM

In November 2008, the MPM was tested for proof of concept in order to validate the output of the risk-based framework. This was done on the basis of a multi-level and cross-market validation of the methodology. To ensure applicability and accuracy, as well as sustainability and scalability of the proposed MPM, the following validation strategies have been applied:

- a validation on the basis of an **internal review**, encompassing a systematic check of all scoring and reporting sheets and functions;

- a rigorous **peer review** of the methodology and the processes to implement the MPM; this entailed a critical review by the experts of the Quality Control Team, who have been tasked to analyse independently the quality and effectiveness of the framework according to a set of validation indicators;

- a **meta-modelling effort** of the methodology by scoring a selection of indicators by three teams in different countries (United States, Australia and Switzerland);

- an **external review** during a public workshop envisaged to take place in the first half of 2009.

More details on these validation strategies and the results of the testing are given in Chapter 7.

4.3.4   Preliminary Final Report

The results of the study are presented in this Preliminary Final Report, which consists of:

- The present **Report**, describing the subsequent phases in the study was conducted and the methodology followed to develop the **Media Pluralism Monitor (MPM).**

- The **User Guide (UG)** that accompanies the MPM and sets out in detail how the MPM can be used (how to open the MPM, how to calculate scores for the indicators, how to interpret the resulting risk profiles, etc.).

- The **Country Reports** describing legal, regulatory and policy measures supporting media pluralism in the 27 Member States.

- The **Media Pluralism Monitor (MPM)**, which has been programmed in MS Office Excel.

4.3.5 Contacts with Stakeholders

Since the study did not entail a consultation of the sector, the research team did not conduct any surveys or interviews. During the study period, the research team was however contacted by various stakeholders. Some of these stakeholders (like Mediaset, IMCA or European Journalism Centre) only requested general information about partners or milestones via telephone and wanted to express their interest in the public workshop.

At their request, the research team agreed to meet some of them in order to listen to their concerns and check whether they could provide input for the study. Only background information about the study was communicated, such as the partners involved, the aim of the project, and the time table, which was also in basic form available via the Commission's website; no details about the structure of the tool, indicators, border values, etc. were discussed during these meetings.

- **Meeting with the European Newspaper Publishers' Association (ENPA) (Leuven, 8 April 2008).** The aim of the meeting with ENPA was to listen to their concerns and to check whether or not ENPA could provide input for the study. ENPA offered help by sending out questionnaires to their members.

- **Meeting with the European Federation of Journalists (EFJ) (Brussels, 6 May 2008).** The aim of the meeting with EFJ was to listen to their concerns and to check whether or not the EFJ could provide interesting input for the EUMPI study. EFJ offered to provide the legal study team with codes of conduct or editorial statutes whenever necessary.

- **Meeting with Public Service Broadcasters (Brussels, June 17, 2008):** At the request of the BBC a meeting was organised with representatives of EBU and BBC, ARD, ZDF, France Télévision. The aim of the meeting, from the perspective of the representatives of the public service broadcasters, was to obtain some background information about the study and to see if, and where, they could provide input for the study. During the meeting, the representatives expressed their main concern, which is that the study would lead to harmonisation initiatives in the area of media pluralism and concentration, in the form of a directive. The research team explained that the sole purpose of the study is to develop an objective measurement tool that will increase transparency about the level of media pluralism in Member States. The research team also underlined that the tool would offer a sufficient level of flexibility to take into account national characteristics, but that primary indicators would be identical for all Member States, so that outcomes could be compared.

4.4 Basic Features and Implications

On the basis of the Terms of Reference, the study team listed a number of basic features as starting points for the development of a Media Pluralism Monitor. The present subchapter outlines these design assumptions and discusses their implications for the actual development of the MPM.

4.4.1 Neutral Monitoring Tool

The MPM as a diagnostic/monitoring tool should function like a radar, signalling risks in particular areas or for particular aspects of media pluralism. It should allow users to measure a set of indicators and, based on the scores assigned, to get an overview of which risks should be acknowledged and addressed within the Member State.

This implies that the MPM does not prescribe which actions or measures need to be taken in order to manage high risks in particular areas; nor does it dictate a certain level of risk-appetite. These decisions are entirely left to the discretion of the Member State who may elect to strengthen support for their policy by consulting widely on the issue.

It also implies that border values for the indicators, signalling a certain level of risk, have been set on the basis of commonly accepted policies and measures, grounded, to the maximum extent possible, in the academic literature,[25] and critically scrutinised by the Quality Control Team and the Steering Committee. As a result, they do not reflect particular preferences of the study team or of the European Commission. By leaving interpretative authority to the Member States, the MPM offers the most neutral measurement tool conceivable in policy terms. It neither prescribes nor endorses harmonised levels of media pluralism throughout the EU.

4.4.2 Holistic Monitoring Tool

The MPM should start from a broad notion of media pluralism, encompassing aspects that relate to internal and external pluralism, cultural, political, and geographic dimensions of pluralism, ownership and concentration issues, media contents and formats. It should assess the economic, socio-demographic and legal/policy context in which media are offered and consumed, looking at supply (including elements of distribution and infrastructures), demand and use. The range of media covered should include radio and TV broadcasting, national and regional press, magazines, together with internet media, and also take into account the book publishing sector as the latter forms part of the media landscape, contributing to the formation of public opinion, and determines to a greater or lesser extent the editorial and commercial strategy of multimedia operators.

Consequently, the MPM has been developed on the basis of three types of indicators (economic, socio-demographic and legal), which assess the performance of media markets, structures and regulations in relation to the five domains of media ownership and control, media types and genres, political pluralism in the media, cultural pluralism in the media, and geographic pluralism in the media. Aspects which are of a more general nature, but which are nevertheless essential 'preconditions' for media pluralism, have been isolated in a supplementary domain, the 'basic domain'. This domain contains indicators assessing

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[25] References to policy documents and/or academic literature supporting the legitimacy of inclusion of particular risks and/or indicators have been included in the User Guide.

regulatory safeguards for freedom of expression and information, independent oversight, and policies for media literacy.

The holistic nature of the MPM also implies that individual indicators can, and indeed must not be assessed in isolation, but need to be interpreted in the light of related indicators in order to produce a complete and correct analysis of the situation.

4.4.3 Risk-Based Monitoring Tool

As the MPM should be risk-based the three sets of indicators should be placed in a risk-analytical framework, with values indicating more or less endangerment of pluralism.

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

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

Given the need for sufficient evidentiary means to properly assess their role, the MPM takes a cautious, rather than a conjectural approach to their inclusion. Prudence in this respect, which is predicated on the volatility of these market and the lack of adequate data, both of which make an assessment of their contribution to pluralism difficult,[26] does not imply ignorance, however. To the contrary, in order to safeguard robustness and completeness of the MPM, regular updates are necessary and must be taken into account in designing the MPM. This will allow for the introduction of appropriate measures as these become available.

4.4.4 Objective Monitoring Tool

The MPM should offer objective measurements of economic, socio-demographic and regulatory factors.

This implies a preference for quantitative measurements and explains why even the legal indicators, although qualitative in nature, have been conceptualised in a manner that

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[26] Chapter 3 makes reference to the diverging academic viewpoints. See also the prudent stance advocated by the European Parliament in its Resolution of 25 September 2008 on concentration and pluralism in the media in the European Union, in particular Recitals Q, S and T: "*whereas new technologies, and in particular the shift to digital technology for the production and dissemination of audiovisual content and the entry on the market of new communications and information services have significantly influenced the quantity of available products and means of dissemination; whereas, however, a quantitative increase in media and services does not automatically guarantee content diversity; whereas new updated means of ensuring media pluralism and cultural diversity and the provision of prompt and objective information to the public are therefore necessary; [...] whereas, however, respect for pluralism of information and diversity of content is not automatically guaranteed by technological advances, but must come about through an active, consistent and vigilant policy on the part of the national and European public authorities; whereas, while the internet has greatly increased access to various sources of information, views and opinions, it has not yet replaced traditional media as a decisive public opinion former*".

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facilitates reliance on quantitative and objective analysis through the use of questionnaires and predefined scoring options (+/-).

While such prioritisation was found necessary to keep the MPM manageable, this does dispense with the necessity of content analysis, which is included, albeit to a limited extent, in the socio-demographic indicators. Member States should carry out further content-analytical work in the context of implementing the MPM to support the decisions that they base on its application.

4.4.5 EU-Wide Monitoring Tool

The MPM should offer a measurement tool that is applicable in all EU Member States. It should therefore apply the same indicators to all Member States in order to ensure comparability of results from throughout the EU.

However, media markets and structures, as well as regulatory and other traditions that have an impact on how media develop and function, vary widely between Member States. This implies that threats of a certain magnitude or character will be considered more relevant in some countries than in others. Hence, the Terms of Reference requested that diverging media markets would be taken into account through the production of a representative set of profiles covering the whole range of different circumstances across Member States and regions.

Reconciling the demands of comparability and respect for national specificities has been one of the major challenges of the study team.

The following options have been explored:

- *Option 1: Ex Ante Relevance Test*

  In this scenario, the MPM would contain a (mandatory or optional) function, called the 'relevance test', enabling users to rank risks on the basis of impact and probability before scoring the indicators. Users would have to indicate the level of impact (either high, moderate, low) and the probability (again either high, moderate, low) of the risks occurring. Pre-defined combinations of levels of impact and of probability would automatically result in displaying a risk as relevant or irrelevant. Users could then opt to score only risks found to be relevant.

  The advantage of this function is that it allows users to prioritise and allocate limited resources in the most efficient way, by focusing on the indicators which are linked to risks classified as 'relevant'. The relevance test could also offer a first indication of the trouble zones and would allow users the possibility of comparing actual scores for indicators with their initial assessment of the relevance of a particular risk.

  Besides the loss of comparability across Member States *(discussed below),* the disadvantage of this function lies in its potential for manipulation. By allowing users to qualify certain risks as irrelevant, they can neutralize these risks, which can undermine the accuracy and completeness of the assessment. To overcome this problem, the idea of an expert panel was put forward: instead of the user, a panel of independent experts could be asked to run the *ex ante* relevance test. Although this solution could safeguard the objectivity of the test, it would render the application of the MPM more complex and costly (and hence, run counter of the demands of practicability and user-friendliness of the MPM). It was therefore discarded.

  A second solution was envisaged through the combination of the *ex ante* relevance test with predefined profiles (see option 2 below).

- ***Option 2: Ex Ante Relevance Test Combined with Predefined Profiles***

A second option would be to apply an *ex ante* relevance test on the basis of predefined profiles. These profiles would be produced on the basis of objective parameters, like population number (size of the market), GDP/capita (wealth of the market), ethnic and linguistic heterogeneity of the population, predominant means of TV reception, etc. Risks/indicators would then be grouped in three categories:

  o 'Highly relevant/critical': would refer to risks/indicators the assessment of which would be mandatory for a particular Member State if it corresponded to a specific profile;

  o 'Moderately relevant/significant': would refer to risks the impact and probability of which would be considered to be sufficiently high by the user (or by an independent expert panel); hence, it would be recommended to score the indicators for these risks;

  o 'Low relevance/insignificant': would refer to risks the impact and probability of which would be considered as very low by the user (or by an independent expert panel); hence, it would be appropriate not to measure the indicators for these risks.

The advantage of this system is that it would considerably reduce the scope for manipulation by the user: when filling in predefined objective parameters (like population size of GDP/capita), a country would automatically fall into a particular profile. As a consequence, certain risks would be displayed as 'critical' and it would be mandatory to score the indicators for these risks.

When exploring this idea further, it turned out that it would require substantial resources and time in order to come up with practicable and user-friendly solutions. Determining the 'critical' risks, and hence, the 'must have' indicators, for specific profiles would imply a very precise and demanding exercise, which was outside the scope of this study.

Moreover, the major disadvantage of such *ex ante* relevance test, whether with or without predefined profiles. would still remain; more specifically there would be a loss of comparability. If users were to be allowed to fill in varying sets of indicators, either as a result of falling into different profiles, or due to an individual assessment prior to the actual scoring of indicators, it would be difficult, if not impossible, to compare end results across the EU. For that reason, the option of the *ex ante* relevance test was discarded.

- ***Option 3: Ex Ante Profiling (Predefined) with Variable Scoring***

Although it was considered appropriate, mainly for reasons of comparability and objectivity, to assess the same risks and measure identical sets of indicators in all EU Member States – even if these countries represent different profiles in terms of market size, technological development, presence of minorities, etc. – it could not be denied that certain factors have a major impact on the level of media pluralism that can be realistically expected or afforded in different EU Member States. Therefore, the idea of linking particular profiles to variable scoring was further explored.

In this scenario, border values would be automatically adjusted when filling in predefined parameters that would reflect national market circumstances, such as economic wealth, state of development, size of the market, etc. Border values for indicators relating to ownership concentration would, for instance, be increased in case of 'small markets', implying that the threshold for the score of 'high risk' would be attained only in case of a higher concentration ratio.

The advantage of this option is that it takes account of national specificities, improving the credibility and validity of results.

But again, this option can be criticised for undermining comparability of results throughout the EU. It could also stigmatise certain profiles/countries. Indeed, it could be argued that identical standards should be applied across all Member States, and that a given result should represent an identical level of risk, irrespective of the characteristics of the media market or landscape. If, for example, ownership of media is highly concentrated in a given market then, whether the market is 'large' or 'small', 'developed' or 'underdeveloped' etc, the threat to pluralism is the same.

It was, however, mentioned in the introduction how the discussions that took place over the EC's initiative in the nineties to harmonise national media ownership rules have demonstrated the sensitivities of and the need for a balanced and realistic approach that would take into account the specificities of media markets in the various Member States. One of the major criticisms voiced at that time was that the EC's proposals did not sufficiently take account of the specificity of small Member States where it is hard to prevent concentration while allowing critical mass to build. The academic literature also stresses that state size does matter, and that it remains highly important to consider state size when analysing media systems and their media regulation.[27] It is acknowledged that, despite the necessity of considering relational and attributive features of smallness,[28] population size remains a common and simple measurement. More than in the case of geographic size, it is safe to assume that the size of a country's population directly influences the size of media markets and has a major impact on media systems and regulations.[29] Economic and communication studies have demonstrated that small media systems share certain structural peculiarities, like shortage of resources, affecting in particular the number of media firms and range of media types. These structural peculiarities are also likely to affect media regulation. In particular, in small states the regulatory possibilities to protect and promote media diversity are limited.[30]

It is necessary, though, to keep in mind that small states not only share certain structural peculiarities but also feature different political, historic and cultural traditions.[31] Also the 'wealth' of a state has a major impact on media performance; it is in particular a determinant of what level of diversity of local output can be afforded and, therefore, of pluralism. State size interacts with other variables, and looking at population size alone risks oversimplifying the impact of 'smallness'.

Therefore, the following solution has been adopted in the MPM: an *ex ante* profiling exercise is offered at the beginning of the MPM, which takes into account both population size and GDP/capita, and results in adjusted border values for a number of indicators. To capture also other variables affecting the performance of a state's media system, users can rely on the *ex post* profiling guidelines in the User Guide, to clarify or explain the relevance of results in the light of particular characteristics (see option 4 below).

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[27] Hallin, D. C. (2009). State Size as a Variable in Comparative Analysis. *International Communication Gazette,* 71, 1-2, 101-103.

[28] Geser, H. (1992). Kleinstaaten im internationalen System [Small States in the International System]. *Kölner Zeitschrift für Soziologie und Sozialpsychologie,* 44, 4, 627–654 (at p. 629–631); Geser, H. (2001). Was ist eigentlich ein Kleinstaat? In R. Kirt, & A. Waschkuhn (Eds.), *Kleinstaaten-Kontinent Europa* (pp. 89-100). Baden-Baden: Nomos Verlagsgesellschaft (at p. 89–98).

[29] Puppis, M. (2009). Media Regulation in Small States. *International Communication Gazette,* 71, 1-2, 7-17.

[30] Puppis, M., & d'Haenens, L. (2009). Editorial. *International Communication Gazette,* 71, 1-2, 5-6.

[31] Daniel C. Hallin (2009), above, n. 27.

- ***Option 4: Ex Post Profiling***

In an initial stage (after having discarded the *ex ante* relevance test, above), the option was pursued to strive for maximum comparability and to apply the same set of risks and indicators, as well as identical border values (of high, medium, and low risk) to all Member States. In order to offer a solution for taking into account national characteristics, the suggestion was made to offer an *ex post* profiling exercise by offering guidelines for interpreting reported scores, in the User Guide. These guidelines would allow users to explain certain scores in the light of local specificities and/or clarify differences in relevance of certain risks and indicators.

However, this solution, although it maximises comparability, was not considered satisfactory from the viewpoint of accuracy and transparency. If the profiling exercise were to be entirely moved towards the end of the analysis (interpretation of results), the problem of diverging media markets would not be adequately addressed. Moreover, this would create scope for subjectivity, allowing users to disregard negative scores ('high risks') by simply claiming that such risks are inherent to their media system.

The importance of taking the size and wealth of a state into account at the initial stage of the measurement process, and adjusting border values to more realistic expectations of how markets will perform under certain circumstances, has been stressed under the previous header. Population size and GDP/capita are therefore accounted for in the *ex ante* profiling exercise, while the *ex post* interpretation remains useful for other variables, such as degrees of heterogeneity among the population in terms of ethnic and linguistic groups, the most popular means of TV reception, dominant political viewpoints, etc.

4.4.6 Evolving Monitoring Tool

As media markets may evolve rapidly, the MPM should be sufficiently flexible to allow for regular updates and adjustments.

For this reason, the MPM includes a method to identify emerging and/or future risks and to assess the appropriateness of including additional risks and indicators into the MPM at regular intervals *(see Chapter 6, Subchapter 6.5 Second Tier Indicators*, and *Chapter 8 Implementation and Update of the MPM* below).

4.4.7 Practicability and User-Friendliness.

The MPM should offer a practical, transparent and user-friendly tool for detecting risks to media pluralism in a Member State that minimizes overlaps among indicators.

These prerequisites had a number of implications:

- Transparency and the desire to **avoid indicator overlaps** (non self-referentiality) necessitated a careful pruning of possible indicators. This turned out to be a demanding and complicated task, when integrating the different sets of indicators into the risk-based framework (second phase of the study, above). Even in the early stages, major overlaps between economic and socio-demographic indicators were detected, especially in relation to ownership issues. It was decided to drop the socio-demographic indicators in the domain of media ownership and control, but keep some of the socio-demographic indicators that analyse the nature of ownership, for instance, political ownership, in the corresponding domains. Other overlaps were found between legal and socio-demographic indicators, as a result of the legal indicators not only assessing the existence of regulatory safeguards but also their effective implementation. Implementation aspects often coincided with the subject of

measurement in suggested socio-demographic indicators. Such duplications have been carefully filtered out, either by deleting or reformulating legal indicators, or by limiting the assessment of the effective implementation of regulatory safeguards to specific (for instance, procedural or institutional) aspects. Socio-demographic indicators have been preserved only where they provide added value via a more profound analysis of the actual situation.

- Considerations of practicability, transparency and user-friendliness also led to the decision to give **equal weight** to all indicators when calculating average scores. If some indicators were to have a larger impact than others on average scores, this could jeopardize the selection of those indicators as well as the transparency of the system and, ultimately, comparability of scores. A system of equal weight for all indicators could give rise to two important criticisms, which have been addressed as follows.

    o A *first* potential criticism would be that, in reality, not all indicators are equally relevant for all EU Member States. This brings us back to the question of how to take account of national characteristics. The solution proposed combines an *ex ante* with an *ex post* profiling approach (above). Moreover, it should be noted that the MPM offers average scores in combination with individual scores; hence, users can at any time detect the individual scores which have caused a certain (in particular) negative average score and are offered the possibility of interpreting these scores, contrasting them with positive scores, or interpret them in the light of national characteristics (see the guidelines for interpretation at the end of the User Guide).

    o A *second* potential criticism concerns the legal indicators, which are given the same weight as the economic and socio-demographic indicators. Consequently, they may cause a negative ('high risk') average score, even though the related economic and/or socio-demographic indicator(s) display only low or medium risks. In some cases, this could wrongly send out the signal that regulation is required under all circumstances and could possibly result in rewarding states simply for having regulation in place even if this regulation is disproportionate to the problem, no longer adequate and perhaps even stifling innovation. A technical solution to overcome this problem has been explored; taking into account the type of indicator in the calculation of average scores, in such a way that medium or high risk scores for legal indicators would only be integrated in the calculation in cases where the related economic and/or socio-demographic indicator(s) were also displaying a medium or high risk score. Unfortunately, such encoding turned out to be technically unfeasible.

    Moreover, it seemed doubtful whether the exclusion of negative scores for legal indicators from the calculation of average scores would be appropriate in all circumstances, as this would demand a precise match between the problems addressed by the regulatory safeguards under scrutiny, on the one hand, and those assessed by the economic and/or socio-demographic indicators, on the other hand; which often cannot be assumed.

It was therefore decided to stick to the system of equal weight for all indicators, and instead put up a warning sign for users, urging prudence when drawing conclusions from negative scores for legal indicators. This report as well as the User Guide stress that the legal indicators fulfil a 'serving role' in the sense that the absence or non-effectiveness of regulatory safeguards for media pluralism should be considered most significant if they occur in conjunction with actual or imminent risks caused by

economic or socio-demographic factors. Users should therefore contrast the scores for legal indicators with those of related economic and/or socio-demographic indicators, before drawing conclusions, keeping in mind that:

- o On the one hand, the absence of regulatory safeguards should not necessarily be remedied by the adoption of state regulations, when related economic and/or socio-demographic indicators give no reason to do so, *i.e.* in case the scores for the latter indicators display only low (or even medium) risks. On the contrary, this could lead to undesired overregulation.

- o On the other hand, the presence of regulatory safeguards does not automatically 'release' the Member State from taking a closer look at medium or high risks in relation to economic and/or socio-demographic indicators. The combination of medium or high risks for economic and/or socio-demographic indicators with low risks for legal indicators may be a sign that the regulatory safeguards in place do not address the appropriate problems or do not address these problems in the most effective or adequate way, or that the indicators in question effectively address different problems. Although implementation aspects of regulatory safeguards are taken into account in the assessment of legal indicators, the MPM is not equipped for a systematic assessment of the appropriateness and proportionality of existing regulatory measures. Such assessment can only be conducted at the national level in the course of applying the MPM.

Similar questions arise when 'matching' low risk scores for both legal and economic/socio-demographic indicators, since it is impossible to attribute with absolute certainty the positive score of an economic/socio-demographic indicator to the existence of regulatory safeguards. If further analysis – for instance, through what is commonly called a 'green field approach'[32] in electronic communications regulation – would show that the role of regulatory safeguards is immaterial, the abolition of such safeguards could be envisaged. However, in some cases, the dissuasive effects of regulation on undesirable behaviour must not be underestimated simply because it appears that another tool prevented such behaviour as the desirable result may stem from the combination of different tools.

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[32] Under a 'green field approach', potential problems (of a competitive or other nature) are analysed under a scenario where existing regulations are disregarded; hence, making *tabula rasa* of existing regulatory safeguards. In the electronic communications sector, a distinction has been made between a 'strict green field approach' and a 'modified green field approach'. The former considers a scenario absent all sector specific regulation in all electronic communications markets, irrespective of whether such regulation is based on a finding of significant market power (SMP) or not. The latter disregards regulation on the market under consideration, but regulation on other markets is treated as exogenous. In its veto decision relating to the German market for call termination on individual public telephone networks provided at a fixed location, the European Commission has rejected the 'strict green field approach', considering that there is no legal or economic basis for it; European Commission, Decision of 17 May 2005 pursuant to Article 7(4) of Directive 2002/21/EC ("Withdrawal of notified draft measures"), Case DE/2005/0144, C(2005)1442 final; available via http://ec.europa.eu/information_society/policy/ecomm/implementation_enforcement/article_7/index_en.htm. See also Commission Staff Working Document, Explanatory Note: Accompanying document to the Commission Recommendation on Relevant Product and Service Markets within the electronic communications sector susceptible to ex ante regulation in accordance with Directive 2002/21/EC of the European Parliament and of the Council on a common regulatory framework for electronic communications networks and services, 13 November 2007, SEC(2007) 1483/2, p.8 and 13.

Hence, although the MPM offers valuable assistance in detecting Type I and Type II errors[33] in decision-making in the area of media pluralism, it will require additional efforts from users to draw the appropriate conclusions regarding the adoption, revision or abolition of regulatory safeguards.

- Finally, it was decided **not to include comparisons over time** as part of the scoring process, as such comparisons require substantial additional efforts for data gathering and analysis. Only in a few cases, where the monitoring of developments over time is crucial for drawing appropriate conclusions, have such methodologies been preserved, for example, to measure the growing centralisation of a media system on a national scale in the domain of 'geographic pluralism in the media'.

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[33] The terms 'Type I' and 'Type II' errors are often used in the area of economic regulation, in particular competition law, to describe two different forms of imperfect decision-making. Type I errors (or 'false positives') refer to situations in which action is taken although no harmful conduct has occurred ('convicting the innocent'; performance-based and consumer-enhancing competition is prohibited by an authority, with direct short-term costs and a longer-term chilling effect on pro-competitive and innovative conduct); Type II errors (or 'false negatives') refer to situations where abusive practices are not prohibited or are subject to delayed (or inadequate or no) remedies.

5 INDICATORS FOR MEDIA PLURALISM

5.1 Legal Indicators

5.1.1 Introduction

The *legal indicators* cover the presence and effective implementation of policies and legal instruments that support media pluralism. These include a wide range of measures, going far beyond the scope of ownership restrictions, which were traditionally the focus of studies and policy documents dealing with media pluralism.

The recurrent term 'regulatory safeguards for...' in the formulation of the legal indicators reflects the intention to take into account co- and self-regulatory measures, besides traditional state legislation and regulations. Hence, editorial statutes, ethical codes, internal charters, etc. play an important role in the measurement of the indicators. Both the Audiovisual Media Services Directive and several policy documents at EU level, relating not only to the media sector, have stressed the importance of co- and self-regulation.[34]

5.1.2 Legal Indicators for the Basic Domain

The legal indicators in the basic domain assess, *firstly,* the existence and effectiveness of a regulatory framework that guarantees the freedom of expression. Freedom of expression and freedom of the press are basic human rights, pursuant to Article 19 of the Universal Declaration of Human Rights and Article 10 of the European Convention on Human Rights. An effective protection of free speech is a prerequisite for pluralism and diversity in the media, implying that the public has access to a free media system, which overall, provides balanced, full and varied information.

Closely linked to freedom of expression, are the regulatory safeguards for journalistic practice, including criteria to become a journalist, editorial independence and social protection of journalists. Legal restrictions, such as burdensome accreditation, registration or licensing schemes should not have an influence on who can or cannot become a journalist and editorial decisions should be made by media organisations on the basis of professional criteria. Journalists are only able to play their vital role of public watchdog[35] when they can exercise their job independently from external influences. This ensures the public has access to a wide range of opinions, especially on matters of public interest. With this in mind, editorial statutes designed to prevent interference in information content by the owner of the media company or commercial entities are important. Member States should, while respecting the principle of editorial independence, encourage the media to supply the public with a diversity of media content capable of promoting critical debate and an increasingly broad democratic participation of persons belonging to all communities and generations.

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[34] Article 3(7) and Recital 36 AVMS Directive; White Paper on European governance (2001), Interinstitutional agreement on better lawmaking (2003), Communication on better regulation (2005). See also: Hans-Bredow-Institut for Medienforschung and European Institute for Media Law. (2006). *Co-Regulation Measures in the Media Sector.* Study for the European Commission, available from http://ec.europa.eu/comm/avpolicy/info_centre/library/studies/index_en.htm.

[35] See The Sunday Times v UK (II) 26 November 1991, (1992) 14 EHRR 229, para. 65.

Furthermore, for a genuine pluralistic media landscape to be realized, it is crucial that journalists work under good social conditions.[36]

Moreover, lack of diversity at the level of news gathering and content production also represents a threat to pluralism. This study considers diversity of information sources to be important for guaranteeing pluralism, on the basis of the assumption that the larger the number of information sources the more pluralistic and diverse the media output will be. To promote the development of free, independent and pluralist media, it is necessary for journalists to have the right not to disclose their sources of information. In addition, journalists should be granted access to events for news reporting. It is incumbent on the press to report on all matters of general interest irrespective whether the outcome of a report turns out to generate positive or negative publicity for the organisation involved.

Secondly, the need for independent regulatory and competition authorities overlooking media markets has been underlined in various policy documents. The Council of Europe Recommendation No. R (2000) 23, on the independence and functions of regulatory authorities for the broadcasting sector, underlines that, given the danger of pressure from various forces or interests on members of regulatory authorities, the rules governing regulatory authorities for the broadcasting sector should be defined so as to protect them against any interference and to guarantee their effective independence. Members of these bodies should be appointed in a democratic and transparent manner. National legislation should include provisions entrusting the regulatory authorities with powers which enable them to fulfil their missions, as prescribed by national law, in an effective, independent and transparent manner. Governments should also ensure effective respect of the regulatory authorities' independence, so as to protect them against any interference by political forces or economic interests. As the print sector has traditionally been left to self-regulate, attention should be paid to the existence and independence of self-regulatory bodies, such as Press Councils or Ombudsmen, consisting of external experts and overseeing disputes relating to reporting by the media and journalists.

Thirdly, media literacy is an important element in promoting pluralism. In particular when communication means are changing, it is necessary to make citizens aware of the many forms of media messages encountered in their everyday lives. Furthermore, media literacy should help citizens to recognise how the media filter their perceptions and beliefs, shape popular culture and influence personal choices. It should empower them with the critical thinking and creative problem-solving skills to make them judicious consumers and producers of information.

The **main threats** that were identified in this domain from a legal/regulatory perspective are:

- insufficient legal safeguards to protect freedom of expression;
- the regulatory system contains rules restricting free speech to such an extent that media pluralism is threatened;
- insufficient legal safeguards to protect freedom of information;
- the regulatory system contains restrictions on access to official information;
- when access to the journalistic profession is not open, the regulatory system that prescribes who may practice journalism contains requirements that are not transparent, subjective, disproportionate and discriminatory;

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[36] UNESCO (2007). *Medellin Report "Press Freedom: Safety of Journalists and Impunity",* http://unesdoc.unesco.org/images/0015/001567/156773e.pdf, 14.

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- the regulatory system does not contain guarantees against compulsory disclosure of journalists' sources;

- the regulatory system cannot guarantee the editorial independence of the media;

- in case of change of ownership, the regulatory system does not grant journalists social protection;

- the regulatory system cannot guarantee access to events for news reporting for journalists;

- the regulatory framework does not sufficiently guarantee the independence of the regulatory and/or competition authorities;

- the media regulator has no effective monitoring and sanctioning power;

- there is no (representative) press council or comparable body monitoring journalistic activities;

- the Member State does not take active measures to promote media literacy among different groups of population.

These threats have been translated into indicators that aim to measure whether regulatory safeguards in these areas exist and are effective, exist but are not effective, or are non-existent. In the case of the assessment of policies or support measures (subsidies, for instance), the question that needs to be answered is whether such policies and/or support measures are well developed, underdeveloped, or non-existing. Depending on the result of the measurement, the score for the indicator will show a low, medium or high risk for this particular aspect.

It should be noted that, in order to assess these indicators, not only should constitutional and statutory measures be taken into account, but also case law, and co- and/or self-regulatory measures (like ethical codes, editorial statutes, internal charters, etc.).

5.1.3 Legal Indicators for the Risk Domain 'Pluralism of Media Ownership and Control'

The legal indicators for the risk domain 'pluralism of ownership/control' assess the existence and effectiveness of a regulatory framework preventing undue concentration of ownership and control in the media sector. The majority of EU Member States have adopted regulations in the area of media ownership, since limitations on the influence which a single person, company or group may have in one or more media sectors, as well as rules ensuring a sufficient number of diverse media outlets, are generally considered to be important for assuring pluralistic and democratic representation in the media.[37]

The Council of Europe Recommendation (2007)2 of 31 January 2007 on media pluralism and diversity of media content recommends that member states adopt such rules in line with the following guidelines:[38]

- these rules should be adapted to the size and the specific characteristics of the national, regional or local audiovisual media and/or text-based media market to which they would be applicable;

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[37] Cf. Harcourt, A. (2008). Report for the group of specialists on media diversity (MC-SMD) on methodology for the monitoring of media concentration, pluralism and diversity, February 2008, at p. 257.

[38] See also Council of Europe (1999). Recommendation No. R (99) 1 of the Committee of Ministers on Measures to promote Media Pluralism. 19 January 1999.

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- they may include the introduction of thresholds based on objective and realistic criteria, such as audience share, circulation, turnover/revenue, the share capital or voting rights;

- they should make it possible to take into account horizontal integration (*i.e.* mergers in the same branch of activity, in this case mono-media and multi-media concentrations), as well as vertical integration (*i.e.* control by a single person, company or group of some of the key elements of production, distribution and related activities such as advertisement or telecommunications);

- established thresholds should be reviewed on a regular basis in the light of ongoing technological, economic and social developments in order not to hinder innovations in the media field;

- authorities responsible for the application of these rules should be vested with the powers required to accomplish their mission, in particular, the power to refuse an authorisation or licence request and the power to act against concentration operations (notably to divest existing media properties where unacceptable levels of concentration are reached and/or where media pluralism is threatened). Their competences could therefore include the power to require commitments of a structural nature or, with regard to conduct from participants in such operations, the capacity to impose sanctions, if need be.

Analysis of academic literature, and of existing legislations in the various Member States, shows that the objective of preventing undue concentration can be achieved in various ways, for example through imposing media ownership limits in sector-specific frameworks (either by imposing fixed thresholds, or by measuring the degree of media concentration in a more flexible way looking at the person or company's position on the market or its opinion-forming power), licensing rules, (specific provisions in) competition rules (such as lowered thresholds for media markets), and transparency requirements.

It falls outside the scope of this study to compare the various systems and make judgments about the efficiency and effectiveness of each individual system in comparison with the others.

The aim of the legal indicators is to assess whether there are regulatory safeguards in place which can prevent the undue concentration of ownership of, or control over, the media, which is the primary risk in the area of pluralism of ownership and control. Such safeguards may be found both in media legislation and in competition law, and may rely on various criteria (like number of licences, capital share, audience share, or revenues). The indicators do not prescribe the use of a certain system nor do they reflect a preference for certain criteria over others. It is up to the Member States to decide on the appropriate system in the light of the size and specific characteristics of national, regional or local media markets. Hence, the various regulatory systems in place are considered to be 'functional equivalents' for the measuring/interpretation of the indicators.

The **main threats** that were identified in this domain from a legal/regulatory perspective are:

- the regulatory framework cannot prevent undue concentration of ownership and/or control in media (of various kinds);

- the regulatory framework cannot prevent undue forms of cooperation between media companies;

- the competition rules do not take into account specificities of the media sector to the detriment of media pluralism;

- there is no effective monitoring and sanctioning of anti-concentration rules;

- the regulatory framework cannot ensure transparency of ownership/control of media;

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- the regulatory and institutional system creates high entry barriers, hampering the entry and impeding the growth of potential new entrants, thereby stifling the market and innovation.

These threats have been translated into indicators that aim to measure whether regulatory safeguards in these areas exist and are effective, exist but are not effective, or are non-existent. Depending on the result of the measurement, the score for the indicator will show a low, medium or high risk for this particular aspect.

To assess the indicators in this domain, the focus lies on ownership rules in media legislation, on the one hand, and competition law, on the other hand. Hence, co- and/or self-regulatory measures (like ethical codes, editorial statutes, internal charters, etc.) are irrelevant for these indicators.

5.1.4 Legal Indicators for the Risk Domain 'Pluralism of Media Types and Genres'

The legal indicators for the risk domain 'pluralism of media types and genres' provide an overview of the existence and the effectiveness of legal and policy measures that aim to foster this 'operational' dimension of media pluralism. The goal of these measures is to indirectly support media pluralism by ensuring the co-existence of different media types and different media genres. The former refers to commercial, public, and community media at all levels: national, regional, and local. The latter term is used to describe a diversity of media in relation to media functions, such as information, education, entertainment, as well as audiences, including children, adults, and the elderly. Social cohesion and integration of all communities, social groups, categories, and generations should be actively promoted. Moreover, due respect to their different identities and needs has to be kept. In this context, special attention has to be paid to the public service media which, according to a definition recognised by numerous international policy documents,[39] serves as a cornerstone of democracy (on the role of PSB: see Harcourt 2008, p. 261). The fundamental elements of the public service media that have to be present to achieve the goal of diverse media are non-partisan and non-profit character, public-service remit, national coverage and national mandate. The mission of the public service media is to fulfil a nation's broadcasting needs and serve all regions, cultures and linguistic groups. For this result to be achieved, the public service remit should be clearly defined in law. It usually includes presentation of politically balanced information, as well as provision of comprehensive news coverage, and a forum for public debate.

The **main threats** that were identified in this domain from a legal/regulatory perspective are:

- absence of or insufficient protection of certain media types;
- absence of or insufficient protection of certain media genres;
- disappearance of some media genres from the free-to-air TV;
- absent or insufficient funding of PSM;
- insufficient engagement of PSM in new media;
- lack of, or unclear, definition in law of the PSM's remit.

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[39] Council of Europe, Recommendation No. R (96) 10 on the Guarantee of the Independence of Public Service Broadcasting, 11 September 1996; Council of Europe, Recommendation CM/Rec (2007)3 on the remit of public service media in the information society, 31 January 2007; UNESCO (2008). International Programme for the Development of Communication, *Media Development Indicators: A Framework for Assessing Media Development*, UNESCO: Paris, http://unesdoc.unesco.org/images/0016/001631/163102e.pdf.

These threats have been translated into indicators that aim to measure whether regulatory safeguards in these areas exist and are effective, exist but are not effective, or are non-existent. Depending on the result of the measurement, the score for the indicator will show a low, medium or high risk for this particular aspect.

It should be noted that, in order to assess these indicators, usually not only should statutory measures, and case law, be taken into account, but also co- and/or self-regulatory measures (like editorial statutes, internal charters, self imposed quota, convention with governments etc.).

5.1.5 Legal Indicators for the Risk Domain 'Political Pluralism in the Media'

The legal indicators for the risk domain 'political pluralism' assess the existence and effectiveness of regulatory safeguards which, on the one hand, ensure access to the media by the various political actors and groups, and, on the other hand, safeguard the public's right to become informed in a correct and complete way on the wide variety of political viewpoints within society. In order to reach this goal, that of a politically pluralistic media landscape, a difficult balance between political interference and editorial independence needs to be struck in the different types of media. This balance may evolve over time with the rise of new means of distribution.

The risk of political bias can be mitigated through both structural and behavioural safeguards. Examples of the former include rules ensuring the fair representation of the various political groups in management or board functions of media companies or media councils, where these include political representatives. Behavioural rules can prescribe, for instance, fair, balanced and impartial political reporting. Council of Europe Recommendation (2007)2, on media pluralism and diversity of media content, recommends that member states encourage the media to supply the public with a diversity of media content capable of promoting critical debate and an increasingly broad democratic participation of persons belonging to all communities and generations.[40] However, the Recommendation, by way of a disclaimer, states that they should do so while respecting the principle of editorial independence. A careful balance should be struck between stimulating political pluralism and respecting the editorial independence of media outlets. Privately owned media are entitled to follow an editorial line which might show a specific political preference. Therefore impartiality as a quality for political reporting cannot be required of this type of media. Nonetheless, political coverage, even that by privately owned broadcasters and newspapers, should at least be fair and accurate. Editorial independence cannot be used as an excuse for incorrect reporting or defamation.

Political bias can also be tackled by providing tools for political actors and groups to actively access the media in order to 'personally' expose their ideas, or to correct misrepresentations of these ideas. The right to reply,[41] or equivalent regulatory remedies play, an important role in this respect.

Concerns about political bias increase during periods of electoral campaigning.[42] Misrepresentation in, or lack of access to, the media preceding the moment at which political power is redistributed is likely to make a more important impact. This explains the existence

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[40] Cf. Council of Europe, Recommendation Rec(2007)2 on media pluralism and diversity of media content, 31 January 2007.

[41] Council of Europe, Recommendation Rec(2004)16 on the right of reply in the new media environment.

[42] Council of Europe Recommendation CM/Rec(2007)15 on Measures concerning Media Coverage of Election Campaigns (and Explanatory Memorandum CM(2007)155 add).

of specific regulatory safeguards in election campaigns, such as impartiality obligations for private broadcasters, rules on political advertising, and free airtime on PSM. Political advertising is often prohibited, or at least restricted, to prevent the financially stronger political party/actor from acquiring a disproportionate amount of airtime and/or to prevent political groups with fewer financial resources being partially or wholly excluded from the media channels. However, in its recent judgment of 11 December 2008, the ECHR,, ruled that in specific circumstances a 'blanket ban' on political advertising may constitute a breach of the freedom of expression, because it may hamper the sufficient distribution of all political viewpoints.[43]

The risk of excessive politicisation of media ownership/control is usually tackled through legislative measures ensuring the separation of political and media power (for instance, rules obliging broadcasters to be independent from political parties).

Protection against undue interference by political forces is ensured through (sometimes self-) regulatory safeguards for editorial independence. While such safeguards are usually found in self-regulatory instruments in the sector of print media, they may also be enforced through state legislation in the case of audiovisual media.

The **main threats** that were identified in this domain from a legal/regulatory perspective are:

- the regulatory framework cannot prevent excessive or exclusive representation or promotion of the political beliefs and ideology of the governing party (-ies) in the media;

- the regulatory framework cannot prevent excessive journalist and editorial preference and positive/propagandistic coverage of selected political parties and ideological opinions;

- the regulatory framework system cannot prevent absent or insufficient media representation of particular political or ideological opinions and positions in society, including minority or legal but extremist ideas on the political spectrum;

- the regulatory framework does not guarantee fair allocation of media space to political opposition groupings,

- the regulatory framework does not provide adequate remedies to react against misrepresentation in the media (such as a right of reply);

- the regulatory framework cannot prevent excessive presence of media financially dominated and managed by political figures, political parties;

- the regulatory framework cannot prevent excessive political pressure on programming due to political ownership and/or pressure on specific media outlets at national /local level;

- the regulatory and institutional system cannot prevent the absence of particular political groups and ideological communities from public debate and elections (voting) resulting from underserved and underrepresented minority points of view in the media.

These threats have been translated into indicators that aim to measure whether regulatory safeguards in these areas exist and are effective, exist but are not effective, or are non-existent. Depending on the result of the measurement, the score for the indicator will show a low, medium or high risk for this particular aspect.

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[43] ECHR 11 December 2008, TV Vest AS & Rogaland Pensjonistparti vs. Norway.

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It should be noted that, in order to assess these indicators, not only should constitutional and statutory measures be taken into account, but also case law, and co- and/or self-regulatory measures (like ethical codes, editorial statutes, internal charters, etc.).

5.1.6   Legal Indicators for the Risk Domain 'Cultural Pluralism in the Media'

The legal indicators for the risk domain 'cultural pluralism in the media' assess the existence and effectiveness of regulatory safeguards which intend to stimulate or even oblige media to offer content to the public which reflects the wide diversity of cultures and social groups at national, EU and even world level. In this area, risks for pluralism arise when one culture or social group dominates the media outlets, so that audiences are deprived of a fair representation of the outside world, which is *per se* complex, diverse and 'multi-cultural'.

The risk of insufficient representation of European cultures is tackled through rules that apply to audiovisual media and are harmonised at EU level: the quota for European works.[44] The same goes for the protection of independent production.[45] Member States often have similar quotas in place for national works on television and/or national music on radio, either in the media legislation or in licence agreements.

Fair representation in the media of the various cultural and social groups can be safeguarded either through obliging, particularly mainstream media actors to pay attention to the various groups in their programming, or through granting these groups access to airtime, and furthermore allowing them to distribute their own programmes via these channels. Governments can also stimulate the production or distribution of programmes targeting and/or portraying specific cultural or social groups through active policy measures (like subsidies). Council of Europe Recommendation (2007)2 on media pluralism and diversity of media content recommends that member states define and implement an active policy in the field of content diversity, which should not be considered to be automatically guaranteed by the multiplication of the means of communication offered to the public.[46] Support measures for the creation, production and distribution of audiovisual, written and all types of media content which make a valuable contribution to media diversity are explicitly mentioned.

Cultural and social minorities could also actively engage in creating their own media outlets. This so-called third sector, the first and second sectors being PSM and private commercial media, is recognised as the most participative way in which cultural and social groupings can assure truthful exposition of their identity. The European Parliament therefore recently called upon the Member States to support community media more actively, in order to ensure media pluralism, in particular by making television and radio frequency spectrum available to such media,[47] adding the caveat that such support should not be to the detriment of public media.

Structural rules, which ensure the representation of the various cultural and social groups in professional, management and board functions of private media and PSM and in the staff of media councils or other advisory bodies, also aim to prevent or mitigate risks for cultural pluralism in the media. As Council of Europe Recommendation (2007)2 acknowledges, Member States can encourage the media to adopt or strengthen a voluntary policy promoting

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[44] Article 4 AVMS Directive (above, n. 10).

[45] Article 5 AVMS Directive.

[46] Council of Europe, Recommendation CM/Rec(2007)2 on media pluralism and diversity of media content, 31 January 2007.

[47] European Parliament, Resolution of 25 September 2008 on Community Media in Europe.

minorities in their internal organisation of all its branches, in order to reflect society's diverse composition and reinforce social cohesion. Hence, it is important to consider not only legal measures in the respective indicator, but also internal charters and/or voluntary engagements.

From the use or consumption side, cultural pluralism may be endangered if certain, particularly weaker, social or cultural groups do not have equal access to media outlets. Therefore, policies and support measures for enhancing access to media content and services for groups with special needs in society, like the elderly or disabled, should be assessed as well. In policy documents, this is sometimes referred to as 'bridging the digital divide'.[48]

The **main threats** that were identified in this domain from a legal/regulatory perspective are:

- the regulatory framework contains insufficient guarantees for a fair representation of the different national, European and world cultures;

- the regulatory framework contains insufficient guarantees for original programming (in-house and/or independent production), which is considered to contribute to cultural diversity;

- the regulatory framework contains insufficient guarantees for a fair representation in the mainstream media of the various cultural and social groups (religious, linguistic, ethnic minorities, as well as communities based on gender, age, disabilities, sexual orientation), in particular in PSM, both in its governing bodies and in the programmes;

- the regulatory framework contains insufficient incentives for the creation and viability of alternative media, in particular minority and community media, serving ethnic, religious, linguistic and other special interest groups in society;

- the regulatory framework does not remedy entry barriers for minority and community media arising from denial of access to infrastructure, marginal reach; there are no specific policies endorsing investment in minority and community media, nor public support measures aiming at compensation of disadvantaged position of minorities as media producers and media users;

- there are no policies to enhance access to media content by groups with special needs in society.

These threats have been translated into indicators that aim to measure whether regulatory safeguards in these areas exist and are effective, exist but are not effective, or are non-existent. Depending on the result, the score for the indicator will show a low, medium or high risk for this particular aspect.

It should be noted that, in order to assess these indicators, not only should statutory measures, and case law, be taken into account, but also co- and/or self-regulatory measures (like ethical codes, editorial statutes, internal charters, etc.).

5.1.7 Legal Indicators for the Risk Domain 'Geographical Pluralism in the Media'

The risk area of geographical pluralism is closely related to the domain of cultural pluralism. In some aspects, like the involvement of minorities, these two can overlap. The legal indicators for this risk area are meant to determine if a regulatory framework for promoting

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[48] See, for instance, Council of Europe, Recommendation CM/Rec(2007)2 on media pluralism and diversity of media content, 31 January 2007.

geographical pluralism exists and is effectively implemented. This set of indicators should allow it to be determined whether enough consideration is given to the local and regional oriented media, and also the non-profit media.[49] As they are normally in a weaker position in relation to the national media, due to their having fewer resources, their development should be actively stimulated. Particular focus should be placed on structural aspects, as well as content obligations. Various localities, including those from remote areas, should be provided with access to mainstream media. Moreover, the state should take positive steps, by providing infrastructural and technical support, to guarantee all broadcasters the maximum geographical reach. Furthermore, it is important to make sure that local events are covered in the media, as this helps, both, to safeguard local identity and to reflect the geographical diversity of society. In addition, such coverage can fulfil local information needs regarding relevant aspects of life. The content of such media can be created mainly, but not exclusively, by and for certain groups in society, can provide a response to their specific needs or demands, and can serve to increase social cohesion and integration. Such encouragement can, for example, be provided through a proportional and equitable reservation of the spectrum.

A properly balanced media environment, with regard to geographic diversity, and adequate representation of all the groups within a society, is necessary to ensure truly pluralistic media.

The **main threats** that were identified in this domain from a legal/regulatory perspective are:

- the regulatory framework contains insufficient guarantees to prevent underrepresentation in the media of certain local and regional communities;

- the regulatory framework is too weak to safeguard and/or support the presence of local and regional media (by ensuring the presence of independent media outlets serving local and regional communities, by ensuring the local and regional character of these media by prohibiting or limiting networking or affiliation arrangements; supporting investment in local and regional media, remedying bottlenecks or barriers for local and regional media to access cable networks or other platforms);

- insufficient access to media and distribution systems due to geographic factors, for example: absence of universal coverage of PSM channels and services;

- the regulatory framework does not contain any safeguards for the existence and/or functioning of journalists and media executives from local and regional communities;

- the regulatory framework does not contain any safeguards for the representation of local and regional communities in public service media;

- the regulatory framework does not contain any safeguards for local and regional production.

These threats have been translated into indicators that aim to measure whether regulatory safeguards in these areas exist and are effective, exist but are not effective, or are non-existent. In case of the assessment of policies or support measures, such as subsidies, the pertinent question is whether such policies and/or support measures are well developed, underdeveloped, or non-existent. Depending on the result, the score for the indicator will show a low, medium or high risk for this particular aspect.

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[49] As underlined in the Resolution on Community Media in Europe adopted by the European Parliament in September 2008: http://www.cmfe.eu/article.php?id=43.

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It should be noted that, in order to assess these indicators, not only should statutory measures, and case law, be taken into account, but also co- and/or self-regulatory measures (like ethical codes, editorial statutes, employment rules, internal charters, etc.).

5.1.8 Legal Indicators for the Additional Risk Domain 'Distribution'

In the first phase of the study, the legal team had grouped the threats and indicators relating to distribution in a separate category. The legal indicators that were identified within this additional domain, 'distribution,' aimed to assess the existence and effectiveness of regulatory and policy measures that aim to tackle bottlenecks at the level of distribution or infrastructures, which could create risks for media pluralism, and that promote universal coverage of and fair access to networks or distribution systems.

In recent years, a range of measures have effectively been adopted, especially in the area of electronic communications, to prevent, for example, vertically integrated network operators from discriminating against third party content, to constrain 'gatekeepers', to ensure universal access to certain content, and to promote interoperability.[50] Although the goal of these measures is in the first place promoting effective competition and remedying competition distortions, it cannot be denied that they often have a positive 'side effect' on media pluralism.

The **main threats** that were identified in this domain from a legal/regulatory perspective are:

- there are no regulatory safeguards to ensure that the public has access, via electronic communications networks, to broadcast channels that are considered to be in the general interest;

- the regulation/competition laws cannot prevent abusive behaviour, cannot remedy a lack of competition in electronic communications markets and cannot prevent the abuse of control over digital bottlenecks;

- there are no effective regulatory safeguards to solve severe interoperability problems;

- there are no special policies to promote the wide distribution of media and lower the threshold for citizens to consume these media, e.g. via libraries;

- there are no special measures promoting internet/broadband access in underdeveloped/remote areas or for citizens not served under normal market conditions;

- there are no special measures to prevent that certain segments of the population (e.g. in remote areas) are not served by the distribution systems under normal market conditions.

These threats have been translated into indicators that aim to measure whether regulatory safeguards in these areas exist and are effective, exist but are not effective, or are non-existent. In the second phase of the study, these indicators have been integrated within the aforementioned risk domains.

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[50] See European Commission, Commission Staff Working Document, Media pluralism in the Member States of the European Union, 16 January 2007, SEC(2007)32, 13-15.

5.2 Socio-Demographic Indicators

Socio-demographic indicators have been identified in four distinct risk domains of media pluralism: political pluralism in the media; cultural pluralism in the media; geographic media pluralism; and pluralism of media types and genres.

In all four areas, the discussion below is presented in a standard structure:

- Introduction

- Threats

- Indicators and methods

- Data sources

Please note that detailed methodologies, including sampling techniques, quantitative and qualitative methods, are described in the User Guide (Annex I).

5.2.1 Socio-Demographic Indicators for the Risk Domain 'Pluralism of Media Ownership and Control'

As a result of the major overlap between socio-demographic and economic indicators in this domain, it was decided to keep only the economic indicators and to drop the socio-demographic indicators relating to ownership. There were a few exceptions that were placed in other risk domains.

5.2.2 Socio-Demographic Indicators for the Risk Domain 'Pluralism of Media Types and Genres'

5.2.2.1 Introduction

Traditional broadcast media are being increasingly supplemented and complemented by new media, which have proliferated in the past decade as a result of digitalisation and convergence. While in the commercial broadcasting sector, new media platforms, products and services are being rapidly assimilated and deployed, the Public Service Media (PSM) in many European countries is still undergoing a slow-paced process of transition.[51] In the area of PSM, digitalisation, and the shift to new platforms, production methods and services should go hand in hand with a change in the core internal organisational configuration and labour assignment to develop a multimedia-focused organisational structure. Thus, in the internal plan of PSM, a strategic policy approach to new media service supply through adapting employment and labour structures is needed, and measuring this is therefore relevant indicator within the domain of pluralism of media types and genres.

The absence or underrepresentation of PSM in new media is to be considered a risk for pluralism and is measured through the proportion of employees and amount of financing dedicated to new media. At the same time, however, an overrepresentation of PSM in new media also needs to be counterbalanced, as it may represent a threat for existing or new

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[51] See Council of Europe, Recommendation CM/Rec(2007)3 on the remit of public service media in the information society, 31 January 2007.

private initiatives in the field.[52] This risk is also measured in the MPM through the presence of an indicator signalling the degree of concentration within internet content provision.

Another area where new media services may enhance pluralism of media types and genres is public participation through interactive services. In the digital environment, the opportunity to embrace a proactive new media approach to traditional broadcasting, whether commercial or public service, which could allow the level of audience engagement in the assimilation, distribution and reaction to such services to be increased (*i.e.* public participation), must be addressed by service providers, as well as policy makers. It is important that online media provide platforms and services to allow and enable their audience to provide feedback and express recommendations or complaints in the online public sphere. Thus, an assessment of the availability of online media offering space for publicly available comments and complaints is incorporated in the area of socio-demographic indicators, on the external supply side of media types.

5.2.2.2 Threats

From a socio-demographic perspective, threats to pluralism of media types and genres are addressed at the level of the internal (workforce) and external supply risk areas, and include:

- Lack of/or insufficient engagement of PSM in new media services seen as a threat to the internal/supply area;

- Insufficient attention paid by online media to public participation seen as a threat to the external/supply area.

5.2.2.3 Indicators and methods

The following list includes socio-demographic **indicators** and related **methods** for the risk domain 'pluralism of media types and genres'.

RISK	KEY INDICATOR	METHOD OF MEASUREMENT
Insufficient engagement of PSM in new media	**Proportion of employees dedicated to new media services**	Full time and part-time employees in new media division/total number of employees
Insufficient attention paid to public participation	**Proportion of online media offering space for publicly available comments and complaints**	Content analysis of 20 most popular online media

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[52] See, for instance, the recent rejection by the BBC Trust of the BBC's proposal to launch a network of local news websites with video content, because it would not improve services for the public enough to justify either the investment of licence fee funds or the negative impact on commercial media. In its Market Impact Assessment, Ofcom found that the overall market impact likely to arise from the local video proposals, was expected to be negative, with newspaper publishers among those most affected. It considered that the plans were likely to drop revenues of existing commercial providers substantially and deter local commercial media from further innovation in online local news, sports, and weather services. More information can be obtained from the websites of the BBC Trust and Ofcom: http://www.bbc.co.uk/bbctrust/news/press_releases/2008/local_video_prov.html and http://www.ofcom.org.uk/research/tv/bbcmias/mia_localvideo/.

5.2.2.4 Data sources

Data sources for socio-demographic indicators for the risk domain 'pluralism of media types and genres' include the following sources:

Primary sources:

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) http://www.epra.org/content/english/index2.html.

Company registers for data on PSM structural division of services and platforms, as well as for data on new media adapted by PSM (*i.e.* whether PSM is adopting a multimedia oriented organisational structure) and digital infrastructure (platforms, formats, products and services) acquired and utilised by PSM in production, programming, transmission and storage activities.

Primary data for employment in new media sections of PSM:
- Employment records of Public Service TV and Public Service Radio entities
- Statistics on employees' skills and job assignments in PSM, including positions in the internal hierarchy/structure of PSM (usually from National Public Service Commissions' databases, media industry research centres, etc.)

Primary data for online media offering space for publicly available comments and complaints:
- Evidence of audience research activity by media organisations
- Evidence of media organisations offering online channels for audience engagement
- Evidence of media organisations responding to public criticism online
- Evidence and reports provided by civil society groups that advocate electronic freedom of expression and freedom of information/transparency

Policy documents and studies related to methodological issues:

Council of Europe (2007). Recommendation CM/Rec(2007)3 of the Committee of Ministers to member states on the remit of public service media in the information society, 31 January 2007, https://wcd.coe.int/ViewDoc.jsp?id=1089759

Dahlgren, P. (2009). *Media and Political Engagement: Citizens, Communication and Democracy.* Cambridge: Cambridge University Press.

Dahlgren, P. (Ed.) (2007). *Young Citizens and New Media: Learning for Democratic Participation.* New York: Routledge.

Murdock, G. (2005). Public Broadcasting and Democratic Culture: Consumers, Citizens and Communards. In J. Wasko (Ed). *A Companion to Television* (pp. 174-196). Blackwell Publishing.

Gunn, S. E. (2008). Redefining Public Service Broadcasting: Multi-Platform Participation. *Convergence: The International Journal of Research into New Media Technologies*, Vol. 14, 1, 105-120 http://con.sagepub.com/cgi/content/abstract/14/1/105.

Norris, P., & Pauling, B. (2008). *The Digital Future and Public Broadcasting*, A research report prepared for NZ On Air, http://www.nzonair.govt.nz/files/general/digi_norr-paul_08.pdf.

Peer, L. (2007). *The former audience and the future public: Conceptualizing and measuring new media use and its potential for democracy.* Paper presented at the annual meeting of the American Political Science Association, Hyatt Regency Chicago and the Sheraton Chicago Hotel and Towers, Chicago, IL, available from:
http://www.allacademic.com/one/prol/prol01/index.php?cmd=prol01_search&offset=0&limit=5&multi_search_search_mode=publication&multi_search_publication_fulltext_mod=fulltext&textfield_submit=true&search_module=multi_search&search=Search&search_field=title_idx&fulltext_search=The+former+

audience+and+the+future+public%3AConceptualizing+and+measuring+new+media+use+and+its+potential+for+democracy

du Plessis, R., & Li, X. (2004). *Cross-Media Ownership and Its Effect on Technological Convergence of Online News Content---A Content Analysis of 100 Internet Newspapers*. Paper presented at the annual meeting of the International Communication Association, New Orleans Sheraton, New Orleans, LA available from: http://www.allacademic.com/meta/p113386_index.html.

Sukosd, M., & Isanovic, A. (Eds.) (2008). *Public Service Television in the Digital Age: Strategies and Opportunities in Five South-East European Countries.* Sarajevo: Media Center. http://www.seenpm.org/new/index.php?id=67.

5.2.3 Socio-Demographic Indicators for the Risk Domain 'Political Pluralism in the Media'

5.2.3.1 Introduction

Political pluralism in the media refers to the fair level of representation and expression of the viewpoints, opinions, ideas, and interests of various political and ideological social groups in the media, including minority viewpoints and interests. This definition is thus twofold: firstly, it encompasses the capacity and possibility of all social segments, with their likely diverse political/ideological views and interests,[53] to address/reach the public by means of media (whether owned by, or affiliated to them, or owned by third parties). Secondly, it implies a broad spectrum of political and ideological viewpoints, opinions and interests covered by and represented in the media.

By means of its potential to actively represent all these segments, political pluralism is an essential aspect of media pluralism and serves as a vital (pre)condition for the safeguarding and performance of any democratic society and for accomplishing informed citizenship.

Political pluralism may be viewed and assessed from various perspectives: internal pluralism (content, supply side), external pluralism (ownership, supply side) or audience pluralism (citizens, users' side).

- *Internal political pluralism (at the level of media supply/content)* can be understood as referring to the diversity of political/ideological viewpoints covered by and expressed through various media programmes, as well as the extent to which media reflect views of entire political spectrum of a society.

- *External political pluralism* refers to political affiliation of media owners and it encompasses the degree of (in)dependence of owners from political affiliation, political action/inaction, governmental financial support and managerial control as well as the (pre)dominance of certain types of political ownership and/or pressure on specific media outlets, for example TV and newspapers rather than radio or internet.

- *Audience or users' political pluralism* refers to citizens' availability (in the sense of willingness or initiative) and ability (meaning skills) to access, critically asses,

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

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consume or actively make use of media by extracting, analysing and/or adhering to particular political beliefs and opinions being propagated through the media.

For an effective analysis of the political pluralism aspect of media pluralism, the three dimensions should be regarded as interconnected and must be taken into consideration and assessed at the level of their interactions and reciprocal influence rather than separately. Also, references to political actors should include traditional political actors, such as governments, political parties, politicians, political advisers and professionals) but also non-traditional actors, like non-governmental organisations, activists, interest groups and unions.

5.2.3.2 Threats

Threats to political media pluralism include:

In the INTERNAL/SUPPLY risk area (*i.e.* the representation of a diversity of political interests and ideologies in the society in terms of the structures, processes, and outcomes of the production and packaging of content for various media types):

- excessive or exclusive representation or promotion of the political beliefs and ideology of the governing party (parties) in the media; excessive journalist and editorial preference and positive/negative propagandistic coverage of selected political parties and ideological opinions;

- absence or insufficient allocation of media space allocated to political opposition groupings, restrictions to right-of-reply and promotion of alternative political programmes;

- absent or insufficient media representation of particular political or ideological opinions and positions in society, including minority or extreme ideas in the political spectrum;

- stereotypical, unfair or discriminatory media portrayal of particular political groups in a society, including political initiatives based on ethnic, religious, gender, age, disabilities, sexual orientation, and environmental issues;

- media content directly affected by ideological points of view of reporters, producers, and providers;

- lack of/or deficient diversity of ideologies and viewpoints represented by media professionals, including minority views (relevant aspects, frames and agendas missing from news and other programmes);

- absent or scarce representation of journalists and media executives from political minority or opposition groups;

- absence of particular political groups and ideological communities from public debate and elections (voting) resulting from underserved and underrepresented minority points of view in the media;

- separate and exclusive system of representation of political and ideological viewpoints by special/separate media outlets (for example, the presence of media outlets outspokenly dedicated to supporting a certain ideology, political party).

In the EXTERNAL/SUPPLY risk area (*i.e.* the ownership and/or managerial control of any mechanism, means, network used for producing and distributing media content and services to the public and associated facilities or political/ideological control on the production and supply of media content and services):

- excessive presence of media financially dominated and managed by political figures, political parties; state-owned media;

- active market presence and excessive audience capture by diverse media outlets owned by the same political figure, political grouping or by politically affiliated individuals;

- excessive political pressure on programming due political ownership and/or pressure on specific media outlets at national/local level;

- excessive political/ideological pressure and/or control at the level of content production and distribution due to political ownership and/or pressure on specific media content production and distribution capacities.

On the USE risk area (*i.e.* citizens' abilities and skills to access and actually consume or actively use media):

- political 'vulnerability' of the audience due to political illiteracy of the citizens, which may be reflected by whether citizens are capable to request programmes and information which they can further employ when selecting/'punishing' politicians during elections; this is seen as (in)capacity to actively use the media for political information and aware decision-making;

- excessive one-sided/prejudiced ideological influence of the audience by means of biased political propaganda through media;

- influence of citizens' political preferences due to political affiliation of media owners.

5.2.3.3 Indicators and methods

The following list includes socio-demographic **indicators** and related **methods** for the risk domain 'political pluralism in the media':

RISK	KEY INDICATOR	METHOD OF MEASUREMENT
Political bias in the media	**Proportion of the various political and ideological viewpoints and interests represented (given voice) in the media**	Quantitative content analysis for measuring the proportion of actors representing different political viewpoints and groupings by dividing them into 4 groups: government, governing parties, opposition parties, and other political and ideological groupings
Political bias in the media	**Indication of dominant (positive or negative) media portrayal of specific political actors**	Content analysis of media portrayal of specific political actors on the sample of selected media types and outlets in the selected period of time. It includes application of qualitative methods to evaluate prevailing (positive or negative) pattern of portrayal. Evaluation done by a Panel of Experts based on content analysis.
Political bias in the media	**Indication of range of investigative reporting disclosing hidden actions of various political actors or groups groupings**	Evaluation done by panel of experts based on a checkpoint list

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Political bias in the media during election periods campaigns	**Level of successful complaints to the media and self-regulatory bodies by citizens or political groups with regard to misconduct in political reporting during election campaigns**	Expert panel evaluation based on a checkpoint list
Political bias in the media during election periods campaigns	**Indication of the level of partisanship and political bias in the media during election campaigns**	Content analysis of election reporting on the sample of selected media types and outlets It includes application of quantitative methods to measure and compare coverage of the competing candidates/political parties engaged in the electoral race
Excessive politicisation of media ownership/control	**Public access to data about political affiliation of media owners**	Transparency test using a checkpoint list exploring the availability of data on political affiliation of media owners.
Excessive politicisation of media ownership/control	**Proportion of specific political affiliations of the media owners across the media market in terms of audience share, including proportion of the media owned by political parties, politicians or political groupings**	External pluralism test: Case study on evidences of political affiliation of the media owners. The study focuses on the media ownership of a selected sample of media types and outlets. The study includes analysis of the proportion of the media owned by specific political party, politician or political grouping or by an owner with specific political affiliation.
Excessive politicisation of media ownership/control	**Proportion of the state ownership in the media across the media markets in terms of audience share**	Case study on evidences of state ownership in the media. The study focuses on the media ownership of a selected sample of media types and outlets. It includes analysis of the media proportion of the state ownership in the market (in terms of audience share)
Excessive politicisation of media ownership/control	**Level of discrimination in distribution of state advertisements reflected in favouritism in the media owned by political parties or affiliates of political parties in the government or penalisation of the media critics**	State advertisement test: Case study on the distribution of state advertisements across the sample of a selected media types and outlets The study focuses on proportions between amount of state advertisements and audience share.
Insufficient editorial independence	**Representation of the interests of media professionals and media employers in labour relations is established through professional associations, providing high level of participation of media professionals and media publishers in their membership.**	Case study on labour relations in the media sector focusing on job security, level of wages, range and efficiency of instruments established to regulate labour relations, presence of representative organisations of journalists and media employer

Insufficient editorial independence	**Evidences of conflicts between editorial staff and media owners due to attempts of political instrumentalisation of the media**	Expert panel on evidences of conflicts between editorial staff and media owners due to attempts of political instrumentalisation of the media
Insufficient editorial independence	**Presence of professional associations providing advocacy for editorial independence and respect of professional standards**	Expert panel on a) range and efficiency of mechanisms established to protect editorial independence, b) evidences of conflicts between editorial staff and media owners due to attempts of political instrumentalisation of the media, and c) presence of professional standards
Insufficient independence of PSM	**Level of independence of PSM considering appointment procedures and composition of its governing bodies/Level of equal/proportionate representation of all political groups (represented in the parliament) in the governing bodies**	Expert panel on independence of governing bodies of PSM considering legal framework and its implementation regarding appointment procedure and composition The study includes quantitative evaluation of the above mentioned indicators of independence
Insufficient independence of PSM	**Level of independence of PSM considering mechanisms of its financing**	Expert panel on financial mechanisms enabling the government (political groupings in the government) to exercise pressure on the PSM, such as decision-making on the level of licence fee, proportion of direct government financing, and decision-making on wages of PSM employees.
Insufficient independence of PSM	**Level of independence of PSM considering mechanisms of appointments and dismissal of key personnel /Indication of whether key editorial personnel and management of PSM change with the change of the government**	Expert panel on editorial independence of PSM with focus on mechanisms of appointments and dismissal of key personnel, and evidences on changes of key personnel with the change of the government and on range of complaints to PSM from various political groupings
Insufficient pluralism of news agencies	**Range and independence of competing news agencies**	Expert panel on a range of competing news agencies, level of state ownership and level of independence of state owned news agencies The study applies analysis of evidence of presence of competing news agencies, and in the case of state ownership in news agencies

Insufficient pluralism of news agencies	**Level of state ownership in news agencies and level of independence of state owned news agencies**	Expert panel on a range of competing news agencies, level of state ownership and level of independence of state owned news agencies The study applies analysis of evidence of presence of competing news agencies, and in the case of state ownership
Insufficient pluralism of distribution systems	**Discrimination by politically affiliated television and radio distribution networks**	Expert panel on evidence of political affiliation of the owners of the television and radio distribution networks taking discriminatory actions.
Insufficient pluralism of distribution systems	**Discrimination by politically affiliated distribution networks for print media**	Expert panel on evidence of political affiliation of the owners of the distribution networks for print media taking discriminatory actions.
Insufficient citizen activity and political impact in online media	**Range of citizens and citizens' groups using online media for posting their content relevant for political debate**	Expert panel on citizens' activities in response to political reporting of the media, including data collection and analysis on citizens' complaints to the media and on their own media activities, especially use of new media for participation in political activities
Insufficient citizen activity and political impact in online media	**Level of influence on political and public debate by bloggers**	Expert panel: evaluation conducted on the evidence and level of influence exercised by bloggers on political and public debate. Evaluation conducted by means of sampling blogs in terms of 1) bloggers posting own political analyses, initiatives and campaigns relevant to political debate, 2) online reactions provoked at the level of users or 'audience' of such blogs. Evaluation based on score/check-point list.

Among the **methodologies** the following tests are utilised in the risk domain 'political pluralism in the media':

External pluralism test: Case study on evidence of political affiliation of the media owners. The study focuses on the media ownership of a selected sample of media types and outlets. The study includes analysis of the proportion of the media owned by specific political groupings, politicians or affiliates to political parties, etc

State advertisement test: Case study on the distribution of state advertisements across the sample of selected media types and outlets. The study focuses on proportions between amount of state advertisements and audience share.

Transparency test: The transparency test uses a checkpoint list exploring the availability of data on political affiliation of media owners.

5.2.3.4 Data sources

Data sources for socio-demographic indicators for the risk domain 'political pluralism in the media' include the following:

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) http://www.epra.org/content/english/index2.html.

Article 19 databases: http://www.article19.org/

Company registers

Databases and reports of centres for investigative journalism

Databases of Press Complaints Commissions (e.g. the UK Press Complaint Commissions: http://www.pcc.org.uk/cop/practice.html)

Election monitoring reports by OSCE Election Monitoring Mission: http://www.osce.org/odihr-elections/item_12_17721.htm

EURALVA – European Alliance of Listeners and Viewers Associations: http://www.euralva.org

European Audiovisual Observatory: http://www.obs.coe.int/

European Audiovisual Observatory (2007), *The Public Service Broadcasting Culture, Iris Special 2007 edition*: http://www.obs.coe.int/about/oea/pr/irisspecial2007_1.html

Existing media ownership analysis, e.g. by:
- International Federation of Journalists (IFJ) and European Federation of Journalists (EFJ)
    - Media concentration: http://europe.ifj.org/en/pages/media-concentration
    - "Eastern Empires: Foreign Ownership in Central and Eastern European Media: Ownership, Policy Issues and Strategies": http://www.ifj.org/en/articles/eastern-empires-
- South East European Network for the Professionalization of the Media (SEENPM)http://www.seenpm.org/new/;
- Transparency International data bases; http://www.transparency.org/
- Industry associations, company reports, country correspondents.

MediaWise.org – International Media Unions database:
- International: http://www.mediawise.org.uk/display_page.php?id=108 and
- by country: http://www.mediawise.org.uk/display_page.php?id=323

Global Media Monitoring Project : http://www.whomakesthenews.org/

Industry associations, company reports, country correspondents.

International Press Center (IPC) databases and reports: http://www.ipcng.org/

Media registers (in some countries established by media regulator such as ministry of culture or other);

National and international independent journalist groups' and centres' databases and reports updated 2006): http://jmc.sbu.edu/faculty/dwilkins/resources.html

National and International Media Monitoring reports often compiled by Media Monitoring Agencies

National media regulation data bases (available on web sites of relevant state bodies)

National unions
- IFJ alerts and reports: http://www.ifj.org/; http://www.ifj.org/en/pages/reports
- IFJ Global Unions:) http://www.global-unions.org/spip.php?rubrique8

Open Society Institute (2005) and follow-up reports (2008) *Television Across Europe: Regulation, Policy and Independence:*
http://www.soros.org/initiatives/media/articles_publications/publications/eurotv_20051011 and
http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429

Portraying Politics project: http://www.portrayingpolitics.net/what.php

State budget breakdown.(in case of indicators on Level of state ownership in news agencies and level of independence of state owned news agencies)

Statutes and annual financial breakdowns of news agencies

The Guardian Social, Ethical and Environmental Audit: http://www.guardian.co.uk/values/socialaudit

Transparency International data bases: http://www.transparency.org/

United Nations (UN) World Press Freedom databases and reports: http://www.un.org/depts/dhl/press/

Various media monitoring reports, e.g.:
- Global Media Monitoring Project : http://www.whomakesthenews.org/
- Portraying Politics project: http://www.portrayingpolitics.net/what.php

Various monitoring reports by NGOs and/or scholars

World Association of Newspapers (1996 – 2007) World Press Trends, Paris: http://www.wan-press.org/worldpresstrends/home.php

5.2.4 Socio-Demographic Indicators for the Risk Domain 'Cultural Pluralism in the Media'

5.2.4.1 Introduction

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

Diversity in this sense may be interpreted as 'diversity as pluralism' (whereby the mutual interaction between the diverse cultures is promoted) rather than 'diversity as distinctiveness' (whereby the preserving the separate and distinctive character of minority cultures is the

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central aim).[54] In the former perspective, cultural interaction and encounter is promoted through, for example, mutual learning involved in inter-cultural dialogue, the exchange of information, cultural representations, expressions and products *across* communities defined by ethnicity, religion, and language. Diverse, but at the same time, exclusive and parallel public spheres with parallel media systems, political institutions, and spaces for public discussion do not provide a ground for mutual understanding and social integration.

From another perspective, the representation of national and European cultures, and the related promotion of European works, co-productions, original national production, and works made by independent producers, could be defined as key areas and important instruments, respectively, for strengthening cultural media pluralism in European and global media markets.

5.2.4.2 Threats

Threats to cultural media pluralism include:

- threat to national and European cultural identity as a result of absent, insufficient or decreasing domestic, European and independent media production and content;

- absent or insufficient media representation of particular cultural, religious, linguistic, and ethnic groupings in society, including communities based on gender, age, disabilities, and sexual orientation;

- stereotypical, unfair or discriminatory media portrayal of the groupings and communities above;

- absence or insufficient system of minority and community media, including in particular the lack of media outlets serving ethnic, religious, and linguistic groups in society, including disabled people; the lack of investment in minority and community media; entry barriers for minority/community media by cable operators and other platform providers; and marginal reach;

- lack of public support measures aiming at the promotion of disadvantaged minorities as media producers and media users (including journalism training programmes and stipends for higher education in the field of media and journalism aiming at minority students, and media literacy programmes aiming at minority audiences);

- separate and exclusive system of minority and community media, preventing particular cultural, religious, linguistic, and ethnic groups, including communities based on age, sexual orientation, or disabilities from their integration with the rest of a society;

- absent or insufficient representation of journalists and media executives from minority, ethnic, religious, linguistic groups in society, including women, disabled people and sexual minorities;

- absence or insufficient representation of particular cultural, religious, linguistic, ethical groupings in society, including communities based on gender, sexual orientation, age, and disabilities in the programmes of public service media as well as their workforce and governing bodies;

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[54] de Witte, B. (2003). *The Value of Cultural Diversity.* Paper presented at the conference "Values in the Constitution of Europe", Florence, European University Institute.

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- absence of particular minority groups and communities from public debate and elections (voting) resulting from underserved and underrepresented minority points of view in the media, and

- social exclusion and political radicalisation of youth with minority background, resulting from absent or insufficient representation of their creative potential.

Regarding these threats to cultural media pluralism, the following section offers some background and methodological considerations in seven areas:

1. media content and services;
2. promotion of national, European and independent production;
3. media workforce;
4. public service media;
5. minority and community media;
6. content and service use;
7. substitutability and complementarity of indicators.

1. Media Content and Services

Preservation and fostering of cultural pluralism through media content and services is closely related to broader policy trends concerning cultural diversity, as well as different conceptual readings of the term itself. In recent years, an importance of cultural diversity has been explicitly recognised by European and international institutions in their principal documents. For instance, cultural diversity has been acknowledged as a core value of the European Union[55] and as a defining characteristic of humanity.[56] Adequate representation of different cultural values, lifestyles, languages, and heritages in mainstream media, development of minority media and minorities access to media services have been repeatedly considered to contribute to culture of tolerance, media pluralism, and consequently, consolidation of democracy.[57]

Cultural diversity in media content and services embraces different conceptual levels. One approach would emphasize it as a key value shared by all Europeans, nurturing a European awareness and a feeling of collective belonging, intrinsically and conditionally linked to the progress of the Union.[58] Herein, 'cultural diversity' is understood largely in terms of variety of national cultures and functions as a European cultural projection. It is also seen as an effort to place recognisable images and representations of European culture (through the promotion of European works, co-productions, works made by independent producers and national production) in the European and global media spheres. Another approach would

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[55] The Charter of Fundamental Rights of the European Union (2000/C 134/01), http://www.europarl.europa.eu/charter/pdf/text_en.pdf.

[56] UNESCO (2005), Convention on the Protection and Promotion of the Diversity of Cultural Expressions. CLT-2005/CONVENTION DIVERSITE-CULT.REV.

[57] For instance, Council of Europe, Recommendation Rec (2007)2 on media pluralism and diversity of media content, 31 January 2007; Council of Europe, Recommendation No. R (99) on measures to promote media Pluralism, 19 January 1999; Council of Europe, Resolution No. 2 Cultural diversity and media pluralism in time of globalisation, 10-11 March 2005; Council of Europe, Framework Convention for the Protection of National Minorities (and Explanatory Report), 1995 (especially Articles 6, 7 and 9); European Parliament, Resolution on the risks of violation, in the EU and especially in Italy, of freedom of expression and information, O.J. [2004] C 104 E/1026.

[58] Department for Culture, Media and Sport (2005) Liverpool Audiovisual Conference: Between Culture and Commerce, 20-22 September.

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stress the pluralism of national, regional, ethnic, linguistic, and religious identities. In this approach, the main focus is not only on 'cultural canons', but also on the lifestyles, values and languages of specific social groups and their socio-cultural heritage,[59] including minorities, women, and disabled people.

With regards to the latter approach, two main threats to cultural media pluralism may be distinguished:

A. absent or insufficient media representation of particular cultural, religious, linguistic, ethnic groupings in society, including communities based on gender, sexual orientation, age, and disabilities, and

B. stereotypical, unfair or discriminatory media portrayal of the groupings and communities above.

A. Absence or Insufficient Representation

A substantial body of research demonstrates under-representation of minorities, ethnic, religious groups[60], women[61] and disabled[62] in media content and services broadly available to the public. Media representations of indigenous populations such as the Sámi are scarce and limited in the news, even in comparison with other minorities.[63] Moreover, researchers point to social prejudice, advertising discrimination, and casting decisions that lead to absent and biased portrayal of minorities.[64] The Commission for Racial Equality stressed that participants in attitude surveys demanded from advertisers to show people from ethnic minorities in a much wider variety of realistic roles.[65] In 2002, the European Monitoring Centre on Racism and Xenophobia, now the European Union Agency for Fundamental Rights (EUMC), published the report *Racism and Cultural Diversity in the Mass Media*, which stressed the importance and influence of the mass media in establishing common cultural references. The report also underlined a special sensitivity in the case of a media portrayal of ethnic, cultural and religious relations. The initiative *On Line More Colour in the Media* supported in 2003 by the EUMC (now FRA) provided the evidence on a significant disparity

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[59] Ader, T. (2006). Cultural and Regional Remits in Broadcasting. *IRIS plus: Legal observations of the European Audiovisual Observatory,* Strasbourg, at p. 2.

[60] Husband, Ch. (1998). Differentiated citizenship and the multi-ethnic public sphere. *The Journal of International Communication,* Vol. 5, 1-2, 134-148; Husband, Ch. (Ed.) (1994). *A Richer Vision: The Development of Ethnic Minority Media in Western Democracies,* Kent: UNESCO Publishing; Van Dijk, T. (Ed.) (1985). *Discourse and Communication: New Approaches to the Analyses of Mass Media Discourse and Communication.* Berlin, New York: Walter de Gruyter; Van Dijk, T. (1991). *Racism and the Press.* London, New York: Routledge; Merelman, R. (1996). *Representing Black Culture. Racial Conflict and Cultural Politics in the United States*, London, New York: Routledge; Gandy, O. (1998). *Communication and Race: A Structural Perspective,* London: Arnold; Cottle, S. (Ed.) (2000). *Ethnic Minorities and the Media: Changing Cultural Boundaries,* Open University Press: Buckingham, 2000.

[61] BBC (1997). *The Face of Britain, internal document and video tape*; Global Media Monitoring Project (2005). *A study of women and men in the news by Margaret Gallagher.* London: WACC. http://www.whomakesthe.news.org.

[62] BBC (2005). *Not seen, not heard: learning disabled audiences and the media, executive summary of the BBC research and video tape.* London: BBC Diversity Centre. Available at http://diversity.gateway.bbc.co.uk.

[63] Pietikäinen, S. (2000). *Discourses of differentiation: ethnic representations in newspaper texts,* University of Jyväskylä: Jyväskylä.

[64] Baynes, L. M. (2007). White Out: The Absence and Stereotyping of People of Color by the Broadcast Networks in Prime Time Entertainment Programming. In P.M. Napoli (Ed.), *Media Diversity and Localism: Meaning and Metrics* (pp. 227 – 267), Mawhaw: LEA Publishers.

[65] CRE (1998). Stereotyping and racism: findings from two attitude surveys. London, at p.15.

in the news coverage of minority and migrant issues versus general issues, and of minority versus majority actors.

These assumptions not only indicate that there is a need for further monitoring, but also suggest that eventual findings may help to built mutual learning and facilitate inter-cultural dialogue. The value of such monitoring would be an identification of the risks limiting the exchange of information, cultural representations, expressions and products *across* communities defined by ethnicity, religion, language, race, gender, sexual orientation, and disability.

B. Stereotyping

Ethnic and gender stereotyping in media content and services has also been a focus of interest in numerous research studies across Europe and other jurisdictions.[66] Peter Vermeersch noted that Central and East European media contributed to over-representation of stereotypical portrayal of the Roma people.[67] Jiří Nekvapil[68] observed that a positive image of the Roma in the Czech media is presented only in exceptional cases, and the media situate and portray the Roma in typically negative contexts. Vera Messing and Gábor Bernáth[69] found out that conflict-related articles dominated other thematic areas in portrayal of the Roma in Hungarian media.

Media portrayal of ethnic minorities during the conflicts in French suburbs in November 2005 revealed a lack of diversity in the French media.[70] Prejudice based on ethnic and racial stereotypes led to racist comments and discriminatory behaviour of Big Brother actors broadcast by Channel 4 in January 2007 and caused a range of statutory sanctions from the British OFCOM.[71]

A study on stereotyping in representation of women in the print media in South East Europe[72] showed that media exclude women as active protagonists of public life. Similarly Aalberg and Jenssen demonstrated gender stereotyping of political candidates.[73]

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[66] UNESCO (1977). *Ethnicity and The Media: An Analysis of Media Reporting in the United Kingdom, Canada and Ireland,* Paris; Van Dijk (1991), above, n. 60; Husband (1994), above, n. 60; Dines, G., & Humez, J. (Eds.) (1995). *Gender, Race and Class.* London: Sage Publications; Merelman (1996), above, n. 60; Lester, M. P. (Ed.) (1996). *Images that Injure. Pictorial Stereotypes in the Media*, Westport, Connecticut: Praeger; Fiske, J. (1996). *Media Matters: Race and Gender in U.S. Politics.* Minneapolis, London: University of Minnesota Press; Mullan, B. (1996). *Not a Pretty Picture: Ethnic Minority Views on Television,* Brookfield Aldershot: Avebury; Gandy (1998), above, n. 60; CRE (1998). *Stereotyping and racism: findings from two attitude surveys*. London; ter Val, J. (Ed.) (2002). *Racism and cultural diversity in the mass media: An overview of research and examples of good practice in the EU Member States. 1995-2000*, EUMC (European Monitoring Centre on Racism and Xenophobia): Vienna.

[67] Vermeersch, P. (2001). *The Roma minority in Europe. The role of the media*. In XXXIX. Congress of AEJ, Bratislava, at p. 56 – 59.

[68] Nekvapil, J. et. al (1998). Obraz Romů v středoevropských masmédiích po roce 1989 (The image of Roma in Central European Media After 1989), RSS Research Report no 125/1997.

[69] Messing, V., & Bernáth, G. (1998). *'As Cutaways, Only in Mute' – Roma in the Hungarian Media,* Office for National and Ethnic Minorities.

[70] Harding, J. (2006). Colour bind: last year's riots in the Paris suburbs highlighted press's lack of diversity. *Columbia Journalism Review,* July 2006.

[71] OFCOM (2007). OFCOM Content Sanctions Committee: Consideration of sanction against Channel Four Television Corporation in respect of its service Channel 4 for Breaches of the Ofcom Broadcasting Code, 24 May 2007.

[72] Bamburac, N. M.; Jusić, T.; & Isanovic, A. (Eds.). (2006) *Stereotyping: Representation of women in print media in South East Europe.* Sarajevo: Mediacentar.

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Undoubtedly many more actors from different ethnic, cultural, and religious backgrounds appear in European TV, radio programming, and online media than before. Some of these portrayals seem fair and responsible. However, several stereotypes still exist, and require systematic monitoring. The stereotyping test offers an instrument to evaluate dominant social roles, in which members of minority ethnic, religious and linguistic groups, as well as women and disabled people, are most commonly portrayed, and whether media produce and distribute contents and service with too many stereotypical characterisations.

2. Promotion of National, European and Independent Production

Promotion of European works, co-productions, original national production, and works made by independent producers, as addressed by the TVWF and AVMS Directives,[74] are perceived as important instruments for strengthening cultural diversity in Europe and globally. In general, the application of Articles 4 and 5 of the TVWF Directive raised positive comments from the European Commission. The Commission expressed general satisfaction with the state of the European audiovisual industry, as well as with national applications of provisions concerning quota and independent works. Available data from the post-accession period indicated that private commercial broadcasters in Central European countries have devoted more or less a required portion of programming for European and independent production, while public service broadcasters have generally provided a higher proportion of these programmes.[75]

At the same time, a modest difference between the share of European and national (domestic) production also indicated that the European quota has, in fact, promoted national production. Other problematic areas include a low average share of qualifying transmission time devoted to non-domestic European works (12.3 percent in 2002), decreasing diversity of European fiction, a lack of bond between European television viewers, and a range of implementation problems.

As audiovisual media are the most popular media in the world as well as in Europe, many risks and indicators relate to AVMS. Also, until now terrestrial AVMS are submitted to licence even if more and more television channels are received via cable and satellite networks. The proposed tests offer evaluations which take into account both proportion of qualifying time and scheduling of European works, national production and independent production, as well as a correlation and comparison between the content criteria (proportion of European, national and independent production), and audience data. This can achieved through the measurement of European, national, independent content in ten most popular programmes provided by broadcasters in a given year. Only general-interest broadcasters should qualify for such a measurement.

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[73] Aalberg, T., & Jenssen, A. T. (2007). Gender Stereotyping of Political Candidates: An Experimental Study of Political Communication. *Nordicom Review,* Vol 28 (1), 17 – 33.

[74] AVMS Directive (above, n. 10).

[75] Open Society Institute (2005) and follow-up reports (2008) Television Across Europe: Regulation, Policy and Independence: http://www.soros.org/initiatives/media/articles_publications/publications/eurotv_20051011 and http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429.

3. Media Workforce

Numerous research studies have highlighted the under-representation of minorities in important creative and decision-making processes within the media industry.[76] A great variety of measures have been taken in numerous EU countries to promote cultural diversity in the workplace. However, the implementation of projects is still limited and their success is ambivalent or not easily accountable due to a lack of systematic evaluation schemes.[77] The majority of the diversity practices are based on diversity monitoring - a systematic collection of data on ethnic, religious, and gender composition of the workforce in order to ensure fair representation in the workplace of persons from diverse ethnic, religious, and social backgrounds, including women and disabled people.[78]

A number of media organisations have employed a diversity officer, whose main competence covers diversity monitoring and monitoring of the progress in hiring journalists, writers, actors, and media executives from diverse backgrounds. Slow progress may be followed up by two types of action: one which seeks to offer additional support to minorities up to the point of employment selection (training before minorities stay for job competition), and those forms of positive action which provide specific advantages at the point of selection (employment quota).[79] Social partners endorse other diversity measures, such as outreach advertising:

When advertising vacancies, it is recommended that the commitment of the organisation in terms of equal opportunities be expressly mentioned in order to motivate people from minorities to apply.[80]

Similarly, targeted training is tailored for under-represented minority groups. The aim of the training is to provide the skills and experience necessary to enable minorities to compete

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[76] Riggins, S.H. (Ed.) (1992). *Ethnic Minority Media: An International Perspective,* Sage Publications: Newbury Park; Merelman (1996), above, n. 60; Gandy (1998), above, n. 60; Cottle (2000), above, n. 60; Cormack, M., & Hourigan (Eds.) (2007). *Minority Language Media: Concepts, Critiques and Case Studies,* Clevendon: Multilingual Matters; Napoli, P.M. (Ed.) (2007). *Media Diversity and Localism: Meaning and Metrics*, Mawhaw: LEA Publishers.

[77] Berliner Institut für Vergleichende Sozialforschung (2005). *Cultural diversity and Mainstreaming in Employment*, Study for the European Monitoring Centre on Racism and Xenophobia (EUMC).

[78] "In the United Kingdom, public authorities are required to undertake ethnic monitoring as a result of the duty in section 71(1) to produce race equality scheme (public authorities), or a race equality policy (schools and institutions of further and higher education). Similar monitoring of workforces is being encouraged by the Commission for Racial Equality. (…) Northern Ireland offers another example. The Fair Employment and Treatment (Northern Ireland) Order 1998 (FETO) (1998 No. 3162 (N.I. 21), 16 December 1998, as amended by the Fair Employment and Treatment Order (Amendment) Regulations (Northern Ireland) 2003, which came into operation on 10 December 2003). The FETO places a number of significant duties on employers which may lead to the adoption of affirmative action measures in order to ensure a proportionate representation of the Protestant and Catholic communities. In particular, all registered employers must submit annually to the Commission a 'monitoring return' giving details of the community background of their workforce and of those applying to positions. Such monitoring of the composition of the workforce requires that the employees, or those applying for employment, be classified as belonging either to the Protestant or to the Roman Catholic communities (see sect. 53(3) of the FETO)." E.U. Network of Independent Experts on Fundamental Rights (2006) Ethnic Profiling. CFR-CDF.Opinion 4, at p. 9 – 10.

[79] European Parliament (1998). EU Anti-Discrimination Policy: From Equal Opportunities between Women and Men to Combating Racism, Public Liberties Series, LIBE 102 EN, Brussels.

[80] UNCE, ETUC & CEEP (1995). Joint Declaration on the prevention of racial discrimination and xenophobia and promotion of equal treatment at the workplace.

better in labour market.[81] In the case of training for work in media institutions this may take a form equivalent to a particular medium (such as television, radio, newspapers, and news agencies), and may include journalism training, technical training, or media management training. Some non-governmental organisations in various European countries have also developed training programmes for young people from migrant and ethnic minority groups, and for minority media talents involving them with the public broadcaster or other media institutions. Such schemes are particularly suitable for public media employers who have a significant under-representation of minorities within their workforce, including women and disabled people.

Media workforce indicators are proposed as a form of progress measurement. The idea to monitor the workforce representation of minority ethnic, linguistic, and religious groups, as well as disabled people as female journalists and executives across the media industry and PSM in particular, does not aim at imposing arithmetical proportion of different groups in media organisational structures. Rather, the main objective would be to detect trends and tendencies in journalistic and media professional employment, and to indicate serious discrepancies of representation, such as an absence or minimal representation of certain groups over a period of time.

4. Public Service Media

Cultural media pluralism has a special relationship to Public Service Broadcasting (PSB) – these days often called 'Public Service Media' (PSM). Werner Rumphorst, among several other authors, pointed out that PSM is singled out from other media outlets in its normative task to ensure impartial, comprehensive and quality information contributing to the formation of well informed citizenship.[82] This is well transposed to programming obligations of PSB in most European countries which frequently require a transmission of a specific proportion of culture-related programmes, promotion of local culture and works, and often broadcasting of programmes representing all the regions and minority cultures in a given country.[83] Moreover, internal pluralism is reflected in the PSM's normative attempt to meet audience's needs as 'complete human beings', offering a full range of services generating different collective identities (citizens; members of different social groups, communities, minorities and cultures; consumers and users of information, education, advice and entertainment).

Yet, research has demonstrated that programming and images offered by the public broadcast media reflect the experiences and interests of majority groups in society. Such majority groups make up large common denominator audiences, and are paradoxically, targeted by producers and advertisers that wish to sell consumer goods and services.[84]

To detect an absence or insufficient representation of particular cultural, religious, linguistic, and ethical groupings in society, including communities based on gender, age, and disabilities in the public media, the following indicators may be adopted:

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[81] European Parliament (1998). EU Anti-Discrimination Policy: From Equal Opportunities between Women and Men to Combating Racism, Public Liberties Series, LIBE 102 EN, Brussels, at p. 36

[82] Rumphorst, W. (2006). *The Requirements for the Independence of Public Service Television,* Paper presented at the EBU-MTV conference "From Secret Service to Public Service", 3 November 2006.

[83] Ader (2006). above, n. 59, at p. 7.

[84] Riggins, S.H. (Ed.) (1992). *Ethnic Minority Media: An International Perspective,* Sage Publications: Newbury Park; Cormack & Hourigan (2007), above, n. 76.

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5. Minority and Community Media

Minority and community media play an important role in fostering cultural media pluralism in Europe. Their eventual contribution to media pluralism and culture of tolerance has been recognised in the Council of Europe's recommendations on *Media and the Promotion of a Culture of Tolerance No. R (97) 21* and *on Measures to Promote Media Pluralism* (No. R (99) and the European Parliament's Report on Community Media in Europe (2008/2011(INI)).[85] How this potential is used and exercised in practice will depend heavily on government policies on regulation, subsidies and control. Since minority media usually have small audiences, they cannot benefit from economies of scale. Rather, they may rely on high volunteer activity stemming from a feeling of community of shared values and common interests.[86]

Cormack and Hourigan suggest that indigenous linguistic minorities have enjoyed a relatively privileged position within the media and language policies of the EU. In creating a 'Europe of the Regions' EU institutions have explicitly sought to support indigenous regional and minority identities.[87] On the other hand, immigrant groups have relied primarily on satellite broadcasts of television services from their country of origin, with some exceptional cases, such as the participation of immigrant communities in community radio broadcasting initiatives in the UK, France, and Germany[88], and open TV channels in Germany and Denmark.

Community media, such as open channels, web radio or non-profit radio, and TV stations have been developed to support plurality of opinion, create a space for local communication, and connect audiences by direct access. In his evaluation of the Ofcom licensing and support scheme to Community Radio, Everitt[89] argued that Community Radio is likely to be the most important cultural development in the UK for many years. Absence or insufficient system of minority and community media, the lack of investment in minority and community media, entry barriers for minority/community media by cable operators and other platform providers, marginal reach, lack of public support measures aiming at compensation of disadvantaged position of minorities as media users, pose threats to cultural media pluralism.

6. Content and Service Use

Media pluralism is being described as recognition and representation of multiple, often conflicting, values. Yet polarised media representation of values, coupled with biased presentation and other social factors, may reinforce existing prejudices, widen the gap between different communities, or contribute to a fragmented society in which individuals

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[85] European Parliament (2008). Report on Community Media in Europe (2008/2011(INI)), Committee on Culture and Education, Rapporteur: Karin Resetarits: http://www.cmfe.eu/docs/1197577664_Report_Resetarits_EP_june_2008.pdf.

[86] Gruffydd Jones, E.H. (1998). Mass media, cultural activities and regional or minority languages. *International Conference on the European Charter for Regional or Minority Languages*, Council of Europe Publishing.

[87] Cormack & Hourigan (2007), above, n. 76.

[88] Cormack & Hourigan (2007), above, n. 76.

[89] Everitt, A. (2003). New Voices: An evaluation of 15 access radio projects. London: Radio Authority; Everitt, A. (2003). New Voices: An update – October 2003. London: Radio Authority.

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interact primarily with those in the same identity community, and are exposed mostly to those opinions with which they already agree.[90]

Numerous research studies provide evidence that minority communities in many countries compose segregated and fragmented audiences. Available data has indicated, for example, that minority communities are watching different programmes than majorities, and that broadcast television fails to play an important role as a societal meeting ground (Strengold, 1998; Baynes 2007). Thus, separate and exclusive systems of minority and community media, as well as contents and services offered by PSM or mainstream media that prevent particular groups from their integration with the rest of a society, do not support inclusive model of cultural media pluralism. In other words, the potential of cultural media pluralism may be most effectively fulfilled if the representation and recognition of multiple cultures, values, and communities does not lead to fragmentation and ghettoisation of the society in question.

Another aspect within the content and service use area is the availability and accessibility of content and service applications for disabled people. The availability and accessibility of content and service applications for disabled people could be measured by number and reach of applications offered by public service media, the largest private TV and radio stations, as well as print and online media outlets. Methods of measuring may include independent monitoring of the media by organisations of disabled people, and national regulatory agencies.

7. *Substitutability and Complementarity of Indicators*

Substitutability and complementarity of the indicators in the area of cultural media pluralism should be measured carefully, as they are very closely connected with media substitutability and digital convergence. For instance, cable television does offer alternative possibilities for different groups in society to access minority, community media, or specific thematic channels. However, at the same time, it would not be a substitute for absence of minority groups in generalist TV channels because cable is a "user pays" service.

Empirical evidence regarding substitutability between various media (e.g. television, radio, internet, and newspapers) for media users is scant and recent findings suggest that users may substitute between broadcast television and internet use, although the magnitudes of substitution appear to be modest.

Similarly, high access of minority/community media to cable operators would not substitute for low performance on the absence test. Moreover, weak performance of both indicators would pose a higher risk for cultural media pluralism than a weak performance of one indicator. In a similar vein, weak performance of a majority of indicators in a given media system would pose a much stronger risk to cultural media pluralism than a weak performance of only one indicator.

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[90] Hoynes, W. (2002). Why media mergers matter. *openDemocracy*, 16 January 2002, http://www.opendemocracy.net/debates/article-8-24-47.jsp.

5.2.4.3 Indicators and methods

The following list includes socio-demographic **indicators** and related **methods** for the risk domain 'cultural pluralism in the media':

RISK	KEY INDICATOR	METHOD OF MEASUREMENT
Insufficient media representation of European cultures	**Proportion of European works in television broadcasting (linear AVMS)**	European works test: average share of qualifying transmission time devoted to European works in television broadcasting
Insufficient media representation of European cultures	**Proportion of European works in non-linear AVMS**	European works test: average proportion of European works in total hours of non-linear services catalogues
Insufficient media representation of European cultures	**Proportion of non-domestic European works in television broadcasting (linear AVMS)**	Proportional test on non domestic European works - average share of qualifying transmission time devoted to non domestic European works in television broadcasting
Insufficient media representation of European cultures	**Proportion of non-domestic European works in top TV programmes in linear AVMS**	Proportional test on non-domestic European production in top TV programmes - average share of qualifying transmission time in top 10 TV programmes devoted to non-domestic European works
Insufficient media representation of European cultures	**Proportion of TV coverage focusing on non-domestic European issues in TV news on linear AVMS**	European TV coverage test – content analysis of news focusing on non-domestic European issues in selected TV channels
Insufficient media representation of European cultures	**Proportion of coverage focusing on non-domestic European issues in quality daily newspapers**	European press coverage test – content analysis of news items focusing on non-domestic European issues in quality daily newspapers
Insufficient media representation of national culture	**Proportion of national works in television broadcasting (non-linear AVMS)**	National production test - average share of qualifying transmission time devoted to national production
Insufficient media representation of national culture	**Proportion of national works in top TV programmes in linear AVMS**	Proportional test on national production in top TV programmes - average share of qualifying transmission time in top 10 TV programmes devoted to national production

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Insufficient proportion of independent production	**Proportion of European works by independent producers in television broadcasting (linear AVMS)**	European independent production test: average share of qualifying transmission time produced by independent producers (IP).
Insufficient proportion of independent production	**Proportion of European works by independent producers among top TV programmes in linear AVMS**	Proportional test on independent European production in top TV programmes - average share of qualifying transmission time in top 10 TV programmes produced by independent producers (IP)
Insufficient proportion of in-house production	**Proportion of in-house production in television broadcasting (linear AVMS)**	In-house production test - average share of qualifying transmission time devoted to in-house production (IHP).
Insufficient proportion of in-house production	**Proportion of in-house production in top 10 TV programmes in linear AVMS**	Proportional test on in-house production in top TV programmes - average share of qualifying transmission time devoted to in-house production in top 10 TV programmes (IHP)
Insufficient representation of world cultures	**Proportion of non-European and non-US production in television broadcasting (linear AVMS)**	World production test - average share of qualifying transmission time devoted to programmes produced outside of Europe and US
Insufficient representation of world cultures	**Proportion of TV coverage focusing on non-European and non-US regions in TV news on linear AVMS**	World TV coverage test – content analysis of news focusing on non-European and non-US regions in selected TV channels
Insufficient representation of world cultures	**Proportion of coverage focusing on non-European and non-US regions in quality daily newspapers**	World press coverage test – content analysis of news items focusing on non-European and non-US regions in quality daily newspapers
Insufficient representation of the various cultural and social groups in mainstream media content and services	**Proportion of actors representing different cultural and social groups in selected national newspapers, TV, radio programmes and internet services (news contents).**	Absence test: Content analysis – a quantitative method: Content analysis of selected media content **OR** Panel of experts - Checkpoint list mapping media representation of different ethnic and national, religious groups, women, sexual minorities and disabled in a society – to be filled in by invited experts)

Insufficient representation of the various cultural and social groups in mainstream media content and services	**Representation of minorities on the TV screen and in news rooms**	Absence test: Content analysis – a quantitative method: Content analysis of selected media content OR Panel of experts
Insufficient representation of the various cultural and social societal groups in PSM	**Availability and proportion of programming provided for cultural and social minority groups on PSM channels and services**	Quantitative method: Proportion of transmission time of programming provided for different cultural communities by PSM (including ethnic, national, linguistic and religious minority groups). Qualitative method: Description of amount of investment and scheduling of programming provided for different cultural communities by public service media (including ethnic, national, linguistic and religious minority groups). (N.B. quantitative and qualitative method to be used complementary)
Insufficient representation of the various cultural and social societal groups in PSM	**Availability of media content in minority languages on PSM channels and services**	Language availability test: Proportion of media content in minority languages in PSM
Insufficient system of minority and community media	**Number, estimated reach and existence of (other) community media outlets serving different communities and minority groups**	Quantitative method: Number and estimated reach of community media outlets serving different communities and minority groups
Insufficient system of minority and community media	**Sustainability of investment and proportion of subsidies in minority and community media**	Qualitative method: Description of sustainability of investment (amount of investment in different time points). Quantitative method: proportion of subsidies in comparison to overall budget of minority and community media (N.B. quantitative and qualitative method to be used complementary)
Insufficient system of minority and community media	**Access of minority and community media to networks and platforms**	Quantitative method: Number of frequencies provided to minority and community media (vs. number of frequencies available and number of frequencies; Number of minority and community media outlets available in cable bundles, digital and other platforms

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Insufficient representation of different cultural and social groups in HR in the media sector	**Proportion of journalists and media executives from different cultural and social groups (including ethnic/linguistic/national minorities, women and disabled people) in PSM**	Workforce Diversity test: Quantitative method: measurement of a proportion of journalists and media executives from different cultural and social groups in PSM
Insufficient representation of different cultural and social groups in HR in the media sector	**Availability of diversity measures within media companies (such as a diversity officer, targeted training etc)**	Workforce Diversity Checkpoint List: 1) A media entity carries out diversity monitoring 1 point/2) A media entity employs a diversity officer 1 point/3) A media entity carries out targeted training or outreach advertising 1 point/4) A media entity applies other diversity measures 1 point
Limited accessibility by disabled people	**Availability of content and service applications for disabled people**	Descriptive method: number and reach of applications offered by public service media, largest private TV and radio stations, print and online media outlets

Among the **methodologies** the following tests are utilised in the risk domain 'cultural pluralism in the media':

Absence test: Content analysis: quantitative content analysis of selected media content OR Panel of experts: checkpoint list mapping media representation of different ethnic and national, religious groups, women, sexual minorities and disabled in a society – to be filled in by invited experts)

European works test: average share of qualifying transmission time devoted to European works in television broadcasting

European TV coverage test: content analysis of news focusing on non-domestic European issues in selected TV channels

European press coverage test: content analysis of news items focusing on non-domestic European issues in quality daily newspapers

European independent production test: average share of qualifying transmission time produced by independent producers (IP).

In-house production test: average share of qualifying transmission time devoted to in-house production (IHP).

Language availability test: Proportion of media content in minority languages in PSM

National production test: average share of qualifying transmission time devoted to national production

World production test: average share of qualifying transmission time devoted to programmes produced outside of Europe and United States

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World television coverage test: content analysis of news focusing on non-European and non-US regions in selected TV channels

World press coverage test: content analysis of news items focusing on non-European and non-US regions in quality daily newspapers

Workforce diversity test: Quantitative method: measurement of a proportion of journalists and media executives from different cultural and social groups in PSM

5.2.4.4 Data sources

Data sources for socio-demographic indicators for the risk domain 'cultural pluralism in the media' include the following sources:

AGB Nielsen Media Research (data available for 8 EU countries) Non-linear service providers' databases as a source of programmes duration data (http://www.agbnielsen.net/whereweare/whereweare.asp).

Annual and Archived data of the:
- European Audiovisual Observatory (EAO),
- National Regulatory Institutions,
- National Broadcasting Unions,
- National Industry Associations.

Annual reports by national (media, communications or broadcasting) regulatory agencies, link through: EPRA (European Platform of Regulatory Authorities) – http://www.epra.org/content/english/index2.html

European Audiovisual Observatory/EAO (2008) *Yearbook 2008: Film, television and video in Europe.* http://www.obs.coe.int/oea_publ/yb/index2008.htm

Global Media Monitoring Project (2005) *Country reports: analysis of the representation of women and men in the news media:* http://www.whomakesthenews.org/research/country_reports

MAVISE (2008) *Database of TV companies and TV channels in the European Union and Candidate Countries:* http://mavise.obs.coe.int/

MIDAS (2008) European Association of daily newspapers in minority and regional languages: http://www.midas-press.org/welcome.htm

OFCOM (February 2002) *A Compilation of Codes of Conduct:* http://www.ofcom.org.uk/static/archive/bsc/pdfs/research/mincode.pdf

Open Society Institute (2005) and follow-up reports (2008) *Television Across Europe: Regulation, Policy and Independence:* http://www.soros.org/initiatives/media/articles_publications/publications/eurotv_20051011 and http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429

Study on Media & Diversity (up-coming): http://www.media4diversity.eu/ (commissioned by EC DG Employment, Social affairs & Equal Opportunities Unit and conducted by Media Diversity Institute, Internews Europe and the International Federation of Journalists)

van der Wurff, R., & Lauf, E. (Eds.) (2005) *Print and Online Newspapers in Europe: A Comparative Analysis in 16 Countries*, Amsterdam: Het Spinhuis.

5.2.5 Socio-Demographic Indicators for the Risk Domain 'Geographical Pluralism in the Media'

5.2.5.1 Introduction

Geographical pluralism in the media refers to fair and diverse representation of and expression by (*i.e.* active and passive access) by local and regional communities and interests in the media. It comprises plurality and a variety of themes and voices brought to the media, socialisation through multiple forms of media access and participation, choice between different forms of interaction, and representation of diverse values, viewpoints and roles in which local and regional communities can be recognised.

Such pluralism may be read through the spatial dimension (media content produced and distributed within a local and regional community), or the social dimension (media content and services addressing unique needs and interests of local and regional communities).[91]

Geographical pluralism is a complex media policy concept; therefore indication of risk areas and threats encompasses a number of dimensions. At the macro level, the analysis of the national media system is important for detecting trends of decentralisation and relative strength of local and regional media in a longer period of time. Locally oriented media content and services should also be examined in other contexts, including local production, employment, and outreach.

The proposed system of indicators demonstrates elements of geographical pluralism at different levels, and does not require that a particular national media system meet all criteria. The correlation between different criteria should be evaluated in the geographical context as well as market and social profiles of each country, including consideration of factors such as population size, density of settlement, proportion of urban population, population size of a capital city, Gross National Product per inhabitant, and administrative arrangements. On the one hand, high or growing centralisation of a particular media system may result from significant concentration of the population in a capital agglomeration. On the other hand, relative strength of the regional and local media might result from decentralised administrative structure (think of Germany, UK, and Belgium), or a subsidy system for regional and local media (like in Sweden).

5.2.5.2 Threats

Threats to geographical media pluralism include:

- high and growing centralisation of a media system on a national scale;

- high and increasing concentration of local and regional media ownership;

- absence or insufficient systems of local and regional media, including in particular the lack of independent media outlets serving local and regional communities, the lack of investment in local and regional media, entry barriers for local and regional media by cable operators and other platform providers, marginal reach, and a lack of public support measures;

- insufficient or decreasing local and regional production;

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[91] Napoli (2007), above, n. 76; DiCola (2007), above, n. 22.

- absent or insufficient representation of journalists and media executives from local and regional communities;

- absent or insufficient media representation of local and regional communities in the media in general, and public service media in particular.

Regarding these threats to geographical pluralism in the media, the following section offers some background and methodological considerations in five areas:

1. local and regional media in national media systems;

2. local and regional media structures;

3. local and regional media use;

4. representation of local and regional communities;

5. Public Service Media.

1. Local and Regional Media in National Media Systems

The structure of a media system as a whole demonstrates the relative strength and importance of local and regional media for their users. A prominent role of regional media and the press in particular in preserving and fostering media pluralism has been recognised in numerous scholarly works[92]. Rich and well-developed regional media may compensate for a lack of external diversity within highly concentrated national markets.

A relative strength of regional daily newspapers in a particular media system shows the level of its decentralisation and potential to offer information from diverse sources for local and regional communities. In their pioneering study *Europeans Read Newspapers,[93]* Karl Erik Gustafson and Lennart Weibull measured the relationship between circulation of national newspapers published in the capital and the circulation of regional newspapers published outside the capital. The results demonstrated that in countries with a weak and centralised press, only a small proportion of newspapers are published outside the national centre. Countries with a decentralised and diverse press had both a strong national and local/regional press. The decentralisation test proposed aims to measure not only the relative strength of regional daily newspapers, but also local TV, radio stations and local portals in a particular media system over a longer period of time.

The Dutch Media Authority (Commissariaat voor de Media) observed that the big Dutch cities can be characterised as 'one-paper cities', and consolidating publishing activities has inevitably lead to a restructuring of newspaper markets as 'one-paper regions'.[94] Due to sustained concentration, the regional press landscape has also constantly shrunken in the new EU Member States, and the number of competing dailies has declined.

In many cases, there are no actual competitors and the same regional area and activities of more publishers in some provinces are limited or do not overlap. Initiating a parliamentary debate on local press ownership within the UK, MP Austin Mitchell stressed that provincial

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[92] Alger, D. (1998). Megamedia: How Giant Corporations Dominate Mass Media, Distort Competition, and Endanger Democracy. Lanham: Rowman and Littlefield Publishers; Hallin, D. C., & Mancini, P. (2004). Comparing Media Systems: Three Models of Media and Politics, Cambridge: Cambridge University Press.

[93] Gustafson, K. E., & Weibull, L. (1996). Europeans Read Newspapers, Brussels: ENPA.

[94] The Dutch Media Authority (Commissariaat voor de Media) (2003) A View on Media Concentration: Concentration and Diversity of the Dutch Media 2002, Hilversum.

newspapers have been consolidated in chains and these local monopolies do not face competition:

"It weakens local democracy and local newspapers. It also weakens local interest. There is less analysis of what we are doing. There is less discussion of politics; less discussion of what the local council is doing; and less discussion of what senior legal figures do at local power centres."[95]

A city index provides a tool for analysing the structural change of media markets at the level of major cities. It shows the dynamics in proportion of province capitals with competing regional or local dailies, and TV, radio stations and local internet sites, including municipal websites over a longer period of time. As there are also national papers being published next to regional one, and national TV and radio stations being broadcast, it is relevant to indicate which the regional newspapers, TV and radio stations are owned by the same entities that produces a national paper, TV or radio channel with a leading position in any given city/region. This can be examined through a combined ownership test.

The sample evaluation scheme offers an example of interpretation of media system indicators. Proposed thresholds for three risk categories (no risk, low risk, and high risk) are estimated for a middle size media system with relatively balanced strength of local and regional media. Media system indicators, however, require country-specific evaluation and interpretation, and should be correlated with factors such as population size, density of settlement, proportion of urban population, population size of a capital city, Gross National Product per inhabitant, and administration arrangements.

2. Local and Regional Media Structures

A rich and viable system of local and regional media contributes to geographical pluralism and media diversity in general. There are many different ways how to promote localism in local media outlets, and similarly, there exist various approaches to measure this. The proposed approaches utilise multiple criteria such as level of investment, number, audience share, proportion of locally-oriented and locally-produced contents, patterns of ownership, workforce composition, organisational structure, and access to cable and digital platforms.

3. Local and Regional Media Use

The use of local and regional media by local communities is an important indicator of source diversity. It can be measured by circulation of local and regional newspapers, audience share of local TV and radio, the numbers of users visiting local websites. Available research shows that lower access to, and use of, the internet is related to advanced age, a lower level of education, and low income.[96] However, these systemic biases are decreasing as internet access becomes increasingly widespread.[97] Notwithstanding this, Marte Winsvold has argued that access to and use of internet (with the exception of online newspapers and local TV and radio sites) is consistently lower than access and use of other local media.[98]

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[95] All Commons debates (2006) Local Press Ownership, 1 March 2006,

[96] Norris, P. (2001). Digital Divide: Civic Engagement, Information Poverty and the Internet Worldwide. Cambridge: Cambridge University Press.

[97] Winsvold, M. (2007). Municipal Websites in the Local Public Debate: Supplying Facts or Setting Agenda? *Nordicom Review,* Vol. 28 (2), 7 – 23.

[98] *Ibid.,* at p. 13.

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4. Representation of Local and Regional Communities

Geographical pluralism refers not only to the availability of information on local issues from diverse sources, but also to the proportional and fair media representation of local and regional communities, thereby bringing different perspectives and backgrounds into the public debate.

The risk of absent or insufficient media representation of local and regional communities in national media results either from absence of **locally-oriented** or **locally-produced** contents and services. Regarding indicators that reflect these two aspects of media content and services, two questions should be asked:

- What media types are to be included in the content analysis and how should internet sources be incorporated in the content measurement?

- What portions and types of content should be applied in the analysis?

Available research studies demonstrate that users assign relative importance of news sources for local issues to print local newspapers[99] or local TV. At the same time, a majority of internet users get local news from online newspapers and television websites.[100] Hereby, a critical distinction should be made between autonomous internet portals providing local news, and online editions of local newspapers or local TV and radio sites offering the same or similar content as their print or broadcast counterparts. Also, local information services on the web and search engines offer 'local news' or 'local information', but much of these contents relate to cultural and entertainment information (such as theatre, concerts, events and movie schedules, or club and restaurant ratings). These types of contents and services do not generate the exchange of information on public affairs and views of common concern that would lead to the formation of public opinion. Therefore, when selecting media sample for the analysis of locally-oriented contents, one should focus on leading daily newspapers, TV, radio stations, and internet sites with the exception of those providers mentioned above.

The second important aspect refers to the extent in which leading daily newspapers, weeklies, TV and radio stations, and internet sites offer locally produced contents and services. The locally-produced content test proposes to measure the proportion of local production in relation to locally-oriented content. It also suggests a checkpoint list for identification of the locally-produced contents. Finally, the workforce composition test allows to measure the balance of journalists and media executives based in local communities as well as to describe the organisational structure of a particular media outlet with reference to localism and regionalism.

5. Public Service Media

Many Member States place heavier obligations on public service media than they do on commercial stations with regard to the promotion of localism and regionalism. Public-service media in most European countries are obliged to transmit a specific proportion of programmes related to promotion of local culture and works, or of relevance to all the regions in a given country.[101]

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[99] *Ibid.,* at p. 13.

[100] Cooper, M. (Ed.) (2007). *The Case Against Media Consolidation. Evidence on Concentration, Localism and Diversity.* Stanford: Donald McGannon Center for Communications Research at Fordham University, at p. 204.

[101] Ader (2006), above, n. 59.

Another issue that relates a geographic approach to public service media is the threat that access to media content and services (especially public service media content and services, and new media services, respectively) may be limited by geographic factors. In this way, the number of people without access to PSM as well as other services like broadband networks could also serve the development of meaningful indicators in the area of geographical pluralism in the media.

5.2.5.3 Indicators and methods

The following list includes socio-demographic **indicators** and related **methods** for the risk domain 'geographical pluralism in the media':

RISK	KEY INDICATOR	METHOD OF MEASUREMENT
High centralisation of the national media system	**A relative strength of local/regional media (daily newspapers, TV channels, radio stations, news websites) in a particular media system**	Decentralisation test: the proportion of the circulation of national dailies (CND) and circulation of regional dailies (CRD) and audience share of local and regional TV (ALTV) and radio (ALR) stations.
High centralisation of the national media system	**Proportion of regional metropolises (main city in a given region, province, land) with competing regional or local media (daily newspapers, TV channels, radio stations, news websites)**	City index
High centralisation of the national media system	**Combined ownership of regional/local media and national media outlets by the same company**	Combined Ownership test (concerns only media owners operating both on national and regional markets)
Insufficient system of regional and local media	**Estimated reach and audience share of regional and local media**	Quantitative method: Estimated audience share of local and regional media outlets in a given media sector
Insufficient system of regional and local media	**Access of regional and local media to networks and platforms**	Quantitative method: Number of frequencies provided to regional and local media; Number of local and regional media outlets available in cable bundles, digital and other platforms within a given national market
Insufficient system of regional and local media	**Proportion of different types of media ownership of regional and local media**	Local ownership test
Insufficient system of regional and local media	**Level of investment in production of regional/local news in regional and local media**	Quantitative method: Amount of investment (and also proportion of the overall budget in a given media sector)

Insufficient representation of regional and local communities in media content and services	**Proportion of locally oriented and locally produced content**	Quantitative method: Measurement of the length of locally oriented and locally produced contents in public service media Programming sample may include selected news or analysis of the programming structure in TV, radio schedules and offer of internet
Insufficient representation of regional and local communities in HR in the media sector	**Proportion of journalists and media executives based in local communities**	Workforce composition test Quantitative method: Percentage of journalists and media executives based in local communities Qualitative method: Description of organisational structure with reference to regionalism and localism
Dominance of a limited number of information sources for local issues	**News source preferences of audiences for local issues (what is the primary source of information?)**	Source indicator - Quantitative method: Survey on the primary and secondary media sources about local issues; Correlation between use of sources and political activity of local communities
Insufficient access to media and distribution systems due to geographic factors	**Number of people without access to PSM because of geographic obstacles**	Coverage (Cov) of public service broadcasters, including terrestrial television and radio
Insufficient access to media and distribution systems due to geographic factors	**Availability of broadband networks in rural areas**	Assessment of rural coverage (Cov) rates for DSL and cable modem

Among the **methodologies** the following tests are utilised in the risk domain 'geographical pluralism in the media':

Combined Ownership test (concerns only media owners operating both on national and regional markets) - Combined ownership of regional/local media and national media outlets by the same company

Decentralisation test: the proportion of the circulation of national dailies (CND) and circulation of regional dailies (CRD) and audience share of local and regional TV (ALTV) and radio (ALR) stations.

Local ownership test: Proportion of different types of media ownership of regional and local media

Workforce composition test (in G indicators) uses:
- Quantitative method: Percentage of journalists and media executives based in local communities
- Qualitative method: Description of organisational structure with reference to regionalism and localism

5.2.5.4 Data sources

Data sources for socio-demographic indicators for the risk domain 'geographical pluralism in the media' include the following sources:

Annual media audience share reports by national regulatory agencies of audio-visual and telecommunications (media, communications or broadcasting). See: EPRA (European Platform of Regulatory Authorities): http://www.epra.org/content/english/index2.html.

Available audience surveys by media organisations

Country specific data from:
- National Regulatory Institutions,
- National Newspapers Associations
- Country correspondents.
- Ministry of Communication,
- National Broadcasting Union
- National Statistic Agencies (re population distribution, demographic/ geographical characteristics of the population/audience, etc)

European Audiovisual Observatory: http://www.obs.coe.int

European Audiovisual Observatory (2008) *Yearbook 2008: Film, television and video in Europe:* http://www.obs.coe.int/oea_publ/yb/index2008.htm

IDATE Consulting & Research (October 2007) *Broadband Coverage in Europe*, Final Report and Survey:
http://ec.europa.eu/information_society/eeurope/i2010/docs/benchmarking/broadband_coverage_10_2007.pdf

OFCOM Audience Reports/studies (www.ofcom.org.uk) e.g. *"audience fragmentation raises questions for tv news, says Ofcom":* http://www.ofcom.org.uk/media/news/2007/07/nr_20070704

Open Society Institute (2005) and follow-up reports (2008) *Televison Across Europe: Regulation, Policy and Independence:*
http://www.soros.org/initiatives/media/articles_publications/publications/eurotv_20051011 and
http://www.soros.org/initiatives/eu/articles_publications/publications/tv_20080429

Original targeted local audience research data from national market and social science surveys

Reports of companies involved in terrestrial transmission in the Member States of the European Audiovisual Observatory: http://www.obs.coe.int/db/gavis/transmission.html#4

World Association of Newspapers (1996 – 2007) World Press Trends, Paris, http://www.wan-press.org/worldpresstrends/home.php

5.3 Economic Indicators

5.3.1 Introduction

5.3.1.1 Economic Literature on Media Pluralism

Economic indicators of pluralism are primarily with indicators such as the number of firms, competition levels, financial support available, portions of the financing obtained by leading firms, the portions of audiences and consumers accounted for by leading firms in creation, distribution and use of content.

While a substantial body of literature on issues of media pluralism exists, the majority of it has been policy oriented in its approach. Much of it has been normative in approach, based on single nations, and reliant on anecdotal rather than empirical evidence. A few notable national and cross-national studies, particularly those of the Council of Europe and European Parliament, have used empirical or theoretical economic indicators. Hard scholarship on the subject has, to date, been primarily limited to the policy and economic literature. The economics aspects of media plurality have been a concern for about three decades, and three distinct waves of concern have arisen due to newspaper mortality,[102] the subsequent growth of large media conglomerates,[103] and most recently, by cross media activity.[104]

According to Doyle[105] media pluralism is generally associated with diversity in the media; the presence of a number of different and independent voices, and of different political opinions and representations of culture within the media. Citizens expect and need a diversity and plurality of media content and media sources. A pluralistic, competitive media system is a prerequisite for media diversity, understood as the 'variability of mass media - sources, channels, messages and audiences - in terms of relevant differences in society - political, geographical and social-cultural.'[106] A pluralistic media system should reflect contrasting voices and interests in society, therefore offering a full diverse menu of products and

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[102] Some of the most significant economic literature based in economic and business analysis includes the series of studies on evolution of concentration in the publishing industries of European nations that was published by the Commission of the European Communities in 1978; United States, *Proceedings of the Symposium on Media Concentration*. Washington, D.C.: Bureau of Competition, Federal Trade Commission, Dec. 14-15, 1978; Picard, R. G., Winter, J. P., McCombs, M. E., & Lacy, S. (Eds.) (1988). *Press Concentration and Monopoly: New Perspectives on Newspaper Ownership and Operation*. Norwood, N.J.: Ablex.

[103] Sánchez-Tabernero, A. (1993), *Media Concentration in Europe: Commercial Enterprise and the Public*. London: John Libbey & Co; Gustafsson, K. E. (1995). Origins and Dynamics of Concentration. In K. E. Gustafsson (Ed.). *Media Structure and the State: Concepts, Issues, Measures* (pp. 79-95). Göteborg, Sweden: Mass Media Research Unit, School of Economics and Commercial Law, Göteborg University; Picard, R. G., (1998). Media Concentration, Economics, and Regulation. In D. Graber, D. McQuail, & P. Norris (Eds.). *The Politics of News: The News of Politics* (pp. 193-217). Washington, D.C.: Congressional Quarterly Press; Sánchez-Tabernero, A., & Carvajal, M. (2002). *Media Concentration in the European Market: New Trends and Challenges*. Pamplona, Spain: University of Navarra; Doyle, G. (2002). *Media Ownership: Concentration, Convergence and Public Policy*. London: Sage Publications; Noam, E. M. (2007). *Media Ownership and Concentration in America*. New York: Oxford University Press.

[104] Albarran, A. B., & Dimmick, J. (1996). Concentration and Economics of Multiformity in the Communication Industries, *Journal of Media Economics*, Vol. 9(4), 41-49; Doyle (2002), above, n. 103.

[105] Doyle (2002), above, n. 103.

[106] McQuail, D. (1992), Media Performance: Mass Communication and the Public Interest, London: Sage.

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services to audiences and finally providing access to the channels that do this.[107] This view of media pluralism highlights that not only the supply aspects but also distribution mechanisms and potential access to media represent areas to be assessed in order to develop economic indicators of media pluralism.

5.3.1.2 Debates over Market Power Measures

Classic economic measures involve competition and market power wielded by individual firms. These indicators are typically at the heart of competition policy and legal application to media companies and other types of firms.

In creating economic indicators, the authors of this report are well aware that significant debates over measurement of pluralism using market power indicators exist. Market power measures are used to indicate the degree to which a firm or leading firms will be able to control quantity or price in a market,[108] but efforts have been made to use these as evidence of media concentration and thus diminished pluralism.

Top4/Top8 analyses are often used to provide quick measures of market control based on the market activity of the top-four firms and top-eight firms in comparison to all firms in the market. When the top-four firms control more than 50 percent of a market, or the top-eight enterprises account for more than 70 percent of a market, undesirable concentration or control is said to be evident. Because this method typically relies on national or state market data, it subsumes all national conditions and will usually understate concentration in local or regional markets where fewer competitors typically operate.

The Herfindahl-Hirschmann Index (HHI) is a more robust indicator of market power developed for competition law analysis and is used by some to measure concentration in media markets. Unfortunately it is not a very effective measure of issues of pluralism in national media markets because it is a measure of economic concentration whose statistical construction assumes a number of competitors serving a specific geographic market, conditions that are more likely in other industries than in media.[109] Even in competition law application, it leads to vigorous debates about the relevant market in terms of media products and services (content or advertising markets), substitutability of other products and services, and geographic area served.[110]

The indicator is sometimes applied at the national level by those who want to measure concentration of media ownership, but this use ignores the central geographic market issue of HHI analysis and the fact many media serve regional or local markets and do not compete

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[107] Freeman, D. (2005). Promoting Diversity and Pluralism in Contemporary Communication Policies in the United States and the United Kingdom. *International Journal of Media Management*, Vol. 7 (1&2), 16-23.

[108] Picard, R. G. (1989). *Media Economics: Concepts and Issues*. London: Sage.

[109] Noam, E. (2004). How to Measure Media Concentration, *Financial Times*, August 30, 2004, http://www.ft.com/cms/s/da30bf5e-fa9d-11d8-9a71-00000e2511c8.html (Accessed 25 February, 2008); Noam (2007), above, n. 103.

[110] Bird & Bird (2002). *Market Definition in the Media Sector: A Comparative Analysis.* Report for the European Commission; Bush, C.A. (2002). *On the Substitutability of Local Newspaper, Radio, and Television Advertising in Local Business Sales.* Media Bureau Staff Research Papers 2002-10, Media Ownership Working Group. Washington, D.C.: US Federal Communications Commission; Baranes, E., & Encaoua, D. (2002). The Relevant Market for Television: The French Case, *Communications & Strategies,* Vol. 47(3), 63-86; comments and evidence submitted to the Joint Committee on the Draft Communication Bill in the United Kingdom Parliament, 2002; http://www.parliament.the-stationery-office.co.uk/pa/jt200102/jtselect/jtcom/169/2070401.htm.

on the national level.[111] HHI works best in analysis of media when it is applied to proposed mergers, but it rarely elucidates general discussion of media plurality because television, radio, and newspaper markets tend toward monopolistic or oligopolistic competition and the index provides limited insight under those conditions.

The limitations of HHI have been recognised by some media policy makers. In the United States, for example, the Federal Communications Commission created an alternative measure — the Diversity Index (DI) — as an indicator of risks to pluralism in local markets when cross-media ownership was involved.[112] It extended the HHI and was designed to overcome some of that index's limitations by a weighting process that assigned scores to media based on the audience use of them for local news and information. The diversity index, however, was rejected by the courts and highly criticised in Congressional hearings in relation to its assumptions, weighting method, and application.

Several alternative means of assessing pluralism using HHI based measures have since been suggested, including the Noam Index, but these too have been disputed and none have been widely accepted.[113]

Because they are still useful to this risk-based application, although they must be interpreted with care, this project incorporates the use of Top4/Top8 analysis and HHI analysis among nearly 60 different economic indicators related to pluralism. In the processes to be used in this study, the market power indicators are combined with other indicators to determine the risk level for specific pluralism dimensions and the effects of factors such as national size are taken into account.

5.3.1.3 Economic indicators related to pluralism

The economic study team has focused on economic measures of supply, distribution, and accessibility of media and their implications to media pluralism, exploring how they affect the degrees of existing pluralism, as well as the potential for pluralism. In order to simplify this complex issue and be able to put the results of the research into operation in a second step, the concept of pluralism was split into three normative dimensions – political, cultural, and geographical pluralism – as well as three operational dimensions – pluralism of media ownership/control, pluralism of media types and genres (above, 4.3.1). Second, the various threats to these pluralism dimensions were identified, and economic indicators related to these threats were developed.

The following section describes and explains the significance of economic indicators as threats to pluralism and identifies data needed, as well as data sources, for calculating the indicators. These indicators were then reviewed by correspondents in 19 countries to determine whether they were viable and whether data existed in their nations to make the measurements. This provided the economic study team with insights in relation to indicators which are most likely to be measurable, and those which are unlikely to be measurable.

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[111] Picard, R. G. (1998). Measures of Concentration in the Daily Newspaper Industry, *Journal of Media Economics*, 61-74.

[112] The diversity index, its calculation, and application were outlined by Jonathan Levy, FCC Deputy Chief Economist, in a 2003 internal report 'The Diversity Index', http://www.fcc.gov/ownership/materials/newly-released/diversityindex030703.pdf (Accessed 28 February 2008).

[113] These include a suggestion by Eli Noam in the commentary cited above and a suggestion by Hill, B. (2006). Measuring Media Market Diversity: Concentration, Importance, and Pluralism, *Federal Communications Law Journal*, Vol. 58(1), 169-194.

5.3.2 Economic Indicators for the Risk Domain 'Pluralism of Media Ownership and Control'

The main threat to pluralism of media ownership/control is represented by: (1) *high concentration of ownership* within media (mono-media, cross-media, and vertical integration), which can have a direct impact on editorial independence (through an undue influence on the media by commercial or political owners), create bottlenecks at distribution level, and further interoperability problems. This affects pluralism not only from a supply point of view, but also from a distribution and especially an accessibility point of view. Economic indicators of this threat are:

1. High concentration of ownership, considering:

    *   turnover of total media industry

    *   amount and sources of revenue by media industry sector

    *   average profitability by media industry sector

    *   net income by media industry sector

    *   sector employment (full and part time)

    *   ownership concentration (CR 4, CR8, HHI) by sector and all media

    *   audience concentration per owner (CR 4, CR8, HHI) by sector and all media

    *   advertising concentration (CR 4, CR8, HHI) by sector and all media

    *   time use concentration (CR 4, CR8, HHI) by sector and all media

    *   extent of vertical integration and concentration

    *   ratio of content production firms owning packaging, distribution, as well as advertising channels to content production firms

    *   merger and acquisition trends

    *   ratio of number of M & As activities each year to a five year rolling average

    *   number of media sectors in which the top eight firms/owners are active, and

    *   extent of foreign ownership (indicator foreign – EU and non EU).

5.3.3 Economic Indicators for the Risk Domain 'Pluralism of Media Types and Genres'

5.3.3.1 Media Types

The main threats to pluralism of media types include: (2) *lack of sufficient market resources to support the range of media*, which causes a (3) *lack of/under-representation of/ dominance of media types*. Consumer and advertising spending on, as well as public financing of, different media determine the sustainability of the medium and therefore the range of media present in the market. This threatens the diversity of media types available to the audience. Following measures indicate these threats:

2.   Lack of sufficient market resources to support range of media, considering:

- ratio of consumer spending on different media per capita to GDP per capita, and

- ratio of adverting expenditures per capital to GDP per capita.

3.   Lack of/under-representation of/dominance of media types, considering:

- number of domestic radio stations (public service, commercial, and community)

- number of domestic TV stations (public service, and commercial)

- number of newspapers

- number of magazines (consumer, trade/professional, and others)

- number of daily internet news sites (public service, and commercial)

- ad share division among media types

- audience parity between commercial and public service television broadcasters

- financial parity between commercial and public service television broadcasters

- audience parity between commercial and public service radio broadcasters

- financial parity between commercial and public service radio broadcasters

- sources and amount of PSM funding (licence fee income, ad income, other income), and

- percent of GDP per capita required for an individual to obtain

   TV reception

   radio reception

   one newspaper subscription

   one magazine subscription

   internet service.

5.3.3.2 Media Genres (and Functions)

Threats to media genres and functions include: (4) *lack of/under-representation of/dominance of some functions,* or (5) *genres are missing*. Economic indicators of these threats are:

- proportion of news/public affairs, education, and entertainment programming on television

- proportion of news/public affairs, education, and entertainment programming on radio

- number of TV/Radio/Satellite/ADSL channels dedicated to news/public affairs, education and entertainment, and

- number of magazines dedicated to news/public affairs, education and entertainment.

5.3.4 Economic Indicators for the Risk Domain 'Political Pluralism in the Media'

Threats to the political pluralism dimension are: (6) *unilateral influence of media by one political grouping* (either the governing party or another party), *insufficient representation of certain political/ideological groups in society*, and *insufficient representation of minorities with a political interest* at a given moment in time.[114]

6.   Unilateral influence

This threat alludes to the influence that one political grouping may exercise on the media by controlling licences, and therefore restricting market entry, and/or by owning media, and therefore influencing society and the behaviour of other counteracting parties which do not own or have an affiliation to media. Indicators of this threat are:

- structural control of licensing, and

- parity of political affiliation by private media to representation in parliament (where media have an affiliation with a party or are aligned with one party, are the percentages of affiliated media equivalent to party representation or is there an imbalance that may affect party support in the future).

5.3.5 Economic Indicators for the Risk Domain 'Cultural Pluralism in the Media'

Threats to the cultural pluralism dimension include: (7) *insufficient representation of certain cultural, religious, linguistic, and ethnical groups in society*, including groups based on gender, age, and disabilities,[115] and (8) *threat to national cultural identity* (which includes concerns over domestic, EU production, and foreign production).

7.   Insufficient representation of certain groups

A comparison between the amount of domestic media and media dedicated to minorities of any kind (cultural, religious, linguistic, and ethnical) provides an indication of whether culture related minorities are sufficiently represented in the media or, if on the contrary, this condition is threatened. Content analysis in the context of the socio-demographic indicators accounts for attention paid to minorities and their viewpoints. For the purposes of the economic indicators the following structural economic measures are assessed:

- number of domestic TV/cable/satellite/ADSL channels

- number of domestic radio channels

- number of domestic newspapers

- number of domestic magazines

- number of domestic book publishing companies

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[114] The challenges of insufficient representation of groups and minorities are not being addressed in the economic indicators but are addressed in the social indicators report because they cannot be assessed by economic measures.

[115] Although some data are available for some larger minority groups, much data is not available about the sizes of other groups of individuals and corresponding data about media devoted to them, addressing them, or representing them is not typically available in data from domestic statistical sources. This study must therefore address minority groups using only the larger aggregate groups or statistical divisions. Assessment of these other groups would need to be made as social indicators, probably through content analysis — a non-economic measure.

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- number of domestic web sites

- number of radio and TV/cable/satellite/ADSL stations devoted to minorities

- number of minority oriented newspapers

- number of minority oriented magazines

- ratio of number of programmes dedicated to minorities compared to the total number of programmes on television

- ratio of number of programmes dedicated to minorities compared to the total number of programmes on radio

- ratio of number of magazines dedicated to minorities compared to the total number of magazines

- financing of minority media (parity of financial support compared to the minority population size)

- financing of linguistic media (parity of financial support compared to the linguistic population size)

- subsidies per capita for minority, linguistic media, and

- subsidies of cost of media acquisition for low income groups

8.   Threat to national cultural identity

Comparing the amount of foreign and domestic media production and distribution networks provides a basis on which a threat to national cultural identity may be identified, and therefore a threat to pluralism. Following indicators could be applied:

- subsidies of cost of media acquisition for low income groups

- percentage of foreign produced TV programming (non-EU and EU)

- number of external TV/cable/satellite/ADSL channels available

- ratio of audience share for external to audience share for national TV/cable/satellite/ADSL channels

- number of external terrestrial[116] radio channels available

- ratio of audience share for external to audience share for national radio channels

- EU and national subsidies to national TV and radio production (both by national broadcasters and independent production companies)

- ratio of EU/nationally subsidised TV/radio production to total EU/national TV/radio production

- EU and national subsidies to domestic news agencies, and

- ratio of domestic subsidised news agencies to total EU/national news agencies.

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[116] Where there is a registry of channels available for cable, satellite and ADSL radio stations they can be included. As to the Internet radio, data are basically not available because it is used only at very local level. Therefore it is not further considered.

5.3.6   Economic Indicators for the Risk Domain 'Geographical Pluralism in the Media'

Threats to the geographical pluralism dimension are: (9) *lack or under representation of various national geographic areas and/or local communities*.

9.   Lack or under representation of various national geographic areas and/or local communities

Comparing the amount of existing regional/local media to the amount of national media provides a basis on which a threat to geographical diversity, and therefore pluralism, may be identified.

Following indicators will be assessed:

- number of regional/local TV, radio channels

- number of regional/local newspapers

- ratio of regional and local newspapers to national newspapers

- ratio of regional and local TV and radio channels to national TV and radio channels

- HHI based on regional channels/newspapers available in the region, divided by total number of channels/newspapers available in the region

- ratio of the number of cities with TV and radio stations to the total number of cities

- ratio of the number of cities with newspapers to the total number of cities, and

- parity of financing of regional/local TV, radio, and newspapers relative to population size.

5.3.7   Data Sources

The data needed to calculate the above indicators, and therefore to measure pluralism, may be obtained from four major types of sources: 1) National Governmental Sources, 2) International Governmental Sources, 3) Industry Associations, and 4) Other Organisations.

The first type of sources may include:

- National regulatory authorities (broadcasting data)
- The Ministry of Communication (subsidies, content data, proportions)
- National Statistic Agencies (GDP, turnover)
- Labour Office, Ministry of Labour (employment)
- National broadcasting units

International governmental sources may include:

- International Labour Organization (for employment)
- European Audiovisual Observatory
- Eurostat
- European Broadcasting Union, http://www.ebu.ch/

Industry associations may include:

- World Association of Newspapers, World Press Trends 2007
- Newspaper Publishers Associations IFRA and INMA
- Television Broadcasters Associations

- Book Publishing Association
  http://epp.eurostat.ec.europa.eu/portal/page?_pageid=1090,30070682,1090_33076576&_dad=portal&_schema=PORTAL

Other organisations may include:

- World Advertising Research Centre Ltd, World Advertising Trends 2007.
- Informa UK Limited, Television International Source Book, Television Business International Yearbook, West European TV Book
- European Journalism Centre, http://www.ejc.net/ejc/

6   RISK-BASED FRAMEWORK

6.1   Introduction

A comparative analysis of the academic literature concerned with theoretical approaches and methods of risk-monitoring in the media, has indicated that risks in this sector diverge substantially from risks in industries such as finance, health, and social security.

At the same time, the academic literature on risk management represents different viewpoints, putting emphasis either on the monitoring of evolutions of risks (which have grown in volume in contemporary societies; Beck et al), or on the monitoring of the impact of risks (as not the risks in society have grown in volume and variety, but societal awareness of societal risks; Rothstein et al).

This implies that a simple extrapolation of any of the existing risk models for companies to societal and institutional problems can not be a valid solution, and only offers possible techniques on how to identify risks, how to asses risks, how to manage risks.

6.2   Scope of the Risk-Based Framework

The aim of the study was to develop a risk-based approach for the measurement and evaluation of media pluralism in the EU Member States, based on a methodology for risk assessment, in order to identify, measure and/or evaluate in an objective way the trends and developments in the media sector and to define priorities and actions for protecting, and where applicable, promoting media pluralism.

Consequently, the focus of the framework must be on its 'signalling' function.

It should provide a snapshot of a situation at a given moment in time, not solve threats within a given timeframe.

The instrument has to result in a tool that supports risk-based regulation, which is in principle the result of a collective process of creating 'standards' of acceptable risks where necessary and appropriate, in a participative way with all relevant stakeholders involved.

The instrument should enable policy makers to strike a balance between a forward-looking approach, which should be translated in the attention for more 'modern' indicators (relating to new media, technologies, distribution platforms…) and indicators that are derived from the traditional, fundamental safeguards for constitutional rights, such as freedom of speech and the legacy regulatory frameworks for radio and television.

Also the fact that each Member State has a different 'risk-appetite' and that the level of 'risk-appetite' cannot be prescribed, must be taken into account. A nation's risk appetite should be subject to democratic scrutiny.

6.3   Terminology for the Risk-Based Framework

RISK: The combination of the probability of an event occurring and the possible impact of that event (positive or negative).

RISK IDENTIFICATION: Clear description of risks related to the context of media pluralism within the EU Member States.

RISK ASSESSMENT: Systematic process based on predetermined risk criteria, judgment, sector experience and common sense to determine the probability (high, moderate or low) that an event will occur and the possible impact (high, moderate or low) if this event occurs. Risk assessment is the identification and analysis of risks to the achievement of objectives. It forms a basis for determining how risks should be managed.

Risk assessment is not a one-time activity, but is a continuous and iterative interplay of actions. The objective of assessing risks is to identify which events are important enough and significant enough to be the focus of management attention.

Uncertainty of potential events needs to be evaluated from the perspectives of likelihood and impact. Likelihood represents the possibility that an event will occur in a given period of time, whilst impact represents the scale of the effect that the event will have on the entity's ability to achieve its objectives.

RISK MANAGEMENT: Identification of actions and measures in order to prevent particular risks from occurring and to limit or exclude their consequences if they occur.

Companies as well as governments face uncertainty and the challenge for management is to determine how much uncertainty to accept as it strives to obtain best value for all stakeholders.

The objective of risk management is to effectively reduce uncertainty related to a threat and its associated risk and opportunity, enhancing the capacity to deliver services more efficiently and economically, and to target them whilst taking into account predefined values (such as equity and justice, etc.).

In order to realize this objective, risk management needs to be a structured approach and includes a sequence of activities such as risk assessment, and the development of strategies in order to manage risks and to mitigate risks.

Ways to address identified risks (risk responses or strategies) include risk transfer, risk treatment, terminating activities and tolerating the risk:

- Transfer the risk: reduce the risk likelihood or impact by transferring or otherwise sharing a portion of the risk. This might be done by conventional insurance or by paying a third party to take the risk in another way. However, most risks will not be fully transferable.

- Avoid the risk: terminate or exit the activities giving rise to the risk *(prevention strategies)*.

- Mitigate or reduce the negative impact of the risk: the greatest number of risks will be addressed in this way. Action is taken to reduce the risk likelihood or impact or both *(mitigation strategies)*.

- Tolerate or accept one, some or all of the consequences of a risk: no action is taken to mitigate risk likelihood or impact. This response suggests that no cost effective response was identified that would reduce the impact and likelihood to an acceptable level or that the inherent risk is already within risk tolerances *(coping strategies)*.

INDICATOR: A unit of measurement that provides relevant information to compare, to judge and evaluate data. In this risk based framework, indicators highlight trouble zones where actions or measures need to be taken.

SMART: Abbreviation of Specific, Measurable, Achievable/Attainable, Result-oriented and Time-bound. These are commonly accepted criteria for the evaluation of indicators:[117]

S: Specific: the indicator has a sufficiently precise meaning, and a clear and direct link with media pluralism;

M: Measurable: the indicator can be expressed in quantitative or qualitative scores (no ambiguity on what is being measured);

A: Achievable/Attainable: data is available or it is technically possible to obtain data within a reasonable time frame and at a reasonable cost;

R: Result-oriented: it is feasible to define reliable border values; there is general agreement over interpretation of results.

T: Time-bound: data can be collected frequently enough to inform the progress and influence the decisions. (It has been decided to leave aside this criterion as the MPM is supposed to measure the status of media pluralism at a given moment in time).

RISK PROFILE: The final result after scoring the indicators, within one risk domain. This risk profile highlights the trouble-, follow up- and safe-zones.

RISK APPETITE: The whole point of risk management is to find a way of keeping risk at a level with which a company or a community is comfortable. This level is called the 'risk appetite'. It is a guidepost in setting strategy and assessing the relative importance of objectives. Effectively risk appetite is the level of risk an entity is prepared to accept in providing value (in the form of public services) to stakeholders. Risk appetite is the willingness to accept or tolerate risk, the amount of risk on a broad level that an entity is willing to accept in seeking to achieve its objectives.

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[117] See, for instance, http://www.unescobkk.org/index.php?id=2655 for more information on using and developing indicators in relation to the cultural diversity programming lens.

6.4 Methodology for Developing the Risk-Based Framework

The following paragraphs describe the specific terminology used in risk management and the methodology that was followed to integrate the legal, socio-demographic and economic indicators developed during the first phase of the study into a risk-based framework. General information about the Media Pluralism Monitor and detailed instructions on how to use it in practice are included in the User Guide (Annex I), and will thus not be repeated here.

6.4.1 Background

The methodology used to develop the MPM has been inspired by the COSO *'Internal Control – Integrated Framework'.* COSO, the Committee of Sponsoring Organizations of the Treadway Commission, is an internationally recognised private-sector initiative for providing guidance on critical aspects of organisational governance, business ethics, internal control, enterprise risk management, fraud, and financial reporting. The Committee has developed guidelines on how to perform risk management and risk monitoring.[118] This methodology is widely acknowledged at international level as a solid enterprise-oriented model.

COSO-model for Internal Control

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[118] See, in particular, the *Internal Control – Integrated Framework* from 1992 and the *Enterprise Risk Management – Integrated Framework* from 2004; more details available from http://www.coso.org/IC-IntegratedFramework-summary.htm and http://www.coso.org/ERM-IntegratedFramework.htm.

6.4.2 The Link Between the COSO-Basic Framework and the MPM

6.4.2.1 The Control Environment

The control environment contains the basic principles for media pluralism within the EU Member States.

These basic principles have been translated into a *basic* risk domain – taking into account risks concerning basic rights such as freedom of speech and freedom of information – and five *specific* risk domains covering the following dimensions of media pluralism:

1. pluralism of ownership and control

2. pluralism of media types and genres

3. political pluralism

4. cultural pluralism

5. geographical pluralism

The control environment in the MPM offers only a conceptual framework to categorise the legal, economical and socio-demographic indicators, without defining actual and precise goals for media pluralism. This is considered the responsibility of individual Member States who may rely on guidelines adopted by the Council of Europe for this purpose. It was not the aim of this study to define harmonised goals in the area of media pluralism.

6.4.2.2 Risk Assessment

Risk assessment is a method to produce an inventory of risks which can threaten the Member States' objectives relating to media pluralism. It involves a systematic process based on predetermined risk criteria, professional judgment and experience to determine the probability that an adverse condition will occur. It results in an overview of inherent risks to media pluralism. An inherent risk is a risk which is common in the control environment.

The method of risk assessment was used in the preparatory steps for building the MPM.

6.4.2.3 Control Activities

Following the risk analysis conducted on the basis of the MPM, a Member State will have to determine which specific measures it needs to take in order to *'control'* the identified risks. Control activities always need to be further assessed by comparing the consequences of the risk and the actual cost of the measures.

Because each Member State has or will have its own set of objectives and implementation approach, there will be differences in risk responses and related control activities. Even if two Member States had the same objectives and made similar decisions on how they should be achieved, the resulting control activities can be different since they might have a different view on risk appetites and risk tolerances.

In the context of risk management, all control procedures can be fitted into four broad categories:

- **Preventive controls** are designed to limit the possibility of a risk maturing and an undesirable outcome being realized. The greater the impact of the risk on the ability to achieve the entity's objectives, the more important it becomes to implement appropriate preventative controls.

- **Directive controls** are designed to ensure that a particular outcome is achieved. These are especially important when it is critical that an undesirable event (such as a security breach) is avoided, so are often used to support the achievement of compliance objectives.

- **Detective controls** are designed to identify whether undesirable outcomes have occurred 'after the event'. However, the presence of appropriate detective controls can also mitigate the risk of undesirable outcomes occurring by creating a deterrence effect.

- **Corrective controls** are designed to correct undesirable outcomes that have been produced. They could also act as a contingency to achieve some recovery either of funds or serviceability against loss or damage.

The following options present themselves:

- exclude the occurrence of the risk by taking the full set of necessary measures at any cost in order to limit the possibility of a risk maturing and an undesirable outcome being produced;

- minimize or avoid the occurrence of the risk by taking only those necessary measures that can be realized at a reasonable cost;

- divide or mitigate the consequences of the risk by taking some measures at a reasonable cost or shared cost;

- accept the occurrence of the risk by taking no or insufficient measures.

Determining detailed and precise control activities was not part of this study; hence they have not been elaborated in the MPM. The results of the risk measurement carried out on the basis of the MPM will give the user some first, general ideas on the measures to be taken. The precise scope of the remedies to be adopted will, however, depend on Member States' past policy choices, priorities, available resources and, in particular. its appetite for risk (or risk aversion). The MPM should be seen as a radar signalling the problematic areas where control activities or remedies are advisable (orange zones) or needed (red zones).

6.4.2.4   Information and Communication

The MPM gives EU Member States the possibility to launch a broad discussion or dialogue about media pluralism on the basis of the results produced. In this sense, the MPM can be considered an instrument to enhance *information and communication* on media pluralism within the Member States.

The MPM can also improve transparency at the EU level: being an objective measurement tool using identical indicators and methodologies for all Member States, it allows comparison across Member States (see below), enables regular monitoring to trace developments, and contributes to an open-minded, objective debate on media pluralism.

Such debate requires effective consultation and feedback mechanisms that engage various stakeholders and give them an opportunity to comment on results and proposed solutions. This also entails the duty for the monitoring body to motivate and explain draft decisions or proposed solutions.

The duty of the monitoring body to account for its actions is reflected in its duty to explain and inform about its enforcement policy, in the accuracy and timeliness of using its legal powers and in the possibility of objection and appeal by stakeholders against decisions.

Ideally, the monitoring body shall be held accountable to the democratically elected powers (Parliament, government), to media stakeholders and – under the form of annual reports and media publications – to interested organisations and citizens.

6.4.2.5   Monitoring

The MPM offers a *monitoring* device. The monitoring can be accomplished through ongoing monitoring activities, separate evaluations or a combination of the two.

The results of the measurement of the indicators give the Member State (or another user) a clear view of the problem areas where actions and measures need to be taken and/or a follow-up is necessary. Based on the results of the exercise, a detailed plan of actions can be devised and implemented, considering the costs of the measures in comparison with the probability that a risk occurs and its possible impact.

Moreover, it will be possible to compare data with other Member States and develop benchmarks and/or best practices. If the measurement is carried out at regular intervals (e.g. on an annual or biennial basis), the Member State can obtain a clearer view of trends and developments concerning media pluralism.

The objectives of the risk management and the risk monitoring may change over time. The portfolio of risks faced and their relative importance is also likely to change over time. Also the evaluations of the effectiveness of the risk management will vary in scope and frequency, depending on the significance of groups of risks and the importance of risk responses and related controls in managing those risks.

Risk responses that were once effective may become irrelevant and control activities may become less effective. Therefore the Member State needs to constantly monitor the effectiveness of its risk management system in order to determine whether it is still appropriate and effective.

If Member States would decide to actively deploy the MPM as a working instrument, the following recommendations apply:

- The allocation of the media monitoring task to a specific body should have a legal basis of its own, providing details on the scope, frequency, conditions and tools for the monitoring. This facilitates the implementation of the monitoring and the deliverance of information.

- The monitoring body should be independent from state authorities and media companies. The monitoring body has to be an independent and impartial arbitrator. Existing media regulatory authorities seem to be well placed to carry out this task, and may benefit of collaboration with other stakeholders, such as telecommunications regulatory authorities, competition authorities, NGOs, academic experts, etc.

- Monitoring should be combined with research, in particular into content analysis, methodologies for the assessment of effective implementation of regulation, and the impact of economic and technological developments.

- The methods and results of media monitoring should be transparent, for instance, through online publication.

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6.4.3 Preparatory Steps

Schematic overview of preparatory steps:

Step		Work Packages
Step 1 compiling inventory of threats	**Step 2** compiling inventory of threats	WP1/WP2/WP3
STEP 3 RISK IDENTIFICATION		WP1/WP2/WP3/WP4
STEP 4 RISK ASSESSMENT		WP1+WP2/WP3/WP4
STEP 5 ASSESSMENT OF INDICATORS		WP1/WP2/WP3/WP4
STAP 6 COMBINE RISKS & INDICATORS		WP1/WP2/WP3/WP4
STEP 7 DETERMINATION OF BORDERVALUES		WP1/WP2/WP3/WP4
STEP 8 DEVELOPMENT BASIC DATA SHEET		WP4

6.4.3.1 Step 1: Compiling the Inventory of Threats

In the first phase of the Study, each research team listed possible threats to media pluralism within each respective discipline (legal/regulatory, economic, socio-demographic factors). These threats, identified and itemized in the first phase of the study, were used as a starting point for developing the final risk inventory for media pluralism in the EU (step 3: risk identification).

The research team noticed that similar threats were recurrent throughout the work packages, but were sometimes formulated or described differently, or covered closely related issues. Hence, step 3 below was used to eliminate overlaps between risks and ensure consistency among formulations.

6.4.3.2 Step 2: Compiling the Inventory of Indicators

The different teams developed within their respective work package three separate inventories of legal, socio-demographic and economic indicators during the first phase of the study. The following assumptions had to be taken into account:

- Indicators must be diagnostic tools, not commandments;
- Indicators should allow quantitative measurements whenever possible;
- Indicators should be identified so that they address one key issue at a time, so that they can be properly assessed;
- All indicators should have equal weight, in order to avoid endless discussions on the hierarchy of indicators (Which ones should count more than others? And for how much more?) and to ensure comparability of the results across Member States. ensure comparability of results throughout the EU;
- The selection process of the indicators should pay attention to the practical implications of cost and time for collecting measurement data.
- Indicators would have to pass the SMART-test.

A general inventory compiling the three sets of indicators was drafted as a starting point for the task in step 5: assessment of indicators.

6.4.3.3 Step 3: Risk Identification

On the basis of a general inventory of risks derived from threats that were mentioned in the First Interim Report (within each of the three work packages dealing with indicators), the research team identified similarities and overlaps in the formulated risks.

Through intense group discussions and based on the knowledge, experience and common sense of the team members, the 75 threats originally identified within the individual work packages were reformulated in a consistent and non-duplicative way. Threats identified in the First Interim Report were sometimes merged into a single risk; other threats were separated into two risks.

The result of this exercise was a detailed inventory of 43 risks to media pluralism in the selected risk domains and areas. A schematic overview of these risks is included below, under 6.4.3.4 and can also be found in the sheet 'General Report' in the MPM (see Chapter 5.1.2 of the User Guide).[119]

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[119] It should be noted that, notwithstanding efforts to take into account all relevant risks, it cannot be excluded that so-called 'black swan' risks (risks which are rare and hard to predict, hence have a very low probability, but which

6.4.3.4 Step 4: Risk Assessment

Risk identification is normally followed by a risk assessment exercise. This encompasses the filtering out of irrelevant risks from the relevant risks. A risk is usually considered as relevant if it combines significant probability of occurrence with a significant impact.[120] In accordance with the following scheme, risks that fall into the 'high' or 'medium' zones are commonly considered as relevant risks.
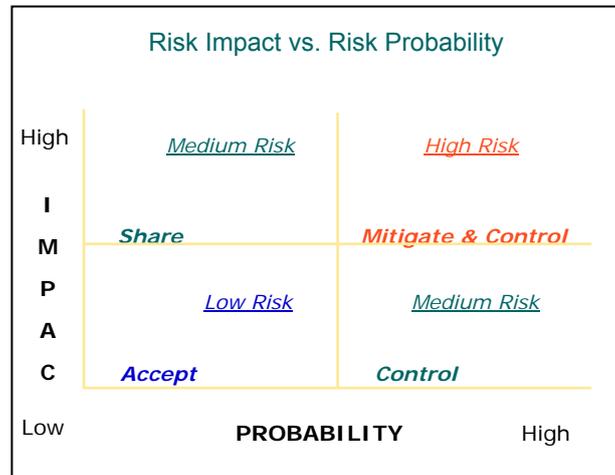
Once risks have been assessed, the risk priorities should emerge. If the risk exposure is unacceptable given the risk appetite, the risk should be classified as high risk. The high risks should be given regular attention at the highest level. Risk priorities will change over time as the objectives changes, the risk environment changes and when high risks are addressed.

However, the method followed to develop the MPM deviates from the COSO framework, in that the risk assessment was only carried out at a very high level: when the research team could conclude on the basis of 'experience' – drawing from academic literature, the existence of regulatory safeguards and/or policy discourse – that a specific situation was widely accepted as a risk for media pluralism *today*, it was considered as a current risk and included in the MPM.

This explains why certain risks in the MPM might be considered as relevant by some users already today, while others might still consider them as emerging risks, likely to assume relevance only in the short to medium term (see Subchapter 6.6 below*,* for more information on emerging and future risks).

A detailed risk assessment taking into account the probability and impact of risks can only be done in a meaningful way when looking at the national characteristics of the Member State concerned. Depending on the profile of the country (size and wealth of the market, percentage of minorities, primary means of radio and television distribution, etc.), the probability and occurrence of a risk will vary. To enable individual users of the MPM to carry out a risk assessment for their respective country, the research team initially suggested to include an *ex ante* relevance test in the MPM. This option was in the end abandoned mainly to ensure comparability between Member States (see Subchapter 4.4.5 above).

Hence, the result of step 4 is identical to the outcome of step 3: the inventory of risks.

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have a very high impact, beyond the realm of normal expectations) have been overlooked. There will always be events that are simply without precedent, and thus cannot be predicted through logical deduction or historical analysis.

[120] This impact can be of a strategic, operational or financial nature (or a combination thereof).

INVENTORY OF RISKS

	RISK
Basic Domain	
B1	Freedom of speech and related rights and freedoms are not sufficiently protected
B2	Insufficiently independent supervision in media sector
B3	Insufficient media (including digital) literacy
Pluralism of Media Ownership & Control	
O1	High ownership concentration in terrestrial television
O2	High ownership concentration in radio
O3	High ownership concentration in newspapers
O4	High ownership concentration in Cable/Sat/ADSL/TV
O5	High ownership concentration in magazines
O6	High ownership concentration in internet content provision
O7	High ownership concentration in book publishing
O8	High concentration of cross-media ownership
O9	High vertical concentration
O10	Lack of transparency in ownership structures
Pluralism of Media Types & Genres	
T1	Lack of/under-representation of/dominance of media types
T2	Lack of/under-representation of/dominance of media genres
T3	Lack of sufficient market resources to support range of media
T4	Lack of sufficient resources to support public service media
T5	Insufficient engagement of PSM in new media
T6	Insufficient attention paid to public participation
Political Pluralism in the Media	
P1	Political bias in the media
P2	Political bias in the media during election periods campaigns
P3	Excessive politicisation of media ownership/control
P4	Insufficient editorial independence
P5	Insufficient independence of PSM
P6	Insufficient pluralism of news agencies
P7	Insufficient pluralism of distribution systems
P8	Insufficient citizen activity and political impact in online media
Cultural Pluralism in the Media	
C1	Insufficient media representation of European cultures
C2	Insufficient media representation of national culture
C3	Insufficient proportion of independent production
C4	Insufficient proportion of in-house production
C5	Insufficient representation of world cultures
C6	Insufficient representation of the various cultural and social groups in mainstream media content and services
C7	Insufficient representation of the various cultural and social groups in PSM
C8	Insufficient system of minority and community media
C9	Insufficient representation of different cultural and social groups in HR in the media sector
C10	Limited accessibility by disabled people
Geographic Pluralism in the Media	
G1	High centralisation of the national media system
G2	Insufficient system of regional and local media
G3	Insufficient representation of regional and local communities in media content and services
G4	Insufficient representation of regional and local communities in HR in the media sector
G5	Dominance of a limited number of information sources for local issues
G6	Insufficient access to media and distribution systems due to geographic factors

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6.4.3.5 Step 5: Assessment of Indicators

On the basis of the general inventory (compiling the three separate inventories of legal, socio-demographic and economic indicators; above), each individual indicator was subjected to the SMART-test. The SMART-methodology was applied to determine whether the indicators could be considered as 'first tier' indicators (which would be included in the MPM) or merely as 'second tier' indicators (which are described in the present Report, below, 6.5, and may in some instances serve as potential future indicators).

From the original set of 259 indicators, only 166 qualified as first tier indicators. The remaining indicators were either omitted (because of overlap with other indicators), or moved to the list of second tier indicators, because they were not considered as SMAR(T)-conforming. For the majority of the second tier indicators this was due to the fact that the cost of measurement was found to be too high (as a result of very complex methodology of measurement or lack of data). This assessment was done, in a first phase by the key experts of work packages 1, 2 and 3 under the coordination of work package 4, and the outcome was tested, in a second phase, by the whole research team.

During this assessment the research team found that identical (or very similar) indicators were recurrent within the three work packages. To avoid duplication, it was decided that such indicators would only be listed once in the global set of indicators (and if they were very closely related would be merged and reformulated).

6.4.3.6 Step 6: Combining Risks and Indicators

In step 6 (in practice performed simultaneously with step 5), all indicators identified as first tier indicators (see step 5 above) have been connected with one of the risks included in the inventory (see steps 3 and 4 above). Every indicator was linked to one risk only (to avoid double measurements, which would blur results). For each risk, at least one first tier indicator was identified (although most risks have been combined with a cluster of economic, socio-demographic and legal indicators).

The following table contains an overview of the risks and corresponding indicators that have been integrated into the MPM, listing the following information for every indicator:

- **Number**: Number of the line where the indicator is listed in the 'basic data sheet' (see step 8 below).

- **ID**: Unique ID-number for the indicator, consisting of the combination of a letter (referring to the risk domain) and two numbers, the first of which refers to the *risk number* (within the risk domain) and the second to the *indicator number* (within that risk); for example P1.1 refers to the first indicator for the first risk within the risk domain 'political pluralism in the media'; C4.5 refers to the fifth indicator for the fourth risk within the risk domain of 'cultural pluralism within the media'. This numbering reflects to some degree the order of priority that the research team has attached to the various risks and indicators, but does <u>not</u> represent a firm hierarchy.

- **Type**: Type of indicator, which can be legal (L), socio-demographic (S) or economic (E).

- **(Risk) Area**: Supply (S), distribution (D), use (U).

- **Key indicator**: Description of the indicator.

OVERVIEW OF FIRST TIER INDICATORS

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
1	B1.1	B1 Freedom of speech and related rights and freedoms are not sufficiently protected	L	S	Regulatory safeguards for freedom of expression
2	B1.2	B1 Freedom of speech and related rights and freedoms are not sufficiently protected	L	S	Regulatory safeguards for right to information
3	B1.3	B1 Freedom of speech and related rights and freedoms are not sufficiently protected	L	S	Recognition of media pluralism as intrinsic part of media freedoms and/or as policy objective of media legislation and/or regulation
4	B1.4	B1 Freedom of speech and related rights and freedoms are not sufficiently protected	L	S	Regulatory safeguards for journalistic practice
5	B1.5	B1 Freedom of speech and related rights and freedoms are not sufficiently protected	L	S	Regulatory safeguards for the protection of journalistic sources
6	B1.6	B1 Freedom of speech and related rights and freedoms are not sufficiently protected	L	S	Regulatory safeguards for journalists' access to events for news reporting
7	B2.1	B2 Insufficiently independent supervision in media sector	L	S	Regulatory safeguards for the independence and efficiency of the media authority (authorities)
8	B2.2	B2 Insufficiently independent supervision in media sector	L	S	Regulatory safeguards for the independence and efficiency of a self-regulatory body in the press sector
9	B2.3	B2 Insufficiently independent supervision in media sector	L	S	Regulatory safeguards for the independence and efficiency of the competition authority
10	B2.4	B2 Insufficiently independent supervision in media sector	L	S	Regulatory safeguards for the independence and efficiency of the telecommunications authority
11	B3.1	B3 Insufficient media (including digital) literacy	L	S	Policies and support measures for media literacy (or digital literacy in particular) among different groups of population

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
12	C1.1	C1 Insufficient media representation of European cultures	S	S	Proportion of European works in television broadcasting (linear AVMS)
13	C1.2	C1 Insufficient media representation of European cultures	L	S	Regulatory safeguards for European works in television broadcasting (linear AVMS)
14	C1.3	C1 Insufficient media representation of European cultures	S	S	Proportion of European works in non-linear AVMS
15	C1.4	C1 Insufficient media representation of European cultures	L	S	Regulatory safeguards for European works in non-linear AVMS
16	C1.5	C1 Insufficient media representation of European cultures	S	S	Regulatory safeguards for European works in non-linear AVMS Proportion of non-domestic European works in television broadcasting (linear AVMS)
17	C1.6	C1 Insufficient media representation of European cultures	S	S	Proportion of non-domestic European works in top TV programmes in linear AVMS
18	C1.7	C1 Insufficient media representation of European cultures	S	S	Proportion of TV coverage focusing on non-domestic European issues in TV news on linear AVMS
19	C1.8	C1 Insufficient media representation of European cultures	S	S	Proportion of coverage focusing on non-domestic European issues in quality daily newspapers
20	C2.1	C2 Insufficient media representation of national culture	S	S	Proportion of national works in television broadcasting (linear AVMS)
21	C2.2	C2 Insufficient media representation of national culture	S	S	Proportion of national works in top TV programmes in linear AVMS

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
22	C2.3	C2 Insufficient media representation of national culture	L	S	Regulatory safeguards for national works in television broadcasting
23	C2.4	C2 Insufficient media representation of national culture	L	S	Regulatory safeguards for national music in radio broadcasting
24	C2.5	C2 Insufficient media representation of national culture	L	S	Policies and support measures for the promotion of national works apart from general PSM funding)
25	C3.1	C3 Insufficient proportion of independent production	S	S	Proportion of European works by independent producers in television broadcasting (linear AVMS)
26	C3.2	C3 Insufficient proportion of independent production	S	S	Proportion of European works by independent producers among top TV programmes in linear AVMS
27	C3.3	C3 Insufficient proportion of independent production	L	S	Regulatory safeguards for European works by independent producers in television broadcasting (linear AVMS)
28	C4.1	C4 Insufficient proportion of in-house production	S	S	Proportion of in-house production in television broadcasting (linear AVMS)
29	C4.2	C4 Insufficient proportion of in-house production	S	S	Proportion of in-house production in top 10 TV programmes in linear AVMS
30	C5.1	C5 Insufficient representation of world cultures	S	S	Proportion of non-European and non-US production in television broadcasting (linear AVMS)
31	C5.2	C5 Insufficient representation of world cultures	S	S	Proportion of TV coverage focusing on non-European and non-US regions in TV news on linear AVMS
32	C5.3	C5 Insufficient representation of world cultures	S	S	Proportion of coverage focusing on non-European and non-US regions in quality daily newspapers
33	C6.1	C6 Insufficient representation of the various cultural and social groups in mainstream media content and services	S	S	Proportion of actors representing different cultural and social groups in selected national newspapers, TV, radio programmes and internet services (news contents).

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N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
34	C6.2	C6 Insufficient representation of the various cultural and social groups in mainstream media content and services	S	S	Representation of minorities on the TV screen and in news rooms
35	C6.3	C6 Insufficient representation of the various cultural and social groups in mainstream media content and services	L	S	Policies and support measures for the promotion of cultural diversity in media (apart from general PSM funding)
36	C7.1	C7 Insufficient representation of the various cultural and social groups in PSM	S	S	Availability and proportion of programming provided for cultural and social minority groups on PSM channels and services
37	C7.2	C7 Insufficient representation of the various cultural and social groups in PSM	S	S	Availability of media content in minority languages on PSM channels and services
38	C7.3	C7 Insufficient representation of the various cultural and social groups in PSM	L	S	Regulatory safeguards for access to airtime on PSM by the various cultural and social groups
39	C8.1	C8 Insufficient system of minority and community media	E	S	Ratio of terrestrial TV channels dedicated to ethnic/linguistic/national minorities to total number of domestic terrestrial TV channels
40	C8.2	C8 Insufficient system of minority and community media	E	S	Ratio of TV/Cable/Sat/ADSL television channels dedicated to ethnic/linguistic/national minorities to total number of domestic TV/Cable/Sat/ADSL television channels
41	C8.3	C8 Insufficient system of minority and community media	E	S	Ratio of radio channels dedicated to ethnic/linguistic/national minorities to total number of domestic radio channels
42	C8.4	C8 Insufficient system of minority and community media	E	S	Ratio of newspapers dedicated to ethnic/linguistic/national minorities to total number of domestic newspapers
43	C8.5	C8 Insufficient system of minority and community media	E	S	Ratio of number of magazines dedicated to ethnic/linguistic/national minorities compared to total number of domestic magazines

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
44	C8.6	C8 Insufficient system of minority and community media	E	S	Parity of financing of secondary linguistic media compared to population size
45	C8.7	C8 Insufficient system of minority and community media	S	D	Number, estimated reach and existence of (other) community media outlets serving different communities and minority groups
46	C8.8	C8 Insufficient system of minority and community media	S	S	Sustainability of investment and proportion of subsidies in minority and community media
47	C8.9	C8 Insufficient system of minority and community media	S	D	Access of minority and community media to networks and platforms
48	C8.10	C8 Insufficient system of minority and community media	L	S	Regulatory safeguards for minority and community media
49	C9.1	C9 Insufficient representation of different cultural and social groups in HR in the media sector	S	S	Proportion of journalists and media executives from different cultural and social groups (including ethnic/linguistic/national minorities, women and disabled people) in PSM
50	C9.2	C9 Insufficient representation of different cultural and social groups in HR in the media sector	S	S	Availibility of diversity measures within media companies (such as a diversity officer, targetted training etc)
51	C9.3	C9 Insufficient representation of different cultural and social groups in HR in the media sector	L	S	Regulatory safeguards for the representation of the various cultural and social groups in professional, management and board functions in private (commercial and/or non-profit) media
52	C9.4	C9 Insufficient representation of different cultural and social groups in HR in the media sector	L	S	Regulatory safeguards for the representation of the various cultural and social groups in professional, management and board functions in PSM
53	C9.5	C9 Insufficient representation of different cultural and social groups in HR in the media sector	L	S	Regulatory safeguards for the representation of the various cultural and social groups in media councils and/or other advisory bodies in the media sector

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
54	C10.1	C10 Limited accessibility by disabled people	S	U	Availability of content and service applications for disabled people
55	C10.2	C10 Limited accessibility by disabled people	L	U	Policies and support measures for enhanced access to media content and services by groups with special needs in society, like the elderly, disabled,…
56	G1.1	G1 High centralisation of the national media system	S	S	A relative strength of local/regional media (daily newspapers, TV channels, radio stations, news websites) in a particular media system
57	G1.2	G1 High centralisation of the national media system	S	S	Proportion of regional metropolises (main city in a given region, province, land) with competing regional or local media (daily newspapers, TV channels, radio stations, news websites)
58	G1.3	G1 High centralisation of the national media system	S	S	Combined ownership of regional/local media and national media outlets by the same company
59	G1.4	G1 High centralisation of the national media system	E	S	Ratio of number of cities with TV and radio stations to total number of cities
60	G1.5	G1 High centralisation of the national media system	E	S	Ratio of number of cities with newspapers to total number of cities
61	G2.1	G2 Insufficient system of regional and local media	E	S	Proportion of regional and local television and radio broadcast channels to national broadcast channels
62	G2.2	G2 Insufficient system of regional and local media	E	S	Proportion of regional and local newspapers to national newspapers
63	G2.3	G2 Insufficient system of regional and local media	E	S	Herfindahl Herschman Index (HHI) based on regional channels/newspapers available in the region, divided by total number of channels/newspapers
64	G2.4	G2 Insufficient system of regional and local media	E	S	Parity of financing of regional and /local TV, radio and newspapers relative to population size

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
65	G2.5	G2 Insufficient system of regional and local media	S	U	Estimated reach and audience share of regional and local media
66	G2.6	G2 Insufficient system of regional and local media	S	D	Access of regional and local media to networks and platforms
67	G2.7	G2 Insufficient system of regional and local media	S	S	Proportion of different types of media ownership of regional and local media
68	G2.8	G2 Insufficient system of regional and local media	S	S	Level of investment in production of regional/local news in regional and local media
69	G2.9	G2 Insufficient system of regional and local media	L	S	Regulatory safeguards for regional and local media
70	G2.10	G2 Insufficient system of regional and local media	L	S	Policies and support measures for regional and local media
71	G3.1	G3 Insufficient representation of regional and local communities in media content and services	S	S	Proportion of locally oriented and locally produced content
72	G3.2	G3 Insufficient representation of regional and local communities in media content and services	L	S	Regulatory safeguards for locally oriented and locally produced content on PSM channels and services
73	G4.1	G4 Insufficient representation of regional and local communities in HR in the media sector	S	S	Proportion of journalists and media executives based in local communities
74	G4.2	G4 Insufficient representation of regional and local communities in HR in the media sector	L	S	Regulatory safeguards for the representation of regional and local communities in media councils and/or other advisory bodies in the media sector

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
75	G5.1	G5 Dominance of a limited number of information sources for local issues	S	U	News source preferences of audiences for local issues (what is the primary source of information?)
76	G6.1	G6 Insufficient access to media and distribution systems due to geographic factors	S	U	Number of people without access to PSM because of geographic obstacles
77	G6.2	G6 Insufficient access to media and distribution systems due to geographic factors	L	D	Regulatory safeguards for universal coverage of PSM channels and services
78	G6.3	G6 Insufficient access to media and distribution systems due to geographic factors	S	D	Availability of broadband networks in rural areas
79	G6.4	G6 Insufficient access to media and distribution systems due to geographic factors	L	D	Policy measures to promote roll out of and access to broadband networks in remote and/or rural areas
80	G6.5	G6 Insufficient access to media and distribution systems due to geographic factors	L	D	Policies and support measures for the distribution of newspapers in remote areas
81	O1.1	O1 High ownership concentration in terrestrial television	E	S	Ownership concentration in terrestrial television (horizontal)
82	O1.2	O1 High ownership concentration in terrestrial television	E	D	Audience concentration in terrestrial television
83	O1.3	O1 High ownership concentration in terrestrial television	L	S	Regulatory safeguards against high concentration of ownership and/or control in television (horizontal)
84	O2.1	O2 High ownership concentration in radio	E	S	Ownership concentration in radio (horizontal)
85	O2.2	O2 High ownership concentration in radio	E	D	Audience concentration in radio

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
86	O2.3	O2 High ownership concentration in radio	L	S	Regulatory safeguards against high concentration of ownership and/or control in radio (horizontal)
87	O3.1	O3 High ownership concentration in newspapers	E	S	Ownership concentration in newspapers (horizontal)
88	O3.2	O3 High ownership concentration in newspapers	E	D	Readership concentration in newspapers
89	O3.3	O3 High ownership concentration in newspapers	L	S	Regulatory safeguards against high concentration of ownership and/or control in newspapers (horizontal)
90	O4.1	O4 High ownership concentration in Cable/Sat/ADSL/TV	E	S	Ownership concentration in Cable/Sat/ADSL-TV (horizontal)
91	O4.2	O4 High ownership concentration in Cable/Sat/ADSL/TV	E	D	Audience concentration in Cable/Sat/ADSL-TV
92	O4.3	O4 High ownership concentration in Cable/Sat/ADSL/TV	L	S	Regulatory safeguards against high concentration of ownership and/or control in Cable/Sat/ADSL-TV (horizontal)
93	O5.1	O5 High ownership concentration in magazines	E	S	Ownership concentration in magazines (horizontal)
94	O5.2	O5 High ownership concentration in magazines	E	D	Readership concentration in magazines
95	O5.3	O5 High ownership concentration in magazines	L	S	Regulatory safeguards against high concentration of ownership and/or control in magazines (horizontal)
96	O6.1	O6 High ownership concentration in internet content provision	E	S	Ownership concentration in internet content provision (horizontal)
97	O6.2	O6 High ownership concentration in internet content provision	E	D	Readership concentration in internet content provision

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
98	O6.3	O6 High ownership concentration in internet content provision	L	S	Regulatory safeguards against high concentration of ownership and/or control in internet content provision (horizontal)
99	O7.1	O7 High ownership concentration in book publishing	E	S	Ownership concentration in book publishing (horizontal)
100	O7.2	O7 High ownership concentration in book publishing	E	D	Readership concentration in book publishing
101	O7.3	O7 High ownership concentration in book publishing	L	S	Regulatory safeguards against high concentration of ownership and/or control in book publishing (horizontal)
102	O8.1	O8 High concentration of cross-media ownership	E	S	Number of sectors in which top 8 firms/owners are active
103	O8.2	O8 High concentration of cross-media ownership	L	S	Regulatory safeguards against high degree of cross-ownership between radio and television
104	O8.3	O8 High concentration of cross-media ownership	L	S	Regulatory safeguards against high degree of cross-ownership between print (or text-based) and audiovisual media
105	O9.1	O9 High vertical concentration	L	D	Regulatory safeguards against bottlenecks in distribution/networks resulting from vertical integration
106	O9.2	O9 High vertical concentration	L	S	Regulatory safeguards against high degree of integration between advertising and media activities
107	O10.1	O10 Lack of transparency in ownership structures	L	S	Regulatory safeguards for transparency of ownership and/or control towards the public
108	O10.2	O10 Lack of transparency in ownership structures	L	S	Regulatory safeguards for transparency of ownership and/or control towards the relevant authorities
109	P1.1	P1 Political bias in the media	S	S	Proportion of the various political and ideological viewpoints and interests represented (given voice) in the media
110	P1.2	P1 Political bias in the media	S	S	Indication of dominant (positive or negative) media portrayal of specific political actors
111	P1.3	P1 Political bias in the media	S	S	Indication of range of investigative reporting disclosing hidden actions of various political actors or groups

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
112	P1.4	P1 Political bias in the media	L	S	Regulatory remedies against political bias in the media (right to reply, complaints mechanisms...)
113	P1.5	P1 Political bias in the media	L	S	Regulatory safeguards for fair, balanced and impartial political reporting in PSM
114	P1.6	P1 Political bias in the media	L	S	Regulatory safeguards for fair and accurate political reporting in private radio and television broadcasting
115	P1.7	P1 Political bias in the media	L	S	Regulatory safeguards for fair and accurate political reporting in print media
116	P1.8	P1 Political bias in the media	L	S	Regulatory safeguards for the fair representation of the various political groups in management or board functions of private audiovisual media (if these include political representatives)
117	P1.9	P1 Political bias in the media	L	S	Regulatory safeguards for the representation of the various political groups in media councils and/or other advisory bodies in the media sector (if these include political representatives)
118	P2.1	P2 Political bias in the media during election periods campaigns	S	U	Level of successful complaints to the media and self-regulatory bodies by citizens or political groups with regard to misconduct in political reporting during election campaigns
119	P2.2	P2 Political bias in the media during election periods campaigns	S	S	Indication of the level of partisanship and political bias in the media during election campaigns
120	P2.3	P2 Political bias in the media during election periods campaigns	L	S	Regulatory safeguards for fair, balanced and impartial coverage of election campaigns in radio and television broadcasting
121	P2.4	P1 Political bias in the media	L	S	Regulatory safeguards for fair access to airtime on PSM channels and services by political actors during election campaigns
122	P2.5	P1 Political bias in the media	L	S	Regulatory safeguards relating to political advertising in election campaigns
123	P3.1	P3 Excessive politicisation of media ownership/control	S	S	Public access to data about political affiliation of media owners

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
124	P3.2	P3 Excessive politicisation of media ownership/control	S	S	Proportion of specific political affiliations of the media owners across the media market in terms of audience share, including proportion of the media owned by political parties, politicians or political groupings
125	P3.3	P3 Excessive politicisation of media ownership/control	S	S	Proportion of the state ownership in the media across the media markets in terms of audience share
126	P3.4	P3 Excessive politicisation of media ownership/control	S	S	Level of discrimination in distribution of state advertisements reflected in favouritism of the media owned by political parties or affiliates of political parties in the government or penalisation of the media critics
127	P3.5	P3 Excessive politicisation of media ownership/control	L	S	Regulatory safeguards against excessive ownership and/or control of media by politicians
128	P3.6	P3 Excessive politicisation of media ownership/control	L	S	Regulatory safeguards for structural, financial,…independence of mainstream radio and TV channels from political parties/politicians (in addition to editorial independence)
129	P4.1	P4 Insufficient editorial independence	S	S	Representation of the interests of media professionals and media employers in labour relations is established through professional associations, providing high level of participation of media professionals and media publishers in their membership.
130	P4.2	P4 Insufficient editorial independence	S	S	Evidences of conflicts between editorial staff and media owners due to attempts of political instrumentalisation of the media
131	P4.3	P4 Insufficient editorial independence	S	S	Presence of professional associations providing advocacy for editorial independence and respect of professional standards
132	P4.4	P4 Insufficient editorial independence	L	S	Regulatory safeguards for editorial independence of in print media from political actors
133	P4.5	P4 Insufficient editorial independence	L	S	Regulatory safeguards for editorial independence of mainstream radio and television broadcast channels (linear AVMS) from political actors
134	P4.6	P4 Insufficient editorial independence	L	S	Regulatory safeguards for editorial independence of mainstream non-linear AVMS from political actors

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
135	P5.1	P5 Insufficient independence of PSM	S	S	Level of independence of PSM considering appointment procedures and composition of its governing bodies/Level of equal/proportionate representation of all political groups (represented in the parliament) in the governing bodies
136	P5.2	P5 Insufficient independence of PSM	S	S	Level of independence of PSM considering mechanisms of its financing
137	P5.3	P5 Insufficient independence of PSM	S	S	Level of independence of PSM considering mechanisms of appointments and dismissal of key personnel /Indication of whether key editorial personnel and management of PSM change with the change of the government
138	P5.4	P5 Insufficient independence of PSM	L	S	Regulatory safeguards for editorial independence of PSM channels and services from government/political powers
139	P5.5	P5 Insufficient independence of PSM	L	S	Fair, objective and transparent appointment procedures for professional, management and board functions within PSM ensuring independence from government/a single political group
140	P6.1	P6 Insufficient pluralism of news agencies	S	S	Range and independence of competing news agencies
141	P6.2	P6 Insufficient pluralism of news agencies	S	S	Level of state ownership in news agencies and level of independence of state owned news agencies
142	P7.1	P7 Insufficient pluralism of distribution systems	S	D	Discrimination by politically affiliated television and radio distribution networks
143	P7.2	P7 Insufficient pluralism of distribution systems	S	D	Discrimination by politically affiliated distribution networks for print media

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
144	P8.1	P8 Insufficient citizen activity and political impact in online media	S	D	Range of citizens and citizens' groups using online media for posting their content relevant for political debate
145	P8.2	P8 Insufficient citizen activity and political impact in online media	S	U	Level of influence on political and public debate by bloggers
146	T1.1	T1 Lack of/under-representation of/dominance of media types	E	D	Audience parity between the TV channels of commercial broadcasters and of PSM
147	T1.2	T1 Lack of/under-representation of/dominance of media types	E	S	Financial parity between the TV channels of commercial broadcasters and of PSM
148	T1.3	T1 Lack of/under-representation of/dominance of media types	E	D	Audience parity between the radio channels of commercial broadcasters and of PSM
149	T1.4	T1 Lack of/under-representation of/dominance of media types	E	S	Financial parity between the radio channels of commercial broadcasters and of PSM
150	T1.5	T1 Lack of/under-representation of/dominance of media types	E	U	Percent of GDP per capita required for an individual to obtain TV and radio reception, newspaper subscription, magazine subscription, or Internet Service
151	T1.6	T1 Lack of/under-representation of/dominance of media types	L	D	Regulatory safeguards for the distribution of public interest channels on cable, DSL and/or satellite platforms
152	T2.1	T2 Lack of/under-representation of/dominance of media genres	E	S	Ratio of news/public affairs, education and entertainment programmes on terrestrial TV to total programmes on terrestrial TV
153	T2.2	T2 Lack of/under-representation of/dominance of media genres	E	S	Ratio of news/public affairs, education and entertainment programmes on radio to total programmes radio
154	T2.3	T2 Lack of/under-representation of/dominance of media genres	E	S	Ratio of news/public affairs, education and entertainment magazines to total number of magazines
155	T2.4	T2 Lack of/under-representation of/dominance of media genres	E	S	Ratio of Cab/Sat/ADSL-TV channels dedicated to news/public affairs, education and entertainment to total number of Cab/Sat/ADSL-TV channels

N°	ID	RISK	TYPE INDICATOR	AREA	KEY INDICATOR
156	T2.5	T2 Lack of/under-representation of/dominance of media genres	L	S	Regulatory safeguards for the presence of a diversity of media genres on the channels and services of private (commercial and non-profit) audiovisual media
157	T2.6	T2 Lack of/under-representation of/dominance of media genres	L	S	Regulatory safeguards for the public's access to major events on free television
158	T2.7	T2 Lack of/under-representation of/dominance of media genres	L	S	Regulatory safeguards for short news reporting on events of high interest in case of exclusive broadcast rights
159	T2.8	T2 Lack of/under-representation of/dominance of media genres	L	S	Regulatory safeguards for a varied and pluralistic offer on PSM channels and services
160	T3.1	T3 Lack of sufficient market resources to support range of media	E	U	Ratio of consumer spending on different media per capita to GDP per capita
161	T3.2	T3 Lack of sufficient market resources to support range of media	E	U	Ratio of advertising expenditures per capita to GDP per capita
162	T4.1	T4 Lack of sufficient resources to support public service media	L	S	Regulatory safeguards for the objective and independent allocation of (adequate, consistent and sufficient) resources to PSM
163	T5.1	T5 Insufficient engagement of PSM in new media	L	S	Regulatory safeguards for the engagement/presence of PSM in/on new media
164	T5.2	T5 Insufficient engagement of PSM in new media	S	S	Proportion of employees dedicated to new media services
165	T5.3	T5 Insufficient engagement of PSM in new media	S	S	Amount of financing invested in new media by the PSM
166	T6.1	T6 Insufficient attention paid to public participation	S	S	Proportion of online media offering space for publicly available comments and complaints

The following table contains a breakdown of risks and indicators on the basis of indicator type (economic, legal or socio-demographic). It shows the description of the 43 risks, number of indicators per risk according to the type, and a grand total (*i.e.* the total number of indicators per risk).

OVERVIEW OF NUMBER OF INDICATORS PER TYPE PER RISK

RISK	E	L	S	Total
B1 Freedom of speech and related rights and freedoms are not sufficiently protected		6		6
B2 Insufficiently independent supervision in media sector		4		4
B3 Insufficient media (including digital) literacy		1		1
C1 Insufficient media representation of European cultures		2	6	8
C2 Insufficient media representation of national culture		3	1	4
C2 Insufficient media representation of national culture			1	1
C3 Insufficient proportion of independent production		1	2	3
C4 Insufficient proportion of in-house production			2	2
C5 Insufficient representation of world cultures			3	3
C6 Insufficient representation of the various cultural and social groups in mainstream media content and services		1	2	3
C7 Insufficient representation of the various cultural and social groups in PSM		1	2	3
C8 Insufficient system of minority and community media	6	1	3	10
C9 Insufficient representation of different cultural and social groups in HR in the media sector		3	2	5
C10 Limited accessibility by disabled people		1	1	2
G1 High centralisation of the national media system	2		3	5
G2 Insufficient system of regional and local media	4	2	4	10
G3 Insufficient representation of regional and local communities in media content and services		1	1	2
G4 Insufficient representation of regional and local communities in HR in the media sector		1	1	2
G5 Dominance of a limited number of information sources for local issues			1	1
G6 Insufficient access to media and distribution systems due to geographic factors		3	2	5
O1 High ownership concentration in terrestrial television	2	1		3
O2 High ownership concentration in radio	2	1		3
O3 High ownership concentration in newspapers	2	1		3
O4 High ownership concentration in Cable/Sat/ADSL/TV	2	1		3
O5 High ownership concentration in magazines	2	1		3
O6 High ownership concentration in internet content provision	2	1		3
O7 High ownership concentration in book publishing	2	1		3
O8 High concentration of cross-media ownership	1	2		3
O9 High vertical concentration		2		2
O10 Lack of transparency in ownership structures		2		2
P1 Political bias in the media		8	3	11
P2 Political bias in the media during election periods campaigns		1	2	3
P3 Excessive politicisation of media ownership/control		2	4	6
P4 Insufficient editorial independence		3	3	6
P5 Insufficient independence of PSM		2	3	5
P6 Insufficient pluralism of news agencies			2	2
P7 Insufficient pluralism of distribution systems			2	2
P8 Insufficient citizen activity and political impact in online media			2	2
T1 Lack of/under-representation of/dominance of media types	5	1		6
T2 Lack of/under-representation of/dominance of media genres	4	4		8
T3 Lack of sufficient market resources to support range of media	2			2
T4 Lack of sufficient resources to support public service media		1		1
T5 Insufficient engagement of PSM in new media	1	1	1	3
T6 Insufficient attention paid to public participation			1	1
Grand Total	39	67	60	166

6.4.3.7   Step 7: Determination of Border Values

For each indicator in the list of first tier indicators, border values were defined. These border values are measurement units and are expressed quantitatively (numbers, percentages, fractions, etc) or qualitatively (assessments). They have been divided into three ranges or zones, reflecting high risk, moderate risk or low risk and corresponding with the following colours in the MPM (these colours will be displayed automatically):

- Red = high risk,

- Orange = moderate risk,

- Green = low risk.[121]

Starting from the requirements that the MPM should be user-friendly and 'as simple as possible, but as complex as necessary', we have opted to work with these three border values for the following reasons:

- The three colours are easily interpreted by the user as 'high risk' (red), 'moderate risk' (orange) and 'low risk' (green); this is a generally accepted classification for risk management in other domains and even in daily life (think of the red light in the street);

- The user logically associates these colours with 'trouble zone – needs action', 'follow up-zone – needs attention', 'safe zone – no action required';

- Having more variety in border values does not render the scoring of indicators more simple, but, to the contrary, increases the scope for discussions and multiplies the potential number of 'grey zones'.

Each indicator has different, individually defined border values. This is necessary as not every level of measurement of the indicator corresponds with the same risk level (high, moderate or low): For a certain indicator, a score in the range of 0-20% could correspond with a high risk level while, for another indicator, it could correspond with a low risk level.

The legal indicators have the following border values (with some exceptions):

- Green/Safe zone = 'Existing' (*i.e.* regulatory safeguards exist and are effectively implemented);

- Orange/Follow up-zone = 'Existing, non effectively implemented' (*i.e.* regulatory safeguards exist, but there are major implementation problems);

- Red/Trouble zone = 'Non-existing' (*i.e.* regulatory safeguards are not in place).

The economic and socio-demographic indicators have a variety of border values, either of a qualitative or of a quantitative nature.

Since the model works as a warning system, all indicators (either referring to a certain media type, like newspapers, radio, TV, internet, or referring to the whole sector) remain valid separately and are able to function as a warning sign. For an overview of all indicators and their border values, we refer to the basic data sheet which is inserted after the description of Step 8 and to *Chapter 4: How to use the Media Pluralism Monitor* of the User Guide.

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[121] Please note that if data cannot be obtained, the user can leave the score at the default result *'data not available',* and the colour next to the score will remain blue (see section 6.4.4.3 below).

6.4.3.8   Step 8: Basic Data Sheet

After performing the seven steps which were described in the previous sections, the various data were collected and integrated in a 'basic data sheet' in Microsoft Office Excel format. This sheet consists of twelve columns, reflecting to some extent the common scheme (see above),[122] and containing all data required to program the MPM:

- **Column A 'Number'**: Number of the line where the indicator and all its related data is filled in.

- **Column B 'ID'**: Unique ID-number for the indicator, consisting of the combination of a letter (referring to the risk domain) and two numbers, the first of which refers to the risk number (within the risk domain) and the second to indicator number (within that risk); for example GT1.1 refers to the first indicator for the first risk within the risk domain 'general tier'; C4.5 refers to the fifth indicator for the fourth risk within the risk domain of 'cultural pluralism within the media'. This numbering reflects to some degree the order of priority that the research team has attached to the various risks and indicators, but does <u>not</u> represent a firm hierarchy.

- **Column B 'Risk'**: Description of the risk.

- **Column D 'Type'**: Type of indicator, which can be legal (L), socio-demographic (S) or economic (E).

- **Column E 'Risk domain'**:
  - Basic domain;
  - Pluralism of ownership and/or control;
  - Pluralism of media types and genres;
  - Political pluralism in the media;
  - Cultural pluralism in the media;
  - Geographical pluralism in the media.

- **Column F '(Risk) Area':** Supply (S), distribution (D), use (U).

- **Column G 'Key indicator'**: Description of the indicator.

- **Column H 'Method of measurement'**: Method of measurement for calculating and scoring the indicator.

- **Column I 'Data source'**: Where to find the information for calculating and scoring the indicator.

- **Column J 'Border value H'**: Description of quantitative values or a qualitative assessment indicating a high risk.

- **Column K 'Border value M'**: Description of quantitative values or a qualitative assessment indicating a moderate risk.

- **Column L 'Border value L'**: Description of quantitative values or a qualitative assessment indicating a low risk.

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[122] The key questions have not been copied into the basic data sheet, but have been elaborated in the descriptions of indicators and their methods of measurement in the User Guide.

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6.4.4 Developing the Media Pluralism Monitor

6.4.4.1 Overview of Building Blocks

This section describes the methodology that was followed to program the MPM. Practical guidelines on how to use the MPM can be found in the User Guide in Annex I. When developing the MPM, the utmost account has been taken of the requirement of user-friendliness, *i.e.* the MPM should be easy to fill in and easy to understand and interpret.

The MPM is programmed in Microsoft Office Excel and contains the following sheets that have visible tabs (grey tabs refer to sheets which need to be filled in by the user; yellow tabs refer to sheets which automatically generate reports, depending on the given scores):

- **Overview**: Default sheet which will appear automatically upon opening the Excel file. This is the start screen from where the user can access the sheet that he/she wants to fill in or consult, by simply clicking on the corresponding hyperlink. Hence, this screen offers an alternative for the tabs at the bottom of the screen which also allow the user to access the various sheets.

- **General Report**: Sheet containing the report that is automatically generated once the scoring sheets have been filled in, and that displays all the scores for the various risks.

- **Basic Domain**: Sheet where the user can fill in the scores (*i.e.* the results of the measurements carried out on the basis of the methodology described in the User Guide) for the indicators in the risk domain called 'basic domain'.

- **Report Basic Domain**: Report that is automatically generated and displays the results for the 'basic domain'.

- **Pluralism Ownership and Control**: Sheet where the user can fill in the scores for the indicators in the risk domain 'pluralism of media ownership and/or control'.

- **Report Pluralism Ownership and Control**: Report that is automatically generated and displays the results for the risk domain 'pluralism of media ownership and/or control'.

- **Pluralism Media Types and Genres**: Sheet where the user can fill in the scores for the indicators in the risk domain 'pluralism of media types and genres'.

- **Report Pluralism Media Types and Genres**: Report that is automatically generated and displays the results for the risk domain 'pluralism of media types and genres'.

- **Political Pluralism**: Sheet where the user can fill in the scores for the indicators in the risk domain 'political pluralism in the media'.

- **Report Political Pluralism**: Report that is automatically generated and displays the results for the risk domain 'political pluralism in the media'.

- **Cultural Pluralism**: Sheet where the user can fill in the scores for the indicators in the risk domain 'cultural pluralism in the media'.

- **Report Cultural Pluralism**: Report that is automatically generated and displays the results for the risk domain 'cultural pluralism in the media'.

- **Geographical Pluralism**: Sheet where the user can fill in the scores for the indicators in the risk domain 'geographical pluralism in the media'.

- **Report Geographical Pluralism**: Report that is automatically generated and displays the results for the risk domain 'geographical pluralism in the media'.

- **Basic Data Sheet**: Containing all data for programming the MPM.

Besides these visible sheets, the MPM contains two 'locked' sheets which are hidden (not visible) to the user:

- **General Values**: Contains general values used to program the model, create drop boxes, ensure that all indicators are linked with a unique description, risk domain, area and indicator type.

- **Pivots**: Enables the generation of tables summarising quantitative data on risks, indicators, etc. (for instance, total number of legal indicators within a risk domain, or number of economic indicators for a particular risk).

6.4.4.2 A Closer Look at the 'Overview' Sheet

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

The start screen contains a table 'SCORES', listing the scoring sheets where the results of the measurements of the indicators can be filled in, ranked per risk domain. The table 'RESULTS' contains links to the reporting sheets that automatically generate reports displaying results of the scoring, again per risk domain.[123]

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

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

The lower part of the start screen allows the user to create an *ex ante* profile of his/her country on the basis of population size and GDP/capita (serving as proxies for the size and wealth of the market). The default profile is 'Large population and high GDP/capita'. When changing the profile in accordance with the following guidelines, border values will automatically be adjusted for a number of indicators. *Please note that this ex ante profiling exercise is optional. If the user does not change the default profile, he/she can still fill in the scoring sheets, and the results will be based on the default border values.*

How to determine the profile:

Size (population)	Wealth
Large: above 20 million population	High: above 23,500 Euro GDP/capita
Small: below 20 million population	Low: below 23,500 Euro GDP/capita

How are border values adjusted:

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

List of indicators for which border values are adjusted:

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

More details on the *ex ante* profiling exercise and the individual sheets can be found in Chapters 2 and 4 of the User Guide. The subsequent paragraphs are therefore limited to a clarification of the methodology that was followed to program the MPM. The sheets developed for the risk domain of 'pluralism of media ownership and/or control' will serve as an illustration.

6.4.4.3 Example of scoring

The risk domain 'pluralism of media ownership and/or control' is used as an example to illustrate the methodology underlying the MPM.

The sheet 'Pluralism ownership and control' shows the risks that are considered relevant for this risk domain (see steps 3 and 4 above) and all connected first tier indicators (see steps 5 and 6 above). These indicators need to be measured following the methodology explained in the User Guide in order to obtain 1) a score for each individual indicator and 2) an average score per risk. Also the type of the indicator (economic: E, socio-demographic: S, legal: L) and the area (supply: S, distribution: D, use: U) are displayed.

The scoring sheet contains a number of columns with different colours: white columns cannot be edited; yellow columns should be filled in by the user; blue columns will automatically turn green, orange or red upon filling in scores. The two yellow columns are H and I:

- The first one (column H), entitled 'Score', shows 'no data available' by default (marked by a blue colour). In this column the user should fill in the score obtained through the measurement of the indicator following the method and guidelines provided in the User Guide.

- The second yellow column (column I), entitled 'Comment', can be used to insert data sources relied upon (for instance, the relevant act or decree for the legal indicators), exact data used for the calculation of the required percentage or figure, etc.

If data have been obtained for the indicator, its score, depending on the applicable border values defined by the research team (see step 7 above), will fall into either the red, orange or green zone. Each colour indicates a particular level of risk:

- **Red - high risk**: Threats to media pluralism occur and immediate actions or measures are required at short time.
- **Orange - moderate risk:** Immediate follow-up is necessary, actions or measures are possibly required, depending on the range between the orange and the red zone.
- **Green** - **low risk:** Safe zone, no immediate follow-up is required, no immediate actions are required.

The user will have to interpret these risk profiles at the end of the monitoring exercise. Guidelines for interpretation are included in Chapter 5 of the User Guide. On the basis of results, priorities can be set and suggestions for action plans and possible remedies can be formulated.

To fill in the score for an indicator, the user can select the score from a drop box. Depending on the type of border value and the type of indicator, more or fewer possibilities will pop up when opening the drop box *(see screenshot below)*:

The scoring sheet is also programmed for reporting purposes. After scoring all the indicators of a particular risk, an average (or overall) score is automatically calculated and will appear next to the description of the risk (column B). These average scores are 'weighted averages' and are calculated on the basis of the following encoding:

- If more than 75% of all indicators linked to a particular risk are green, and there is no red indicator, the average score will display **green**.

- If there is one red indicator for a particular risk, the average score will display **orange**.

- If more than 25% of all indicators linked to a particular risk are orange, and there is no red indicator, the average score will display **orange**.

- If more than 40% of all indicators linked to a particular risk are red, the average score will display **red**.

These average scores will also be shown in the sheet 'General Report', where they are displayed next to the risks. This sheet contains, in other words, the overview of average scores for all 43 risks. From the 'General Report', the user can easily return to the scoring sheet in order to find more details in relation to a particular risk or a particular indicator.

Please note: If the user cannot find the requested data to measure the indicator, he/she can keep the default score ('data not available'). In that case, the indicator will not be considered for the calculation of average scores.

How to fill in the MPM and use the scoring functions are explained step-by-step on the basis of several screenshots in the User Guide (see Chapter 4 for detailed guidelines on scoring). The following paragraphs contain only some basic information on how to score and read the reports.
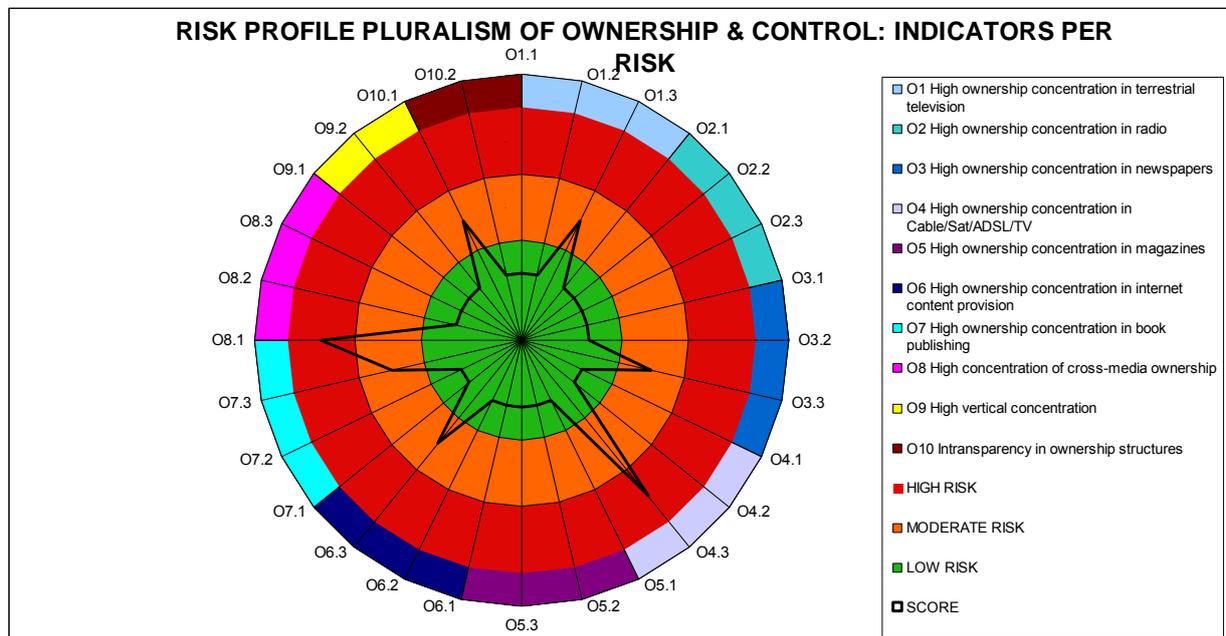
6.4.4.4 Example of reporting

After filling in the scores, a report is automatically generated for each risk domain. This report contains three different graphs ('roses'): a first one showing the risk profile on the basis of results for indicators per risk (example: screenshot 1 – each risk is marked in a different colour in the outer circle of the diagram and risk-specific indicators are listed clockwise in ascending order), a second one on the basis of results for all indicators in a particular risk domain (example: screenshot 2; all domain-specific indicators are listed clockwise in ascending order), and a third one on the basis of average risk scores (example: screenshot 3).

The research team has opted for a report in Microsoft Office Excel format for the sake of user-friendliness. Results are displayed in a transparent way through the use of different colours and the graphs offer the user a quick overview of problem zones.
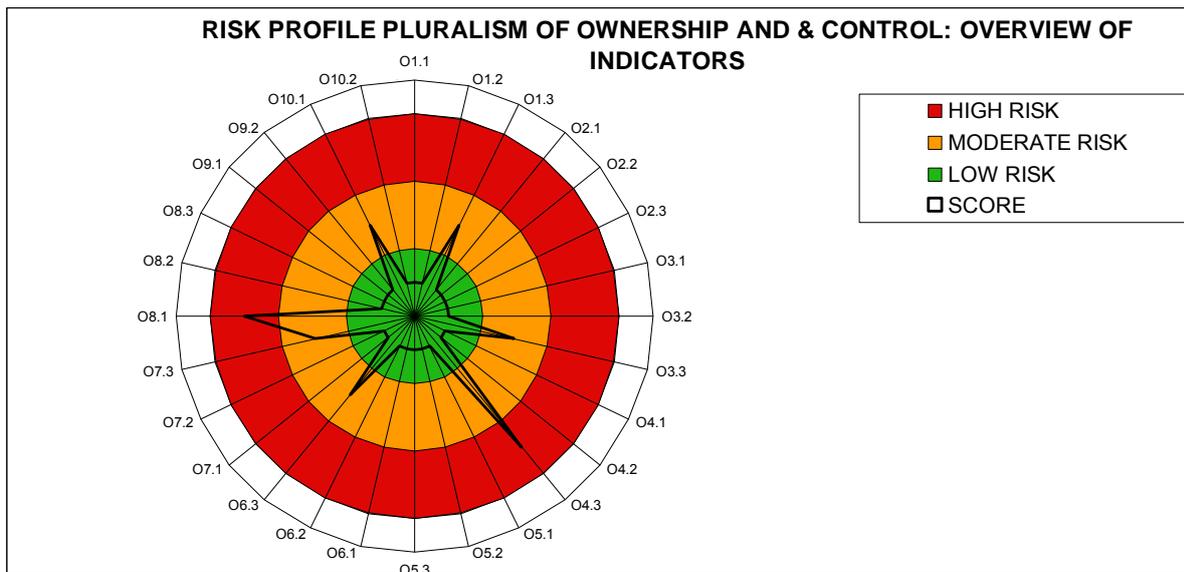
Please note: If the user has left the score at the default score 'data not available', the result for that indicator will not be displayed within the corresponding range (red for high risk, orange for medium risk, and green for low risk), but by a dot at the outer borderline of the graph.

The reports contain only general overviews. If the user needs more detailed information on a particular score for a particular indicator, he/she will have to return to the respective scoring sheet (where individual scores for all indicators, as well as average scores per risk can be consulted).
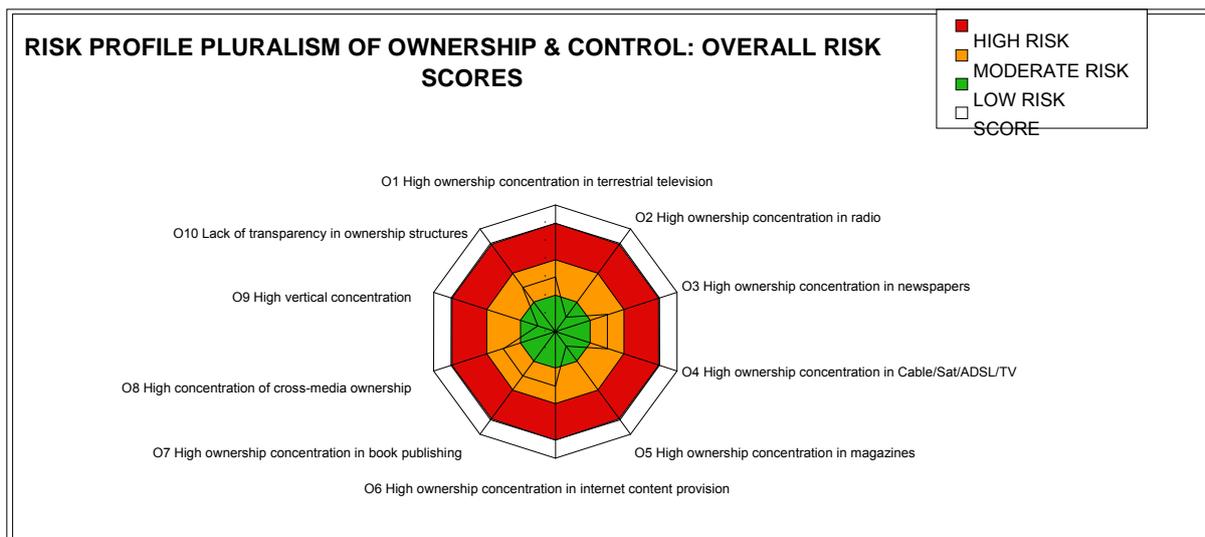
Screenshot 1

Screenshot 2

RISK PROFILE PLURALISM OF OWNERSHIP AND & CONTROL: OVERVIEW OF INDICATORS

Legend:
- HIGH RISK
- MODERATE RISK
- LOW RISK
- SCORE

Screenshot 3

RISK PROFILE PLURALISM OF OWNERSHIP & CONTROL: OVERALL RISK SCORES

Legend:
- HIGH RISK
- MODERATE RISK
- LOW RISK
- SCORE

- O1 High ownership concentration in terrestrial television
- O2 High ownership concentration in radio
- O3 High ownership concentration in newspapers
- O4 High ownership concentration in Cable/Sat/ADSL/TV
- O5 High ownership concentration in magazines
- O6 High ownership concentration in internet content provision
- O7 High ownership concentration in book publishing
- O8 High concentration of cross-media ownership
- O9 High vertical concentration
- O10 Lack of transparency in ownership structures

How to use and interpret the reporting functionalities of the MPM are explained step-by-step on the basis of several screenshots in the User Guide (see Chapter 4 for detailed guidelines on reporting).

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6.5 Second Tier Indicators

6.5.1 Description

Second tier indicators are indicators that do not pass *at this moment* the aforementioned SMART-test, which is commonly used in the design and evaluation of indicators.[124] In other words, they do not meet one or more of the following criteria:

They are not 'specific', *i.e.* they do not have a sufficiently precise meaning or the threat that they pose to media pluralism is too indirect/vague;

They are not 'measurable', *i.e.* they cannot be expressed in quantitative or qualitative scores;

They are not 'achievable/attainable', *i.e.* data is not available and/or cannot be obtained within a reasonable time frame and at a reasonable cost;

They are not 'result-oriented'; *i.e.* it is not possible to define reliable border values; no general agreement over interpretation of results.

6.5.2 Role of Second Tier Indicators

Second Tier Indicators have not been included in the current version of the MPM. They can, however, serve as a starting point for revision of the MPM and lead to the inclusion of new indicators into future versions of the MPM. This will be especially the case for indicators that currently do not meet the attainability criterion, but where data becomes available over time, due to policy efforts and/or progress in academic research.

6.5.3 Second Tier Indicators – Not Specific

The following indicators have been identified as not specific:

- Socio-demographic indicators in the political domain relating to 'Bias against female politicians', since this was considered more an issue of general discrimination and stereotyping problems, rather than media pluralism in the strict sense:

    - 'Proportion of representation of female politicians in the media' (proposed method of measurement: content analysis of media representation on the sample of selected media types and outlets; this would include application of quantitative methods to measure and compare the number of appearances of female politicians in the selected media types and outlets with the number of appearances of male politicians).

    - 'Prevailing pattern of portrayal of female politicians in the media' (proposed method of measurement: content analysis of media portrayal of female politicians on a sample of selected media types and outlets in a selected period of time; this would include application of qualitative methods to evaluate prevailing (positive or negative) patterns of portrayal of female politicians).

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[124] See, for instance, http://www.unescobkk.org/index.php?id=2655 for more information on using and developing indicators in relation to the cultural diversity programming lens.

These indicators did not fulfil the attainability and result-oriented criteria either, due to envisaged problems of data collection, as well as to difficulties encountered (at the present stage) in the development of accurate and standardised assessment methods for the risk border-values.

- Legal indicator in the basic domain relating to active State measures in the area of training of journalists:

    - Link with media pluralism was considered too weak.

- Economic indicator in the ownership domain measuring 'diagonal concentration', *i.e.* combined ownership of media and other business interests, in particular in strategic sectors (such as arms or energy):

    - Insufficient evidentiary basis to draw conclusions on clear and consistent correlations between such combined ownership and level of media pluralism. Individuals, firms, and organisations own media and operate them for a variety of motives. It is recognised that these can influence the types and range of content conveyed. However, ownership itself does not automatically equate with exercising that influence. Some owners may and others may not influence content regardless of whether the ownership is individual, media firm, non-media firm, or other type of organisation. Consequently, the MPM does not include an economic measure equating type of ownership as an automatic threat to pluralism. The MPM does, however, deal with media that are owned or related to political parties as a political indicator because their content activities are specifically intended to influence public discourse.

- Legal indicator in the ownership domain assessing regulatory safeguards against combined ownership of media and other business interests in strategic sectors (such as arms or energy):

    - Insufficient evidentiary basis to draw conclusions on clear and consistent correlations between such combined ownership and level of media pluralism (see above).

- Legal indicator in the ownership domain assessing regulatory safeguards against undue levels of foreign (non-EU) ownership:

    - Insufficient evidentiary basis to draw conclusions on clear and consistent correlations between foreign (non-EU) ownership and level of media pluralism.

- Legal indicator in the geographical domain assessing rules on social inclusion of remote areas ('aménagement du territoire').

    - Weak direct link with media pluralism.

6.5.4 Second Tier Indicators – Not Measurable

The following indicators have been identified as not measurable:

- Socio-demographic indicator in the cultural domain analysing the impetus amongst media suppliers to share and recycle content across different products:

    - The measurement and the putting into operation were considered problematic.

- Legal indicator in the ownership domain on absence of high entry barriers ('the regulatory and institutional framework is not creating high entry barriers, hampering

the entry and impeding the growth of potential new entrants (stifling the market and innovation')):

- Problems of measurability: it is not considered feasible to measure this indicator, even in a qualitative way, within a reasonable time span and with a reasonable amount of resources.

6.5.5 Second Tier Indicators – Not Achievable/Attainable

The following indicators have been identified as not achievable/attainable:

- Economic indicators in the ownership domain assessing high levels of concentration in the market: besides ownership and audience concentration, a number of other economic indicators could be envisaged in order to have a broader and more complete picture of the concentration situation in the media landscape, including:

  - Concentration in employment for a given sector (measuring number of employees in Top4 – or alternatively Top8 – firms and calculating employment share per owner);

  - Turnover of the whole media industry, number of revenue sources by media industry sector, average profitability by media industry sector, and net income by media industry sector would be useful indicators to better understand the economic situation of the different media industry sectors, and therefore evaluate and weight other ownership concentration measures in relative terms;

  - Advertising and time use concentration by sector and all media could be measured by using Top4, Top8 and HHI tools.

  ⇨ Data needed to measure these indicators are not easily available (for instance, in case of integrated media firms active in different sectors it is extremely difficult, if not impossible, to obtain disaggregated data on number of employees attributed to print/radio/TV/distribution activities).

- Economic indicators in the types & genres domain that could potentially supplement the indicators in the current version of the MPM on media types (which now predominantly look at lack of sufficient market resources to support the range of media), in order to give the analysis more depth:

  - the advertising share division among media types, and

  - the sources and amount of PSM funding (licence fee income, advertising income, other income)

  ⇨ Availability of data cannot always be granted in some countries.

- Economic indicators in the cultural domain that could potentially supplement the indicators in the current version of the MPM on cultural pluralism in the media, more specifically risk C8 relating to minority and community media:

  - Financing of minority media in general (not only of secondary linguistic media);

  - Subsidies per capita for minority media;

  - Subsidies of cost of media acquisition for low income groups.

⇨ Although such indicators are very interesting for a more in depth analysis of the risks, the difficulty of gathering data needed for their calculation puts them to the second tier level.

- Economic indicators in the cultural domain that could supplement the socio-demographic and legal indicators in the current version of the MPM on cultural pluralism in the media, more specifically risk C2 relating to national cultural identity: following economic indicators could, for instance by comparing the amount of foreign and domestic media production and distribution networks, detect threats to national cultural identity:

    - Percentage of foreign produced television programming;

    - Ratio of audience share for external to audience share for national TV and radio channels;

    - EU and national subsidies to national TV and radio production;

    - Ratio of EU/nationally subsidised TV and radio production to total EU/national TV and Radio production;

    - EU and national subsidies to domestic news agencies;

    - Ratio of EU/nationally subsidised news agencies to total EU/national news agencies.

    ⇨ Unfortunately the data needed to calculate these indicators are not easily available, particularly for certain countries which do not even disclose for instance data about subsidies. Furthermore nowadays it is more and more difficult to distinguish national from external media considering the cable, satellite and digital availability of TV and radio channels. Therefore, these economic indicators concerning the threat to national cultural identity were put to the second tier.

- Socio-demographic indicator in the political domain that could potentially supplement the indicators in the current version of the MPM on risk P3 ('Excessive politicisation of media ownership/control'):

    - Proportion of the media having non-profit and non-partisan ownership across the media market in terms of market share (to be measured on the basis of a case study on the proportion of the media having non-profit and non-partisan ownership across the media market in terms of market share).

    ⇨ It has proved difficult to identify fully reliable and accurate data sources, which is also causing constraints in the development of accurate and standardised assessment methods for risk border-values (hence, the indicator did not fulfil the result-oriented criterion either).

- Socio-demographic indicators in the cultural and/or types & genres domain relating to the emerging risk (to be materialised after the digital switchover) of 'Insufficient allocation of digital frequencies to non-commercial media' (in particular for minority and community media, on the one hand, and PSM, on the other hand):

    - Present lack of data sources to conduct case studies on the proportion of digital frequencies allocated to minority and community media, respectively PSM, until further development in the field of digital spectrum allocation.

    - Another difficulty would be to determine result-oriented, realistic border values in the current stage of development/policy discourse, due to current lack of

empirical evidence in relation to the reduction of media pluralism resulting from the substitution of use of spectrum for PSM by an increased offer of commercial broadcasting.

- Socio-demographic indicators in the types & genres domain relating to number, estimated reach and existence of new media, like online video portals, social networking sites:

    - You Tube IP numbers and limited language options make comparative studies impossible.

    - National audiences of social networking sites are immeasurable due to the international character of these sites on the one hand, and the limitation of language diversity on the other (*i.e.* most sites are dominated by English language content, and translation into foreign languages is still scarce)

Also the definition of border values for this type of indicators is problematic, which leads to the conclusion that the indicator does not meet the result-oriented criterion either.

6.5.6 Second Tier Indicators – Not Result-Oriented

The following indicators have been identified as not result-oriented:

- Economic and legal indicators in the ownership domain on vertical integration in specific media sectors (for instance, print media, terrestrial television...), for instance:

    - Economic indicator on the ratio of content production firms owning packaging, distribution, as well as advertising channels to all content production firms, and the ratio of number of merger and acquisition activities each year to a five year rolling average.

    - Legal indicator(s) assessing regulatory safeguards against such vertical integration.

    ⇨ No general agreement on results/border values, due to lack of consensus on the negative impact of vertical integration on media pluralism (various economic theories – like the Chicago School doctrine – stress the benefits that can be derived from vertical integration in terms of economies of scale and scope).[125]

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[125] Please note that combined ownership of content and networks can be assessed to some degree via the legal indicator 'regulatory safeguards against bottlenecks in distribution/networks resulting from vertical integration'. Under the current formulation, this indicator allows the assessment of both the existence (and implementation) of limits to the combined ownership/control of content and networks, as well as the existence (and implementation) of remedies to ensure open access to networks that are owned by vertically integrated companies (both under sector-regulation and competition law).

6.6 Emerging and Future Risks

As mentioned above under 6.4.3.4, the current version of the MPM contains only indicators for risks that are considered relevant for the majority of EU Member States *today*. We consider these as 'current risks' (although in a few Member States, where modern media market development has started later and the roll-out of digital technologies is not yet well advanced, these might be still be considered as 'emerging risks').

In accordance with the methods and standards applied by the European Network and Information Security Agency (ENISA),[126] risks were considered as emerging or future risks if they were both new (or changing) and increasing. As such, emerging and future risks are not based on experience, but rather on prediction. By *new*, it is meant that:

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

The risk is *increasing* if:

- the number of hazards leading to the risk is growing; or
- the likelihood of exposure to the hazard leading to the risk is increasing (exposure level and/or the number of people exposed); or
- the effect of the hazard on media pluralism is getting worse (seriousness of monopolisation effects and/or the number of people affected).[127]

Again inspired by the ENISA methods,[128] the difference between emerging and future risks can be delineated as follows:

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

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

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

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

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

In order to detect emerging and future risks, regular surveys of the impact of new technological, market, social or policy trends that are relevant for media pluralism (cf. Chapter 3 of the present report) should be conducted. Such risks may eventually be introduced into the MPM, and new indicators will have to be developed, at the moment of a future update (see Chapter 8 below). Alternatively, current risks that are formulated in a technology-neutral way may be extended with new indicators that assess the risk in relation to new media technologies – take the example of P4 'insufficient editorial independence', to which new indicators could be added in the future measuring, for instance, 'regulatory safeguards for editorial independence of search engines'.

7 TESTING OF THE MPM

7.1 Testing the Measurement Tool for Proof of Concept

As mentioned in the description of the work plan *(*see Chapter 4 above), different validation strategies (both multi-level and cross-market) have been applied in order to test the MPM for proof of concept and validate the output of the risk-based framework.

To ensure applicability and accuracy, as well as sustainability and scalability, the proposed MPM has been subjected to subsequent test and reviews:

- In a *first* instance, a validation on the basis of an **internal review** of the MPM has been carried out. The various sheets were carefully checked by individual team members and the scoring and reporting functions were systematically tested by the project leader in cooperation with the risk expert team (*i.e.* systematic check of correct programming of scores and border values, of correct display of the risk 'zone' – green, orange, red – and of correct calculation of average scores in accordance with the encoded instructions).

- *Second*, a rigorous **peer review** of the methodology and the processes to implement the MPM has been conducted. This review entailed a critical review by the experts of the Quality Control Team, who were tasked to analyse independently the quality and effectiveness of the framework according to a set of validation indicators (comprehensiveness, consistency, feasibility, effectiveness and scalability);

- *Third,* a meta-modelling effort of the methodology has been conducted focusing less on applying all the indicators (please note that the objective was *not* to review a country's media system, but to test the proposed MPM and its methodology, which may lead to such a review) but on identifying and analysing:

  - which risk factors are valued higher in the particular case country, and which less; and

  - which challenges may be present in applying the methodology (e.g. collecting adequate evidence, or different normative media systems).

In particular the meta-modelling intended to consider:

  - whether the risk factors and subsequent indicators can be considered 'universal' or whether they are context specific; and

  - what this may mean for the validity and the scalability of the methodology.

A limited set of indicators was selected; subsequently three teams, consisting of the Quality Control Team experts from the United States, Australia and Switzerland supported by participating staff, have been asked to score these indicators for their respective national situation. The aim was to measure, and rectify, potential differences in implementation. This exercise served to validate the MPM and its methodology, but also to ensure a high level of reliability and consistency in how it may be used. The test results regarding the validity and scalability of the methodology across markets and media have fed into the present Preliminary Final Report.

- *Finally,* an **external review** of the MPM will take place during the public workshop planned for the first half of 2009. During this workshop the results of the study will be

presented and shared with a high-level sample of stakeholders including regulators, policy makers, industry actors, public interest representatives and independent experts. They will be able to formulate their comments on the basis of the Preliminary Final Report which will be published well in advance of the public workshop. Interested parties will also be given the opportunity to provide written comments to the Preliminary Final Report.

7.2 Results from the Testing in Third Countries

According to the Terms of Reference, the risk-based analysis framework had to be tested for proof of concept in one or more third (non-EU) countries (including at least one country with a different approach, such as the United States).

The MPM has been tested for proof of concept in three third countries: the United States, Australia and Switzerland. The following paragraphs first describe the reasons for selecting these countries, and consequently, the lessons drawn from the implementation of the MPM in these countries (through the scoring of a sample of indicators).

7.2.1 Selection of Third Countries

7.2.1.1 United States[129]

The United States was chosen as a third country to test the MPM, because of its different traditions in the media sector.

Although public broadcasting channels are numerous in the United States, they differ substantially from European public service broadcasters. Public broadcasters in the United States are licensed as non-commercial educational stations to one of several different non-profit organisations, municipal or state governments, or universities. Their mandate is to offer programmes for instructional, educational and cultural purposes. They often produce their own programmes, but many depend upon national producers and programme distributors. They receive little financial support from the government (through the so-called Corporation for Public Broadcasting). Main sources of funding are sponsorship (broadcasting of advertisements is prohibited), members' subscriptions and community support. Even though there are around 2000 public radio and television services spread locally across the United States, commercial broadcasters remain the dominant form of broadcasting. Particularly, cable and satellite are two important delivery platforms.

Furthermore, public broadcasting is strongly decentralised (organised locally) across the United States – a reflection of the US terrestrial television structure in general. Public broadcasting is an aggregation of local broadcasts because that is the structure for all broadcasting in the United States. Localism, *i.e.* serving the needs and interests of local communities, is the key issue of broadcasting, including public broadcasting, in the United States. This results, for example, in must carry rules that are more concerned with ensuring distribution of local programming (especially news and public affairs) instead of public interest channels. Moreover, diversity within the United States means mainly diversity of

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[129] For more details, see: Price, M., & Goodman, E. (2008). Public Television and Pluralistic Ideals. In: Levy, D., & Gardam, T., *The price of plurality. Choice, Diversity and Broadcasting Institutions in the Digital Age,* Oxford: Reuters Institute for the Study of Journalism; Hitchens, L. (2006). *Broadcasting, pluralism and diversity,* Portland: Hart Publishing; Napoli, P. M. (2007). *Media diversity and localism*, New Jersey: LEA.

demographic production (*i.e.* programmes produced and presented within a community) and content (*i.e.* programmes addressing the needs and interests of the local community) and not, as in Europe, a diversity of media genres.

With regard to diversity of ownership, cross-ownership rules demand a review of television ownership vis-à-vis joined newspaper and radio-ownership in a market (limiting cross-ownership), and there is an 'ownership cap' limiting the same ownership of multiple television or radio stations nationally and in a local market.

The First Amendment to the US Constitution rests on the assumption that the widest possible dissemination of information from diverse sources is essential to the welfare of the public, that a free press is a condition of a free society. Since structural regulation has been viewed as more acceptable to First Amendment principles than content regulation, ownership regulation has often been the main regulatory instrument for promotion of media pluralism.

The Federal Communications Commission (FCC) is the independent regulatory agency which has authority granted by Congress over all forms of electronic communications in the United States. Although the FCC's powers are broad, it is constrained by the First Amendment guarantee of free speech. Consequently, many of the FCC's rules and regulatory decisions have been challenged on First Amendment principles. Especially the FCC's decision in 2003 to relax a wide range of media ownership regulations was controversial among several public interest groups.

7.2.1.2 Australia[130]

Australia was selected as a test country because it represents a small market where government policy has favoured the delivery of terrestrial free-to-air radio and television services using radio frequency spectrum. Subscription services, which commenced in 1995, are mainly available via cable delivery systems, although some services are delivered using satellite. Government policy and regulation has limited the ability of subscription services to compete with free-to-air services with the result that subscription services still have limited penetration of the market.

The regulation of radio and television services is mainly achieved through federal law. The main source is the Broadcasting Services Act (the BSA) of 1992. Its introduction was aimed to reduce the level of statutory regulation in favour of industry regulation. The crucial element of Australian broadcasting regulation, specified in the BSA, is that the level of regulation should be proportionate to the influence of the broadcasting service in 'shaping community views in Australia'[131]. At the same time, undue financial and administrative burdens on industry should be avoided therefore this factor should balance the regulation addressing the public interest in broadcasting.[132]

The national broadcasting services are regulated separately and do not fall under the scope of the BSA. These services are over-the-air services provided by the two publicly owned and funded broadcasters: the Australian Broadcasting Corporation (ABC), which is a traditional public service broadcaster, and the Special Broadcasting Service (SBS) which provides a more specialised service of multicultural and multilingual programming. They both are regulated through a separate legislation, the ABC through the Australian Broadcasting Corporation Act of 1983, and the SBS through the Special Broadcasting Service Act of 1991.

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[130] Ibid.

[131] BSA (Aus), s 3(1)(a) and (c).

[132] BSA (Aus), s 4(2)(a).

The ABC provides a national television network, 4 national radio networks and a range of local and regional radio services, and the SBS provides a national television network and several radio services.

Broadcasting in Australia is dominated by commercial television and radio services. Commercial broadcasting is defined as a service that is funded by advertising revenue, operated for profit, and provides general appeal programmes broadcast free-to-air, and that can be received by commonly available equipment. The capital cities of the mainland, but also some regional areas have three commercial television stations, while most of the other areas have two commercial stations – most of them are owned by metropolitan or regional networks. There are about 274 commercial radio stations operating across the AM and FM bands, and the majority of these services are also part of a network.

Community broadcasting services, on the other hand, are free-to-air, non-profit services that can be received on commonly available equipment. Community broadcasting was designed to fulfil 'the needs of a local community or of a particular sector of the community'.[133] They depend mainly on membership subscription and sponsorship as the advertising is prohibited and government funding is very limited. There are about 350 community radio broadcasting services and as for the community television services, four permanent licences were awarded in 2004. Community television services are available only in metropolitan areas. Their transmission quality is considered to be rather poor with limited coverage due to spectrum limitations.

There are also subscription broadcasting services which are available solely upon subscription, however, they represent a relatively small share of broadcasting market.

In 2006 the government enacted reforms to media legislation in areas of ownership and control, but also other aspects of broadcasting regulation, including digital television. Cross-media ownership restrictions were relaxed and media-specific foreign ownership and control limits were removed.

Digital television has been available in metropolitan areas since 2001, with a staged roll-out in regional areas, but take-up has been slow. The date for analogue switch off was planned for the end of 2008, but this date was found not to be feasible. The new plan is for a phased switch-off between 2010 and end 2013.[134] It is expected that digital radio will commence by July 2009, although it is unlikely that it will be a replacement for the analogue spectrum.

7.2.1.3 Switzerland

Switzerland has some peculiarities which made it very attractive as a test country for the MPM.

First of all, Switzerland was chosen for its location. Although it is not the objective of this study to apply the MPM in practice in EU Member States, it was considered useful to select also a country which is embedded firmly in European legal, economical and social tradition, even though it does not form part of the European Union itself. Testing the MPM in a country which shows significant similarities with EU Member States, would render it easier to draw lessons from the test results and extrapolate conclusions. Against this background, Switzerland was an evident choice, being landlocked in the heart of Europe, but also remaining one of the last European countries outside the European Union.

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[133] Explanatory Memorandum, Broadcasting Services Bill, 1992, 23.

[134] Digital switch-over date confirmed: http://www.minister.dbcde.gov.au/media/media_releases/2007/003 and digital switch-over timetable: http://www.minister.dbcde.gov.au/media/media_releases/2008/077

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The Swiss media landscape itself shows peculiar characteristics, which were expected to lead to interesting output.[135] First, Switzerland has a *small* media market. In fact, since Switzerland consists of three language regions (German, French and Italian), this small Swiss market is divided into three even smaller markets. These three culturally diverse blocks are surrounded by giant next-door neighbours who share the same language and hence penetrate the Swiss market easily: market shares of foreign television channels in all three language regions are among the highest in Europe.

Second, the media landscape is traditionally decentralised. Both the newspaper and the private broadcasting sector tend to operate mainly at the local or regional level. Only the Swiss public service broadcasting company SRG SSR Idée Suisse provides programmes for all three regions, thus operating on a truly national scale. The third characteristic of the Swiss media market is its high level of ownership concentration. Most decentralised newspapers are mere local or regional split editions of a one of the far fewer editorial newsrooms. Every split edition tends to have a monopoly in its respective region. Also cross-media ownership is high. Most regional private radio and television stations are owned by the same publishing house as the regional newspapers.

The high level of concentration (both horizontally and cross-media) is allowed by weak concentration regulation. Keeping in mind the federal political structure and the different language regions of Switzerland, this situation of media concentration and weak regulation seems incoherent. On the one hand, Swiss politics shows concern about media concentration. On the other hand, effective policy measures to combat media concentrations did not find sufficient political support. Media concentration regulation is generally seen as the appropriate policy measure to uphold diversity and, hence, pluralism of views. Analysis of Swiss policy making points out that pluralism of opinions is an actual concern of policy makers and an implied goal of media and competition regulation. Politicians, especially from the centre and the right-wing parties (which have had the majority for more than 50 years now), perceived the overall press structure as a guarantor for media diversity. Responding to strong lobby efforts from press publishers, cross-media ownership into the broadcasting sector as a mean of diversification was seen by them as a positive evolution.

These politicians accepted the publishers' claim that since Switzerland's media markets are small, cross-media ownership concentration would cater for sufficient funding of the existing publishing houses. Alternative political positions have so far not managed to find broad support.

7.2.2   Lessons Drawn from the Testing

The user guide and the excel file were sent out to local key experts in the respective countries (Prof. Dr. Monroe Price and Dr. Stefaan Verhulst for the United States, Prof. Dr. Lesley Hitchens for Australia and Dr. Josef Trappel for Switzerland). Within a limited timeframe of four weeks and at a distance, the three experts tested the MPM by scoring the indicators for the risk domain of pluralism of media types and genres and evaluating briefly the test results. The option to ask all three expert teams to score the same set of indicators was preferred for comparability reasons. The risk domain of pluralism of media types and genres was selected, *firstly,* because this domain of pluralism contains the three types of indicators (economic, socio-demographic, as well as legal indicators), and *secondly,* because

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[135] More details in: Künzler, M. (2009). Switzerland: Desire for Diversity without Regulation – A Paradoxical Case? *International Communication Gazette*, Vol. 71, 67-76, http://gaz.sagepub.com/cgi/content/abstract/71/1-2/67.

the number of indicators was sufficiently limited to ensure the feasibility of testing in a short period of time.

Although the key experts generally agreed that the MPM provided a reasonably accurate picture of media pluralism in their countries, some problems surfaced. The experts provided two types of comments, on the technical aspect of the measuring tool and on the substance. The former ones are presented below, while the latter are discussed in appropriate parts of the report corresponding to particular subjects.

The application of the MPM turned out to be more time-consuming than expected – although this may be inherent to first implementation rounds. The time needed to apply the MPM in practice depends on the availability of the data in the Member States. Some experts noted that a full application of the MPM may prove to be very difficult, primarily due to a lack of data, the quality of the available data and its accessibility. This could potentially lead to non-application, or incomplete application, undermining the purpose of the MPM. Even though one would assume that the respective regulatory agencies in the test countries have already canvassed many of the data requested, the data collection with regard to the type of matters covered by the MPM was often limited and not publicly available. Sometimes, it was possible to access general information, but it did not seem possible to narrow the information down sufficiently as required by the MPM. It is important to note here that the availability of data in EU Member States – checked via questionnaires distributed to the Country Correspondents – was taken into account in the process of selecting the indicators for inclusion in the MPM. On the basis of the responses received, it may be assumed that most of the data necessary to score the indicators is available for most EU Member States, and that the concern raised by the experts in respect of the test cases will be less important in the EU context.

One of the experts noted that the current excel sheet is not well developed to integrate the requested information (for example, exact percentages). In the future, a well-developed secure on-line system could be developed to replace the MPM excel sheet. Moreover, when the MPM system will be developed on-line, it could hyperlink and cross reference the respective indicator with the respective explanation or guidance which is currently somewhat cumbersome to match.

Once the scores for all the indicators have been filled in, a report is automatically generated per risk domain. Although the boxes produce a red, green or orange result, this does sometimes not reflect the generally held views about the degree of pluralism in that country. These issues can and need to be corrected in the interpretation part, pointing to the importance of interpretation by staff who are familiar with the specificities of the national context.

The method is considered sound, but assumes, according to one of the experts, a certain uniformity of legal, institutional and market situations in the different countries. The latter will not always be the case in practice: some countries have different legal systems, or potentially lacking regulation in many areas, or have different media systems. As explained in detail in Chapter 4, the combination of *ex ante* and *ex post* profiling, as well as the broad approach towards regulatory safeguards (allowing to take into account functional equivalents, like co- or self-regulatory mechanisms), should alleviate this concern.

The information in the User Guide is comprehensive and it takes the user through each aspect of the MPM. However, some wordings of the user guide were not that clear or definitions of terms were lacking. These concerns have been addressed in the updated version of the User Guide.

A final lesson drawn from the testing is the need for a 'not available' option in the drop boxes. When the key experts could not score an indicator because data were lacking, this resulted automatically in a 'high risk'. Since this would distort the final output of the MPM seriously, it

has been considered appropriate and necessary to include a fourth scoring option in the excel file ('data not available' – blue colour), which will not affect the average score. Also in these situations, it will be for the user to adjust the interpretation of the overall result accordingly. The user must keep in mind that non-availability on an extensive range of indicators will likely result in inaccurate representations of the threats to media pluralism and may therefore prove unhelpful in devising policy.

8 IMPLEMENTATION AND UPDATE OF THE MPM

8.1 Organisational Issues Regarding Implementation of the MPM

8.1.1 Expert Panels

Although the MPM is open for use by a wide number of stakeholders (regulators, NGO's, academic scholars, market actors, etc.), it is recommended that several stakeholders should participate in the implementation process. Media regulators, NGOs, and academic experts should ideally collaborate in a fruitful division of labour. Major tasks include ensuring access to databases that have been built by national regulatory agencies, international organisations and academic research centres; systematic data collection; the accumulation of new data in original research; processing data into the MPM; and the interpretation of results in national case studies as well as European, regional, and profile-based comparative perspectives. From the second cycle of implementation (see below) longitudinal perspectives are added. In national as well as comparative case studies regarding the state of media pluralism the use of appropriate numerical and qualitative evidence should be required.

In organisational terms, the need for different types of expertise may be met by expert panels. Such panels should include experts who are familiar with specific aspects of media pluralism across Europe (in the legal, socio-demographic and economic areas) as well as national experts who can access national data sources and conduct research in the respective national languages.

8.1.2 Schedule of Implementation

How often should the MPM be implemented and what should be the schedule of its regular review and update? The research team suggests regular, biennial implementation (for the first time, in 2010 and followed up in 2012). In the period of two years, data could be systematically collected, the trends in media pluralism and related risks could be identified, and a proper time period could be secured for substantial discussion of results. In terms of the time required for data collection, a realistic estimate is that for a first implementation round, data could be collected and national reports produced in a period ranging between six and ten months. For subsequent rounds of implementation, the period of data collection and producing of national reports will be significantly less (our estimate is four to six months). Where new data have tp be produced, the timeframe may have to be adjusted in line with the special requirements that this imposes.

8.2 Updating the MPM

The research team also suggests regular review and update of the MPM itself. On the basis of the experiences of the biennial implementation process and its results, as well as regular surveys of the impact of new technological, market, social or policy trends that are relevant for media pluralism (cf. Chapter 3 of the present report), regular reviews of the MPM should be conducted. This may entail review of all or some indicators, as well as research methodologies and related data sources. In the process of review the relevance of each indicator and its corresponding methodology should be assessed in order to allow for necessary changes in the research methodology.

In a similar vein, trends in technological, market, social or policy development may make it necessary to include new indicators in the MPM. This may be especially important in the area of new media, where technological breakthroughs in hardware and software, new media genres, markets and business models as well as novel modes of social communications lead to massive changes in media use and restructuring of audiences (cf. Chapter 3). Such changes may require the introduction of new indicators in the MPM to the extent that appropriate and reliable methods are available. The development of new indicators and methods of measurement should be collaborative in nature and not be forced onto the MPM update cycle, considering that premature adoption of new indicators may have negative implications for the integrity of the MPM. In terms of organisation, the revision and update of the MPM should be conducted in a transparent way, by a panel of independent experts representing various types of expertise, disciplines, and regions in the EU, in cooperation with national experts, and representatives of media regulators.

In conclusion, a biennial implementation cycle could include measurement rounds in 2010 and 2012 to provide for a regular update of the indicators and to gather sufficient experience with practical assessment and possible data generation problems. In the run-up to a third implementation cycle, the methods could then be reviewed and the discussions necessary to ensure comparability of the measurement tools to be used across jurisdictions conducted. These discussions should be timed to occur in parallel to or shortly after the data collection process for the second implementation period to ensure that possible revisions to indicators would be measurable at the onset of the third implementation period in 2014.

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