

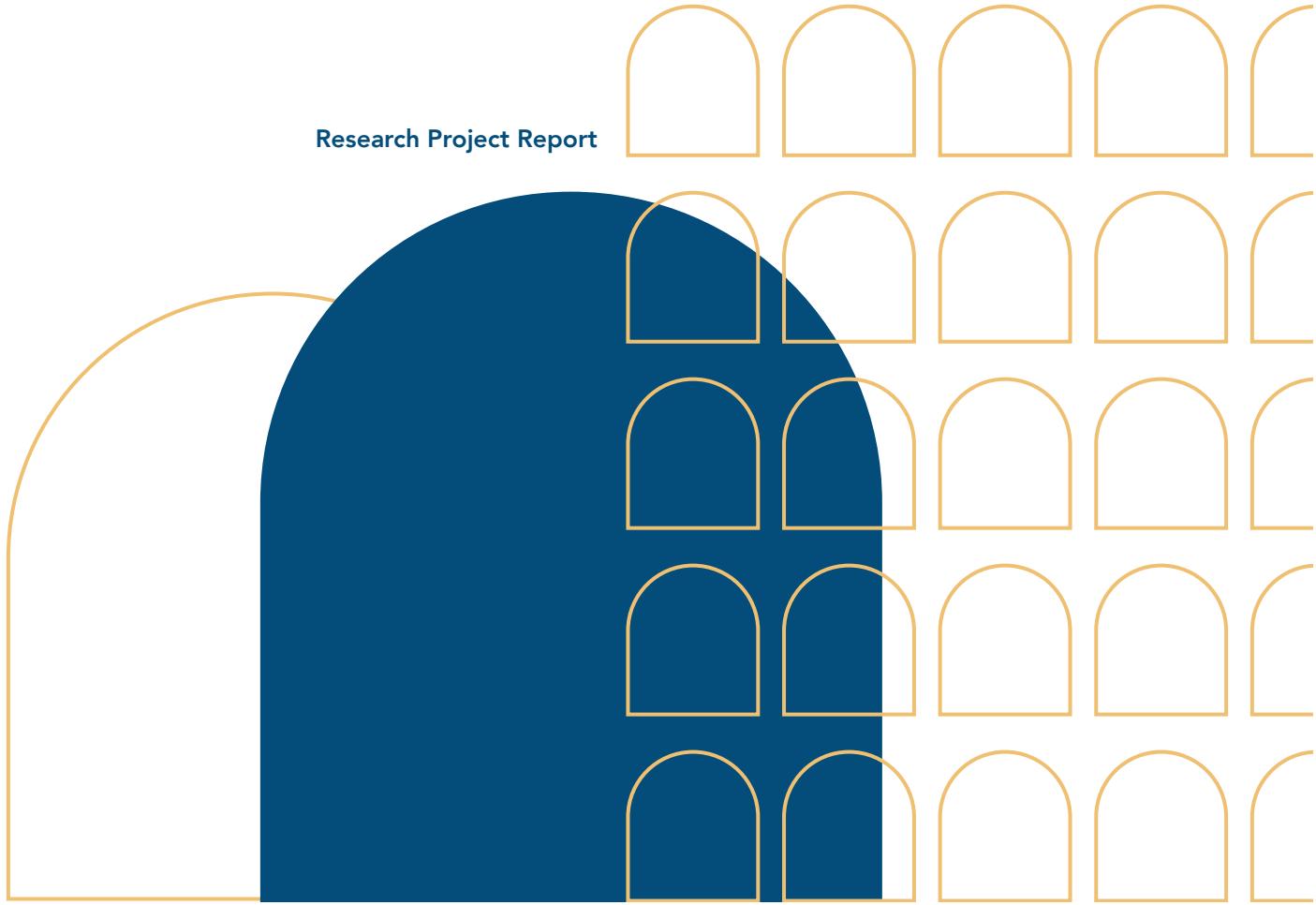
MONITORING MEDIA PLURALISM IN THE DIGITAL ERA

**Application of the Media Pluralism Monitor in the European Union,
Albania, Montenegro, Republic of North Macedonia, Serbia & Turkey
in the year 2020**

Centre for Media Pluralism and Media Freedom

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Research Project Report

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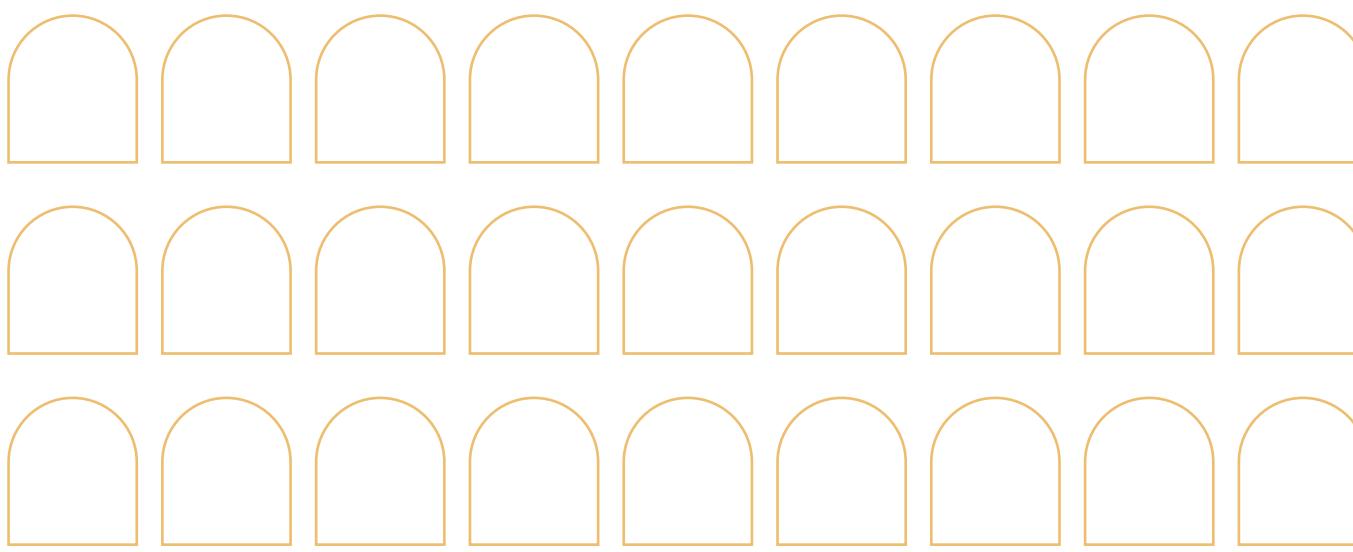
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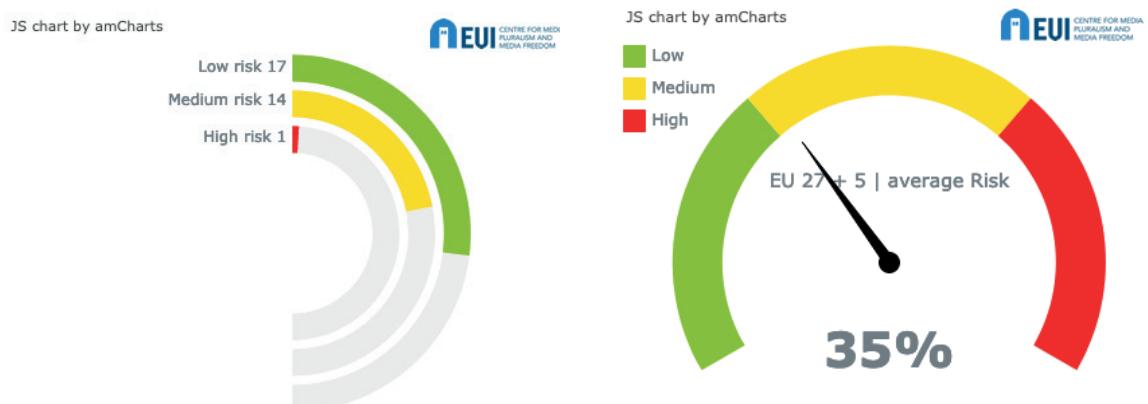
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1. EXECUTIVE SUMMARY

Pluralism of the media constitutes one of the essential pillars of democracy. Freedom of expression and freedom and pluralism of the media are enshrined in the Charter of Fundamental Rights of the European Union (Article 11), and their protection is underpinned by Article 10 of the European Convention on Human Rights. This report presents the results and the methodology of the Media Pluralism Monitor (MPM2021). This is a tool that is geared to assess the risks to media pluralism in EU member states and in candidate countries (32 countries in total). The Media Pluralism Monitor has been implemented, on a regular basis, by the Centre for Media Pluralism and Media Freedom, since 2013/2014 (last implementation MPM2020), and it is based on a holistic perspective, taking into account legal, political and economic variables that are relevant to analysing the levels of plurality of media systems in a democratic society. This implementation covers the year 2020. As mentioned above, this edition of the MPM covers 32 countries. It is relevant to acknowledge, as it is also important to interpret the results of this round of the implementation of the tool, that the analysis this year does not cover the United Kingdom (MPM2020 included the UK too) and covers 5 candidate countries (MPM2020 covered 2 candidate countries).

Fundamental Protection



The Fundamental Protection area of the MPM considers the necessary preconditions for media pluralism and freedom, namely, the existence of effective regulatory safeguards to protect the freedom of expression and the right to seek, receive and impart information; favourable conditions for the free and independent conduct of journalistic work; independent and effective media authorities; and the universal reach of both traditional media and access to the Internet. Similarly, as in the previous round of the MPM, the Fundamental Protection area also focuses on the challenges posed by the online environment to the plurality of the media landscape. It therefore assesses the protection of freedom of expression online, data protection online, the safety of journalists online, levels of Internet connectivity, and the implementation of European net neutrality obligations. In the MPM2021, the narrow majority of the countries analysed scored a low risk in relation to the Fundamental Protection area: 17 of the 32 countries assessed scored as a low risk (namely, Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, the Republic of North Macedonia, Slovakia, and Sweden). Fourteen countries scored as a medium risk (Albania, Bulgaria, Croatia, France, Greece, Hungary, Italy, Malta, Montenegro, Poland, Romania, Serbia, Slovenia, Spain), and one country scored as a high risk (Turkey, as was the case in the previous MPM round).

The assessment on Fundamental Protection shows a deteriorating situation in comparison with MPM2020 in three of the five indicators, in particular, the indicators on Protection of freedom of expression, Protection of the right to information and Journalistic profession, standards and protection. This negative shift can be explained by the governments' responses to the COVID-19 pandemic. Some of the MPM2021 country reports (Bátorfy & Szabó, 2021; Milutinovic, 2021; Popescu et al., 2021; Spassov et al., 2021) have concluded that governments adopted legal and regulatory measures to prevent spreading false or distorted pandemic-related information in the traditional and/or digital media, which, however, may have long-term implications for freedom of expression and the right of access to information, and, ultimately, to the ability of journalists to fulfil their monitorial role. As Radu (2020) has argued, once these measures are adopted, revoking them may become challenging, and they may stay in place for much longer than had initially been intended, renegotiating the balance between freedom of expression and censorship or access to information and government secrecy.

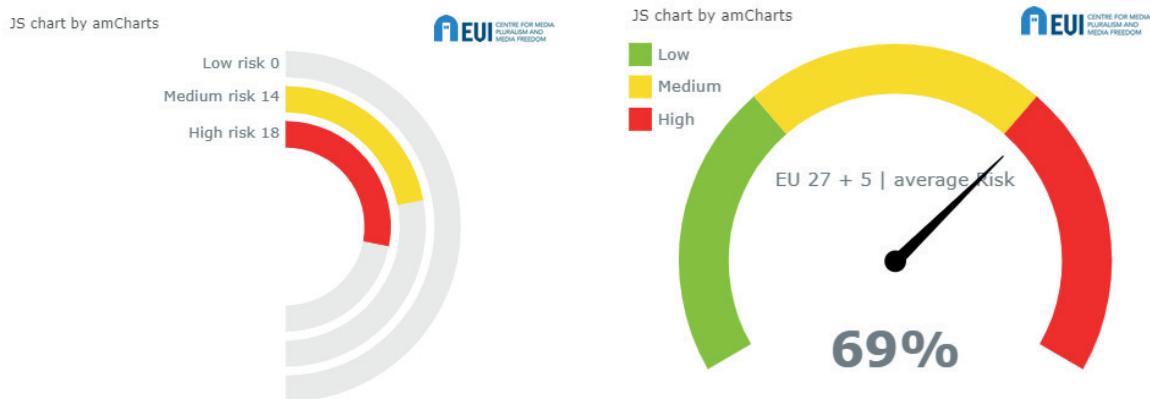
The COVID-19 pandemic has also substantially affected the working conditions of journalists (including their physical safety and social security), which has been translated into an increase in risk of seven percentage points, in the indicator on the Journalistic profession, standards and protection, if compared to the previous round of the MPM. The majority of the assessed countries (19 of 32) scored as a medium risk. While 2020 was a year in which no journalist was murdered in the EU member and candidate countries, the numbers of threats to their physical and online safety have been on the rise. Several MPM2021 country reports have mentioned the occurrence of physical attacks on journalists. These were related either to investigative reporting on corruption in the respective countries (Spassov et al., 2021), or happened while journalists were covering mass protests (Klimkiewicz, 2021; Spassov et al., 2021). The violence during protests not only came from the protesters but, in some cases, it was accompanied by violence from the police forces (Rebillard & Sklower, 2021). In line with the available academic and policy

research on the safety of journalists (Trionfi & Luque, 2019), the attacks on journalists who cover polarising issues, e.g., those that are related to ethnic or religious issues (Bilić et al., 2021; Popescu et al., 2021), were at a greater risk of threats. The attacks on journalists that arise from political actors have become common in many EU and candidate countries. Given that one of their roles, as policymakers, is to contribute to creating favourable conditions for the free and independent conduct of journalistic work, and they should thus lead in recognising and acknowledging the role of the free press for democratic societies, this trend is very disturbing. The attacks from political actors include anti-press (often vulgar and threatening) rhetoric, but also lawsuits, in particular, strategic lawsuits against public participation (SLAPPs), which are set out with little or no chance of success, and which usually ask for a disproportionate amount of damages. Threats to journalists have come from the online environment too. Online harassment and threats, especially against women journalists; legal provisions allowing national security services to collect internet and telephone data from citizens in bulk, as a result of the purposes of investigation and surveillance, have been reported in some countries' reports.

While the risk has increased for the above three indicators, it has dropped for the remaining indicators in this area, in particular, for the indicator on the Independence and effectiveness of the media authority (from 24% to 23%) and the Universal reach of traditional media and access to the Internet (from 39% to 33%), which both scored as a low risk, on average.

As in previous rounds of the MPM implementation, Turkey is the only country that scores as a high risk in Fundamental Protection, confirming a trend to deterioration in the protection of fundamental rights and values. Of particular concern is the still high number of imprisoned journalists in the country, coupled with a lack of independence among the judiciary, and abusive use of the criminal justice system, in particular, when it comes to limiting freedom of expression. The trend to the prosecution of writers, journalists and social media users for insulting President Erdogan has grown. Journalists have extensively been prosecuted and imprisoned on charges of terrorism, insulting public officials, and/or committing crimes against the State.

Market Plurality

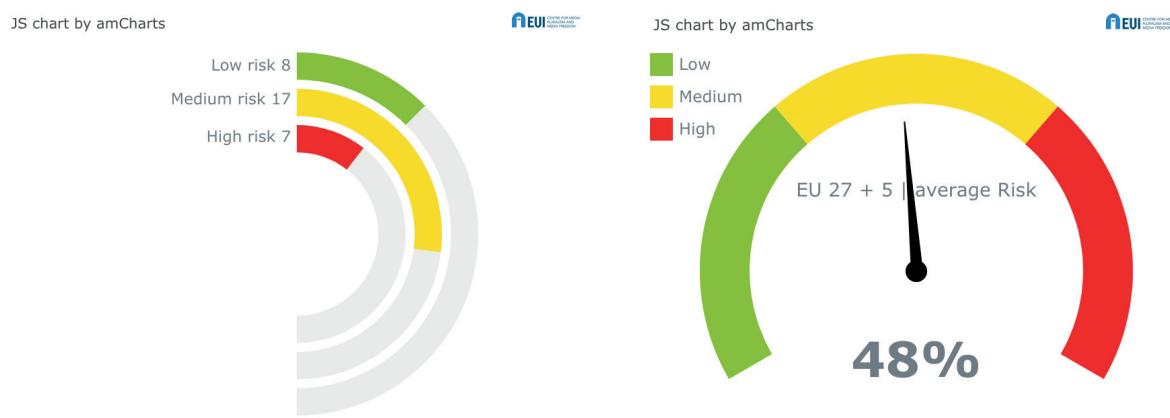


Under the Market Plurality area, the MPM assesses the economic risks to media pluralism, related to the context in which the market players operate. This context is evaluated by considering the legal framework and the situation on the ground; the market indicators evaluate the role of content providers and of digital intermediaries. The threats to market plurality may derive from a lack of transparency and a high concentration of ownership; from the economic conditions of the news media industry; from the pressure of commercial interests on journalistic activity. Traditionally, this area shows, on average, the highest level of risk in the MPM exercise, and it has done so since its first implementation in 2014, mainly because of the high concentration in the news media industry. In more recent years, the deteriorating economic conditions of the news media industry have contributed to rising risk. The MPM2021 assessment for this area is characterised by the COVID-19 shock, which accelerated the declining trend in news media revenues and the shifting of resources towards digital intermediaries. At the same time that this tendency to concentration has continued all of these phenomena have worsened the threats to the economic independence of editorial content from commercial and/or owner influence.

In the MPM2021, the Market Plurality area shows a high risk. The average level of risk is 69% (both for EU and EU + 5). In this area, no country scores as a low risk, 14 countries are at medium risk and 18 countries are at high risk. Although the economic threats to media pluralism have always been a source of concern in the MPM assessment, the high-risk level for the average of the countries in which MPM is implemented had never been touched in the previous rounds (the average level of the risk in this area scored 53% in MPM 2017 and 64% in MPM2020). The main driver of the risks' growth is the indicator on Media viability, which shifted from medium to high risk in an average of the 32 countries, with no country scoring as a low risk. There were 11 countries that were at medium risk, and 21 countries at high risk. The MPM2021 assessment raises alarm on the economic conditions of professional journalism, with the freelancers and independent journalists suffering most. Although generalized, the economic crisis has impacted differently on the different countries and media sectors; and signals of resilience may be traced in those countries in which alternative business models, ones that do not rely exclusively on advertising, are developed; and in some niches in the digital media

outlets, which have managed to resist the market downturn and to benefit from the shift towards digital consumption that has been accelerated by the pandemic. Extraordinary public subsidies helped, in some cases, to counterbalance market losses. Together with the impact of the extraordinary events of 2020, the current MPM assessment highlights the perduring challenges to the media market's plurality and diversity, deriving from the dominant role of digital intermediaries in both the news consumption and the advertising market.

Political Independence



Political pluralism, as a potential for actively representing the diversity of the political spectrum and of ideological views in the media and other relevant platforms, is one of the crucial conditions for democracy and democratic citizenship. The Political Independence area is assessed by using indicators that evaluate the extent of the politicisation of the distribution of resources to the media; political control over media organisations and content; and, especially, of the public service media. The area evaluates the editorial autonomy to self-regulate in both the traditional and digital news environments, and safeguards against manipulative practices in political advertising in the audiovisual media and on online platforms (including the social media). Media policies and media regulation have mainly been focused on audiovisual media, due to their perceived impact on public opinion, and as a result of their use of finite spectrum resources. As more people are shifting their attention and news habits to online platforms and sources, more attention needs to be given to the conditions in which the political information there is shared, moderated and accessed. Last year's MPM therefore introduced a set of variables that aim to assess the political control over digital native media, the fairness and transparency of (micro-targeted) political advertising on social media, and on other online platforms, as well as the potential for journalists to self-regulate their activities on social media. In the MPM2021, we further differentiated between political advertisements on digital native news media and on online platforms. The latter play an increasingly important role in political actors' strategies to reach and persuade voters, which justifies giving this area additional weight in our assessment.

Overall, the Political Independence area is at high risk in 7 countries (Bulgaria, Hungary,

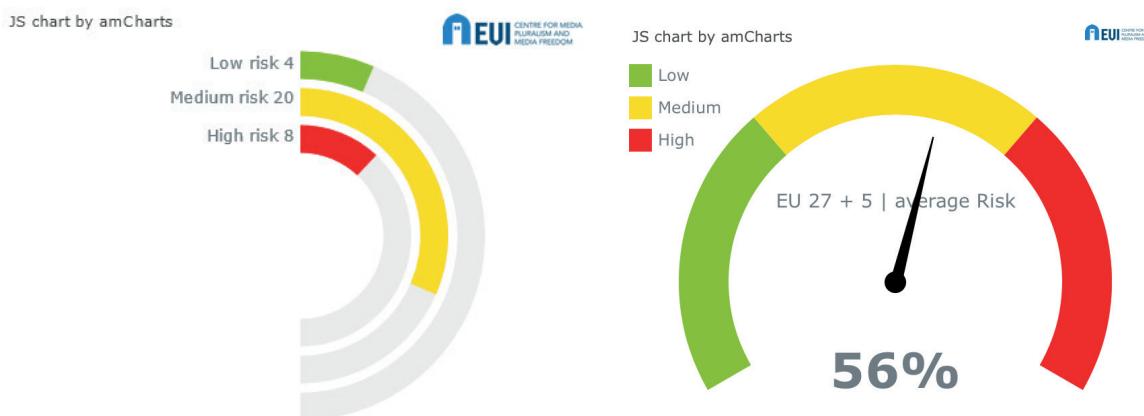
Malta, Poland, Romania, Slovenia, and Turkey). These are exactly the same countries that scored as being at high risk last year. Eight countries are found to be at low risk (Belgium, Denmark, Estonia, France, Germany, the Netherlands, Portugal, and Sweden). Estonia is a newcomer in the group of low-risk countries. 17 countries, including four EU candidates (Albania, Montenegro, the Republic of North Macedonia and Serbia), score as being at medium risk.

On average, for all of the countries covered by the research, the area risk remained almost the same as in the MPM2020 (when it was 47%), and neither have there been significant changes in the indicators' risk scores from the MPM2020 to the MPM2021. Turkey continues to be the only country that scores high risks across all five indicators in the area of Political Independence. It is also the only country that scored as being at high risk on the indicator Audio visual media, online platforms and elections. This is the indicator with the lowest risk score in this area, which can be attributed to the fact that political advertising in audiovisual media, especially in the public service media, is strongly regulated across Europe. Bulgaria, Hungary, and Slovenia scored as high-risk in the remaining 4 indicators (Political independence of media; Editorial autonomy; State regulation of resources and support to the media sector; and Independence of public service media governance and funding). While the Audio-visual media, online platforms and elections indicator shows the lowest risk overall (35%, which is at the lower end of medium risk), its digital sub-indicator: Rules on political advertising online, draws a much more gloomy picture (66%, right on the border with high risk). This sub-indicator evaluates the conditions and safeguards for fair play and the transparency of political advertising online, including those online platforms that distribute content. Instruments, like those that ensure transparency in political advertising during election campaigns in the audiovisual media, are not common in the online sphere, where different possibilities are offered, and different techniques are used to influence political opinions. Overall, for all of the 32 countries examined, most of the risks in the area of Political Independence relate to the lack of regulatory, or self-regulatory, protections for editorial autonomy. The risks are further associated with the general lack of political independence of the media, and conflicts of interest between holding government office and media ownership (especially at the local level) are often not effectively regulated. Public service media, especially in Central and Eastern Europe, are at the risk of government interference through the appointment of politically dependent management.

In the context of the COVID-19 pandemic, and the ensuing economic difficulties, we saw an increasing demand for state support in media markets. However, this kind of support can be detrimental, depending on the relevant dynamics. If the criteria for the distribution of direct and indirect subsidies are unclear, or the practice is not transparent, there is risk of state support becoming an instrument for political capture. The findings show that the pandemic did not, in fact, increase the risks associated with direct and indirect support. However, in the case of state advertising – any advertising paid for by governments (national, regional, local) and state-owned institutions and companies to the media – the MPM recorded a slight deterioration of 2 percentage points. State advertising is often used as a means to covertly subsidise news outlets. Due to the pandemic, many governments ran information campaigns to provide information to their citizens on how to stay safe under the current circumstances. 25 countries score a high risk in the variable on

state advertising, because they lack the legislation to ensure fair and transparent rules on the distribution of state advertising to media outlets, and, in practice, there is a lack of transparency in regard to the beneficiaries and the amounts spent.

Social Inclusiveness



The Social Inclusiveness area considers access to the media by various social and cultural groups, such as minorities, local/regional communities, people with disabilities, and women. Media literacy, as a precondition for using the media effectively, is also part of the Social Inclusiveness area. In this 2021 version of the MPM, the fights against disinformation and hate speech have been added in the area, as specific digital issues that may hamper social inclusiveness.

On average, the Social Inclusiveness area scores 56% (medium risk). This is 4 percentage points higher than in the MPM2020 (52%). However, it is still in a medium risk band. The difference may be explained by two main factors: 1. the difference in the countries studied, with the removal of the United Kingdom and the addition of three candidate countries, and 2. the addition of a new indicator on Protection against illegal and harmful speech, whose overall score is in the medium risk band.

Almost two thirds of the countries (20) score a medium risk (Austria, Belgium, Croatia, the Czech Republic, Estonia, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, the Republic of North Macedonia, Spain, Slovakia), 8 countries (Albania, Bulgaria, Cyprus, Montenegro, Romania, Serbia, Slovenia and Turkey) score a high risk, while only 4 countries (Denmark, Germany, the Netherlands, and Sweden) are in the low risk band for Social Inclusiveness.

Access to media for women is the highest scoring indicator in this area. Women continue to be heavily underrepresented in both media management and reporting. Male experts are more often invited to comment on political programmes, and in articles, than female experts are, and no country scored a low risk on this matter, except for Estonia.

The new indicator on Protection against illegal and harmful speech is the second highest scoring indicator. In most countries, there is no policy framework to fight the spread of

disinformation, or else it raises criticism in terms of the respect of fundamental freedoms. Some initiatives have been launched by civil society organizations, but they are often insufficient to face up to the flow of disinformation in the current context. Only two countries have developed a framework that has been assessed as being efficient by the MPM national teams: Germany and Finland. While Germany has opted for a legal framework, Finland has preferred a self-regulatory one. Both options seem to have had a positive impact. However, the relative newness of those frameworks, as well as the difficulty in measuring their achievements through empirical data, make it difficult to evaluate their impact. In Spain and Bulgaria attempts to develop a legal framework with which to fight disinformation has raised serious concerns regarding their impact on Freedom of Expression. Regarding hate speech, the existing framework is not efficient in fighting against hate speech online in most of the countries studied. The absence of data in many countries has contributed to raising the level of risk, as it points out that the issue may not be taken as seriously as it should be by many of the governments.

Access to media for minorities scores slightly lower in 2021. The difference is due to the inclusion of the sub-indicator on Access to media for people with disabilities within this indicator. The overall score of the sub-indicator on Access to media for people with disabilities is in the medium-risk band, at the fringe of the low-risk band. On the contrary, the risk is higher in regard to the access of minorities to public service media and private broadcasters. The access to airtime is rarely proportionate to the size of the minority, be it a legally recognized minority, or not.

Regarding media literacy: 13 countries score a medium risk (Austria, the Czech Republic, France, Greece, Hungary, Ireland, Italy, Lithuania, Montenegro, Portugal, Slovakia, Slovenia, and Spain), 11 a high risk (Albania, Bulgaria, Croatia, Cyprus, Latvia, Malta, Poland, The Republic of North Macedonia, Romania, Serbia, and Turkey), and eight countries register a low risk (Belgium, Denmark, Estonia, Finland, Luxembourg, Germany, the Netherlands & Sweden). In the countries presenting a medium or a high risk, media literacy activities tend to be organized by civil society organisations outside the compulsory curriculum. In general, they are targeting urban and young populations. Germany, Finland and the Netherlands have the best comprehensive media literacy policies among the countries studied.

The medium overall risk presented by the indicator on Access to media for local/regional communities and for community media is comparable to that in 2020. The main risk in this area is linked to the access to Community media. The absence of adequate regulatory framework relating to community media is an issue in 8 countries: Croatia, Hungary, Italy, Luxembourg, Poland, Serbia, and Spain. In fourteen countries, their independence is not safeguarded, namely, Belgium, Bulgaria, Croatia, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Portugal, Serbian, Slovakia, Slovenia, Spain, and Turkey. With regard to local and regional media, the main issue is the result of the lack of sufficient subsidies, which is applicable to 25 countries (Albania, Bulgaria, the Czech Republic, Cyprus, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, Montenegro, the Netherlands, Poland, the Republic of North Macedonia, Serbia, Slovakia, Slovenia, Romania, Sweden, and Turkey).

Media pluralism in a digital environment

Since the 2020 implementation, the MPM has put special focus on the evaluation of the specific risks to media pluralism in the digital environment. In the MPM2021, the risk scores of the digital component increased, if compared to the previous implementation of the Monitor, in all the areas. With the exception of the Market Plurality area, the risk scores of the digital component of each area are, in general and on average, higher than the overall score in that area.

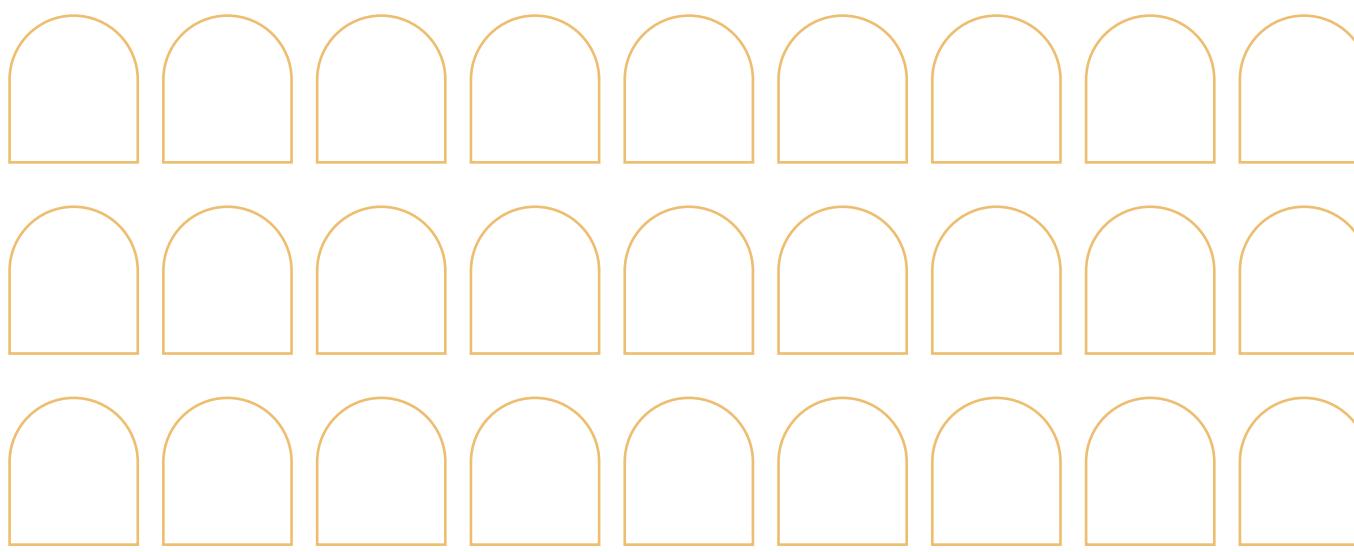
In the **Fundamental Protection** area, the average score of the digital variables results in the same range of the overall score, medium risk, but at a slightly higher level. While the assessment on the digital dimension of Fundamental Protection is somehow comparable to the overall score for this domain, it presents some specific elements that generate additional risks. The higher scores are explained by higher risks in the “digital score” of the indicators on Journalistic profession, standards and protection, and the Universal reach of traditional media and access to the Internet. The results of MPM2021 highlight the risks that are related to the digital safety of journalists, which are higher than the threats to their physical safety.

In the **Market Plurality** area, the average score of the digital variables is lower than the overall risk for the same area. Although the difference is slight (three percentage points), it brings the assessment for the digital variables into the range of medium risk, whereas the overall assessment is in the high risk range. The digital risk is higher for the indicators of Transparency of media ownership and Online platforms concentration and competition enforcement, whereas it is lower in the other indicators from the same area. Two reasons may help to explain the lower risk in this area for the digital variables: the historically high degree of ownership concentration, and the threats to the economic sustainability of the traditional media, both factors that are not mitigated but that are worsened, by the digital competition. On the other hand, growing risks in the digital environment are related to the need to update the regulatory framework in relation to the ownership's transparency; and the highest level of risk is confirmed when it comes to the online platforms, which dominate the advertising market, whose concentration is not effectively addressed by the traditional competition tools.

In the **Political Independence** area, the average score of the digital variables is five percentage points higher than the overall score, but is still in the same medium risk range. In this area, the higher risks are mainly related to variables relating to political advertising online, which are measured in the indicator on Audio visual media, online platforms and elections. The vast majority of countries (23 of 32) have no, or have insufficient, rules with which to ensure the transparency and fairness of online election campaigns. In 15 countries, including four candidate countries, the rules for political parties, and candidates competing in elections, in relation to reporting on campaign spending on online platforms in a transparent manner, are completely lacking. The digital dimension recorded additional risks in relation to the lack of self-regulation in journalists' social media use, and to a lack of effective regulation that adequately covers the online public service missions of the PSM, while considering its potential implications for commercial media actors. Meanwhile, a positive note comes from the political independence of

the digital native news media sector, although concerns emerge in several countries in relation to a lack of transparency in the ownership data of digital natives.

In the **Social Inclusiveness** area, the average score of the digital variables is slightly higher than the overall score. In this area, the digital risks are associated with low digital skills, which, as a consequence, causes the higher vulnerability of individuals. Another source of digital risk in this area is measured by the indicator on Protection against illegal and harmful speech, which assesses the extent and the effectiveness of policies and initiatives to counteract illegal and harmful speech online.



2. INTRODUCTION

The MPM is a tool that has been developed by the Centre for Media Pluralism and Media Freedom (CMPF) at the European University Institute to assess the risks to media pluralism in a given country, based on 20 indicators covering four main areas defining “media pluralism”, in its broad and holistic sense: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. The design of the MPM has a normative approach: it tries to catch all possible variables and features that may represent a risk for media pluralism, including lack of certain legal safeguards, media market concentration and socio-political shortcomings in the media and information ecosystem. The result of the MPM analysis is not a ranking of the countries considered or a description of the actual state of media pluralism in any given country, but an assessment of potential weakness in the national media system that may hinder media pluralism. The MPM, using a practical approach, focuses its analysis on news and current affairs. The CMPF had to define the object of the Media Pluralism Monitor to take into account an evolving definition of media or, better, to include within the scope of the assessment all the various channels, on- and offline, that offer news and current affairs and, in the end, that contribute to the definition of a “public opinion”.

Table 2.a: Areas and Indicators of the Media Pluralism Monitor

Fundamental Protection	Market plurality	Political Independence	Social Inclusiveness
Protection of freedom of expression	Transparency of media ownership	Political independence of media	Access to media for minorities
Protection of right to information	News media concentration	Editorial autonomy	Access to media for local/regional communities and for community media
Journalistic profession, standards and protection	Online platforms concentration and competition enforcement	Audiovisual media, online platforms and elections	Access to media for women
Independence and effectiveness of the media authority	Media viability	State regulation of resources and support to media sector	Media Literacy
Universal reach of traditional media and access to the Internet	Commercial & owner influence over editorial content	Independence of PSM governance and funding	Protection against illegal and harmful speech

The MPM project is co-funded by the European Union. This report presents the results and the methodology of the Media Pluralism Monitor (MPM2021) that has been implemented in all EU-27 member states, in Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey, covering developments in 2020¹.

Freedom and pluralism of the media, along with freedom of expression and stemming from it, constitute essential foundations of contemporary liberal democracies and of the European Union. Freedom of expression, and freedom and pluralism of the media are enshrined in the Charter of Fundamental Rights of the European Union (Art 11). They are also protected by Art. 10 of the European Convention on Human Rights, which has been signed by all of the EU's member states.

The media ecosystem has rapidly evolved in recent years. Significant changes have been observed in the way that the news has been produced, disseminated and consumed.

¹ Prior to the 2020 implementation, the tool was implemented across all EU Member States in 2016, 2017 and 2018-2019, and was tested through two pilot-projects, which were also co-funded by the European Union, in 2014 and 2015. These two pilot-test implementations were built on the prototype of the MPM that was designed in the 2009 Independent Study on Indicators of Media Pluralism in the Member States – Towards a Risk-Based Approach, which was carried out by KU Leuven, JIBS, CEU, Ernst & Young, and a team of national experts (http://ec.europa.eu/information_society/media_taskforce/doc/pluralism_pfr_report.pdf).

Technological advancements have created new opportunities in the area of media freedom and media pluralism, but have also prompted new sources of risk, including, but not limited to the spread and impact of disinformation, and hate speech on a scale that is unprecedented; a lack of transparency in algorithm-driven news intermediaries; the increasing importance of private technological companies in governing communication online; the polarisation of the public debate; the decreasing viability of the legacy news media and journalism. These issues are largely perceived as having an impact on the public sphere, on pluralism, and on the very health of democracy. They are high on the agenda of public discussions and of policy making in both the EU and worldwide.

In 2020, the world experienced an unprecedented crisis caused by the COVID-19 pandemic. The first pandemic in the social media era has triggered an “infodemic” - that is a rapid spread of disinformation-, sometimes boosted by political actors themselves. Such a situation drew attention to the key role media play in democratic societies, as quality news provider. However, it also shed light and exacerbated the ongoing challenges facing the media sector. Firstly, the crisis had a severe economic impact on the media sector. Secondly, it also contributed to pointing out political risks to media pluralism associated with a state of emergency and with restrictions to freedom of expression. Lastly, the pandemic, and more specifically the infodemic, put digital issues linked to the emergence of digital platforms in the spotlight as these were extensively used for circulating disinformation during the crisis.

First, the ongoing economic crisis of the media was exacerbated by the pandemic. As an immediate consequence of the Covid-19, the revenues of legacy media decreased, whereas the revenues of video-on-demand and streaming platforms benefited from the surge in subscriptions (Bleyer-Simon & Carlini, 2021). In such a context, the digital news media performed relatively better, particularly the ones whose business model was based on pay-models rather than on advertising. This discrepancy emphasized the clash between online intermediaries and publishers, with the former capturing a growing share of a declining advertising market.

In some countries, extraordinary public subsidies helped to counterbalance the market losses. The COVID-19 information (“stay home”) campaigns led to a visible increase in state advertising spending. There were even cases when state advertising was framed as a form of subsidy by governments, raising some doubts on the transparency of those operations.

Regarding the political impact of the Covid-19 pandemic on the media sector, some governments adopted legal and regulatory measures to prevent spreading of false or distorted pandemic-related information in the traditional or digital media. These measures, however, especially if not timely reexamined after the crisis, risk to have long-term consequences for the freedom of expression as well as for the right of access to information. For example, this seems to be the case with the so-called Authorisation Act in Hungary (Bátorfy & Szabó, 2021) and with the cases of prosecution of people who criticised the government for mismanaging the pandemic in Bulgaria (Spassov et al., 2021). Moreover, available legal remedies have become less effective due to the suspension of the work of courts and tribunals (Voko & Likmeta, 2021; Bilic et al., 2021).

The pandemic has also substantially affected the working conditions of journalists. These conditions were already declining for many years, including their physical safety and social security. Violence against journalists during demonstrations, both from the side of police and – especially at far-right, no-vax and anti-lockdown rallies – by protesters themselves, is a serious issue for journalists' safety.

It must be stressed that journalists continue to face increasing threats in the EU, Candidate countries, and worldwide. While the immediate risk to journalists' life or physical integrity is perceived as relatively low, at least in many EU member countries, journalists are often victims of coordinated smear campaigns run and coordinated by state and non-state actors (Žuffová & Carlini, 2021), or targets of SLAPPs (Strategic Lawsuit Against Public Participation), as reported also in cases of well-established democracies, such as in France (Rebillard & Sklower, 2021). The innovations in information and communication technologies have also brought new threats from the digital environment, like surveillance and online harassment. The lives of journalists that cover sensitive or dangerous topics, such as organised crime and corruption, are often threatened in connection to their work. This was demonstrated also by the recent murder of Giorgos Karaivaz, a Greek television reporter who was ambushed and killed in Athens on April 9th, 2021² and the gun attack on the Dutch crime reporter Peter R. de Vries who died one week after he was shot in Amsterdam on July 6th, 2021³.

Besides the pandemic, in 2020 there were many cases affecting editorial autonomy and working conditions of journalists. Hungary's leading independent newsroom Index.hu was captured by government-aligned investors (Bátorfy & Szabó, 2021); in Poland, Trójka (Channel 3 of the Polish Radio) has experienced a massive wave of politically motivated dismissals, while the Polska Press group was taken over by the state-owned company PKN Orlen (Klimkiewicz, 2021).

Finally, the pandemic has exacerbated some trends linked to the extraordinary evolution of digital services, including news and media. These changes of the media ecosystem have probably created the structural conditions for a wider EU intervention and jurisdiction in a field where the action of even the largest member states, taken in isolation, risks being ineffective. In this direction, some new developments in the EU digital policy must be considered, also in perspective, to better analyse media pluralism in the EU. The year 2020 has been a very rich one in terms of EU legislation, policy actions, and policy proposals having an impact on media pluralism.

One of the first legal acts directly affecting the media industry in the digital market is the EU Copyright Directive⁴ that is starting to be implemented at the national level. The long-term dispute on monetisation of original content disseminated by online platforms had seen some relevant developments in 2020. In France, the first country to apply the EU Copyright Directive, the competition authority intervened to oblige platforms to negotiate "related rights" compensation with the publishers, opening the path to negotia-

2 <https://www.theguardian.com/world/2021/apr/09/greek-journalist-george-karaivaz-shot-dead-in-athens>

3 <https://www.theguardian.com/world/2021/jul/15/dutch-reporter-peter-de-vries-dies-after-shooting>

4 Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32019L0790&from=EN>

tions of bilateral and individualised deals⁵. The same is happening in other EU countries, with the digital platforms negotiating for economic agreements with the main publishers; this development may be one path for a new, much needed, source of financing, for the news media – in case the implementation of the Directive will be structured in a way to allow the negotiations to include also the smallest and/or newest independent outlets and if the journalist benefits are also taken into account. Another important act that will directly affect media pluralism is the Audiovisual Media Services Directive that attempts to improve transparency of media ownership and enhance the role of independent media regulators in the governance of the media ecosystem.

The European Union has started a major reform of the digital market as a whole, including a revision of the e-Commerce directive, with the proposal of a Digital Services Act⁶. This proposal aims to update the horizontal regulatory framework for all digital services in the single market, including online platforms and their decisive gatekeeper role. The European Commission has also presented a Democracy Action Plan⁷ that includes actions to support the safety of journalists, initiatives to protect them from strategic lawsuits against public participation, measures to support free and fair elections, such as rules for political advertising online and initiatives to tackle disinformation online⁸. A proposal for a “European Media Freedom Act”⁹ will be explored in the near future¹⁰. The EU is inevitably called to develop targeted policies to tackle the challenges of an increasingly global and hybrid media environment, as these latter clearly cannot be faced by individual member states (Parcu & Brogi, forthcoming).

As highlighted by the first Rule of Law report in 2020¹¹, media pluralism and media freedom are essential for democracy and human rights in all Europe. In this regard, it will be interesting to see also how the Rule of Law report itself will affect media pluralism in the member states and, in the end, in the EU as a whole.

5 <https://www.autoritedelaconcurrence.fr/fr/decision/relative-des-demandes-de-mesures-conservatoires-presentees-par-le-syndicat-des-editeurs-de>; On 13th July 2021 the French Antitrust fined Google for non-compliance with several injunctions on the remuneration of related rights <https://www.autoritedelaconcurrence.fr/en/article/remuneration-related-rights-press-publishers-and-agencies-autorite-fines-google-500-million>

6 Proposal for a Regulation of the European Parliament and the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC, Brussels, 15.12.2020 COM(2020) 825 final 2020/0361(COD), <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020PC0825&from=en>. Along with the Digital Services Act, see also Proposal for a Regulation of the European Parliament and the Council on contestable and fair markets in the digital sector (Digital Markets Act) COM(2020) 842 final 2020/0374(COD), <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020PC0842&from=en>

7 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions On the European democracy action plan COM(2020) 790 final <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020DC0790&from=EN>

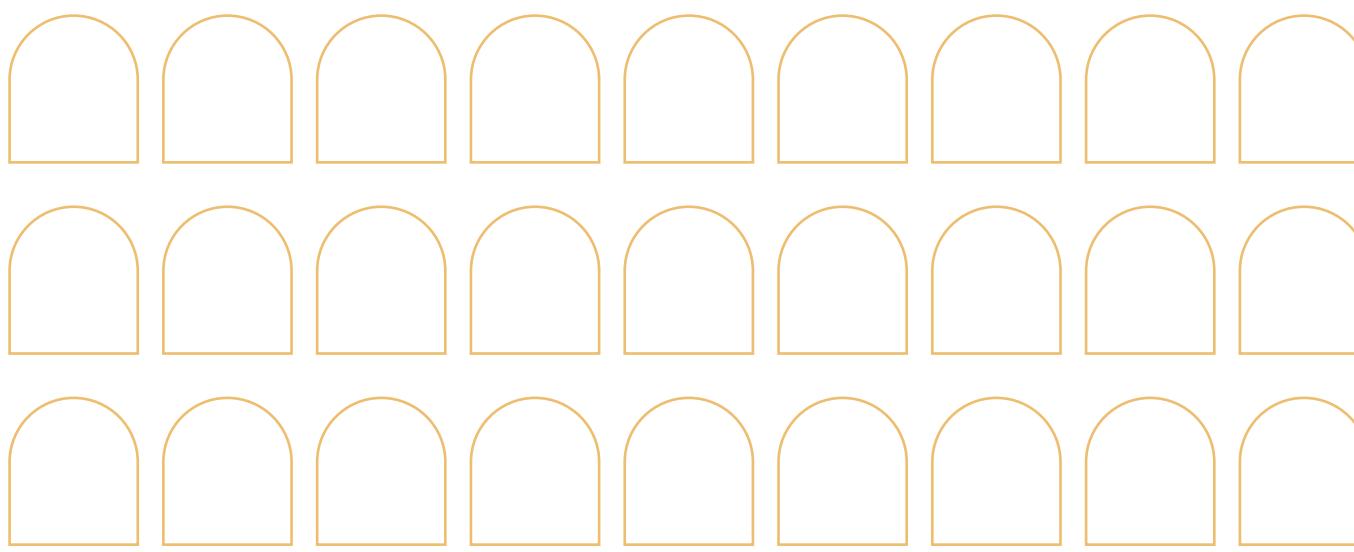
8 The policies against disinformation include, for instance the 2018 Code of Practice on Disinformation: <https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation>

9 https://ec.europa.eu/commission/commissioners/2019-2024/breton/announcements/european-media-freedom-act_en

10 The European Commission has also proposed measures to support the media sector. See Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Europe’s Media in the Digital Decade: An Action Plan to Support Recovery and Transformation

11 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions 2020 Rule of Law Report The rule of law situation in the European Union COM/2020/580 final

While the MPM gives a comparative view on how certain standards are implemented across Europe, it must be stressed, as a general *caveat* for the reader, that the assessment must be read also in the light of the political, social, legal and economic contexts of any given country. This narrative report must be read together with the individual MPM country reports produced by the MPM country teams which provide the necessary background and specificities of each national media landscape.



3. ANALYSIS

3.1 Fundamental protection

Fundamental Protection indicators are designed to describe and measure the pre-conditions for a pluralistic and democratic society. The first and fundamental indicator assessed in this area is the level of the ‘Protection of freedom of expression’ - the basic prerequisite for any functioning democracy. Freedom of expression is necessary for individual dignity and fulfilment, and it “constitutes [an] essential foundation for democracy, the rule of law, peace, stability, sustainable, inclusive development and participation in public affairs”¹². In the MPM2021, as in the previous round of the MPM, respect for freedom of expression is also assessed as having a specific regard for realising this fundamental right in the online environment.

Along with the freedom of expression, and stemming from it, the right of access to information is another fundamental precondition of democracy. It is of the utmost importance that the effective transparency of public administration is guaranteed, and that information that is in the public interest can be circulated so as to feed the political debate and, in the end, strengthen democracy. For that reason, a contemporary democracy should guarantee access to public information and documents and whistle-blowers’ protection.

A free and pluralistic media environment relies on the free conduct of the journalistic profession. This means that access to the profession should be open, that journalists should be able to enjoy decent working conditions and should be able to work without constraints. The member states should guarantee an “enabling environment”¹³, one that allows journalists and other media actors to express themselves freely without fear of facing repercussions, and also when their opinions are contrary to those held by the authorities, or by the majority of public opinion. The MPM, therefore, considers the safety of journalists, both physical and digital, as an important factor through which to assess whether the basic conditions for a pluralistic media environment are fulfilled. The impar-

¹² Council of the EU, EU Human Rights Guidelines on Freedom of Expression Online and Offline, 12 May 2014, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/foraff/142549.pdf

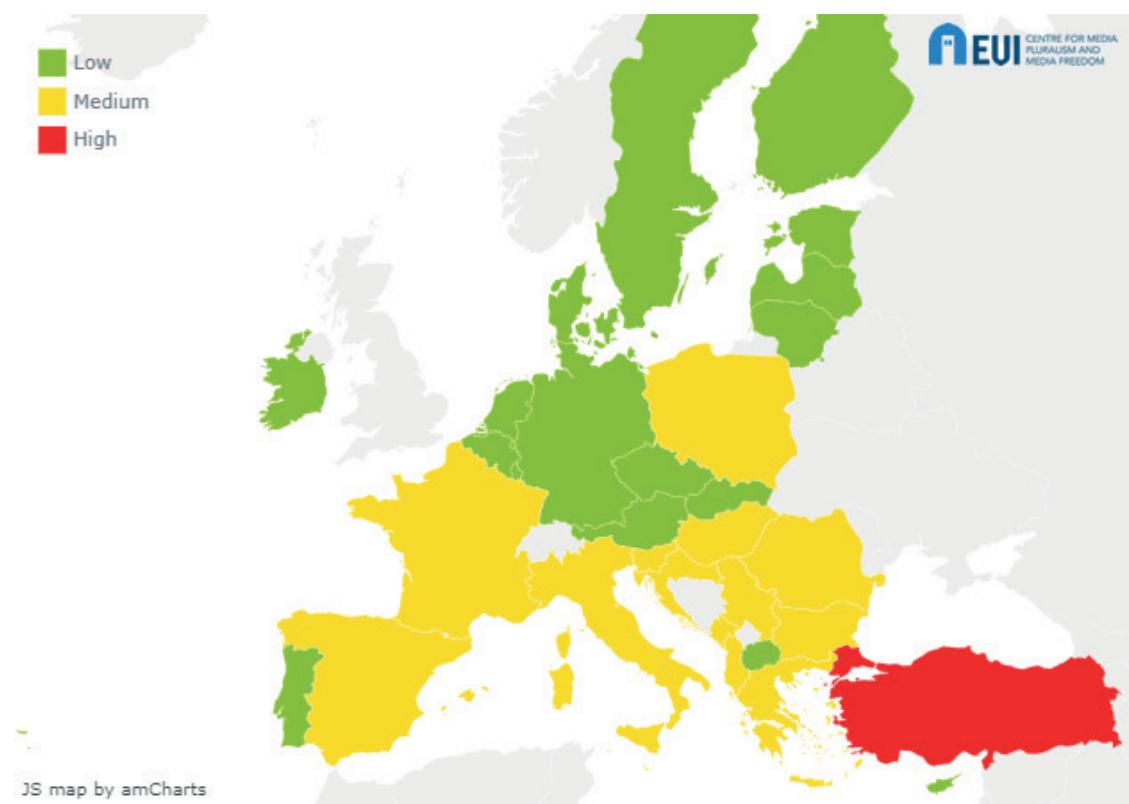
¹³ ECtHR, case Dink v. Turkey, 2668/07, 6102/08, 30079/08, 7072/09 et 7124/09, Judgment on 14 September 2010. See also Council of Europe, Committee of Ministers, Recommendation CM/Rec (2016)4[1] of the Committee of Ministers to the Member States on the protection of journalism and the safety of journalists and other media actors, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9

tiality and independence of the institutions that oversee the media market are other fundamental elements for a pluralistic media environment. The independence of media authorities is of paramount importance when implementing media-specific regulation and media policy, as the shape of the market directly impacts upon market plurality and the political independence of the media environment.

Finally, the Fundamental Protection area includes an assessment of the universal reach of traditional media and of access to the Internet. These are conditions that contribute to the assessment of whether citizens have, or at least potentially have, access to a wide variety of content. The indicators aim to capture risks in relation to specific legal standards by measuring both the existence of legislation in a given area and how it is implemented in practice. In addition to this, the Monitor assesses what the effective socio-political conditions are that, in practice, affect the specific area of investigation. The five indicators examined under the Fundamental Protection area are:

- *Protection of freedom of expression*
- *Protection of the right to information*
- *Journalistic profession, standards and protection*
- *Independence and effectiveness of the media authority*
- *Universal reach of traditional media and access to the Internet*

Figure 3.1.a. Fundamental Protection area - Map of risks per country



The analysis of the MPM2021's results in the area of Fundamental Protection suggests that when it comes to the preconditions that are necessary to enable media freedom and pluralism, the situation has slightly deteriorated in EU member and candidate countries, if compared to the previous round of the MPM. While in MPM2020, the average risk for the area was 33%, thus keeping the overall risk assessment in a low-risk band, in MPM2021, there was an increase of 2 percentage points, moving the overall risk assessment for the area into a medium-risk band (when EU candidate countries are included). If candidate countries are excluded from the assessment, the overall average risk score in the area of Fundamental Protection is two percentage points lower (33%), thus remaining on the margin of the low-risk band.

In the MPM2021, 17 countries scored as being at low risk in the Fundamental Protection area, namely, Austria, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Ireland, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, the Republic of North Macedonia, Slovakia, and Sweden. Compared to MPM2020, the level of risk has increased substantially in France, Greece and Sweden, with the prior two moving to the medium-risk band. Altogether, 14 countries scored a medium risk (Albania, Bulgaria, Croatia, France, Greece, Hungary, Italy, Malta, Montenegro, Poland, Romania, Serbia, Slovenia, Spain), and one country scored a high risk (Turkey, as was the case in the previous MPM round).

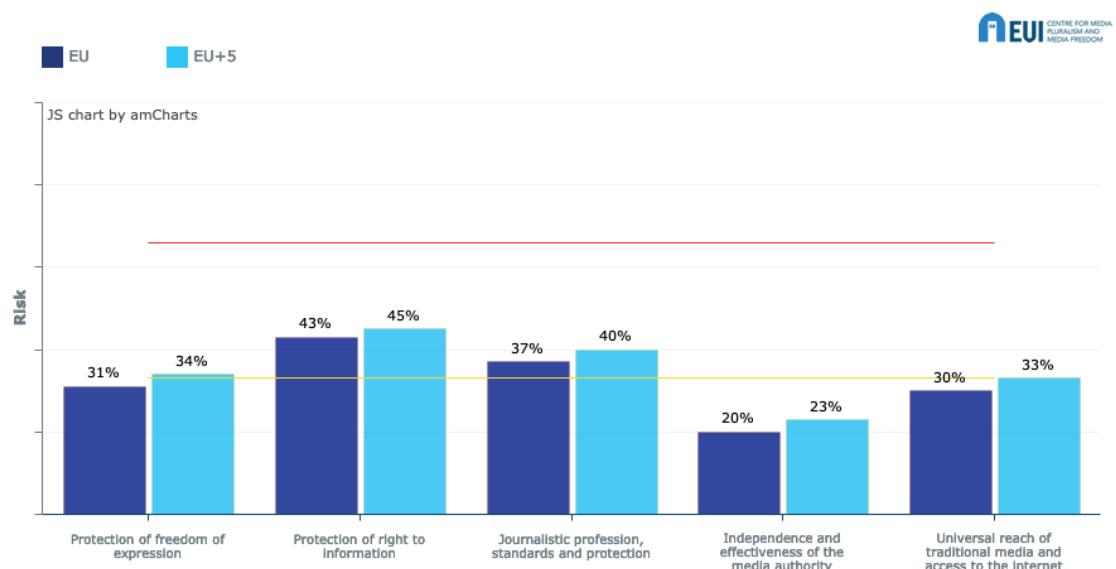
Most of the low-risk and medium-risk countries received a similar score in 2020. There was a substantial shift in the risk score of only two countries. Compared to MPM2020, the risk has increased in Sweden, where the risk score has gone up by 11 percentage points (maintaining a low-risk assessment), and in France, where the risk score rose by 17 percentage points (falling, to attain a medium-risk assessment). In Sweden, the main reason behind the deterioration in this area is the insufficient protection of whistle-blowers and the presence of some cases of their arbitrary sanctioning (Färdigh, 2021). While the Swedish parliament had already passed legislation (in 2016) that provided enhanced protection for whistle-blowers, and the law came into force in 2017, it has proven to be insufficient for the protection of whistle-blowers from retaliation. For instance, if whistle-blowers are dismissed due to the fact that they have spoken out about misconduct, the law does not regulate whether, and how, such dismissals can be annulled (*ibid*). In addition, a new variable assessing the issue of impunity (which was assessed in Sweden as being problematic in specific cases) added to the overall increase in risk for this area. In France, an increase in risk is due to the 2020 Avia Law (the Law on Countering Online Hatred), which was adopted on 13 May, 2020, by the French National Assembly. The aim of the law was to tackle online hate speech. The law was harshly criticised by both national and international civil society¹⁴, as some of its provisions may potentially have infringed upon the freedom of expression. As proposed, the public administration would have had the discretion to determine the illicit nature of the content, as the "Avia Law's mechanisms relied on ISPs to remove contentious content, within a very short time span (24 hours), and without offering any judicial supervision of the process" (Rebil-

¹⁴ Article 19, France: Analysis of draft hate speech bill, 3 July 2019, <https://www.article19.org/resources/france-analysis-of-draft-hate-speech-bill/> and France: The online hate speech Law is a serious setback for freedom of expression, 15 June 2020, <https://www.article19.org/resources/france-the-online-hate-speech-law-is-a-serious-setback-for-freedom-of-expression/>

lard & Sklower, 2021: 21). However, on 18 June, 2020, the French Constitutional Court decided¹⁵ that the key requirements of the Avia Law, such as the removal of “manifestly illegal hate speech” and other types of content within 24 hours, is unconstitutional.

Other reasons behind the deterioration in the Fundamental Protection area in France include, but are not limited to, worsening working conditions, particularly in relation to massive lay-offs in response to the COVID-19 pandemic's effects on the media market. The worsening safety of journalists, with the rising number of attacks, online harassment cases in relation to women journalists, and the arbitrary arrests of journalists by police forces, has also been a serious issue (Rebillard & Sklower, 2021). Turkey has remained in the high-risk band as the only country in this band amongst the countries assessed. As Turkey represents an outlier, and its risk score is very high (82%), this drives the overall average risk up.

Figure 3.1.b. Fundamental Protection area - Averages per indicator



As for the individual indicators that are included in the Fundamental Protection area, the situation has slightly deteriorated in three of the indicators, namely, the risk-score for Protection of Freedom of Expression increased from 31% to 34%, thus falling into the medium-risk category. Legislation that aimed to tackle disinformation, which was proposed or passed in response to the COVID-19 pandemic, and which had ramifications for freedom of expression, can, in part, explain the shift. For example, the Hungarian ‘Authorisation Act’ (Act on the Protection Against the Coronavirus Pandemic, 2020) and amendments to the Criminal Code, 2021, allowed punishment for the spreading of false or distorted pandemic-related information by imprisonment for up to five years, and this led to the silencing of critical voices (Bátorfy & Szabó, 2021; Serdült, 2020).

¹⁵ Constitutional Court of the French Republic, Decision n° 2020-801 DC of 18 June 2020, 18 June 2020, <https://www.conseil-constitutionnel.fr/decision/2020/2020801DC.htm> and Article 19, France: Constitutional Council declares French hate speech ‘Avia’ law unconstitutional, 18 June 2020, <https://www.article19.org/resources/france-constitutional-council-declares-french-hate-speech-avialaw-unconstitutional/>

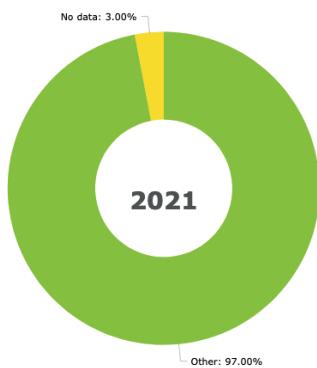
Analysis

The risk score for Protection of right to information increased from 39% to 45%. The access to information was also negatively affected by the COVID-19 pandemic. For a detailed discussion on the limitations introduced, please see Sub-Chapter 3.1.2., on the Protection of the right to information. The most significant increase in risk was recorded in relation to the indicator Journalistic profession, standards and protection, rising from 33% to 40%, and thus dropping into the medium-risk category. Lay-offs as a result of the COVID-19 pandemic, increasing threats to the safety of journalists, attacks by political actors, and lawsuits from powerful businesses, have all affected the exercise of the journalistic profession and created a chilling effect¹⁶. At the same time, the MPM2021 results also show improvements in some areas, in particular, in the indicator on the Independence and effectiveness of the media authority (risk lowered from 24% to 23%); and in the indicator on the Universal reach of traditional media and access to the Internet (risk score decreasing from 39% to 33%).

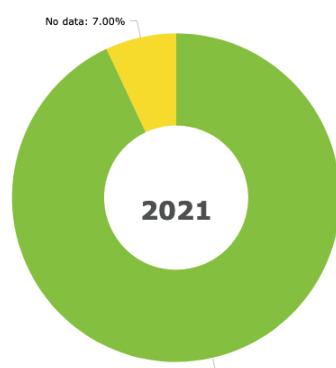
Lack of data does not seem to have a decisive impact on the overall score of the Fundamental Protection area, as just 3% of all the variables in 32 countries were coded as “no data”, and were then assessed, based on the MPM methodology on the lack of data (see Figure 3.1.c.). It must be noted, nonetheless, that the percentage of digital variables that have been assessed as “no data”, amongst all the digital variables, is significantly higher (7%), thus reflecting a broader problem (one which is more evident in other areas of the MPM) that arises because of the availability, or its lack, of sound data for the assessment of digitally-related phenomena.

Figure 3.1.c. Fundamental Protection area Incidence of “no data” (EU + 5)

All variables



Only digital variables



¹⁶ For the definition of a chilling effect, see, for example, Townend's chapter on 'Freedom of Expression and the Chilling Effect', in Tumber and Waisbord's (2017) *The Routledge Companion to Media and Human Rights*.

3.1.1. Protection of freedom of expression

Freedom of expression is considered to be the cornerstone of democracy. Freedom of the press, freedom of the media, the right to access information - which all stem from the recognition of the freedom of expression - are essential conditions for a public sphere dialogue, one which is based on the free exchange of information and opinions. In addition to this, freedom of expression also ‘enables’ other rights, namely, the right to assembly, the right to join a political party, the right to vote. Its protection is, thus, at the very core of any democratic society.

EU Member States share, and are bound to respect, the freedom of expression, since it is enshrined in Art. 11 of the EU Charter of Fundamental Rights, and as it is at the core of their common constitutional traditions. It is also a right that has been effectively promoted under the Enlargement and Accession process (Brogi et al., 2014), and by the European Convention on Human Rights. The indicator on the Protection of freedom of expression, under the MPM2021, aims to assess the existence and effective implementation of the regulatory safeguards for freedom of expression in a given country. A country may have a set of laws protecting freedom of expression, but their implementation and enforcement may be lacking. Constitutional guarantees and international treaty obligations may be eroded by exemptions and derogations, or by other laws that may limit the freedom of expression in an arbitrary way. In order to assess the levels of protection for freedom of expression, the MPM uses the standards developed by the Council of Europe and the European Court of Human Rights (ECtHR) when interpreting Art. 10 of the European Convention on Human Rights (ECHR)¹⁷. Restrictive measures must have a legal basis in domestic law, and this should be accessible to the person concerned, and foreseeable in its effects; limitations must have a “legitimate aim” and be “necessary in a democratic society”. The ECtHR has interpreted the scope of freedom of expression broadly, as it is considered essential for the functioning of a democratic society: “the dynamic interpretation, by the Court, of what is to be considered ‘necessary in a democratic society’, together with the limitation of the ‘margin of appreciation’ by the member states, has been crucial for the impact of Article 10 of the Convention on the protection of freedom of expression in Europe” (Voorhoof, 2014).

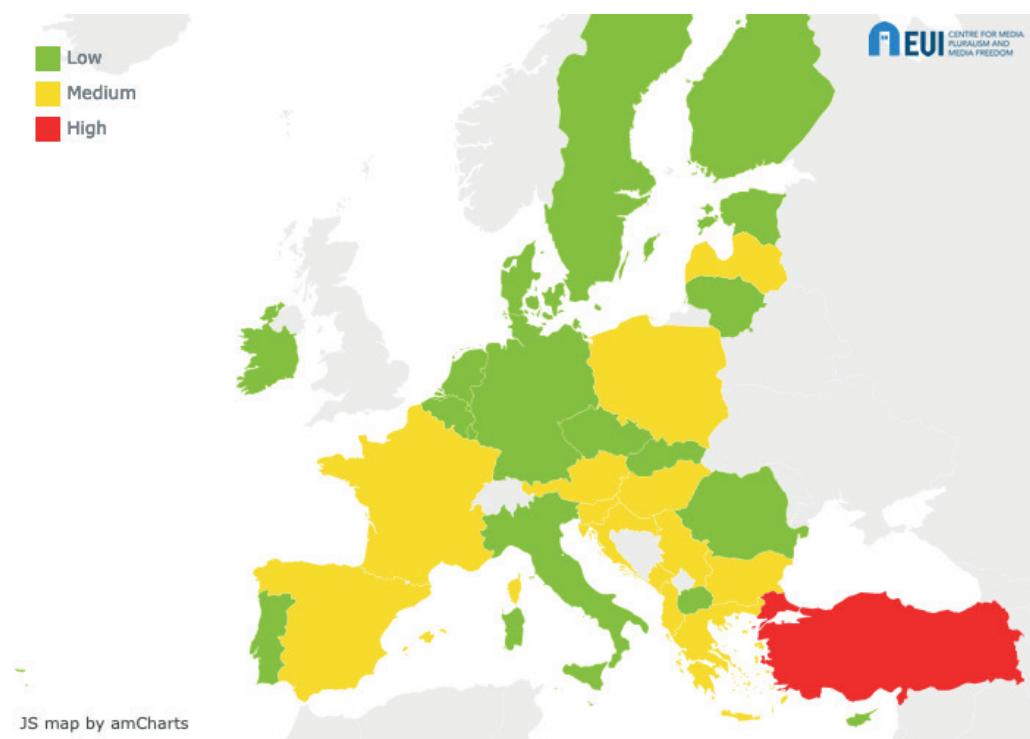
This indicator includes a sub-indicator that specifically relates to defamation laws. While defamation laws are an important tool in protecting people from false statements that damage their reputation, such laws can be abused. The criminalisation of defamation, as well as exorbitant claims for damages, may have a chilling effect on freedom of expression and journalistic freedom¹⁸. The abusive use of strategic lawsuits against public participation (SLAPPs) has exacerbated this phenomenon. Journalists should enjoy a position in which they can exercise their job without fear. Online violations of freedom

¹⁷ ECtHR and the Council of Europe, European Convention on Human Rights, 4 November 1950, https://www.echr.coe.int/documents/convention_eng.pdf

¹⁸ For a discussion on SLAPPs and their negative impacts on the conduct of journalistic work, see, for example, Mhainín's (2020 and 2021) articles in the Index on Censorship, which discussed the threats that SLAPPs pose to journalists, and how they can be addressed. Mhainín's articles offer several examples of individual journalists who faced SLAPPs. For instance, Daphne Caruana Galizia, the renowned Maltese investigative journalist, who was murdered in 2017, had 47 lawsuits pending against her at the time of her assassination. For examples of SLAPPs, see also the report by Žuffová and Carlini (2021), who documented several threats to journalists in Europe coming from political actors or powerful businesses.

of expression are growing in frequency and importance. Another element that is, therefore, taken into account in the indicator, is whether freedom of expression online is to be limited on the same grounds as freedom of expression offline. In this regard, the indicator takes into account whether Article 10 of the ECHR is respected and, in particular, whether restrictive measures resulting in the blocking, removing and filtering of online content comply with Article 10.2 ECHR (i.e., limitations on freedom of expression are prescribed by law, regardless of the existence of a specific law on content moderation online, they pursue a legitimate aim, and they are necessary for a democratic society). The indicator also takes into consideration whether filtering and blocking practices by Internet service and content providers, and by a given State, are based on legitimate conditions and limitations, on transparent practices, or whether they are arbitrarily limiting freedom of expression online.

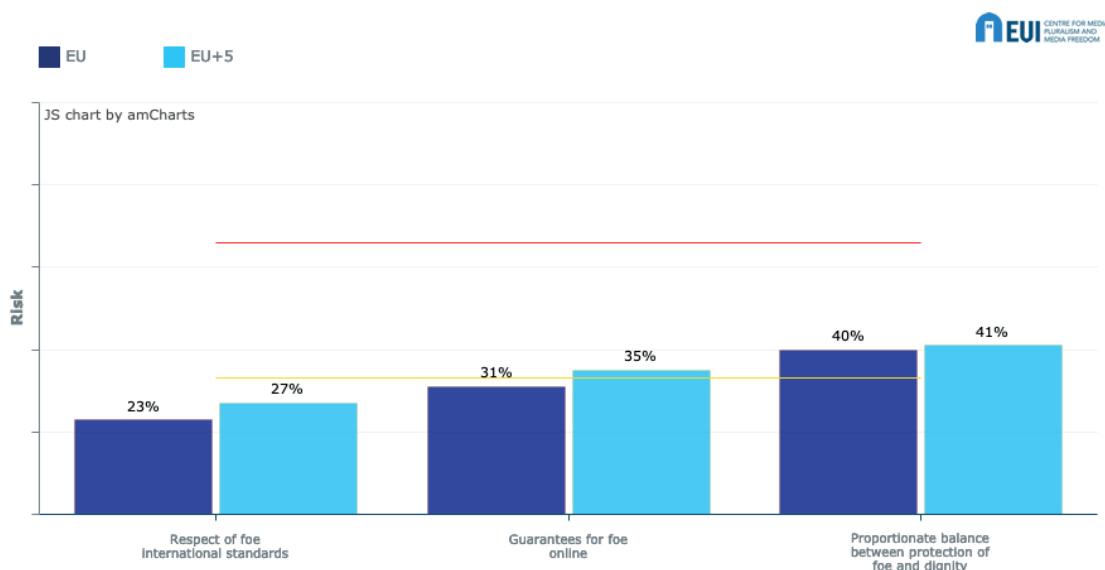
Figure 3.1.1.a. Indicator on the Protection of freedom of expression - Map of risks per country



Overall, the indicator on the Protection of freedom of expression scores as being a low risk in 18 countries (one country more compared to MPM2020), namely, Belgium, Cyprus, the Czech Republic, Denmark, Estonia, Finland, Germany, Ireland, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, the Republic of North Macedonia, Romania, Slovakia, and Sweden. Thirteen countries scored a medium risk – also, one more than in MPM2020 (Albania, Austria, Bulgaria, Croatia, France, Greece, Hungary, Latvia, Montenegro, Poland, Serbia, Slovenia and Spain). Similarly, as in the previous rounds of the MPM, Turkey is the only country of the 32 countries assessed that was given a high-risk score (95%).

The average of all the 32 countries analysed is higher than the average of the EU-27 countries (34% vs. 31%). Turkey, as an outlier, contributes to this difference with a very high risk of 95%, as does Albania, with a risk score of 60%, which is in the upper band of medium risk.

Figure 3.1.1.b Indicator on Protection of freedom of expression - Averages per sub-indicator



The indicator for the **Protection of freedom of expression** in the EU benefits from an established tradition, in terms of constitutional and legal safeguards, international standards and case law. Constitutional and legal protection for the freedom of expression is formally guaranteed in all of the countries that are considered under the MPM2021. It is enshrined in all of their constitutions and/or in their national laws (see the score for the sub-indicator on the **Respect for freedom of expression international standards**, which, on average, scores 27% (low risk).

As a general trend, the relevant international human rights conventions, which are particularly relevant for freedom of expression standards, namely, the International Covenant on Civil and Political Rights (ICCPR, Article 19) and the European Convention on Human Rights (ECHR, Article 10), were ratified with no particular derogations, with only Malta having two reservations to Article 19 of the ICCPR. Turkey also had a reservation to the provisions of Article 27 of the ICCPR, in particular, the maintenance of the right to interpret and apply its provisions in accordance with the related provisions and rules of the Constitution of the Republic of Turkey, some of which are in violation of the freedom of expression. Turkey is the only state that scored as being at high risk for this very basic indicator on the protection of freedom of expression (85%).

The main differences between the various legal systems in this area are to be found in the limitations to freedom of expression that are permitted under each constitution, in the legal order, or in special laws, and in the proportionality of the specific limitations on the

basis of the interests of “national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary” (Article 10(2), ECHR).

Albania, Bulgaria, Croatia, Greece, Malta, Montenegro, Poland, Serbia, Slovenia, and Spain scored as being at medium risk for the sub-indicator on the Respect of freedom of expression - international standards. In many cases, these countries have a satisfactory or solid regulatory framework in place which is in line with international standards, but they demonstrate poor implementation, which, in practice, leads to violations of the exercise of freedom of expression. The COVID-19 pandemic has also negatively influenced the respect for freedom of expression standards. For instance, in response to this, Hungary passed, in March, 2020, the so-called ‘Authorisation Act’ (Act on Protection Against the Coronavirus Pandemic 2020) and amended the Criminal Code, 2021, which allowed the punishment for the spreading of false or distorted pandemic-related information by imprisonment up to five years. The professional organisations and civil society criticised these new legal provisions for potentially creating a chilling effect on journalists (Bátorfy & Szabó, 2021). As several journalists have reported, this risk materialised because the medical staff were reluctant to give their opinions for fear of repercussions (Serdült, 2020).

While there were no reported cases of the prosecution of critical voices in Hungary, this was not the case for all EU member and candidate countries. In Bulgaria, the General Prosecutor’s Office brought charges against people (including medical staff and experts) who criticised the public administration for mismanaging the pandemic, or who expressed concerns about the shortage of personal protective equipment and medication. Although the courts later stopped the cases, they had a negative impact on the exercise of freedom of expression (Spassov et al., 2021). In Romania, during the 2020 State of Emergency, the Ministry of the Interior took down, or blocked, websites that they deemed to have spread false or distorted information (Popescu et al., 2021).

Moreover, in countries that scored a medium risk, the legal remedies in cases of infringement of freedom of expression are not always effective. In several EU member and candidate countries, the MPM data collection suggested that court proceedings take too long to work as an effective correction. For instance, as Milosavljević and Biljaj Gerjević (2021) pointed out in their data collection, on average, it can take more than 12 months before the first hearing occurs in civil and commercial proceedings. What had already been time-consuming proceedings have taken even longer, due to the COVID-19 pandemic, which has affected the daily operation of courts and tribunals and has created an additional backlog of cases and delays in the delivery of judgements. At the beginning of the pandemic, non-urgent cases were delayed until further notice (Bilić et al., 2021; Spassov et al., 2021). In Albania, courts’ operations were restricted only to arrangements or protective orders (Voko & Likmeta, 2021). In general, it took some weeks, or months, to resume proceedings in the online environment, where this was feasible (Bilić et al., 2021; Spassov et al., 2021). Another effect of the pandemic was also the limited presence of the press at the proceedings.

The indicator on Freedom of expression, the sub-indicator that scored the highest risk, is, once again, that relating to the **Proportionate balance between the protection of freedom of expression and dignity** (41% - in the medium-risk range as in the previous MPM round). The ECtHR had issued several decisions, which concluded that national courts had failed to balance the right to freedom of expression against the protection of the reputation, in particular, when the plaintiff was a public figure (see, for instance, Balaskas v. Greece, or Narodni List D.D. vs. Croatia).

Under this sub-indicator, two countries scored as high risk (Latvia and Turkey), while four countries received the maximum score for medium risk (66% - Albania, Slovakia, Slovenia and Spain) from the total of 11 that scored as being at medium risk (Austria, Belgium, Estonia, France, Hungary, Poland and Portugal scored 50%). Nineteen countries scored as low risk, twelve of which were in the maximum band for the low-risk range (33% - Bulgaria, Croatia, the Czech Republic, Finland, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, the Netherlands, and Sweden). More than two-thirds of the countries assessed (26) have legislation in place that criminalises defamation, 19 of which make it punishable by imprisonment, as a possible disproportionate punishment (Austria, Belgium, the Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Slovakia, Slovenia, Spain, Sweden and Turkey). Only six countries have completely decriminalised defamation (Cyprus, Ireland, Malta, Montenegro, Romania, Serbia).

Under the Protection of freedom of expression, the MPM analyses also whether freedom of expression online is formally guaranteed and respected in practice (sub-indicator **Guarantees for freedom of expression online**). A more detailed discussion of this sub-indicator is available in Section 4.1. Fundamental Protection – digital.

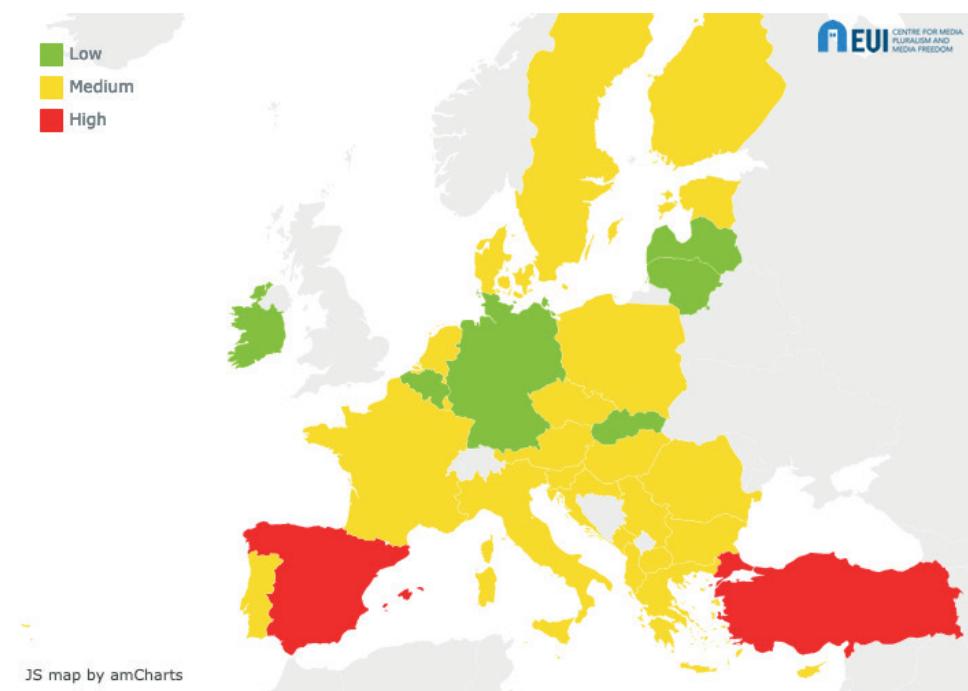
3.1.2. Protection of the right to information

The indicator on the Protection of the right to information is designed to assess the existence and effective implementation of regulatory safeguards in relation to access to information and to the protection of whistle-blowers. Hence, it aims to assess one of the building blocks of media freedom and, in particular, of investigative journalism. The indicator, as in the previous MPM editions, focuses on the right of access to information that is held by public authorities and the state, the lawfulness of the limitations thereto, as well as the existence and effectiveness of appeal mechanisms in cases where information is withheld. The indicator is based on the principle that all public-sector information belongs to the public, with limited and qualified exceptions that must be justified by the authorities. The indicator has also been enhanced by a sub-indicator on whistle-blowers' protection, which aims to understand whether, in a given country, legislation on the topic exists, whether the state systematically raises awareness in relation to the protection available to whistle-blowers and implements the legislation in practice, and whether the country is free from the arbitrary sanctioning of whistle-blowers.

Based on the standards of the Council of Europe (Recommendation CM/Rec (2014)7 of the Committee of Ministers to the Member States on the Protection of Whistle-Blowers), a "whistle-blower" is "any person who reports or discloses information on a threat

or harm to the public interest in the context of their work-based relationship, whether it be in the public or private sector".¹⁹ Whistle-blowing is fundamental to journalists in shedding light on wrongdoing (e.g., corruption, fraud) and in exposing situations that are harmful to the public interest. Whistle-blowers should be protected, as they need specific channels in order to be able to expose their case without fear of retaliation. Within the EU legal framework, whistle-blowers are now protected under Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October, 2019, on the protection of persons who report breaches of Union law.

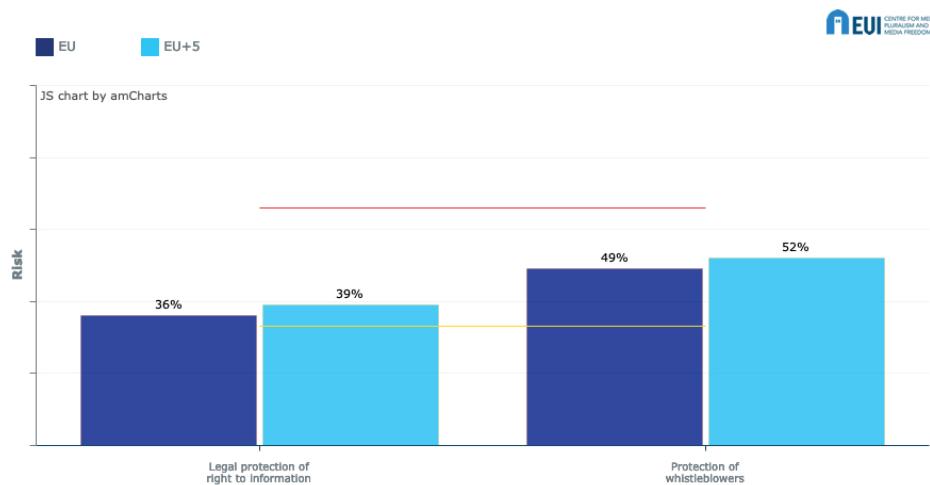
Figure 3.1.2.a. Indicator on the Protection of right to information – Map of risks per country



The indicator on the protection of the right to information scores an average of 45%, falling into a medium-risk band in the Fundamental Protection area. More than two-thirds of the assessed countries (24 of 32) scored as being at medium risk (Albania, Austria, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Italy, Luxembourg, Malta, Montenegro, Netherlands, Poland, Portugal, the Republic of North Macedonia, Romania, Serbia, Slovenia, Sweden). Two countries scored as a high risk (Spain and Turkey, as in the previous round of MPM). In comparison to the MPM2020, this indicator has increased from 39% to 45%, mostly due to the impact of the COVID-19 pandemic and the lack of protection for whistle-blowers.

¹⁹ Recommendation CM/Rec(2014)7 and explanatory memorandum on the Protection of whistle-blowers, The Council of Europe, 30 April 2014, <https://rm.coe.int/16807096c7>

Figure 3.1.2.b. Indicator on Protection of right to information - Averages per sub-indicator



The sub-indicator on the Legal protection of the right to information remains within the medium-risk range (39%), although it represents an increase of 5 percentage points in comparison with MPM2020 (a similar increase applies if we consider only the EU27 - from 32% to 36%). In this sub-indicator, the majority of countries scored a low risk (18), with 12 countries at medium risk (Albania, Bulgaria, Croatia, France, Hungary, Malta, Montenegro, the Netherlands, Poland, Romania, Slovenia and Spain), and two countries at high risk (Austria and Turkey).

As mentioned above, an increase in risk can be partially explained by the COVID-19 pandemic. In some countries, the timeframes for responding to freedom of information (FOI) requests were prolonged, or completely suspended, under the pretext of saving the administration's resources for more urgent pandemic-related issues. For instance, public authorities in Poland were able to suspend the timeframes for responding to FOI requests following the adoption of legal provisions that were introduced as being an anti-pandemic shield (Klimkiewicz, 2021). Similarly, in Hungary, timeframes were increased from the previous 15+15 days to 45+45 days, as the Authorisation Act, which was adopted in 2020 in response to the pandemic, allowed for these extensions (Bátorfy & Szabó, 2021). Time to respond to FOI requests also doubled in Romania, from the initial 30 to 60 days (Popescu et al., 2021). In Italy, access to public documents was suspended for almost two months (from 28th February to 15th April, 2020) (Carlini & Brogi, 2021). All of these, and similar measures, essentially delayed, or ultimately restricted, the access to information.

The COVID-19 pandemic has posed an exceptional challenge for public administration. While, in exceptional emergency conditions, protecting public health represents a legitimate ground for limiting access to information, public authorities occasionally misused this justification. In the Czech Republic, as Stetka and Hajek (2021) have documented, public authorities refused to publish data on the COVID-19 cases under the pretext of the risk of spreading disinformation. In Bulgaria, journalists were also reported to have experienced problems in obtaining information from healthcare institutions (Spassov et al., 2021). In Hungary, the government limited access to information also by cancelling press

conferences, or by allowing only journalists from certain outlets (usually pro-government ones) to pose questions during press conferences (Bátorfy & Szabó, 2021). Later into the pandemic, the press conferences were held in a TV studio, and questions from journalists had to be submitted in advance, with press officers making a decision on which of them would be answered, and which ignored (Serdült, 2020).

In more general terms, the main issues identified in the previous rounds of MPM that related to the right to information, remained problematic. A substantial gap exists between the letter of FOI laws and their implementation and enforcement. While *de jure* protection is strong in many EU member states and candidate countries, there is substantial room for improvement when it comes to practice. The following problems were reported: (I) long timeframes in which to respond to FOI requests, (II) administrative silence (when public authorities do not respond at all), (III) high refusal rates, (IV) long and ineffective appeal procedures in the case of a refusal to disclose the requested information, and (V) tactics to evade disclosure, such as misusing exemptions from disclosure, in particular, privacy and data protection and copyright law. For a detailed discussion of these issues, see, for instance, the country reports for Albania (Voko & Likmeta, 2021), Hungary (Bátorfy and Szabó, 2021), Montenegro (Vuković & Brkić, 2021), Romania (Popescu et al., 2021), or Spain (Masip et al., 2021). The MPM2021 results are in line with the available academic research on the right of access to government information (Roberts, 2005; Michener, 2020; Žuffová, 2021) that identified similar issues with the implementation and enforcement of FOI laws across different jurisdictions.

While the FOI practice is more problematic than the law in most of the countries assessed, some countries have weak FOI laws. For instance, as Seethaler and Beaufort (2021) argue, in Austria, secrecy is prevalent and multiple previous efforts to legislate the right of access to information and documents that are held by the public sector failed. On 22 February, 2021, the Austrian government agreed to pass a dedicated FOI law. In the period assessed (2020), a new FOI law came into force in Cyprus in December, 2020 (Christophorou and Karides, 2021).

As for the sub-indicator on the **Protection of whistle-blowers**, the situation has not much improved, with an average risk of 52%, a considerably higher risk score than the 43% in MPM2020. However, in this particular case, the increase in risk can be explained by the changes in the MPM methodology for this sub-indicator, which pointed to the previously undetected drawbacks. Compared to MPM2020, a variable on the awareness of available whistle-blowers' protection was added, as even robust protection for whistle-blowers is ineffective if potential whistle-blowers do not have a knowledge of it. The results assessing this variable suggested that states do not pay sufficient attention to awareness-raising activities, and a lack of awareness can then translate into low numbers of reports being filed by whistle-blowers.

In this round of the MPM, only six countries scored as being a low risk (Austria, Germany, Latvia, Lithuania, the Netherlands, and Slovakia), 19 scored as medium risk (Albania, Belgium, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, France, Hungary, Ireland, Italy, Luxembourg, Malta, Montenegro, Romania, Serbia, Slovenia, Sweden) and seven countries scored as being high risk (Cyprus, Greece, Poland, Portugal, the Republic of North Macedonia, Spain, and Turkey).

In 2019, the European Commission adopted Directive no. 2019/1937 on the protection of persons who report breaches of Union law²⁰, which requires all member states to pass the relevant national legislation to enable whistle-blowers to speak out, and to effectively protect them against retribution, and thus to avert a chilling effect on potential whistle-blowers. The deadline for the directive transposition is 17th December, 2023. While some countries have made notable progress in this area, a specific and comprehensive regulatory framework for the protection of whistle-blowers is still lacking in some EU member countries (e.g., Austria, Finland, Poland and others), or, where some legal provisions are in place, these are ineffective and do not cover all sectors (e.g., Italy, Romania, Slovenia).

3.1.3. Journalistic profession, standards and protection

Journalists and other media actors are those who, in a functioning democratic society, feed the public debate and ensure that the public is informed on all matters of public interest. In contributing to the public debate, journalists influence public opinion and, in the end, the electoral choices of voters and the accountability of politicians. It is therefore important that, in a democratic society, access to the journalistic profession is not limited (i.e., subject to licensing schemes); and journalists can act independently from political and commercial interests and rely on an “enabling environment” in which to carry out their job.

In this regard, the European Court of Human Rights sets the standards. The Court has stressed, in its case law, that countries have positive obligations to “create a favourable environment for participation in public debate by all persons concerned, enabling them to express their opinions and ideas without fear”²¹. This also means that the countries have a duty to guarantee a safe environment in which journalists and other media actors can exercise their watchdog function²².

The Journalistic profession, standards, and protection indicator deals with a range of different aspects that touch upon journalists and journalism. The indicator is composed of seven sub- indicators which describe risks resulting from (i) working conditions; (ii) physical safety; (iii) life safety; (iv) digital safety; (v) positive obligations to protect journalists from strategic lawsuits against public participation (SLAPPs) and other legal threats; (vi) the existence and levels of the implementation of rules on the protection of journalistic sources; and (vii) the existence and levels of the implementation of rules on privacy and data protection. MPM2021 has also assessed the status of journalists, based on a variable that considers arbitrary arrests and the imprisonment of journalists due to the ex-

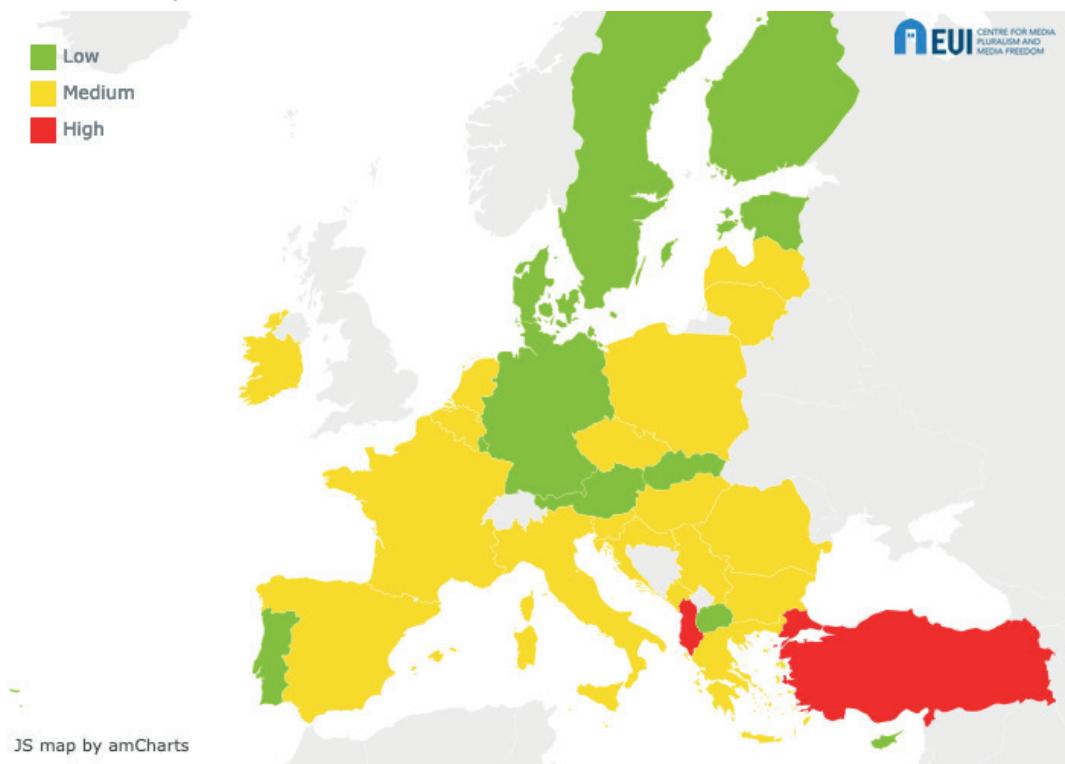
²⁰ Directive (EU) 2019/1937 of the European Parliament and the Council of 23 October 2019 on the protection of persons who report breaches of Union law, Official Journal of the European Union, 26 November 2019, <https://bit.ly/3jKD3xS>

²¹ ECtHR, case Dink v. Turkey, 2668/07, 6102/08, 30079/08, 7072/09 et 7124/09. See also, the Council of Europe Committee of Ministers’ Recommendation on the protection of journalism and the safety of journalists and other media actors (2016) 4.

²² This obligation was also stressed during the 2016 Colloquium on Fundamental Rights, see the Media pluralism and democracy: outcomes of the 2016 Annual Colloquium on Fundamental Rights, http://ec.europa.eu/information_society/newsroom/image/document/2016-50/2016-fundamental-colloquium-conclusions_40602.pdf

ercising of their profession (whether there are, for instance, politically motivated arrests/ detentions and imprisonments of journalists) and cases of severe threats to the lives of journalists, including physical threats, physical harm and assassination. MPM2021 also provides additional focus on threats to women journalists, both offline and online.

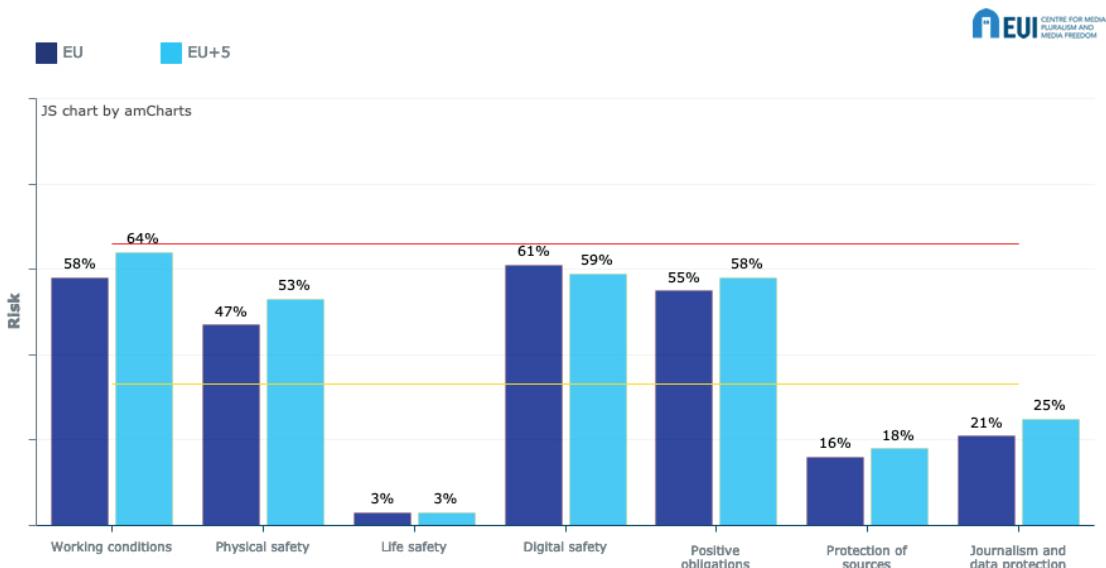
Figure 3.1.3.a. Indicator on Journalistic profession, standards and protection - Map of risks per country



This indicator describes the basic conditions which must be guaranteed to journalists so as to allow them to work freely, with dignity and without fear.

The indicator on Journalistic profession, standards and protection scores a medium risk, 40% in MPM2021, which represents a significant deterioration, if compared to MPM2020, when this indicator scored 33%, and to MPM2017, when it was 26%, suggesting a continually worsening trend. Similarly, as in the previous round of the MPM, Turkey remained a high-risk country (71%) together with Albania (70%), which was not assessed in 2020. The majority of countries (19 – six more than in MPM2020) scored as a medium risk (Belgium, Bulgaria, Croatia, the Czech Republic, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, Montenegro, the Netherlands, Poland, Romania, Serbia, Slovenia, Spain). Only 11 countries scored a low risk: Austria, Cyprus, Denmark, Estonia, Finland, Germany, Luxembourg, Portugal, the Republic of North Macedonia, Slovakia and Sweden. The indicator on the Journalistic profession, standards, and protection contains different sub-indicators that assess the risks for the protection of journalists, both in terms of professional standards and safety, including those working in the digital media.

Figure 3.1.3.b. Indicator on Journalistic profession, standards and protection - Averages per sub-indicator



The sub-indicator on **Working conditions** scores, on average, a medium risk (64%). Within this indicator, only Germany, Ireland, and Sweden scored as being at low risk, while 17 countries scored a medium risk (Austria, Belgium, Bulgaria, Cyprus, Denmark, Estonia, Finland, France, Greece, Italy, Luxembourg, Malta, Poland, Portugal, Slovakia, Slovenia, and Spain), and 12 scored a high risk (Albania, Croatia, Czech Republic, Hungary, Latvia, Lithuania, Montenegro, the Netherlands, the Republic of North Macedonia, Romania, Serbia, and Turkey). Amongst the countries that score a high risk, Hungary, Lithuania, Montenegro, Romania, and Turkey scored 97%, the highest risk. Some of the reasons behind these unfavourable working conditions are country-specific, but many are shared, such as the absence of collective contracts protecting journalists' rights, low wages and difficulties in relation to the sustainability of media outlets due to competition created by news intermediaries, such as online platforms. In some countries, e.g., in Turkey, the labour law does not cover specific groups of journalists, such as freelancers and self-employed journalists (Inceoglu et al., 2021). Likewise, in Romania, freelancers do not enjoy the same levels of social security as employed journalists (Popescu et al., 2021).

Safeguards to physical safety is another sub-indicator that is fundamental to evaluation when assessing the basic conditions for the free conduct of journalistic work. The sub-indicator covers physical threats and arbitrary imprisonment. As noted in the UN Plan of Action on the Safety of Journalists and the Issue of Impunity: "In recent years, there has been disquieting evidence of the scale and number of attacks against the physical safety of journalists and media workers"²³. The MPM2021 seems to confirm this trend, as this sub-indicator scores a medium risk of 53%. Belgium, the Czech Republic, Croatia, Germany, Hungary, Ireland, Latvia, Malta, the Netherlands, Poland, the Republic of North Macedonia, Romania, Slovakia, Slovenia and Sweden scored a medium risk in this sub-indicator, while eight countries scored a high risk (Albania, Bulgaria, France,

²³ UN Plan of Action on the Safety of Journalists and the Issue of Impunity, UNESCO, https://en.unesco.org/sites/default/files/un-plan-on-safety-journalists_en.pdf

Greece, Montenegro, Serbia, Spain, and Turkey). Threats to the physical safety of women journalists are monitored as a separate component of the sub-indicator. As available research (Chen et al. 2020, Trionfi & Luque, 2019), as well as the data collected for this MPM, confirmed violence against women journalists has been on the rise and has serious consequences for journalism's practice and women's representation in the profession. Attacks can lead to self-censorship, or avoidance of covering polarised topics, or even to exit from the profession. The MPM data collection has also revealed that the gender-disaggregated data on attacks has not been systematically collected, and so, the extent of the issue remains unknown. Only six of 32 assessed countries were reported to be free from physical threats and attacks, namely, Austria, Cyprus, Estonia, Lithuania, Luxembourg and Portugal. In MPM2021, eight countries were reported as being risky, due to the arbitrary arrest or imprisonment of journalists because of the conduct of their profession: Albania, Bulgaria, France, Greece, Montenegro, Serbia, Spain, and Turkey.

The MPM data collection has also shown that threats to journalists coming from political actors are on the rise. This is concerning, given that political actors should be those who support the creation of favourable conditions for independent and free journalism. The problem of politicians attacking journalists has been mentioned in the Slovenian country report. Janša's government has been reported to have insulted journalists on social media, calling them liars who are spreading misinformation about the pandemic (Milosavljević & Biljak Gerjevič, 2021; Delić, 2020). The instances of politicians attacking journalists as a result of their conduct of their work have also been documented in the Czech Republic (Stetka & Hajek (2021), Slovakia (Sampor, 2021), and in many other EU member and candidate countries.

Many of these threats occur in the online environment, and they are discussed in greater detail in Section 4.1 - Fundamental Protection – digital, under the sub-indicator **Digital safety**.

As for life safety, after the murders of the Maltese investigative journalist, Daphne Caruana Galizia, in 2017, of the Slovak investigative journalist, Ján Kuciak, and his partner in 2018, and the killing of Lyra McKee in Northern Ireland in 2019, luckily, no journalist was killed in Europe in 2020. This has been reflected in the assessment of the sub-indicator **Life safety**, for which the overall score was assessed as being low for all the countries, except for Albania. The score of this indicator must be interpreted in connection with the other sub-indicators, as it represents the description of the *status quo*, more than representing an effective assessment of the risk. Although no journalist was killed in Albania, Kastriot Reçi, who was assassinated on 7th January, 2020²⁴, was the owner of Media plus-tv. Although the MPM2021 assesses the events and policies that took place in 2020, it is important to mention that, in 2021, a journalist, Giorgos Karaivaz, was murdered in Greece²⁵.

Under the sub-indicator on **Positive obligations**, MPM2021 looks into whether the countries examined are putting in place all of the measures that are necessary to guar-

24 Media Owner Kastriot Reçi Killed in Albania, Platform to promote the protection of journalism and safety of journalists, <https://bit.ly/35jpj8w>

25 Journalist murdered in Greece: Police suspect contract killing, Deutsche Welle, <https://www.dw.com/en/journalist-murdered-in-greece-police-suspect-contract-killing/a-57169040>

antee an enabling environment for journalism, based on the Council of Europe's standards. In 2016, the CoE adopted the Recommendation on the Protection of Journalism and the Safety of Journalists and Other Media Actors²⁶, indicating as alarming and unacceptable the level of the current threats to journalists and media actors in Europe, and providing specific Guidelines to member states for them to act upon in the areas of prevention, protection, prosecution, promotion of information, education and awareness-raising. In particular, the MPM2021 sub-indicator on Positive obligations assessed the extent of impunity (whether perpetrators of crimes against journalists are prosecuted), the existence of an anti-SLAPP legal framework, and the occurrence of SLAPP cases. This sub-indicator scores a medium risk (58%). Albania, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Italy, the Netherlands, Slovenia and Turkey are those countries that score high risk. In many countries, the State has been repeatedly petitioned by experts and media professionals, not only to ensure that it guarantees a safe and enabling environment for journalists, but to stop it from threatening journalists' safety and media independence. Datasets have been cross-checked with the results of the Platform to Promote the Protection of Journalism and the Safety of Journalists of the Council of Europe. Within the timeframe of the MPM2021 analysis, 144 cases of threats to journalists and the media were reported as emerging from the State itself in the EU-27, Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey.

As in the previous round of the MPM, the sub-indicator on the **Protection of sources** largely scores as a low risk, with only six countries scoring a medium risk (Bulgaria, France, Ireland, Montenegro, the Netherlands and Turkey).

The previous round of the MPM introduced a new sub-indicator that aimed to tackle **the impact of data protection and data retention rules on journalistic activity**. The processing of personal data is a necessary step towards the proper exercise of the journalistic profession. Requiring journalists to fully comply with data protection rules and principles can have a real impact on their freedom of opinion and of expression. Examples would be, for instance, the requirement of the data subject's consent for publishing his/her personal information in news articles, or the disclosure of the name of the source who provided information on personal aspects of an individual for journalistic materials. In fact, the need for Member States' laws "to reconcile the rules governing freedom of expression and information, including journalistic, academic, artistic and or literary expression, with the right to the protection of personal data"²⁷ has been recognised by EU Law since at least 1995, following the adoption of Directive 95/46/EC, and it was confirmed by the adoption of the General Data Protection Regulation (GDPR)²⁸.

This sub-indicator scores an average 25%, with 26 countries scoring a low risk (Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the

²⁶ Recommendation CM/Rec(2016)4 of the Committee of Ministers to Member States on the Protection of journalism and safety of journalists and other media actors, The Council of Europe, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016806415d9#_ftn1

²⁷ Recital 153 of the General Data Protection Regulation (GDPR).

²⁸ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April, 2016, on the protection of natural persons with regard to the processing of personal data, and on the free movement of such data, repealing Directive 95/46/EC (General Data Protection Regulation).

Netherlands, Poland, Portugal, the Republic of North Macedonia, Serbia, Slovakia, Slovenia, and Sweden), three scoring a medium risk (Albania, Romania and Spain), and three at high risk (Croatia, Montenegro and Turkey), suggesting that although there is EU legislation in this field, as well as guidance from the Court of Justice of the European Union, there is still room for improvement, as EU member states have not scored within the low risk range.

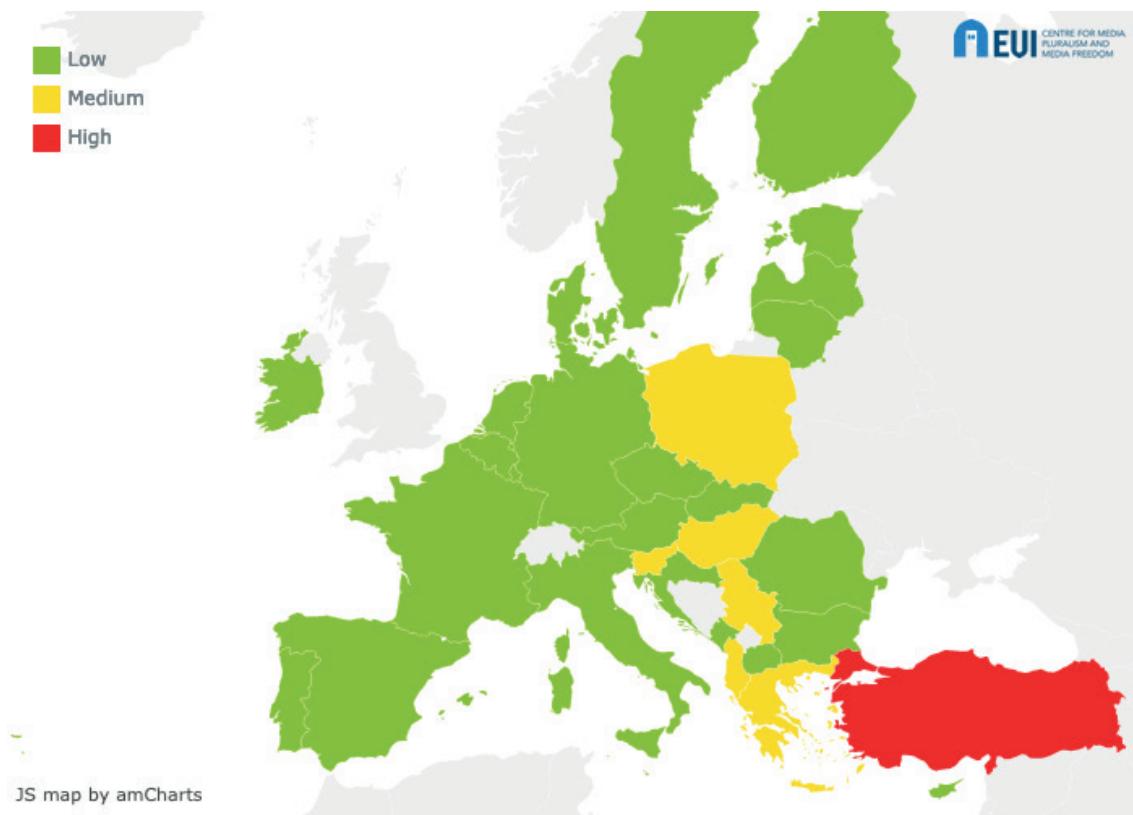
The first variable composing this sub-indicator aims to assess whether there are, or are not, data retention obligations for Electronic Telecommunications Operators and Internet Service Providers at the national level, and, if they exist, whether they comply with EU and Council of Europe Standards. Despite the decision of the Court of Justice of the European Union in Joined Cases C-293/12 and C-594/12 (Digital Rights Ireland and Seitlinger and Others), 13 countries scored as being at medium risk (Belgium, Bulgaria, Finland, France, Greece, Hungary, Italy, Lithuania, Montenegro, Poland, Romania, Spain, and Sweden), and five scored a high risk (Albania, Croatia, Denmark, Ireland and Turkey), for this variable.

The other two variables which make up this sub-indicator seek to evaluate whether the implementation or transposition of two EU instruments (GDPR and Directive 2016/680) were concluded in such a way that they ensure a proper balance between data protection and freedom of expression. Regarding the implementation of the specific rules of the GDPR (or similar legislation for non-EU member states) at the national level, five countries scored a medium risk (Austria, France, Romania, Slovakia and Spain), and three scored a high risk (Croatia, Montenegro and Turkey).

3.1.4. Independence and effectiveness of the media authority

Media authorities are key actors in regulating the media in Europe, and they are increasingly becoming relevant in facilitating shared policy actions on content moderation online. The indicator on the independence and effectiveness of the media authority looks into whether the appointment procedures guarantee the authority's independence, and whether it is independent in practice; whether the allocation of budgetary resources protects the authorities from coercive budgetary pressures and allows them to perform their functions freely; the type of powers and appeal mechanisms which are in place with regard to the authorities' decisions; and the transparency and accountability of their actions. On a methodological note, the MPM considers a media authority to be a public body which upholds the rules that are formulated in media Acts and Laws (and also implementing the AVMS directive), and/or oversees the media market. The MPM methodology considers and assesses the national authorities that form a part of the European Regulators Group for Audio-Visual Media Services (ERGA) or of the European Platform of Regulatory Authorities (EPRA).

Figure 3.1.4.a. Indicator on Independence and effectiveness of the media authority - Map of risks per country



Media authorities are increasingly becoming key actors in media regulation in Europe and, along with them, the competition and data protection authorities. They can play a role in defining the standards for media policies in a media environment that is dramatically and constantly altered by new digital markets and services.

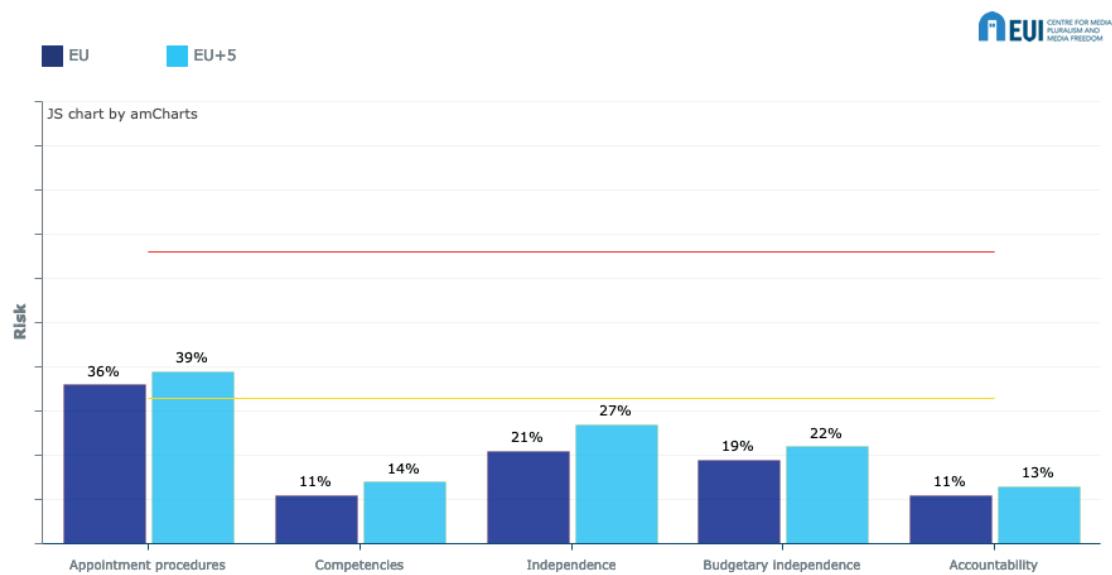
The 2018 revision of the Audio-Visual Media Services Directive (AVMSD)²⁹ has introduced specific provisions defining the criteria guaranteeing the independence of media authorities within the scope of the AVMSD, geared to reinforce their independence from political and commercial interests. In particular, the reform includes a requirement for Member States to have independent regulatory authorities for audio-visual media services, authorities that should be legally distinct from the executive power, and also functionally independent of their respective governments and any other public or private body. The independent audio-visual media authorities should not be instructed by any other body in relation to the exercise of their tasks, and they should exercise their powers impartially and transparently. The AVMSD lays down that such national regulatory authorities or

²⁹ Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audio-visual media services (Audio-visual Media Services Directive), Official Journal of the European Union, 10 March 2010, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32010L0013>

bodies must exercise their powers in accordance with the objectives of the Directive, in particular media pluralism, cultural and linguistic diversity, consumer protection, accessibility, non-discrimination, the internal market, and the promotion of fair competition. The tasks of the audio-visual media authorities should be clearly defined in law, and authorities should have adequate resources and enforcement powers in order to carry out their functions effectively. The member states shall lay down in law transparent procedures for the appointment and dismissal of the head of the national regulatory authority, or of the members of the collegiate body. An appeal mechanism against the decision of a regulator at the national level shall also be provided.

The criteria listed in the Directive were previously used by the MPM to assess the independence and effectiveness of the media authorities. Under the Independence and effectiveness of the media authority indicator, only Turkey scored as a high risk. The Radio and Television Supreme Council (RTÜK), the Turkish regulatory authority, is a partisan institution that does not have any independent representative to strengthen its independence and professionalism. Also, as reported by Inceoglu, Sözeri and Filibeli (2021), the selection and appointment procedures for the authority are not transparent, and they are very prone to political and economic interference. Six countries, two fewer than in MPM2020, scored as a medium risk (Albania, Greece, Hungary, Poland, Serbia, and Slovenia), while the vast majority (25 countries) were within the low-risk range (Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Montenegro, the Netherlands, Portugal, the Republic of North Macedonia, Romania, Slovakia, Spain and Sweden). In MPM2021, the average score for the indicator on the Independence and effectiveness of the media authority is 23%, a one percentage point lower risk score than in MPM2020 (24%).

Figure 3.1.4.b. Indicator on Independence and effectiveness of the media authority - Averages per sub-indicator



The sub-indicators demonstrating the highest risk under this indicator remained those relating to **appointment procedures and the effective Independence of the media authority**. This is due to the weakness of the mechanisms that could push back against political and commercial influences and ensure the independence of the authorities through appropriate appointment procedures. Political appointment does not automatically mean that the authority will act in line with political pressure, but it clearly poses the risk of interference. For instance, in Hungary, where the government has a two-thirds majority in the Parliament, the legal safeguards for independence are ineffective. As Bátorfy and Szabó (2021: 12) pointed out, at the moment, “all five members of the Media Council have been nominated and elected by the governing Fidesz party for nine-year terms”. In Poland, some of the competencies of the main regulatory authority, KRRiT, in the area of appointing PSM boards and supervising PSM, were assumed by the newly established National Media Council (RMN), which lacks conflict-of-interest rules and does not restrict active politicians from becoming RMN members (Klimkiewicz, 2021). The design of the appointment procedures has been problematic in many EU member and candidate countries, and this may lead to sporadic controversies, as reported in the Czech Republic (Stetka and Hajek, 2021:10), and in Slovakia (Sampor, 2021:11),

The sub-indicator on the **independence of the media authority** scores a low risk (27%), a significant decrease of 11 percentage points, if compared to MPM2020 (38%). Albania, Croatia, Italy, Latvia, Luxembourg, Montenegro and Poland scored a medium risk for this sub-indicator. Hungary, Serbia and Turkey scored a high risk. In high-risk countries, a high risk is not represented by direct interference, such as the authority’s decisions being arbitrarily overruled, but it is more implicit. In Hungary, as mentioned above, the Media Council is, in practice, tied to the government (Bátorfy & Szabó, 2021). Similarly, in Serbia, the government never interferes with the decisions of the main regulatory authority (REM) directly, but influences the process of selecting its members (Milutinovic, 2021). Nevertheless, the vast majority of the assessed countries scored a low risk for this sub-indicator (namely, Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Lithuania, Malta, the Netherlands, Portugal, the Republic of North Macedonia, Romania, Slovakia, Slovenia, Spain and Sweden).

Across the 32 countries under consideration, the assessment of the **Competencies/powers** of the authorities scores an overall low risk level (14%), although this represents an increase of 3 percentage points in comparison to MPM2020, the risk arising from a few cases in which a government overruled the decisions of the media authority, or where the authority was *de facto* prevented from exercising its scrutiny. This sub-indicator assesses whether the rights (including effective sanctioning powers) and the obligations of the media regulatory authority are comprehensively defined in the national legislation, and the media can appeal the authority’s decisions. The competencies of the main media regulatory agencies are formally prescribed in the national legislation in all member and candidate countries. Researchers assessing the conditions for media pluralism and freedom in Greece suggested that there is a lack of clarity about its main media regulator’s competencies (Psychogiopoulou & Kandyla, 2021). However, while competencies are legally prescribed, they are not always adhered to in practice. In Serbia, as the European Commission 2020 Progress Report concluded, the main media regulatory

authority (REM) has been unsuccessful in effectively monitoring and sanctioning broadcasters that do not meet all programmed content obligations under the law³⁰.

Overall, the sub-indicator on **Budgetary independence** scores a low risk, showing that, on average, regulatory safeguards for their funding allow the authorities to carry out their functions fully and independently, and usually their budget is adequate for the media authorities to perform their functions. Despite the generally good situation, ten countries scored as being a medium risk for this sub-indicator (Bulgaria, Finland, Greece, Latvia, Luxembourg, Malta, the Republic of North Macedonia, Romania, Slovenia, Spain), and Turkey scored a high risk. In Turkey, RTÜK is not economically independent, but it is subject to the Turkish Court of Accounts (Inceoglu et al., 2021).

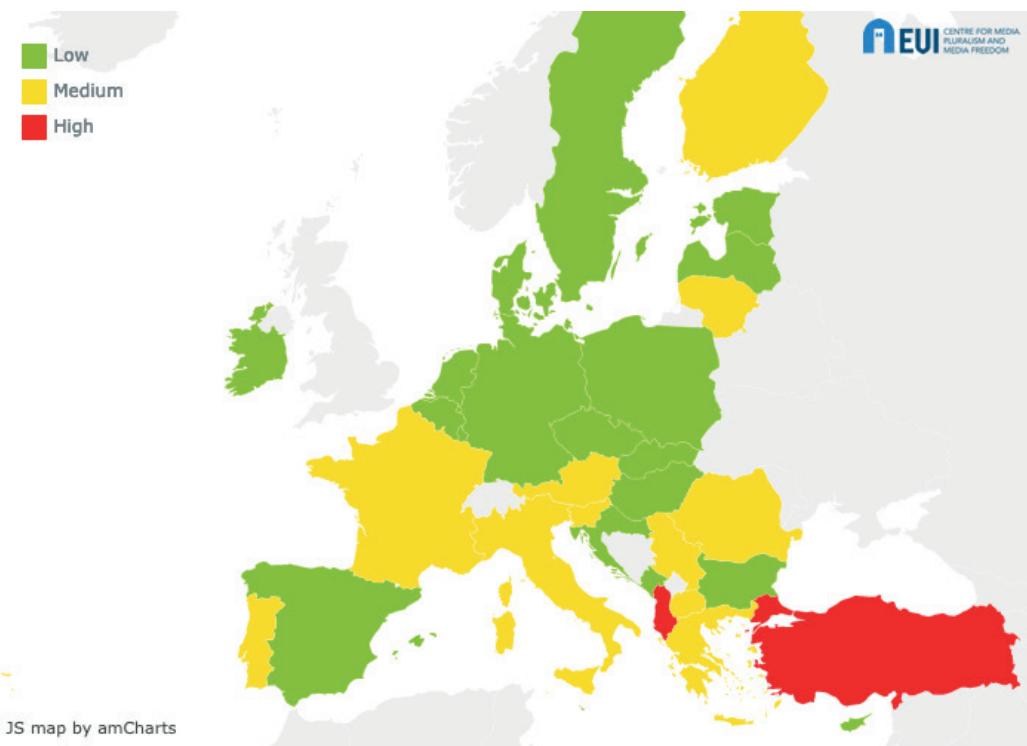
Authorities are generally assessed as being transparent about their activities and accountable to the public. Being transparent about their activities may include the publication of regular or *ad hoc* reports that are relevant to their work or to the exercise of their missions. Almost all the countries are assessed as being a low risk for the sub-indicator on **Accountability**, except Cyprus, Greece, Hungary, Luxembourg, the Netherlands, Poland, Serbia, Slovenia and Turkey.

3.1.5. Universal reach of traditional media and access to the Internet

The aim of the indicator on the Universal reach of traditional media and access to the Internet is to describe the risks to pluralism that arise from an insufficient level of access to content distribution platforms. It assesses the risk that stems from any excessively limited traditional tv and radio network coverage, broadband coverage, and access to the internet. The indicator also consists of variables on net neutrality.

³⁰ Serbia 2020 Report, Accompanying the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, the European Commission, see p. 82, https://ec.europa.eu/neighbourhood-enlargement/sites/default/files-serbia_report_2020.pdf

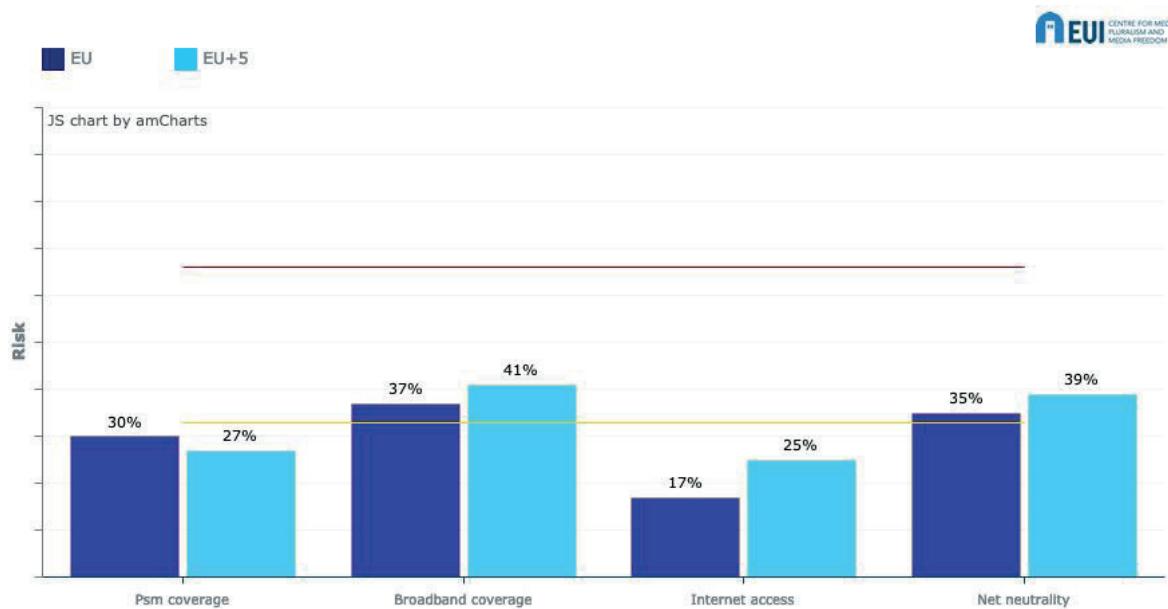
Figure 3.1.5.a. Indicator on the universal reach of traditional media and access to the Internet - Map of risks per country



Nine countries scored as a medium risk (Austria, France, Finland, Greece, Italy, Lithuania, Portugal, the Republic of North Macedonia, Romania, Serbia, Slovenia) and two scored as a high risk (Albania and Turkey) for the **Universal reach of traditional media and access to the Internet** indicator. The remaining 19 scored as being at low risk, although four of them register the maximum percentage (33%) within the low-risk range (Croatia, Cyprus, Montenegro, and Sweden).

In Europe, most of the population is covered, and served, by public service media (PSM) networks and programmes. Considering the high threshold for assessing the risk levels (Low: >99% coverage; Medium: >98% and <99% coverage; High: <98% coverage), the coverage of PSM in Europe is generally satisfactory: 12 countries score as a medium risk (Austria, Belgium, Cyprus, Finland, France, Germany, Ireland, Malta, the Netherlands, Portugal, Slovenia and Sweden), 19 countries scored as low risk (Albania, Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Greece, Hungary, Italy, Latvia, Lithuania, Montenegro, Poland, the Republic of North Macedonia, Romania, Serbia, Slovakia, Spain, and Turkey) while only Luxembourg scored as being a high risk. The case of Luxembourg is specific, due to the lack of a regulation requiring full coverage by the local public radio and the effective, allegedly low, coverage (90%) of the (small) territory of the country.

Figure 3.1.5.b Indicator on Universal reach of traditional media and access to the Internet
- Averages per sub-indicator



With regard to internet access, three countries scored as a high risk (Albania, the Republic of North Macedonia, and Turkey), five scored as being at medium risk (Cyprus, the Czech Republic, Greece, Italy and Montenegro), while the remaining 24 countries scored a low risk level. The MPM2021, again, has a very high threshold for assessing this risk, which is calculated by taking as a benchmark the median of existing (good) levels of access to the internet in EU countries.

Harmonised rules on net neutrality have been applied throughout the EU as of 30th April, 2016, following the adoption of Regulation (EU) 2015/2120 on 25th November, 2015 (which is directly binding). So, the principle of net neutrality was introduced directly in all 28 EU member states. Nonetheless, in the relevant sub-indicator, France, Italy, Portugal, Romania and Serbia scored a medium risk; Albania, Slovenia and Turkey scored as a high risk. This sub-indicator also showed a high concentration of market shares in the hands of the TOP 4 Internet Service providers (ISPs) in the greater majority of the countries analysed (with the exception of the Czech Republic and Denmark).

3.2 Market Plurality

The Market Plurality area aims to assess the risks to media pluralism that arise from the legal and economic context in which market players operate. The indicators in this area evaluate the role of content providers and of the digital intermediaries³¹. The threats to market plurality may derive from the lack of transparency and the high concentration of ownership; from the economic conditions of the news media industry; from the pressure of commercial interests on journalistic activity.

The Market Plurality area is comprised of the following five indicators:

- Transparency of media ownership
- News media concentration
- Online platforms and competition enforcement
- Media viability
- Commercial & owner influence over editorial content

Transparency of media ownership is a precondition of pluralistic and open markets, being essential to measure and tackle the risks that arise from ownership concentration. For transparency to be fully effective, the disclosure of media ownership has to be provided to the public bodies and to the public³², and has to include information on the ultimate ownership. In the MPM2021's implementation, the sub-indicators' structure allows the separate assessment of the transparency of digital media ownership. As a consequence, the results of MPM2021 for this indicator are not fully comparable with those of the MPM2020 implementation.

The second and third indicators in this area deal with market concentration³³. Lack of competition, and external pluralism, are assessed separately for the news media (which provide the information content) and for the online platforms (which have a growing role in distributing it, by acting as gateways to the news), considering separately horizontal and cross-media concentration; the concentration of the online advertising market; and the role of competition enforcement.

³¹ In the previous implementation (MPM2020), this area has been fundamentally revised to better take into account the role of the digital intermediaries and, more generally, the digital threats to market pluralism (see, Brogi et al., 2020).

³² See CoE Convention on access to public documents (Council of Europe, 2009); and the Parliamentary Assembly recommendation 2074/2015 (PACE, 2015)

³³ “The issue of the limitation of ownership and concentration in the media industry is both one of the most complex areas of competition policy and one of the most essential issues of media policy. The concentration of the market, and the dominance of only a few operators, have been traditionally considered major threats to pluralism in the media and information markets. Today, the same is true for the online platforms that are conveying most of the news and information, but that are not always even recognized as media”. (Parcu, 2019)

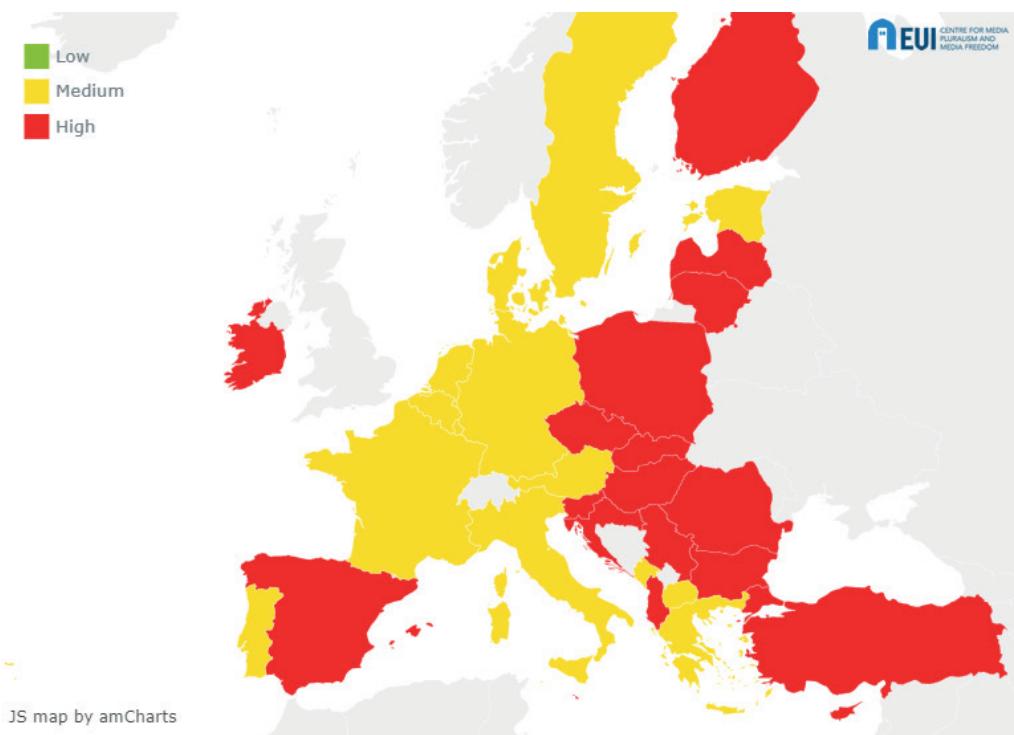
The indicator on Media viability measures the trends of revenues (sales, advertising, alternative financing sources), in relation to GDP trends, for each sector and for the whole news media sector; the employment and salary conditions for journalists; and the role of public incentives. In comparison with the previous implementation, some variables have been added in order to assess the working conditions of freelancers³⁴; and the structure of sub-indicators has been simplified.

The indicator on Commercial and owner influence over editorial content aims to assess the risks to market plurality that are posed by business interests' pressures and their influence on the editorial choices and the information supply.

The Market Plurality area shows a general increase in risks, reaching an alarming high risk (69%). The average level of the risk in this area scored 53% in MPM 2017 and 64% in MPM2020; and, in comparison with the previous year, this is the area with the highest increase in terms of percentage points. Although the economic threats to media pluralism have always been a source of concern in the MPM assessment, the high-risk level for the average of the countries in which MPM is implemented had never been touched upon in the previous rounds. The average risk is identical for EU 27 and for EU 27 + 5, and we can therefore not argue that the shift in the risk level is due to the new candidate countries that are covered by the research. The deteriorating economic conditions of the media market, caused by the impact of COVID-19 on advertising revenues for all the news media, and (for the newspapers) on sales, is the main driver of the growing risks; but not the only one. COVID-19's impact has added to a long-standing trend to a decline in media sustainability and to the historical feature of a high concentration of ownership in the European media system. In addition, the fine-tuning of the indicator on Transparency of media ownership for the digital media outlets contributed to the increase in the risk level. On the positive side, some signals of resilience may be tracked in the digital environment, in contexts in which innovative schemes of financing have been implemented; and, in some countries, in effective public support schemes that have mitigated the market losses.

³⁴ The extraordinary economic shock caused by the COVID-19 crisis is registered in the assessment, as the MPM questionnaire asks the Country teams to evaluate media revenue trends in relation to the GDP trends (see Methodology). In autumn, 2020, the CMPPF ran an interim data collection in order to provide an assessment of the first impact of COVID-19 on the media ecosystems in some EU countries, focusing – amongst others – on the indicator on Media viability. For the results of the interim assessment, see Bleyer-Simon and Carlini (2021).

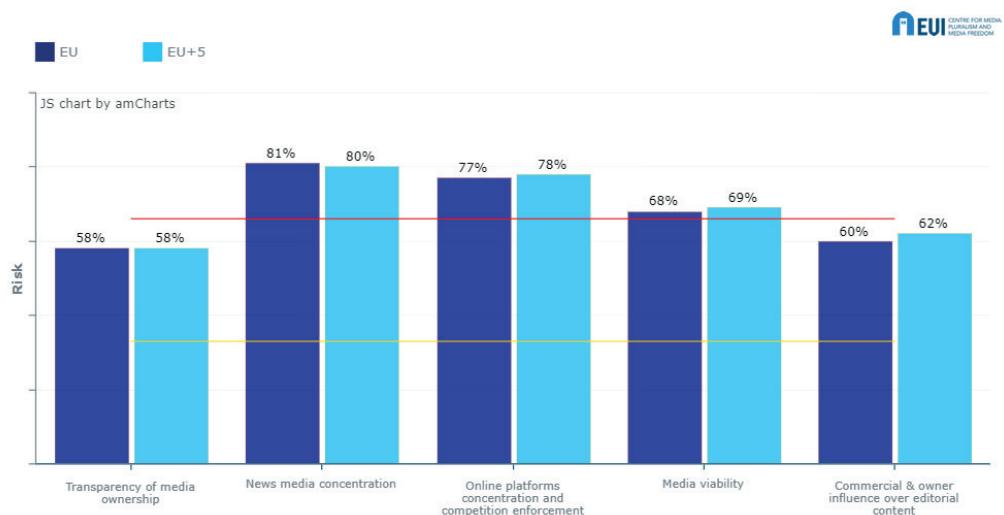
Figure 3.2.a. Market Plurality area – Map of risks per country



As shown in the map, the Market Plurality area scores a high-risk level for 18 countries, and a medium risk for 14 countries. In comparison with MPM2020, 4 EU countries – Ireland, Lithuania, Poland and Spain – have shifted from being a medium to being a high risk in this area. In all these countries, the increase in the risk level is related to the deterioration of market revenues associated with COVID-19 restrictions, which added, in the case of Lithuania, to the worsening of other drivers of risk, which are related to the commercial influence on editorial autonomy and to a lack of competition in the media market (Balcytiene et al., 2021).

As regards the group of countries at a medium level of risk, in all of them the risk score increased in comparison with 2020, and it is close to the highest end of the medium risk band, except for Germany, which reports the lowest level of risk for this area (37%) across all of the EU + 5 countries that are covered by the research. Several factors explain this result: the historical features of the German media market, and its regulatory and competition framework regarding media ownership transparency and concentration, in which digital platforms are increasingly taken into account; the relatively lower impact of the COVID-19 crisis on media viability, due to public support schemes and alternative sources of financing (Holznagel & Kalbhenn, 2021).

Figure 3.2.b. Market Plurality area - Averages per indicator



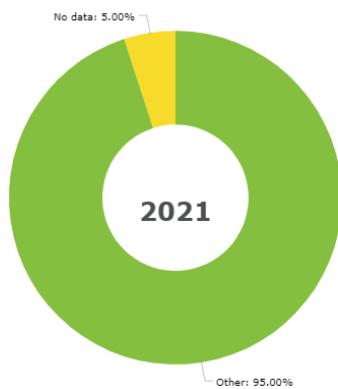
The average risk level for each indicator across the 32 countries shows that the main threats to Market Plurality still come from ownership concentration, both in the supply of information (news media concentration) and in its distribution (online platform concentration and competition enforcement). The risk level for the indicator on news media concentration is 81% for EU, and 80% for EU +5, while the score for the indicator on Online platforms and competition enforcement is 77% for EU, and 78% for EU+5. As reported in the previous implementation, the widespread digitalization of the market has not reduced, but has increased, the market concentration, often fostering defensive mergers and acquisitions in the legacy media industry. No countries are at low risk for these two indicators. Besides, the last year has been characterized by the abrupt shift towards a high risk of the indicator on Media viability, which is now at 68% for EU, and 69% for EU +5, with no country scoring a low risk, and 21 countries being at high risk. A signal of hope comes from the digital score for Media viability, which is at medium risk, reflecting the resilience of the digital news media to the upturn in the market. The harsher economic and working conditions have impacted upon the indicator on Commercial & owner influence over editorial content, that scores still as a medium risk, but at a slightly higher level in comparison to MPM2020. The risk level for Transparency of media ownership also shows an increase (from 52% to 58%, still in the range of medium risk), in this case this is due to the methodological changes in the MPM, which, in this implementation, analyses the risk for transparency in the digital environment separately.

Before analysing the results for each indicator, it is worth underlining that the data collection in the Market Area is particularly challenging. Given the different legal and regulatory frameworks, data on market variables are neither available nor publicly accessible to the same degree in all of the countries that are covered by the MPM. This phenomenon, which was also noticed in the previous implementation of the monitor, is worsened in MPM2021 for some of the candidate countries that are included in the research, and due to the difficulties of collecting reliable data on the revenue in the different media sectors in the midst of the health and economic situations that have emerged as a result of COVID-

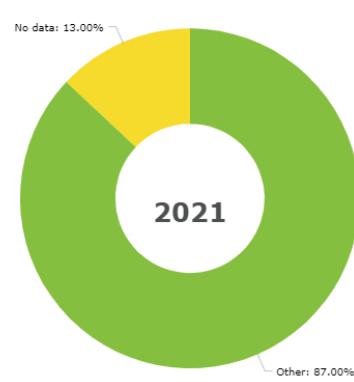
19. Consequently, the lack of data in this area is higher than in other areas of the Monitor (13% vis-à-vis 5%), particularly regarding the indicator on concentration and media viability – the most relevant problems being the lack of standardized and open data for digital news media revenues and audience, online platforms' revenues and audience, and the online advertising market. Nevertheless, it is worth noticing that, in comparison to the previous implementation, the incidence of 'No Data' is slightly lower, due to a fine-tuning of the questionnaire and to a coordinated effort by the CMPPF research team³⁵.

Figure. 3.2.c. Market Plurality area - Incidence of No Data

All areas



Market area



The lack of data can depend on technical reasons, market width (the cross-border dimensions of many businesses), the low level of transparency, or delays in the evolution of the monitoring by regulation or competition authorities. As this may result in the low transparency and low contestability of the market, the lack of data has been scored as a risk, according to the MPM's general methodology.

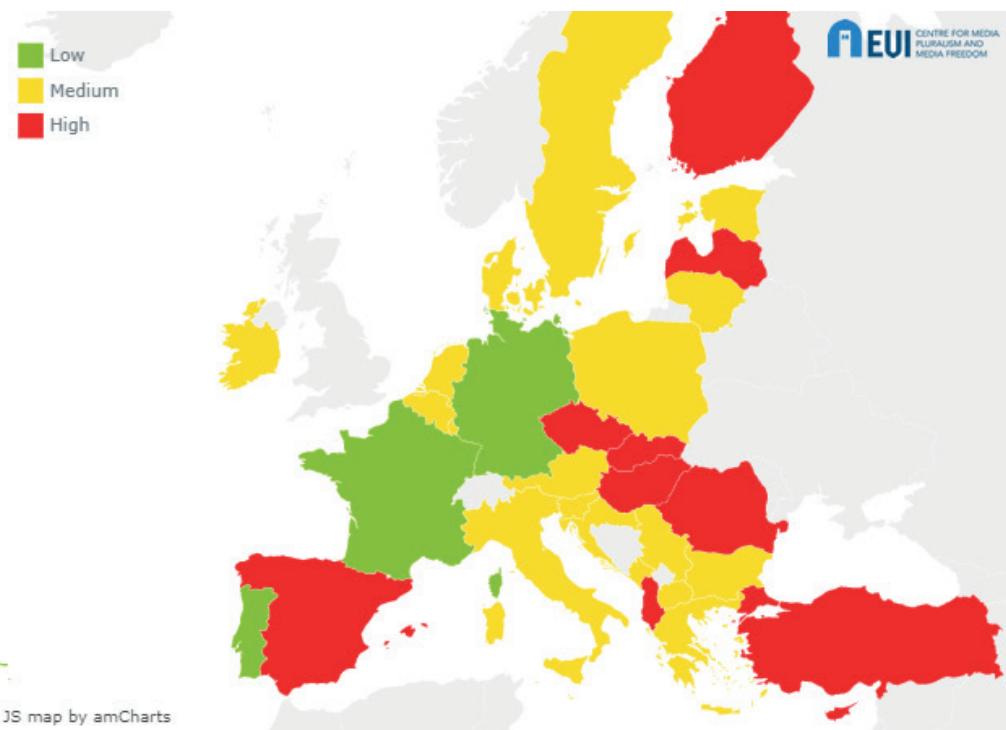
³⁵ For example, the indicator on Media viability still asks for the revenues in each media sector, but a back-up variable has been introduced, to allow an overall assessment, even in the absence of detailed data (see Methodology). In addition, the CMPPF accessed a larger set of commercial databases.

3.2.1. Transparency of media ownership

This indicator aims to assess the existence and effectiveness of media-specific regulatory safeguards relating to the transparency of ownership, including the disclosure of the ultimate and beneficial owners of the news media. Ownership transparency should be interpreted as being an essential precondition for any reliable analysis on the plurality of a given media market. In comparison with the previous implementation of the monitor, in MPM2021 the variables related to the online news media are grouped into two additional sub-indicators, to weigh and analyse the risks related to the digital ecosystem of information separately.

The **Transparency of media ownership** scores as being a medium risk at 58% (both for EU and EU + 5). The risks in this indicator are assessed by evaluating the legal framework on the existence of media-specific laws requiring the disclosure of ownerships and ultimate ownership, their effectiveness, and the situation in practice (if disclosure is provided, even though it is not requested by the law). The variables on transparency aim also to assess whether information given to public bodies is effectively disclosed to the public. As the legal framework for the transparency of media ownership is often designed for legacy and national media – mainly in the audiovisual sector – the extraction of the digital risk brought a higher score for this indicator, if compared to MPM2020. This is because the digital news media are, in most cases, beyond the scope of the laws, or they are based abroad and are therefore not obliged to fulfil the national rules.

Figure 3.2.1.a. Transparency of media ownership - Map of risks per country



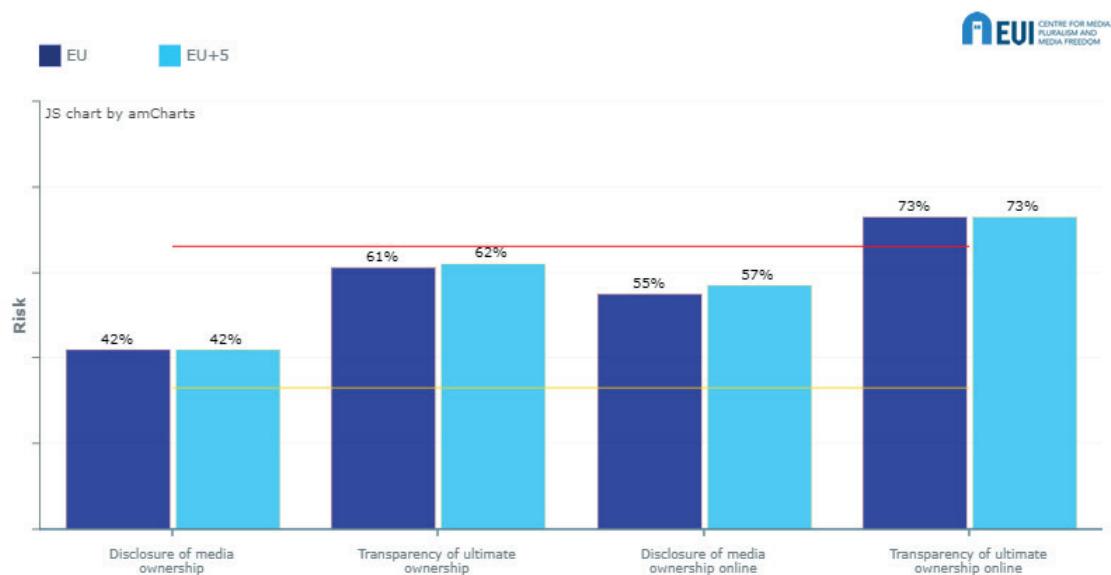
The medium-risk area is very large in the map showing Transparency, mostly due to the lack of media-specific rules, and, in some cases, to the fact that information is provided to public bodies, but not to the public, and often because only the formal ownership structure is disclosed, whereas the ultimate owners are hidden.

In MPM2021, only 3 countries score a low risk level for the indicator on the transparency of ownership (France, Germany, and Portugal). Ten countries are at high risk: Albania, Cyprus, Finland, the Czech Republic, Hungary, Latvia, Romania, Spain, Slovakia and Turkey. Among the countries with the highest level of risk in this indicator, the Czech Republic does not have any media-specific provision in its national law that requires the disclosure of media ownership, nor is there a duty to reveal the “beneficial ultimate owner” of a media company. As the Czech Republic Country Report points out, although “these important legal gaps are being filled by the work of various media-related NGOs and specialised news websites which keep up-to-date, detailed accounts of the ownership structures available to the public, this results from investigative work rather than by active disclosure and supply of information by the news media themselves” (Stetka & Hajek, 2021). In Cyprus, “the legal obligation of transparency on ownership is only, and partially, applicable to broadcast media, the written press and digital media landscape still remains worryingly nebulous. The very absence of a law that is specific to the digital media contributes to the high-risk assessment. In both the written press and the digital media, it remains difficult or impossible to identify and verify ultimate owners or cross ownership” (Christophorou and Karides, 2021). In Slovakia, where the indicator on Transparency of media ownership scores 78%, both traditional and digital media suffer from a long-standing lack of the obligations to disclose details about their owners. As the Country Report states, the “Act on the Register of Public Sector Partners can indirectly disclose ultimate owners of major media. However, media that do not do business with the state or do not receive public funding are not listed. The benefits of this Act, relating to protection against money laundering, are therefore limited with respect to media ownership transparency. The new Media Act prepared by the Ministry of Culture as well as the Constitutional Act on Protection of Journalists is promising to bring some changes to the *status quo*” (Sampor, 2021).

Hungary is a typical case in which the transparency rules that are set down on paper are ineffective in practice, as reported by Bátorfy and Szabó (2021).³⁶ Among the candidate countries covered by the MPM2021 assessment, Albania and Turkey show a high risk in Transparency: in both cases, because the legal provisions do not apply to all media and are scarcely effective, and there is an absolute lack of disclosure for ultimate ownership (Voko, 2021; Inceoğlu et al., 2021).

³⁶ As highlighted in Bátorfy and Szabó (2021), “a more serious problem emerged in Hungary following the court interpretation of the GDPR-regulation, which may also influence the transparency of media ownership. A company sued the Hungarian edition of *Forbes*, because the magazine informed their readers about the owners, assets and financial data relating to the company. The court ruled that while information about the company can be learnt by journalists and citizens from company registry data, it does not mean that they are authorised to share this information publicly without the consent and permission of the given company. This interpretation of the GDPR would, in practice, put an end to the transparency of ownership in the media too” (p. 14).

Figure 3.2.1.b. Transparency of media ownership - Averages per sub-indicator



The sub-indicators in the Transparency of media ownership are all at the medium-risk level, except for that on the ultimate ownership of digital media. As we have said above, this is due to blind spots in the regulatory framework, and to the possibility of escaping rules, with cross-border media. (More details on digital risks are given below).

3.2.2. News media concentration

This indicator aims to assess the threats to media pluralism that arise from the structure of the news media market. The term “News media” indicates the production of original content by information providers, which include the legacy media (audiovisual³⁷, radio, newspapers, including their non-linear services and their electronic versions) and online media (digital outlets of the legacy media and digital native media).

Risks to market plurality can arise from the concentration of ownership in a single news media sector, as well as from the concentration of ownership across different sectors. Horizontal and cross media concentration are therefore both assessed in this indicator, which asks for: 1) legal variables, to assess if a country has media-specific rules to guarantee competition in the media market, whether these rules are effective, and if their compliance is overseen by an independent authority; 2) economic variables, to assess the effective situation in the market, using the Top4 index for revenue shares and the audience/readership share³⁸. In comparison with MPM2020, the structure of this indicator is the same; a specific variable asking for market and audience share in the digital native news media sector was cancelled, due to the lack of data for this segment of the

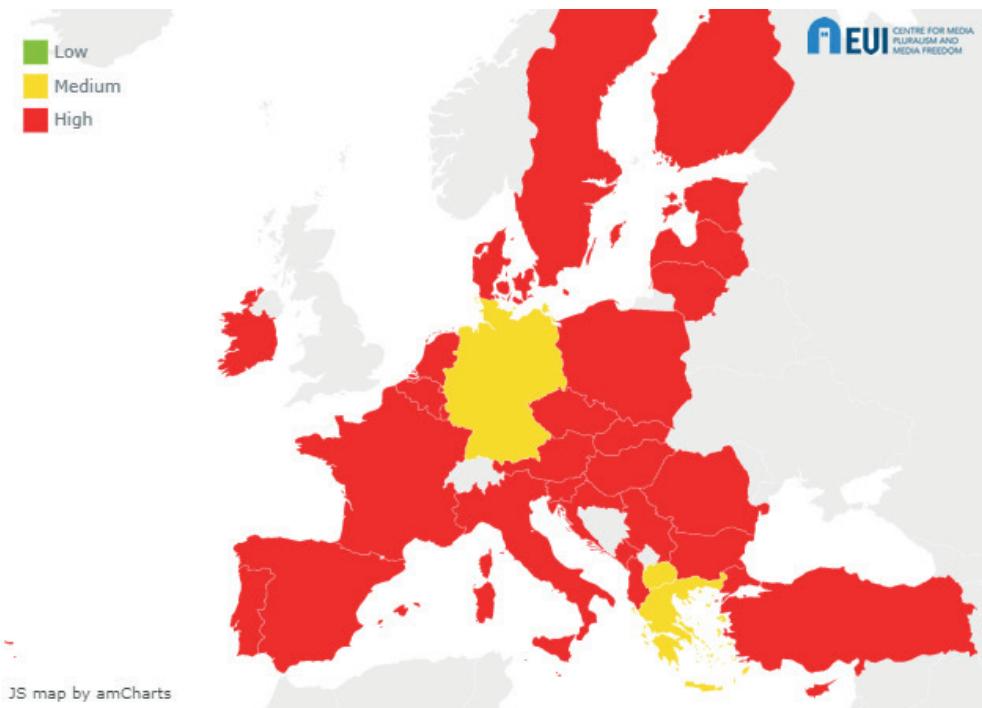
³⁷ As regards audiovisual media, the Monitor adopts the definition that is laid down in the Audiovisual Media Services Directive 2010/13/EU, as modified by Directive 2018/1808/EU. The variables under consideration cover both linear and non-linear audiovisual media services.

³⁸ The Top4 (or C4 or four-firm) concentration ratio is an indicator of the size of the four largest firms within an industry, compared to the output of the entire industry.

market; and digital news media are now evaluated as a whole, in the quantitative variables, whereas the differences between digital native and digital outlets of legacy media are highlighted in the narrative of the MPM reports.

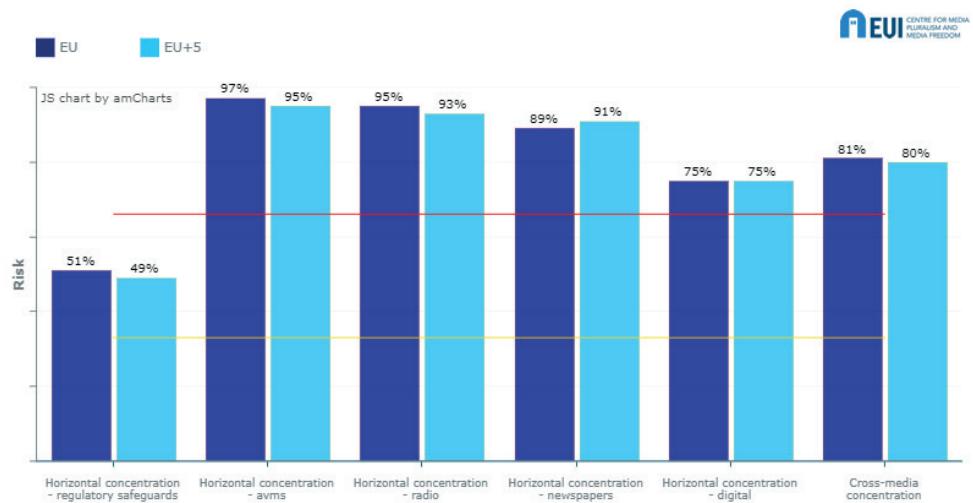
The MPM2021 assessment confirms that there is a worrisome high risk in relation to **News media concentration**. The level of risk is 81% for the EU, and 80% for EU +5. The high score comes from the quantitative variables - the measurement of the market and audience shares – rather than from the lack of rules and regulatory safeguards.

Figure 3.2.2.a. News media concentration - Map of risks per country



In news media concentration, no country scores a low risk, and only 3 countries (Germany, Greece and the Republic of North Macedonia) score as being at medium risk. At the highest border of risk, there are the countries in which specific rules to prevent concentration in the media sector are not provided, or are provided, but lack certain thresholds - like Bulgaria, Luxembourg, Sweden. Even if the majority of the countries have media-specific laws against horizontal and/or cross- media concentration, this is often limited to the audiovisual market; and it is not effective in its implementation, as the numerical variables show a very concentrated market, particularly in regard to audiovisual services.

Figure 3.2.2.b News media concentration - Averages per sub-indicator



The histogram above shows that only one sub-indicator scores a medium risk, that of the regulatory framework on horizontal concentration. In this sub-indicator, the MPM assesses the existence and effectiveness of media-specific provisions, with specific thresholds or other limitations that are based on objective criteria, in order to avoid market dominance in the media sector. Although some countries do not have these kinds of provisions, and in most of them regulatory safeguards are limited to the audiovisual sector, the average level of risk for this sub-indicator is medium (with 15 countries scoring a low risk, 12 a medium risk, and 5 a high risk).

All the sub-indicators that measure the actual market and audience share in each of the media sectors score an average high risk - highlighting the limits to competition and the regulatory safeguards that are available to cope with the economic forces that lead to concentration, and the technological developments that shape these markets. The horizontal concentration in AVMS services displays a high risk in all of the countries except Turkey (where it scores a medium-risk); and as for the radio sector, Greece, the Republic of North Macedonia and Turkey record a medium risk, the other countries being at high risk. In the newspaper sector, only two countries are at low risk (Latvia and Lithuania), Croatia is at medium risk, and all of the remaining countries are at high risk. The sub-indicator on digital news media concentration also scores a high risk, even if it is lower in comparison with the other sectors. Compared to the previous year, the concentration has increased in the newspaper and radio sectors, which also present the highest risk in media viability: as highlighted in several of the country reports, and this development can be related to defensive mergers that have been motivated by the need to counteract the economic crisis.

The sub-indicator on Cross-media concentration scores a high risk, at 80%, with only 2 countries recording a low risk score (Germany and the Republic of North Macedonia), 10 score a medium risk, and 20 a high risk. The average scoring for this sub-indicator results from the variables relating to: the assessment of the legal framework, its effectiveness, and the measure of actual market concentration. It is important to

note that 18 countries have no specific provisions in their media legislation to prevent a high degree of cross-media concentration of ownership. 12 countries have a regulation against cross-media concentration, but this does not cover all of the media markets. Only two countries (Italy and Serbia) have cross-media legislation which potentially covers all sectors, and in both cases this is not effective in limiting cross media concentration, as the numerical assessment on the ground shows.

The risk assessment and the research carried out by the national MPM teams highlight some common concerns related to this indicator:

- the overall trend toward increased concentration is not addressed by the regulatory and competition framework - in some countries, the data on market shares are not even collected or, when they are collected, are not provided to the public³⁹; in other countries, anti-concentration rules and thresholds are set, on paper, but they are not enforced. For example, in Serbia, “although vertical concentration of a single company has been forbidden, the laws permit ownership of another type of media or distribution through an affiliated legal entity. During the last few years, a number of sales and acquisitions of media companies have taken place. Several companies were purchased by Telekom Srbija, whose majority stakeholder is the state. As a consequence, at the beginning of 2020, a lack of agreement on the renewal of a distribution contract with a cable television station led to a drop in access to diverse media for the public” (Milutinovic 2021). In Slovenia, “combining radio and television activities, advertising and radio and television activities or telecommunications and radio and television activities, is not permitted. The limitations are, however, not always implemented, for instance, the Media24 Group combines print, radio and television, publishes more than sixty different media, doing so with a group of different publishers connected in a complex ownership network” (Milosavljevic & Biljak Gerjevic, 2021).
- the high degree of concentration, which is a risk in itself for external pluralism, often adds to risks of political influence. This is the case, already reported in a previous MPM implementation, in Hungary and with the media conglomerate Kesma (Bátorfy & Szabó, 2021). However, similar, although much less blatant, problems are highlighted in other countries, like France and Italy. In France, even though the law has “established a certain number of anti- concentration thresholds in the various media sectors as well as specific or overarching regulation and surveillance authorities (...), this apparatus has proven its powerlessness in the face of trends that, since the 1980s, and more so in the past 15 years, have favored high levels of horizontal and cross media concentration. Construction, arms, transportation and logistics, telecommunications: the groups that have invested in the sector since the 1980s operate in economic fields in which the State has important stakes, that are highly dependent on public procurement, and traditionally highly regulated. Media control, in this context, can lead to influence, and the ties these owners often have with leading political figures (...) are well known and documented” (Rebillard & Sklower, 2021). In Italy, “together with the high concentration, some features have to be underlined: 1) the high

39 See the countries reports for Slovakia and Turkey: Sampor (2021) and Inceoğlu (2021).

market concentration is intertwined with risks of political influence, as the two main players in the market are a not fully independent PSM (see the indicator in Political Independence area) and Fininvest/Mediaset, owned by Silvio Berlusconi, who is one of the main political actors; 2) in most cases the media owners have other relevant industrial and financial interests; 3) some companies have relevant market shares across different media sectors" (Carlini & Brogi, 2021). As regards Italy, a relevant development in the news media concentration rules occurred in 2020, when the Court of Justice of the European Union ruled that the thresholds set for cross-media concentration are contrary to EU law, namely, to the principle of freedom of establishment⁴⁰.

3.2.3. Online platforms concentration and competition enforcement

When it comes to the online media environment, the scope of the indicators of market pluralism needs to be enlarged to include the digital intermediaries, who growingly impact (also) on the media market, regulating the access to the news and attracting market resources. In so doing, they have challenged and disrupted the news media business model (Crémer et al., 2019; Furman et al., 2019; Martens et al., 2018; Moore & Tambini, 2018). Although digital challenges to the old tools of competition and regulation have an impact upon the overall economy - and are therefore being addressed worldwide, in the EU, with the DMA and the DSA proposals⁴¹ - these threats are particularly worrisome in a case in which a lack of competition results in a lack of media diversity and pluralism. Since 2020, the MPM structure has been updated with an indicator that is focused on the online platforms that act as intermediaries in the media market, so as to develop a specific standard with which to score the risk for media pluralism in the online environment (Tambini & Labo, 2015; Parcu, 2019). Even if online platforms (social media, search engines, algorithmic aggregators) do not produce, or produce to a limited extent, news and original content, they operate in the same market as the news media providers, competing for the consumers' attention and the advertising.

Whereas the previous indicator measures concentration in the production of news, this indicator is focused on the distribution of news⁴².

Two sub-indicators compose this new indicator:

- *Gateways to news*
- *Competition enforcement.*

⁴⁰ The Court ruled that proportionality between restriction on the freedom of establishment for EU companies and the goal of media pluralism must be pursued and demonstrated. In so doing, it called for a fine-tuning of the anti-concentration rules in the media market, which - as shown by the MPM reality checks - are often hardly effective (Vivendi SA v Autorità per le Garanzie nelle Comunicazioni, 2020; see also Zaccaria et al., 2021: 426-429).

⁴¹ In the EU reform's proposals for the digital markets and services, a new regulation is directed at the "digital gatekeepers" (DMA) and to the "very large platforms" (DSA), that are to be defined in relationship with their users and economic dimensions. COM (2020) 842 final; COM (2020) 825 final.

⁴² As affirmed in the foundation study of the MPM "*Not only the supply aspects, but also the distribution mechanisms and potential access to the media, represent areas to be assessed in order to develop economic indicators of media pluralism*" (Valcke et al. 2009, 73).

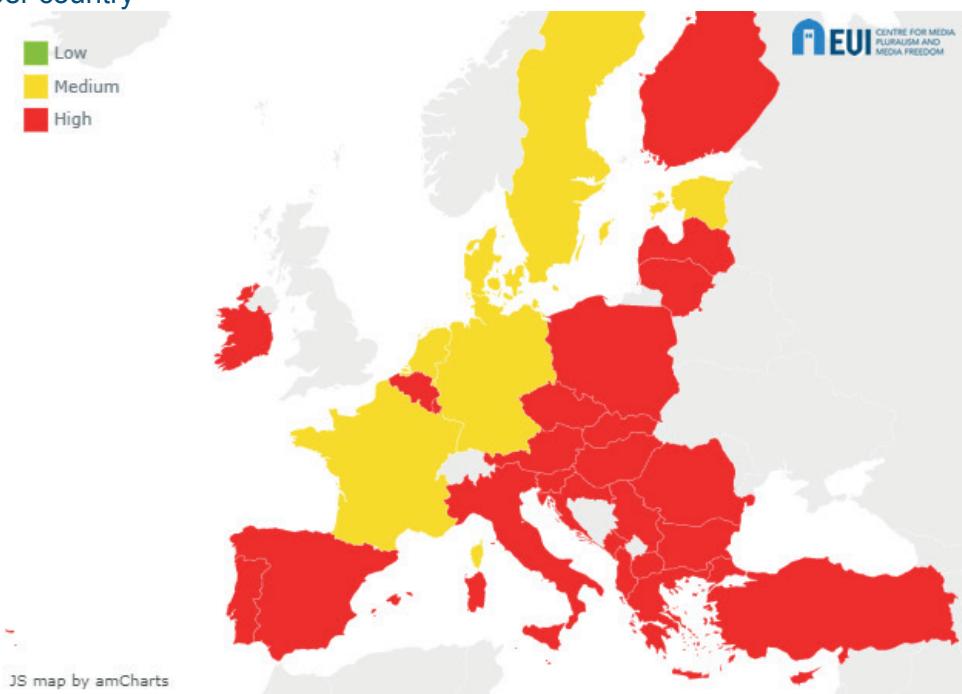
In the sub-indicator on Gateways to news the main variables are: the way in which consumers access news online (assessing the risks related to ‘side-door access’, i.e., exposure to algorithm-driven information), and the concentration of the digital intermediaries (assessing the risks related to the dominance of a few players in the online advertising market and the online audience, measured with the Top4 index).

The sub-indicator on Competition enforcement deals with digitalisation’s challenges to the traditional competition rules and tools. To assess the risk, the country teams are asked to take into account the evolution of the competition and regulation policies and bodies, so as to address digital dominance - with a focus on the online advertising market. In addition, it contains a variable that aims to assess whether the State funding of PSMs does, or does not, cause disproportionate effects on competition; and a variable asking for the existence, and effectiveness, of a national digital tax on the online platforms⁴³.

(In this part, the main findings for this indicator are described, and more detail will be provided in the chapter on Digital Risks).

The indicator on **Online platforms concentration and competition enforcement** scores a high risk in its average value: 77% in the EU, 78% in EU + 5. The growing level of risk, in comparison to MPM2020, can only partially be explained by the changes in the sample (EU included the UK in 2020, which scored a medium risk in this indicator; all the candidate countries that have been added for this implementation score a high risk); while it is likely to also be related to the increased role of digital platforms in a shrinking advertising market (as we will see in the indicator for Media viability).

Figure 3.2.3.a. Online platforms concentration and competition enforcement - Map of risks per country

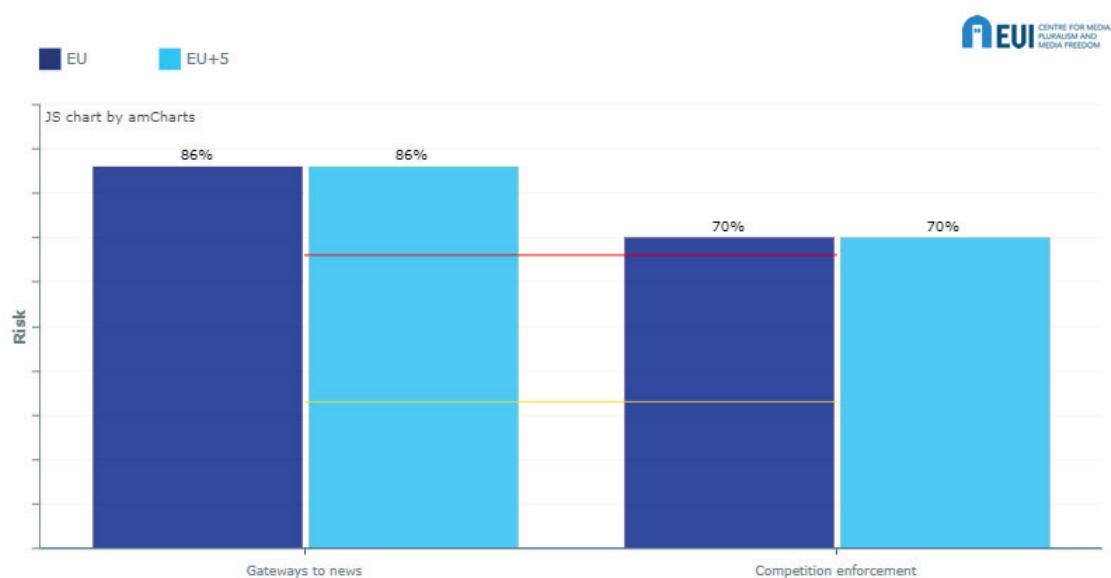


⁴³ The MPM includes the variable on digital tax since the 2020 implementation. It was first considered as it is related to Media viability, but, in the MPM2021, it has been moved into this indicator for consistency, as being more related to the even playing field in the market than to news media resources.

As can be seen in the map, no country records a low risk in this indicator; 26 countries are at high risk, and 6 at medium risk. The countries displaying medium risk are Denmark, Estonia, France, Germany, the Netherlands, and Sweden. For these countries, the relatively lower risk may result from the predominance of direct access to online news - and that means that the majority of people who access news online go directly to news websites - and/or from an evolution of the national legal/regulatory framework to enforce competition in the digital environment (the elements that have been considered for this assessment are: reforms or draft reforms, antitrust or court cases and inquiries, regulation by media and data protection authorities). The variable, which specifically measures the market concentration, indicates that there is high risk in all of the countries.

In their average score, both the sub-indicators are at high risk. The sub-indicator on Gateways to news scores 86%, whereas the sub-indicator on Competition enforcement scores 70%. In both cases, there is no difference between the EU and the aggregate EU + 5.

Figure 3.2.3.b. Online platforms and competition enforcement - Averages per sub-indicator



In the sub-indicator on Gateways to news, 27 countries score a high risk, while only 5 countries are medium risk (Denmark, Estonia, Finland, the Netherlands and Sweden). In those countries in which the risk is relatively lower, this result is due to the variable on the demand-side (i.e., the fact that more people access news online by going directly to the news media websites, rather than access that is achieved via an algorithmic intermediary). Instead, when it comes to the supply-side assessment (i.e., the degree of concentration in the online advertising market), there is a widespread high risk, without any exceptions, as this market is dominated by 2 or 3 platforms right across the EU + 5.

In the sub-indicator on Competition enforcement, only one country is at low risk (Germany), 14 are at medium risk (Austria, Belgium, Denmark, France, Greece, Ireland,

Italy, Latvia, the Netherlands, the Republic of North Macedonia, Slovakia, Spain, Sweden and Turkey), and the remaining 17 are at high risk. To assess the risk in this sub-indicator, the country teams had to evaluate whether the evolution in the media landscape had been taken into account in the legal and regulatory framework, and by the competition and media authorities. In other words, whether there has been an evolution in competition enforcement to cope with the digital challenges, and (eventually) if its effectiveness has been substantive.

Critical issues emerged in Lithuania regarding the fair competition between the PSM and the commercial media, with growing tensions between the public service broadcaster (the Lithuanian National Radio and Television, LRT) and the commercial media. The new LRT funding scheme, introduced in 2015, to ban advertising on the LRT, “resulted in a very rapid annual surge in the LRT revenue, which is well above the loss of advertising revenue. In 2020, the revenue of LRT from the State budget increased by 11.3%, compared to 2019. Despite the banning of advertising, the LRT continues to broadcast commercials in the form of sponsorships. Such a situation has fueled friction with the commercial media, which live on advertising revenue and have to compete under different market conditions. In June, 2020, the Lithuanian Internet Media Association filed a complaint with the European Commission, in which they claimed that the fully budget-funded public broadcaster LRT is distorting fair competition in the media market”. (Balcytiene et al., 2021).

3.2.4. Media viability

This indicator aims to assess the sustainability of news media production, as a prerequisite for media diversity and media pluralism. The indicator measures the risks related to the lack of sufficient economic resources to finance journalism, assessing the market revenue trends, the economic conditions of journalists (employment and salaries), and the potential role of public support. While the digital transformation impacts on all of the sectors, a specific assessment is undertaken for digital native news media viability. News media revenues are examined separately for each sector, and as a system, with variables that aim to measure the total amount of advertising resources that go to media production, so as to assess the resilience of the sector (alternative business models to finance news production), and the impact of public financing and fiscal incentives. The market trends are evaluated in relation to the GDP's trends.

In comparison with MPM2020, the indicator has been revised, grouping all the variables on the revenues in an unique sub-indicator; and adding a sub-indicator that aims to measure employment and salary conditions, with specific questions on the freelancers' economic situation; finally, in the sub-indicator on public incentives, the focus is on the ordinary and extraordinary resources that the State provide so as to help news media production, whereas the variable on digital taxation has been moved into the indicator on Online platforms. As a result, the structure of the indicator is now as follows:

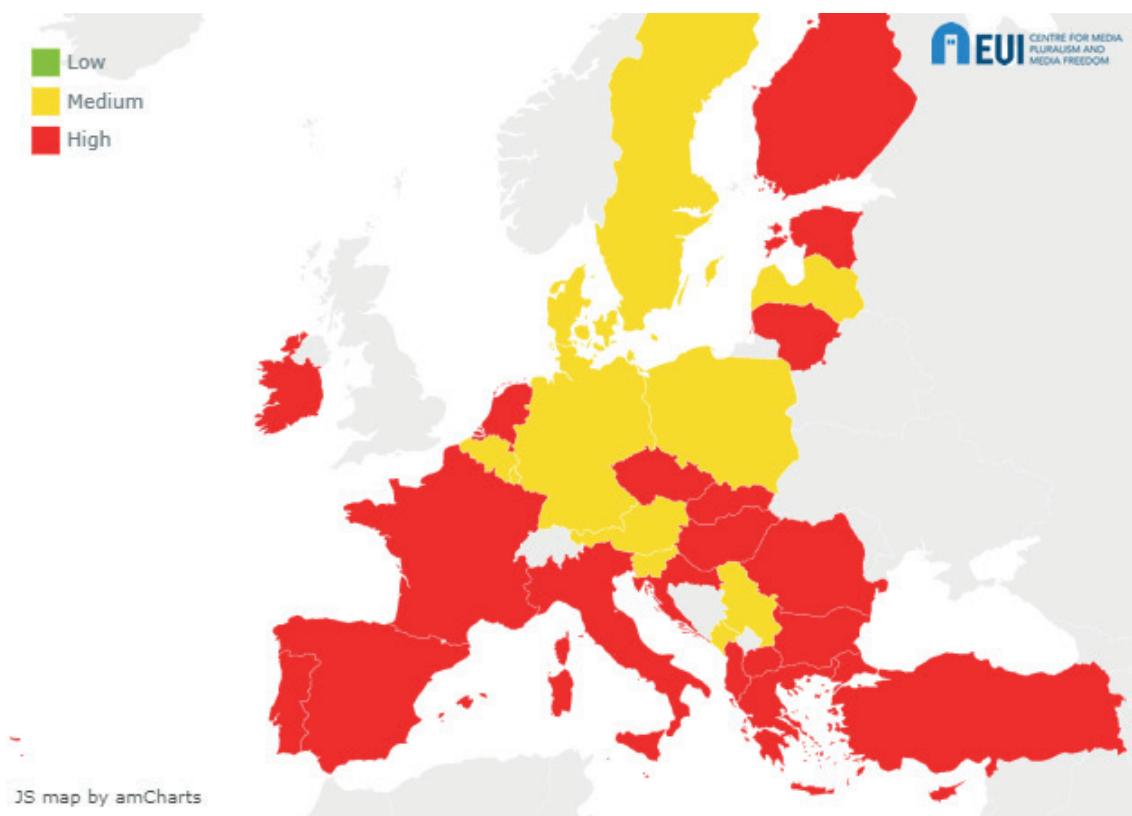
- *Revenue trends*
- *Employment and salaries' trends*
- *Public incentives to media pluralism*

N. B. The structure of the MPM questionnaire allows us to take into account the extraordinary events that occurred in 2020, assessing the revenue trends in relationship to the GDP's trends. In this regard, a high risk is recorded if the media sector performed worse than the overall economy; a medium risk if its variation is in the same range as the GDP's variation; a low risk if the news media revenues performed better than the overall economy.

The impact of COVID-19 on the news media business models, and on media sustainability, has been widely analysed and debated since the initial outbreak of the pandemic in Europe. It soon became clear that, together with an increased demand and supply of information, and a huge boost to digitalisation, the health emergency, and the subsequent economic crisis, reduced market resources for news media (Berger et al., 2020; EJO, 2020; KPMG, 2020; The Economist, 2020; The Euromedia Research group, 2020; World economic Forum, 2020). The unprecedented events of 2020 challenged the very sustainability of the news media industry, adding to a pre-existing declining trend in the traditional news media's economy in the digital environment. The European news media system has been caught by the COVID-19 crisis in the middle of a harsh transition, thus emphasizing the need for vital and reliable information, changing consumption habits and forcing the restructuring of the newsrooms, the crisis may act as an accelerator of this transition to the digital; from an opposing viewpoint, the downturn in the advertising market, and of the revenues from physical sales, could accelerate the decline of the business model on which the news media have been built in the past century in a deadly way. The results of the indicator on Media viability in MPM2021 allow us to draft a first attempt to balance these opposing tendencies, adding quantitative findings to the growing literature on COVID-19's impact on the media economy. The average result, not surprisingly, is worrisome. The indicator on **Media viability** shows a marked increase in risk, shifting from the medium risk shown by the previous implementation, to a high risk (69%). However, signals of hope can be traced in some sectors and in some countries: a higher resilience in digital news media, a boost for innovation and the search for alternative business models, together with a renewed role for public intervention in supporting media pluralism⁴⁴.

⁴⁴ For this indicator, CMPF ran an interim data collection of the Media Pluralism Monitor in autumn, 2020. The results are described in Bleyer-Simon and Carlini (2021).

Figure 3.2.4.a Media viability - Map of risks per country

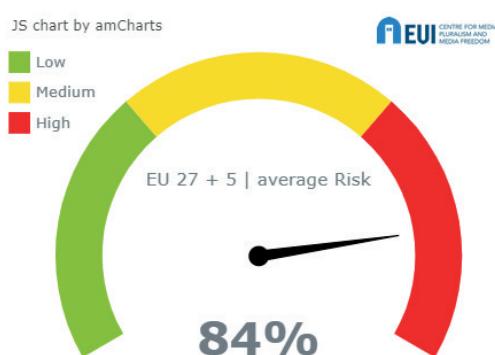


In Media viability, no country scores a low risk, 11 countries score as being a medium risk (Austria, Belgium, Denmark, Germany, Latvia, Luxembourg, Montenegro, Poland, Serbia, Slovenia, Sweden), the other 21 countries being at high risk (in the previous year's assessment, just 7 countries were at high risk). The differences among the countries can be explained through the consideration of several factors.

- 1) First, the health and economic crisis hit national economies to different extents. Several countries that are at the bottom in the scale of risk, in relation to media viability, are also those countries that have recorded fewer losses in terms of GDP growth (like Denmark, Latvia, Luxembourg, Poland and Sweden). On the opposite side, the countries that have experienced the highest GDP decreases (Italy, Spain, Greece and Croatia), are also in the highest range of risk for Media viability. However, it must be noticed that, in the revenue trends for the media, the MPM measures the variations in relationship to the GDP trends: when a “high risk” emerges, it means that the revenues for the media have decreased more than the GDP has.
- 2) Second, the different impact is related to the different structure of the media market: the extent of the commercial media *vis-à-vis* the role of the PSM; among the commercial media, the share of pay-models *vis-à-vis* the models that exclusively or overwhelmingly rely on advertising; the share of traditional media *vis-à-vis* the presence of healthy alternative business models. The countries in which

the media business model relies more on advertising were impacted upon the most, in comparison with those countries in which pay models are more common, and may benefit from a surge in demand. The following graph shows the answers of the MPM country teams to the variable that measures the trend in the advertising expenditure that goes to the news media.

Figure 3.2.4.b Variable. Has expenditure for total advertising (online and offline) on news media increased or decreased over the past year?



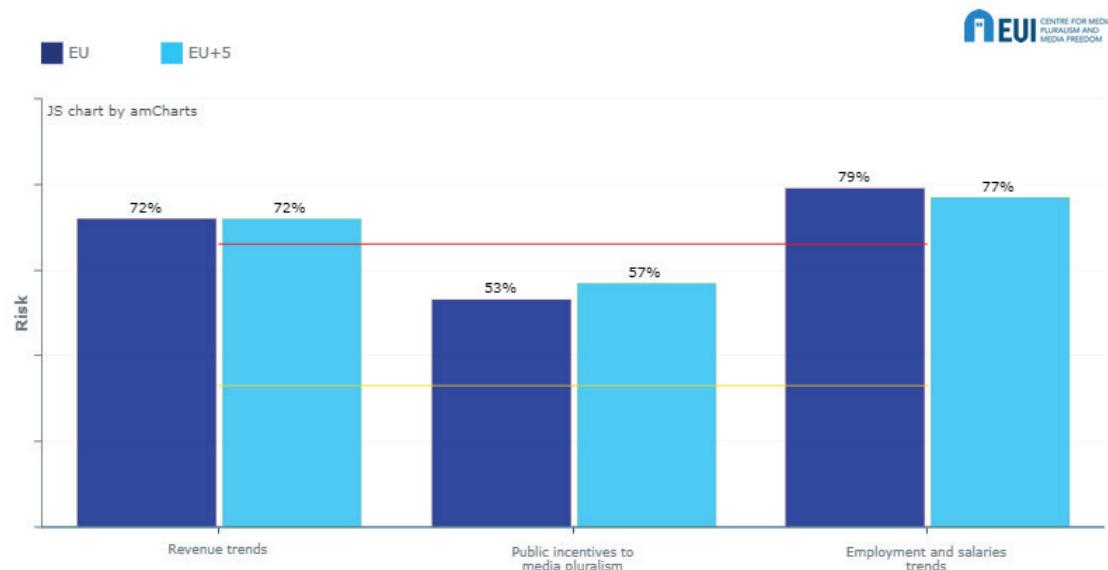
As shown in the graph, the variable on advertising scores a very high risk. The expenditure for offline advertising declined everywhere, while the online advertising remained stationary, or slightly increased, but its revenues, in the majority of cases, did not go to the news media, since it was gathered by the digital intermediaries.

- 3) Third, the role of the public media sector and public subsidies to private media must be taken into account. The crisis impacted less on media viability in countries in which the commercial media sector is still less developed⁴⁵. And it was counterbalanced, in other countries, by extraordinary public subsidies that were introduced by the governments in order to support the economy and the media. (See below).

The above-mentioned factors are measured in the three sub-indicators in Media viability, which assess separately the revenue trends, the employment and salaries' trends, and the role of public intervention. None of these sub-indicators record a low risk, the highest level of risk emerges in the economic conditions of professional journalism.

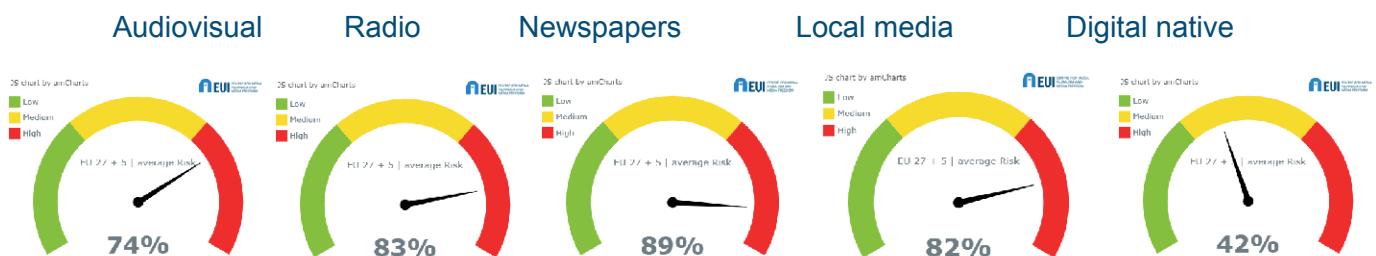
⁴⁵ For example, in Montenegro, “The media market is only partially affected by (the economic) trend, as more than 54% of the media are funded directly from the public local and national budgets. The overall decrease is partially buffered by state aid to the media sector and the extraordinary spending on media campaigns for political marketing around the general and local elections held in August 2020” (Vukovic & Brkic, 2021).

Figure 3.2.4.c Media viability - Averages per sub-indicator



Revenue trends⁴⁶ While the decrease in advertising money is generalised, relevant differences are seen to emerge between the different sectors, with the press and local media sector suffering more. The digital native news media score a medium risk, thus highlighting the resilience of the sector.

Figure 3.2.4.d – Media viability – Revenues per sector



In the second part of this sub-indicator, MPM asked the country teams to evaluate the efforts to develop alternative sources of revenues in the newsrooms, and the trends related to these revenues. With this variable, the MPM tries to evaluate the existence and effectiveness of alternatives to the advertising-driven model. The results give some signals of resilience, with 11 countries reporting “many initiatives” that are aimed at developing alternative sources of revenues (subscriptions, membership, donations, others). (For more details, please see the chapter on Digital Risks).

⁴⁶ The data collection was completed in the first months of 2021; therefore, it is based on provisional data for 2020. Moreover, in several countries, the media authorities and official statistics do not provide detailed data for the media sectors. In the case of a lack of data, the risk is scored according to the MPM methodology (see below).

Employment and salary trends. The COVID-19 crisis has impacted upon the economic conditions of journalists even more than it has on the revenue trends in the media industry, as shown by this sub- indicator, which scores a very high risk (79% for the EU, 77% for EU + 5). This result may be related to the flexibility of a part of the journalistic workforce, the professionals who are not stably employed in the newsroom, but who contribute to editorial production as classic freelancers, or in a variety of non-standard and precarious forms of employment. In the wake of the COVID-19 crisis, the newsrooms cut the budgets for the freelancers' contributions, or did not renew short-term contracts. According to the MPM2021 results, the economic conditions of freelancers deteriorated in 27 (of 34) countries. Employed journalists also suffered economic losses: according to the MPM2021 results, the number of employed journalists decreased in 15 countries, and remained stationary in 11 countries (the other countries reporting no data), and, in 20 countries, layoffs and salary cuts were reported.

Figure 3.2.4.e Variable. Have news media organizations in your country carried out layoffs and/or salary cuts in the past year?

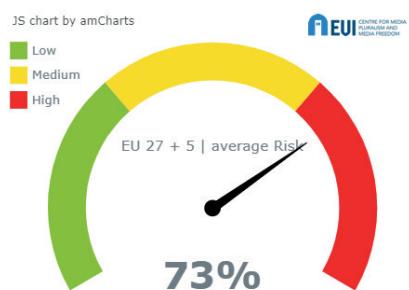
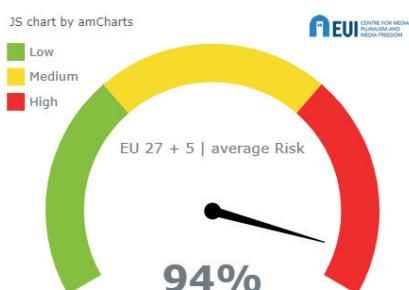


Figure 3.2.4.f Variable. Have the economic conditions of freelance journalists improved or worsened over the past year?



The narrative from the country gives a deeper insight into the situation. A common feature is lower (or a lack of) social protection for freelancers; and, in the majority of countries, employed journalists were protected by the general job retention schemes, be they ordinary or extraordinary; in a few countries, specific schemes for journalists were provided, at the national or regional level, but, even in these countries, they were

seen to have fallen short in protecting the freelancers. The duality of the journalistic labour market deepened, with the youngest journalists being more exposed to impoverishment. In France, “Most fields within the media sector have been experiencing structural challenges for years, and despite emergency measures and an important improvement in social benefits for *pigistes*, the COVID-19 crisis has worsened their situation, with revenues plummeting in 2020”⁴⁷. In Croatia, “the president of the HND stated that, at the beginning of April 2020, 85 percent of all freelancers lost their contracts in commercial and public media” (Bilic et al., 2021). In Italy, the 2020 crisis accelerated the declining trend in journalistic employment: “from 2012 to 2019, regular employment decreased by 14%, while non-standard journalistic employment increased by 20.8%. (...) While the impact of the crisis on regular employment has been curbed by the job retention schemes, the freelancers suffered most. Cuts in production (local and special outlets, number of pages, collateral products) and newsrooms’ budgets, forced employers to close temporary and precarious contracts, and the remuneration for freelancers’ contribution was consistently lowered” (Carlini and Brogi, 2021).

The worsening economic conditions of journalists constitutes an alarming risk, both for this indicator - as they signal the attractiveness of the sector for high-skilled professionals - and for their economic independence (see the following indicator, on Commercial and owner influence over editorial content).

Public incentives to media pluralism. This sub-indicator asked about the availability of state support to the media sector in general, as well as about the introduction of special subsidy schemes during the pandemic. For the sake of this indicator, the MPM measures the economic dimension of public support, while the related risks of political influence are considered in the Political independence area. Overall, the sub-indicator has a medium risk score, higher when the 5 candidate countries are included in the sample. 8 countries report a low risk (the public support exists, it covers legacy and digital media, and it is effective), 11 report a medium risk (the public support is provided, but it is not effective), and 13 report a high risk (there is no public support).

The extraordinary measures that were set up in 2020 ranged from direct subsidies as emergency funds (Austria, Belgium, Cyprus, Ireland, Latvia), to indirect subsidies, like tax credits (Austria, Croatia, Italy, Spain). Good practices can be envisaged in the use

⁴⁷ From the French country report: “In the last two years, several newspapers and magazines have faced liquidation (La Marseillaise, Paris Normandie, Paris Turf, Bilto, Tiercé Magazine...). Numerous local newspapers have reduced their activity and have resorted to partial unemployment. Circulation has also become problematic, for both national and local newspapers. (...). Precarious journalists, and, first of all, *pigistes* and those who are obliged to accept illegal self-employment gigs, suffer greatly from this reconfiguration. Many other outlets have had to resort to drastic lay-offs, severance and redundancy plans, in order to survive – or have exploited the COVID-19 crisis to advance or accelerate previous plans. The AFP negotiated a voluntary redundancy plan with 125 employees (48 journalists) and laid off 95 people. Reuters laid off 25 people in France (30% of its headcount). Le Figaro plans to cut 60 members of its staff. L’Humanité had to part with 35 of its 137 staff members (among which were 28 journalists). There are also ongoing redundancy plans within the public sector; by 2022, there will be 340 jobs cut (157 suppressions) at Radio France, after a mutually agreed collective severance plan. The same trend can be seen in other media: within the audiovisual sector, for 12 The Centre for Media Pluralism and Media Freedom is co-financed by the European Union example, the Altice Group (BFM, RMC...), 245 permanent contracts, and 40% of all “*pigistes*” have been suppressed, and half of the occasional workforce will be laid off”. (Rebillard & Sklower, 2021).

of grants to promote journalistic content creation (Finland, Latvia), while the increasing number of state-sponsored advertising campaigns (Austria, the Czech Republic, France, Greece, Hungary, Poland), in some cases bring with them risks relating to political influence on the news media. In some of these countries, the situation has triggered discussions on long-term changes, with Sweden and Germany planning new, permanent schemes to support the media sector and foster digital innovation. Not surprisingly, “the extraordinary support to the media was provided mainly by those countries that had a media support system to begin with” (Bleyer-Simon & Carlini, 2021). A partial exception is Germany, where state aid for the press has been approved for the first time - while the regional governments have contributed to help the local media. Nevertheless, even in countries with a long tradition of public support to the media, the new measures have barely coped with the economic downturn; and they have raised some concerns about effectiveness (often providing little relief, in comparison to the extent of the economic losses), and fairness (often benefiting the established media, rather than start-ups and newcomers). The fiscal tool, with tax credits or VAT reduction, has been widely implemented, in some cases, to incentivise the digital transition, in most cases without a selective use aimed to foster innovation. The governments’ communication campaigns, often related to public health issues, have contributed to mitigating the advertising crisis, on a temporary basis. In this regard, the risk of political capture is similar to that of ordinary state advertising expenditure when it lacks transparent and clear criteria.

It must be noticed that Poland and Hungary, which were the only two countries scoring a low risk in Media viability in the MPM2020 implementation, in MPM2021 shifted, respectively, to medium and high risks. In the previous implementation, the low risk assessment was explained mainly by the role of State advertising (and by the advertising expenditure of private companies that were influenced by political actors). In the current implementation, the State advertising in the two countries did not decrease, but it was insufficient to counteract the market crisis, while neither of the two countries introduced specific and direct public subsidies to support the news media during the COVID-19 crisis (Klimkiewicz 2021; Bátorfy & Szabó 2021).

3.2.5. Commercial & owner influence over editorial content

This indicator seeks to assess the risks to media pluralism that arise from the qualitative dimension of ownership concentration, that is, commercial/ownership influence over editorial content. To this end, the MPM variables evaluate a given media landscape in the light of a number of practices that may undermine editorial freedom. More particularly, the indicator includes variables that assess, inter alia, the mechanisms granting social protection to journalists in cases where ownership and/or the editorial line change, rules and/or self-regulation provisions on the appointment and dismissal of the editors-in-chief, laws prohibiting advertorials, regulations stipulating the obligation of journalists and/or media outlets to not be influenced by commercial interests and, more generally, whether the media in the landscape concerned are governed by practices through which commercial interests dictate editorial decisions. In the MPM2020 implementation, additional variables have been introduced to assess the extension and effectiveness of the same safeguards to the online environment.

Analysis

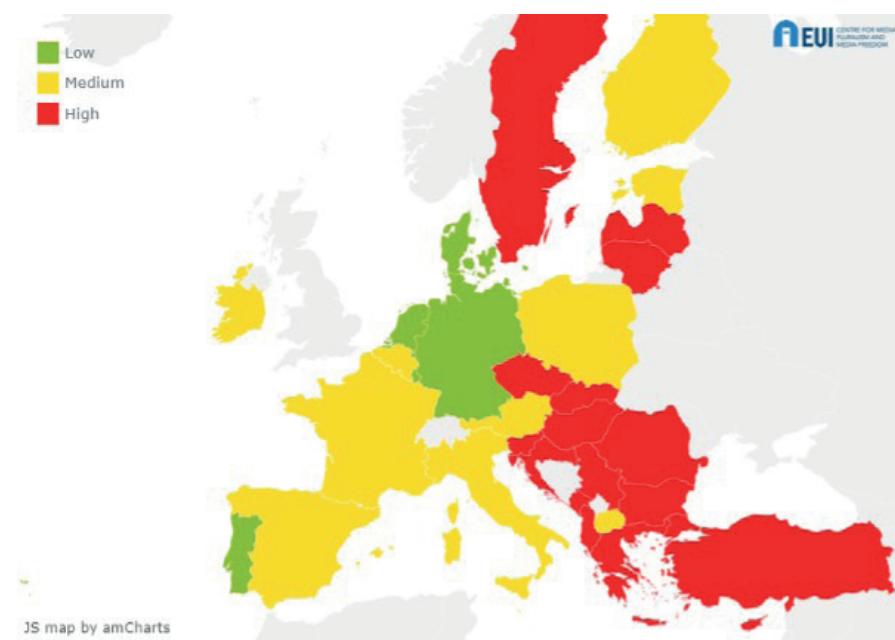
This indicator is composed of two sub-indicators:

Appointments and dismissals

Editorial decision-making.

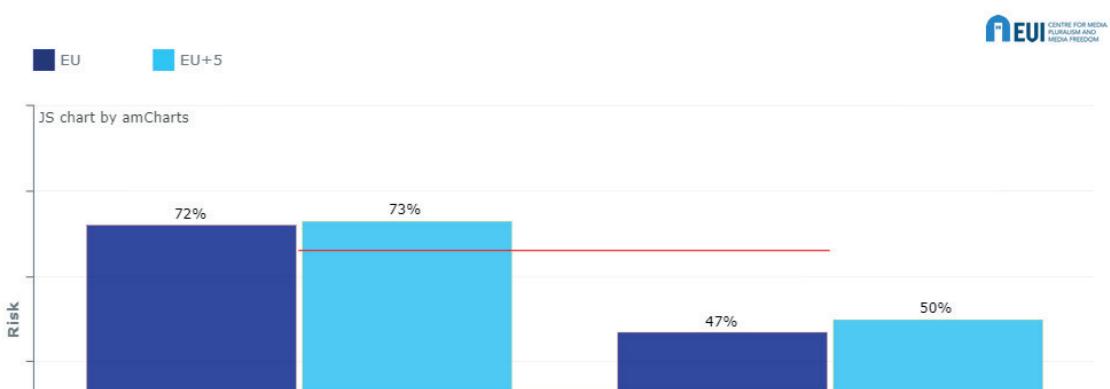
On average, the risk level for the indicator on **Commercial and owner influence over editorial content** is medium (60% in the EU, 62% in EU + 5). The risks related to the businesses' influence on editorial content have grown slightly in comparison to MPM2020. This increase is mainly due to the new countries that are included in the analysis and, to a minor extent, to growing threats to the economic independence of newsrooms in the EU countries. The worsening conditions of Media viability - together with the growth of precarious employment among journalists - may have contributed to the rising risks in this indicator.

Figure 3.2.5.a Commercial & owner influence over editorial content - Map of risks per country



As can be seen in the map above, only 5 countries score a low risk (Denmark, Germany, Luxembourg, the Netherlands and Portugal). 11 countries score a medium risk (Austria, Belgium, Estonia, Finland, France, Ireland, Italy, Malta, Poland, Spain and the Republic of North Macedonia), the other 16 are at high risk.

Figure 3.2.5.b Commercial and owner influence over editorial content - Averages per sub-indicator

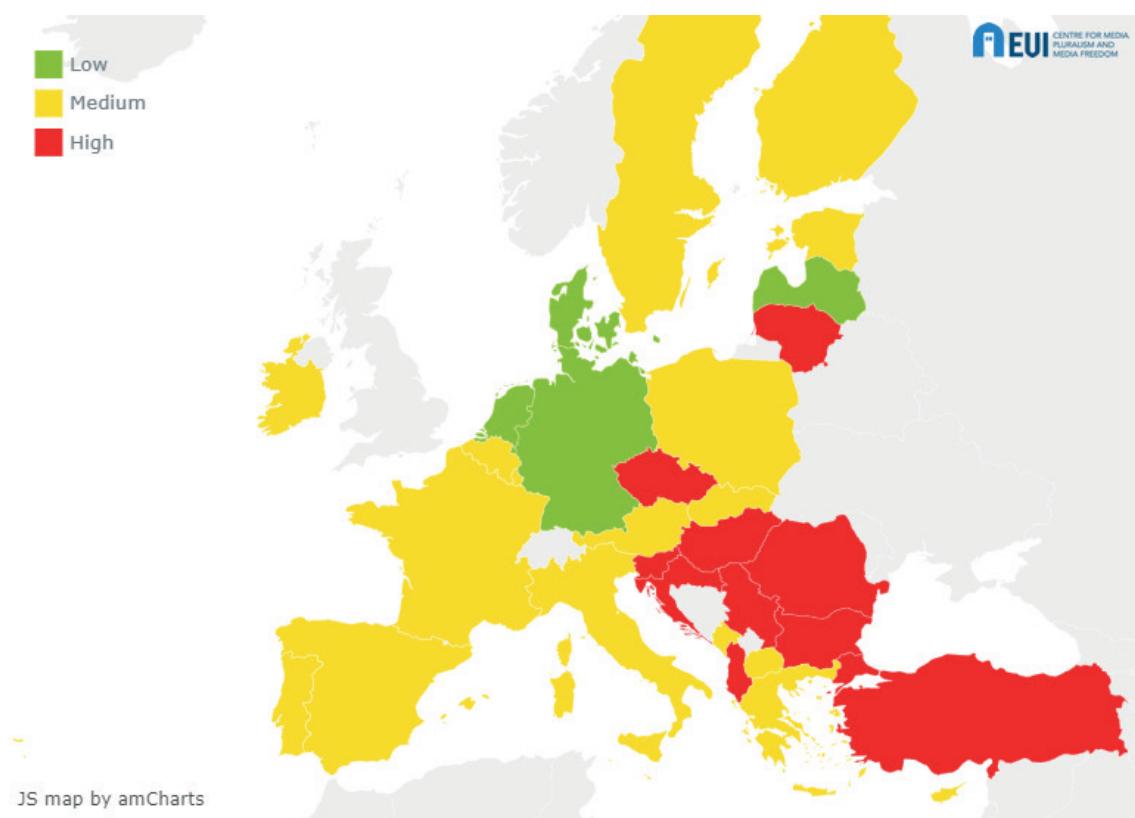


Analysis

The sub-indicator that scores the highest risk within this indicator is that on the Appointment and Dismissal (of journalists, in general, and of editors-in-chief, in particular), which scores 72% for the EU, and 73% for EU +5. This is mostly related to the lack (or poor implementation) of legal mechanisms that grant social protection to journalists in case of changes of ownership or editorial line, as well as to the absence of regulatory safeguards, including self-regulatory instruments, which seek to ensure that decisions regarding the appointment and dismissal of editors-in-chief, are not influenced by the commercial interests of the media owners.

In the sub-indicator on Editorial decision-making, the risks that are related to the independence of the media from commercial influence are evaluated by analysing the legal and regulatory framework, as well as its effectiveness. Even when regulation and safeguards do exist, problems and risks arise from their effectiveness, as has been noticed in most of the countries' reports. This phenomenon is shown by the answers to a single variable, which is a reality-check: it asks whether editorial content is independent from commercial influence, in practice, and it is submitted in each country to the Group of Expert's review. The average score for this variable in EU+5 is 62%. The following map shows the risk's score for this specific variable.

Figure 3.2.5.c. Variable. Is editorial content independent from commercial influence in practice?



Evidence from the data collection conducted for the MPM implementation shows that the

growing risks for this indicator are strictly related to the worsening economic conditions, both for newsrooms and for journalists. In Romania, one of the countries that is at the highest border of risk, “the lack of legal or self-regulatory safeguards for editors-in-chief and mechanisms to lay down and enforce basic professional standards are major risk factors. There are no legal or self-regulatory safeguards to protect editors-in-chief and newsrooms in cases of changes in ownership/editorial line, to prevent arbitrary appointments or dismissals or undue commercial pressure. Nor are there laws or sector-wide codes to establish and enforce basic norms and standards (as regards for instance the dividing lines between advertising and journalistic content). One of the most popular digital natives (*ziare.com*) was recently revealed to have published misleading information that could benefit one of the companies in the portfolio of the outlet’s owners – this, a few months after much of the newsroom had quit (and been replaced), after citing differences with the ownership and claiming that the latter intended to push for “a change in editorial policy” and “control the content” (Popescu et al., 2021). In Bulgaria, “after the change in ownership of the two leading private TV channels, Nova TV in 2019 and bTV in 2020, there were dismissals of journalists and program directors. The developments in the Nova Broadcasting Group are especially noticeable. Over the past 2 years, under the management of the owners, Kiril Domuschiev and Georgi Domuschiev, the company has dismissed more than 60 people from different departments, including prominent anchors, reporters and editors” (Spassov et al. 2021). Cases of owners’ or commercial pressure, followed by the firing or forced resignations of journalists, are reported in several countries, in particular, where there are neither laws nor self-regulatory safeguards to protect the independence of journalists. In some countries, it is difficult to separate the commercial and owners’ pressures from the political ones, as reported in the MPM assessment for Czech Republic, Poland, Slovenia. Another menace is derived from the overlapping of editorial business and other business that characterizes media ownership in countries like France and Italy.

A growing phenomenon that is reported for this indicator is the lack of transparency for sponsored content, particularly in the online environment. (See Chapter 4.2 on Digital Risks).

3.3 Political Independence

The area of Political Independence examines the existence and effectiveness of regulatory safeguards against political control over media outlets and news agencies, as well as political bias and misconduct in media and online platforms. The indicators also look into the existence and effectiveness of self-regulation in ensuring editorial independence, and seek to evaluate the influence of the State (and, more generally, of political power) on the functioning of the media market. Finally, they assess the independence of public service media. The five indicators related to Political Independence are:

- *Political independence of media*
- *Editorial autonomy*
- *Audio visual media, online platforms and elections*

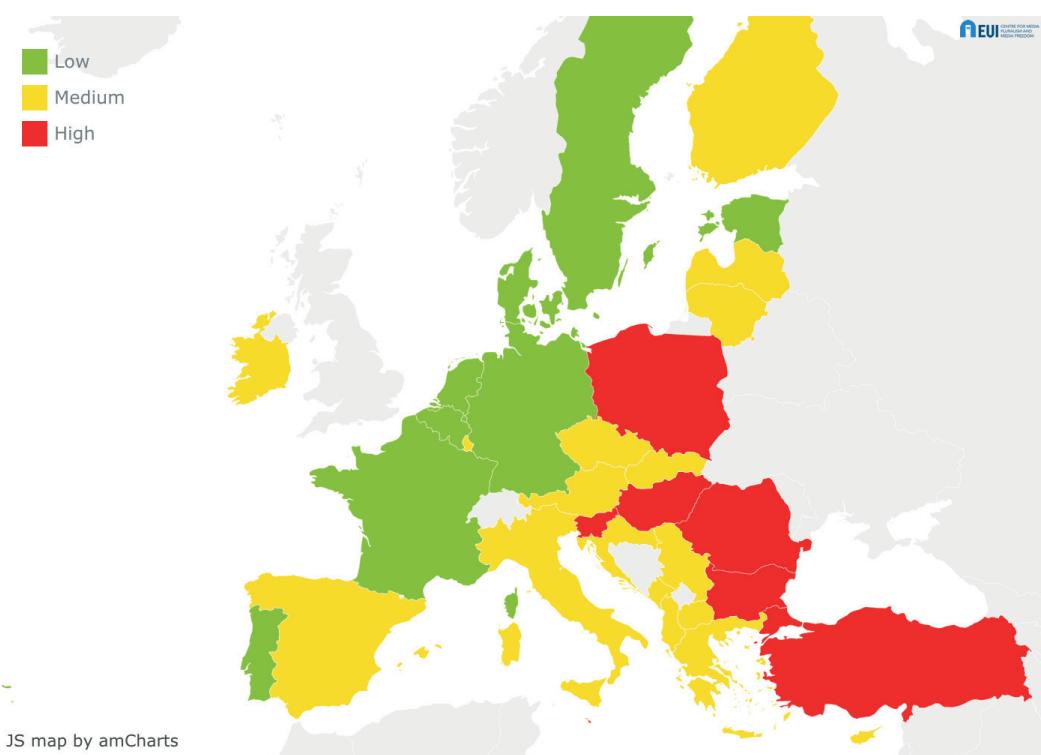
Analysis

- *State regulation of resources and support to the media sector*
- *Independence of public service media governance and funding.*

Political pluralism continues to be an area of particular concern, as it contains some of the highest scoring indicators of the MPM. This is in line with the previous two rounds of the MPM's implementation, which suggests that no significant progress has been achieved.

As shown in Figure 3.3.a., the Political Independence area scores as a high risk in the same 7 countries as last year (Bulgaria, Hungary, Malta, Poland, Romania, Slovenia, and Turkey). 8 countries are found to be at low risk (Belgium, Denmark, Estonia, France, Germany, the Netherlands, Portugal, and Sweden). Among the 8, Estonia is a newcomer, as it scored a medium risk last year. The majority of countries, namely, 17, including the candidate countries, Albania, Montenegro, the Republic of North Macedonia and Serbia, register a medium risk.

Figure 3.3.a. Political Independence area – Map of risks per country



Most of the high, or higher end of medium, risk scores in the indicators are related to the lack of fair rules on the allocation of state advertising, and of clear rules on political advertising online. In addition, scores were impacted upon by the absence of effective safeguards for editorial autonomy, and by shortcomings in the prevention of a conflict

of interest between holding government office and media ownership, especially at the local level. While the conditions vary from state to state, on average, the performance of indicators on Editorial autonomy, the Political independence of media, and the Independence of public service media governance and funding, draw attention, with higher scores in the upper medium risk band. Similar results were found in the MPM2020, indicating that there has been no progress in these key media freedom indicators. The highest scoring sub-indicator is the Distribution of state advertising, with an average score of 72 percent (high risk). During the first wave of the COVID-19 pandemic, when many newsrooms were in need of public support, the opacity, or unfairness, of state advertising measures was a serious concern in a number of countries.

Figure 3.3.b. Political Independence area - Averages per indicator

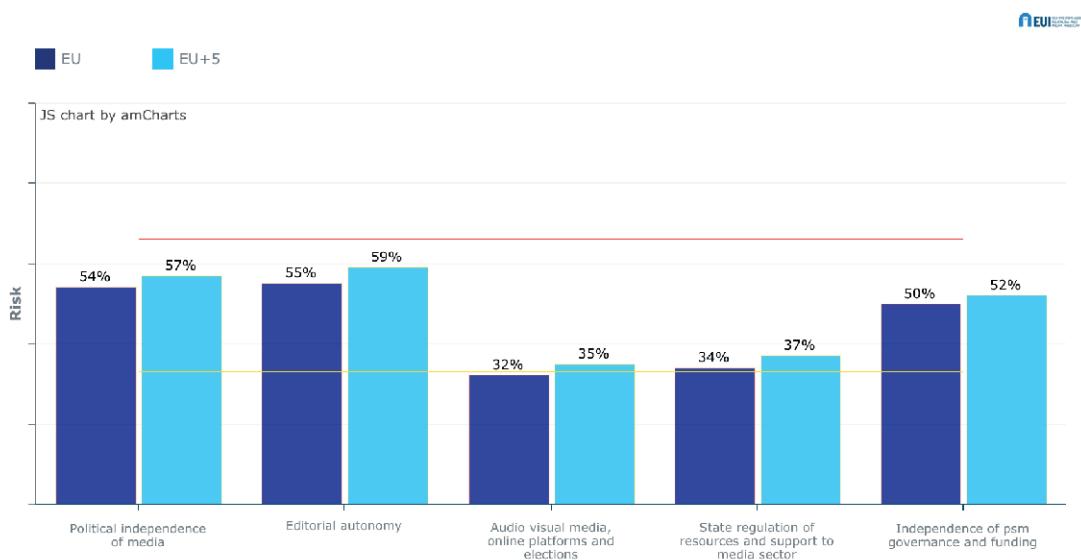


Figure 3.3.b. shows that all of the indicators reach higher risk levels when the five candidate countries: Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey, are taken into account, if compared to the consideration of only the EU member states. This was also the case in previous iterations of the MPM. The comparability of results between the MPM2021 and previous rounds of the MPM implementation in this area is limited, due to change in the composition of countries, and a small change in the variables, if compared to last year. The variable “Is there a regulation that aims to ensure equal opportunities and transparency of online political advertising during electoral campaigns?”, from the MPM2020, was replaced with two questions: one focusing specifically on political campaigns in online news media, and the other dealing with political advertising on online platforms. This change reflects political actors’ increased focus on social media campaigns, which have different logics and are subject to different regulations than campaigns on online news media are. The first question was: “Is there a regulation that aims to ensure equal opportunities and transparency of political advertising in online media during electoral campaigns?”, while the second asked: “Is there a regulation that aims to ensure transparency of political advertising on online platforms during electoral campaigns?”. Both scored as high risk, with 71 and 74 percent, respectively, and with more than two-thirds of the countries scoring a high risk. Only four country teams recorded a low risk for both questions (Estonia, France, Lithuania, and Sweden), five countries only recorded regulation of online natives (the Czech Republic, Finland, Italy, the Republic of North Macedonia, and Slovenia), while four country teams (Belgium, Germany, Greece, and Latvia) reported having regulations related to online platforms. These answers show that, in the case of political campaigns on digital natives and online platforms, we are looking at two issues that are dealt with in different ways and with different intensities among countries, even if the level of risk is almost the same in both cases. The addition of these new variables can have an impact on the changes in the risk assessment of the sub-indicator “Rules on political advertising online”. While preparing the previous round (MPM2020), amendments were introduced to indicators in order

to better grasp the digital realities. This year, the scores only showed slight differences compared to last year. The difference in scores between EU-members and the EU+5 is, in the cases of three indicators (Political independence of the media, Editorial autonomy, State regulation of resources and support to media sector) was slightly larger than it was in the case of last year's data collection, when only two non-EU countries were involved.

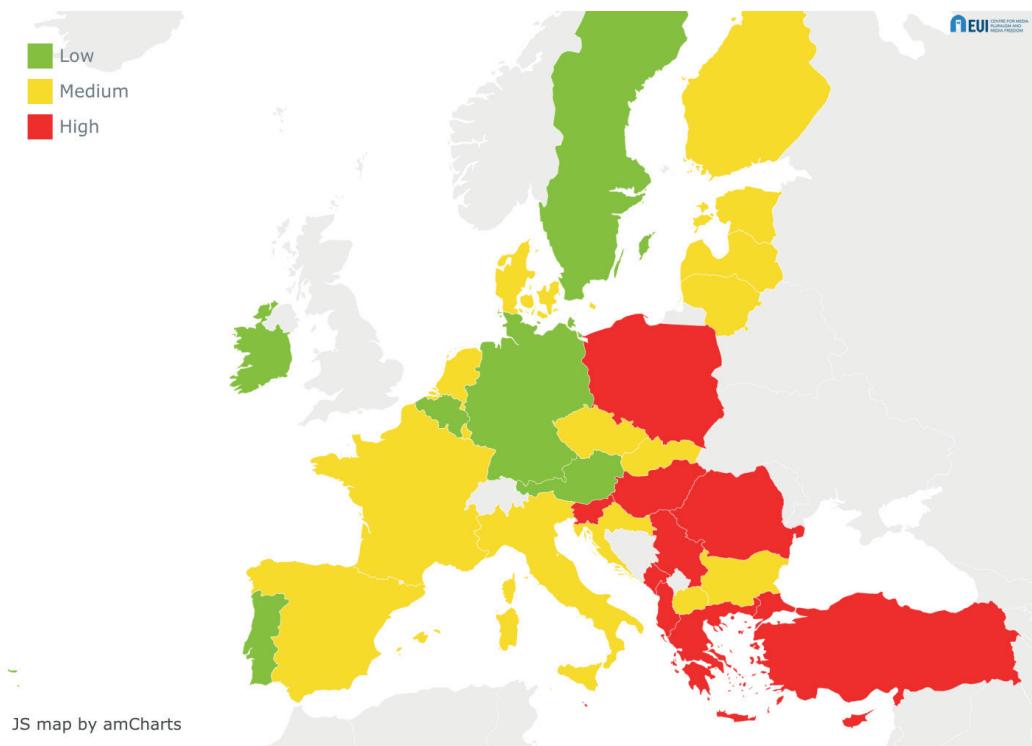
3.3.1. Political independence of media

This indicator assesses the availability and effective implementation of regulatory safeguards against conflicts of interest and control (both direct and indirect) over different types of media by politicians, taking into consideration the diversity of European media systems and the cultural differences among the countries examined. The indicator consists of three sub-indicators: the first relates to the General rules on conflict of interests; the second aims to capture Political control over audiovisual media, radio, newspapers, and digital native media; and the third evaluates Political control over news agencies. Here, control is understood as being broader than ownership, as it includes both direct ownership and any form of indirect control. Indirect control implies that parties, partisan groups or politicians are not directly involved in the ownership structure, but that they exercise power through intermediaries (e.g., family members or friendly businessmen). Conflict of interest is defined as being an incompatibility between holding government office and owning media (Djankov et al. 2003). The MPM, therefore, takes into consideration the existence, and effectiveness, of rules that prohibit media proprietors from holding government office, as well as the situation in practice. Transparency of media ownership, and the availability of information on the political affiliation of media owners, are therefore key preconditions for assessing the extent of the politicisation of control over media.

The Political independence of media indicator is at high risk in 11 countries, including 4 of the EU candidates: Cyprus, Greece, Hungary, Malta, Poland, Romania, Slovenia, Albania, Montenegro, Serbia and Turkey. Six countries are found to be at low risk: Austria, Belgium, Germany, Ireland, Portugal, and Sweden. The remaining 15 countries perform within a medium risk band, Luxembourg being on the border with high risk, and Finland also being very close to high risk. It must be noted that the risks did not always lead to actual infringements. In the Finnish case, the country team reported a lack of laws preventing politicised media. However, the risk has not so far lead to actual signs of control amongst the leading media (Manninen & Hjerpe, 2021). At the same time, some other high-risk countries have experienced serious political interference in their media landscape.

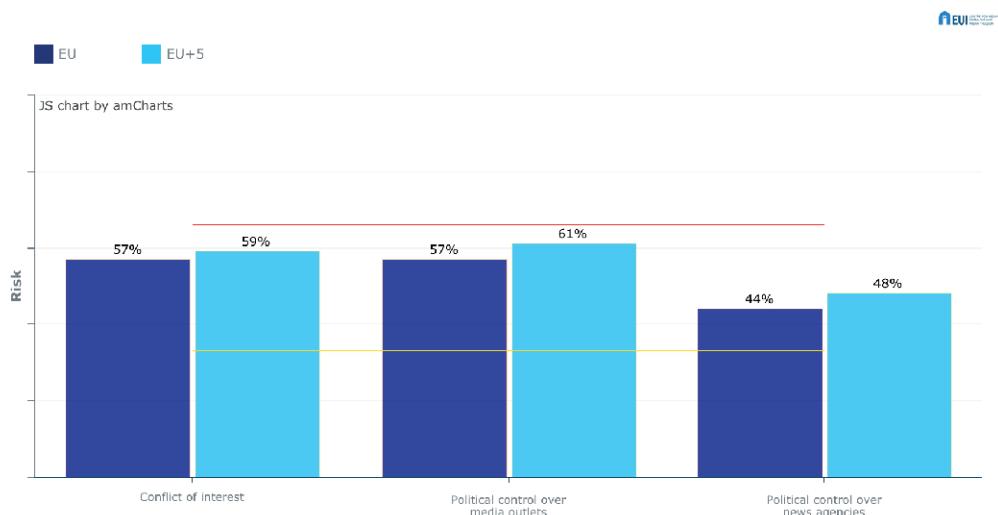
Analysis

Figure 3.3.1.a. Indicator on Political independence of media - Map of risks per country



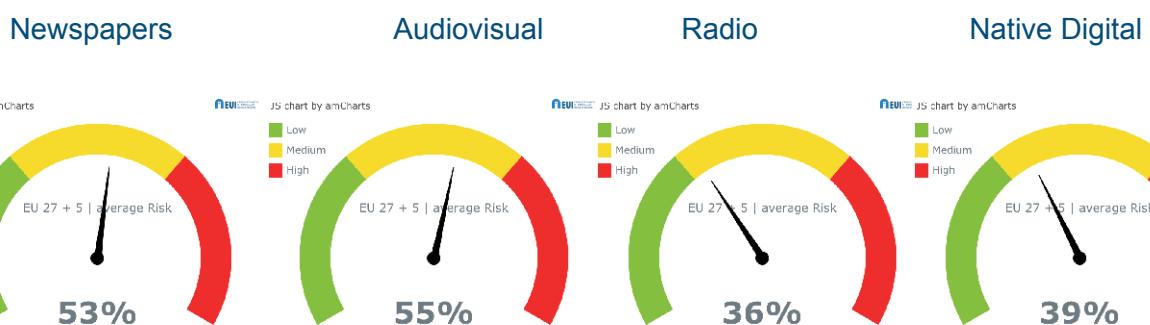
The indicator is composed of three sub-indicators: Conflict of interest, Political control over media outlets, and Political control over news agencies. For all three sub-indicators the risks are slightly higher when candidate countries are taken into account, than when only EU member states are considered. All three sub-indicators score as a medium risk. Conflict of interest and Political control over media outlets register vulnerabilities in more countries than political control over news agencies does.

Figure 3.3.1.b. Indicator on Political independence of media - Averages per sub-indicator



Just as with the last MPM implementation, Malta, where no law exists preventing conflict of interest, and the two major parties are among the key players in the country's media market, scores the highest risk in this indicator. It is followed by two of the candidate countries, Serbia and Turkey. In other high-risk performing countries, even when there is a law to prevent conflict of interest, it is usually either inadequate for a media specific field, or it is not effectively implemented. News media are evaluated as being at medium or high risk of political control in 24 countries. The high risk of political control over both audiovisual media and newspapers was recorded in 14 countries. In Bulgaria, for example, media ownership by parties and politicians is not explicitly prohibited by law, thus a number of major television stations are affiliated with political subjects (Spassov et al. 2021). In Slovenia, an investor associated with Hungary's governing party (an international ally of the Slovenian Prime Minister, Janez Jansa) acquired the Planet TV station (Milosavljevic & Biljak Gerjevic 2021). In Serbia's 2020 election campaign, the majority of the media supported the ruling party (Milutinovic, 2021). Problems have been noted in France as well. Owners of media conglomerates often have close ties to political figures, which may compromise the appointment of editors-in-chief (Rebillard & Sklower, 2021). In Poland, Trójka (Channel 3 of Polish Radio) has experienced a massive wave of politically motivated dismissals, while the Polska Press Group was taken over by a state-owned company, PKN Orlen (Klimkiewicz, 2021). Still, notably lower risks of political control in the form of direct or indirect ownership have been recorded with regard to radio and, in particular, to native digital media.

Figure 3.3.1.c. Political control over different types of media - Average risk score



the native digital media is a cause for concern in Cyprus, Hungary, Romania, Slovenia, and all 5 of the candidate countries. While digital native media are often considered a beacon of hope for journalism in countries where the legacy media have been captured, the MPM data collection shows that this is not always the case. In fact, in the above-mentioned states (5 candidate countries and 4 EU Member States, which is a number that is higher than it was last year) the digital natives with the highest audience tend to be mainstream in style and organisation, and it is not uncommon for their owners to be closely connected to political figures. In Hungary, for example, one of the most influential independent news outlets, Index.hu, was put under political control (Bátorfy & Szabó, 2021). Another problem has been observed with regard to the transparency of native digital media ownership and editorials. In Greece, for instance, the country team has again

reported that no ownership data is available on the native digital media's websites with which to assess whether any of these are owned or controlled by political parties.

Another dimension of this indicator is the Political control of news agencies sub-indicator. In line with the previous MPM results, the MPM2021 shows that, especially when there is one (public) news agency in a country, legal safeguards are often non-existent, or they are insufficient to prevent it from being dependent on political groupings in terms of ownership, the affiliation of key personnel or editorial policy. The risk is high in 10 countries: Albania, Croatia, Cyprus, Greece, Hungary, Poland, Romania, Serbia, Slovenia and Turkey. In Slovenia, the proposed Act on the Slovenian Press Agency (STA) threatened to increase government control over the agency (Milosavljevic & Biljak Gerjevic 2021). In the spring of 2021, the government suspended the funding of the STA.

3.3.2. Editorial autonomy

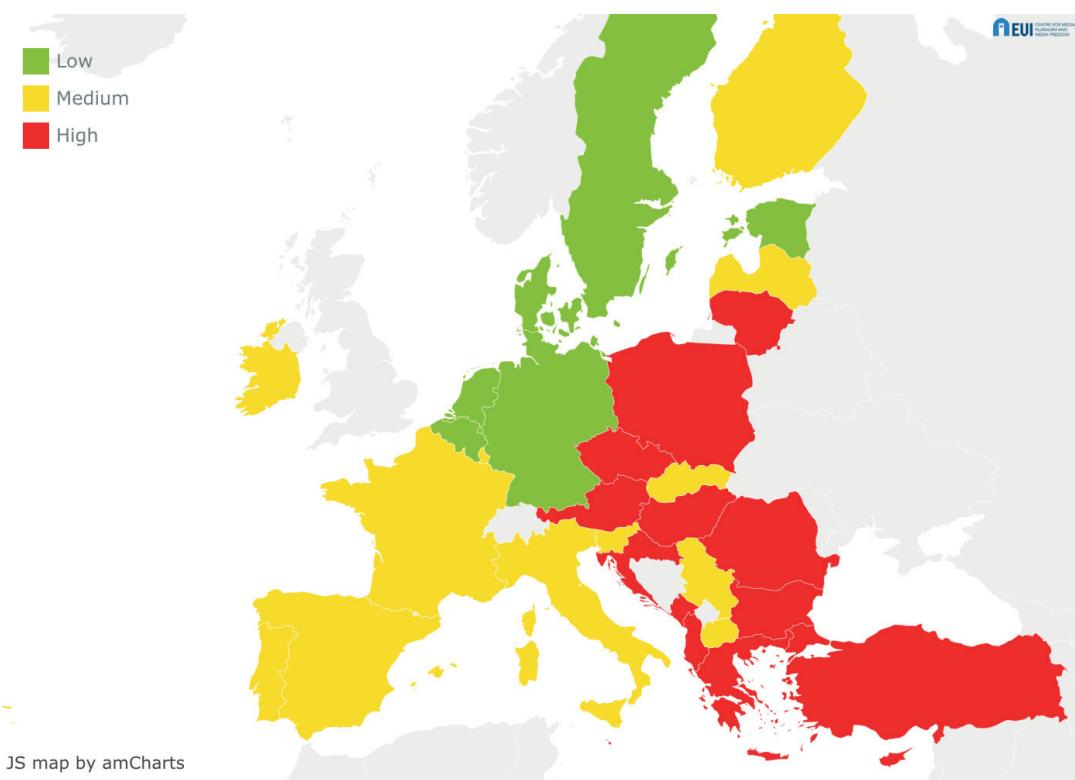
The indicator on Editorial autonomy is designed to assess the existence and effectiveness of regulatory and self-regulatory measures that guarantee freedom from political interference in editorial decisions and content. In order to exercise their social role as the watchdog of society and as a provider of information that serves the public interest and debate, journalists have to be able to act independently of undue influences. In this regard, effective self-regulation, in the form of codes of conduct, codes of ethics or editorial statutes, is of particular importance, as are the appointment and the dismissal procedures for editors-in-chief.

The importance of co- and self-regulation, as a complement to legislative, judicial and administrative mechanisms, is emphasised in the Audiovisual Media Services Directive (2018). The pluralism of the media themselves is insufficient to ensure freedom of information if the independence of the practice of journalism is not guaranteed. The Council of Europe's Recommendation on Media Pluralism and the Diversity of Media Content (CM/Rec(2018)1) highlights that, while encouraging the media to supply the public with diverse and inclusive media content, member states should also respect the principle of editorial independence.

The freedom of journalists and editors to make decisions without interference from the owners of a publication, their political leanings, or outside political pressures, should be a paramount condition for a free and plural media environment. According to the MPM2021's results, this is not the case in 26 of the 32 countries under examination: 12 countries score a medium risk, of which 3 were very close to the border of high (Italy, the Republic of North Macedonia and Spain), while editorial autonomy is at high risk in 14 countries (Albania, Austria, Bulgaria, Croatia, Cyprus, the Czech Republic, Greece, Hungary, Lithuania, Malta, Montenegro, Poland, Romania, and Turkey). The six countries in which editorial autonomy scores low risk are Belgium, Denmark, Estonia, Germany, the Netherlands, and Sweden. In these countries, journalistic self-regulation is evaluated as being effective, and there have been no cases reported in which a certain appointment, or the dismissal, of an editor-in-chief was considered to have been politically influenced.

The results are largely in line with the MPM2020. Croatia and Turkey continue to be the highest scoring countries for this indicator, closely followed by Hungary, Poland, Albania and Montenegro. Croatia is an illustrative example of a country in which there are systematic cases of political interference in the appointment and dismissal of editors-in-chief, in particular, with regard to the public broadcaster (HRT), and there are neither efficient regulatory safeguards nor efficient self-regulation to prevent this interference (Bilic et al. 2021). In Poland, the editors of mainstream news media outlets experience increasing pressure from lawyers and legal firms representing politicians and public entities (Klimkiewicz, 2021). In Hungary, leaked recordings prove that PSM journalists were asked by their superiors to provide favourable coverage of the government (Bátorfy & Szabó, 2021). As mentioned earlier, the problems are severe in candidate countries, with systemic cases of influence from politics on the news media. In Albania, for example, the pressure from media owners and their political as well as economic interests pushes many journalists to resort to self-censorship (Voko & Likmeta, 2021).

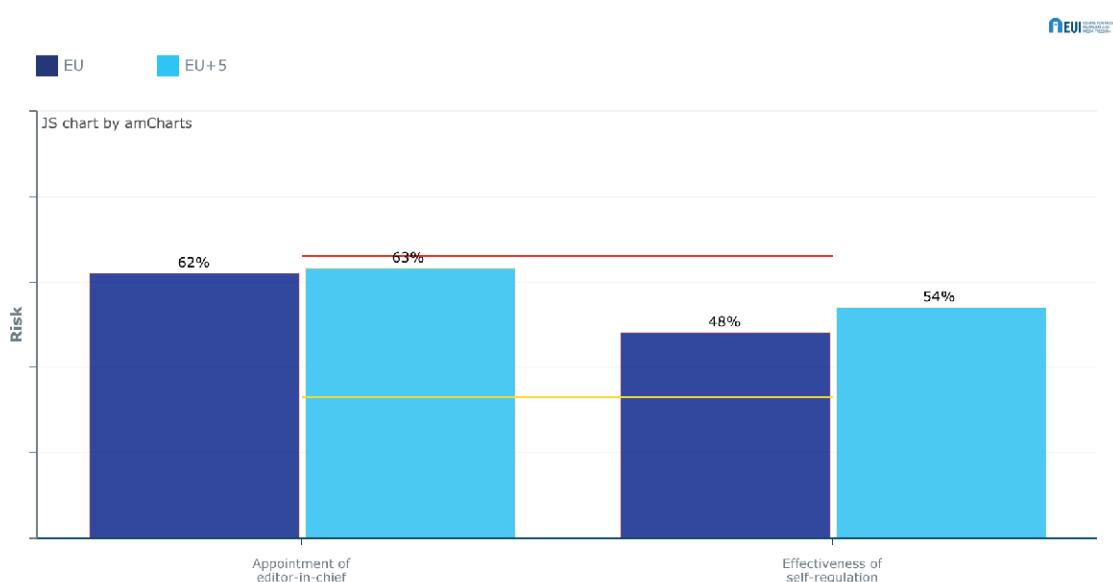
Figure 3.3.2.a. Indicator on Editorial autonomy - Map of risks per country



The indicator on Editorial autonomy is composed of two sub-indicators: one focusing on specific safeguards and practices that are related to the appointment and dismissal of editors-in-chief; and the other capturing the existence and effectiveness of self-regulatory measures, such as journalistic codes and codes of ethics, that stipulate editorial independence in both traditional and online news media. On average, the sub-indicator on Editors-in-chief is more at risk (see Figure 3.3.2.b.) than that on Self-regulation. While a vast majority of countries have no common regulatory safeguards with which

to guarantee autonomy when appointing and dismissing editors-in-chief, leading news media in most of the countries observed do have some form of self-regulation that emphasises editorial independence. However, the lack of the effective implementation of self-regulation remains a problem. In Austria, for example, the two largest newspapers have refrained from self-regulatory measures (Heute finally joined the Austrian Press Council in May, 2021), and no self-regulatory organizations have been established for the broadcasting and online sectors (Seethaler & Beaufort, 2021). In Slovakia, editorial autonomy depends solely on self-regulatory measures, but the COVID-19 pandemic saw an increase in extremist sites and the producers of disinformation, who do not abide by self-regulatory codes (Sampor, 2021).

Figure 3.3.2.b. Indicator on Editorial autonomy - Averages per sub-indicator

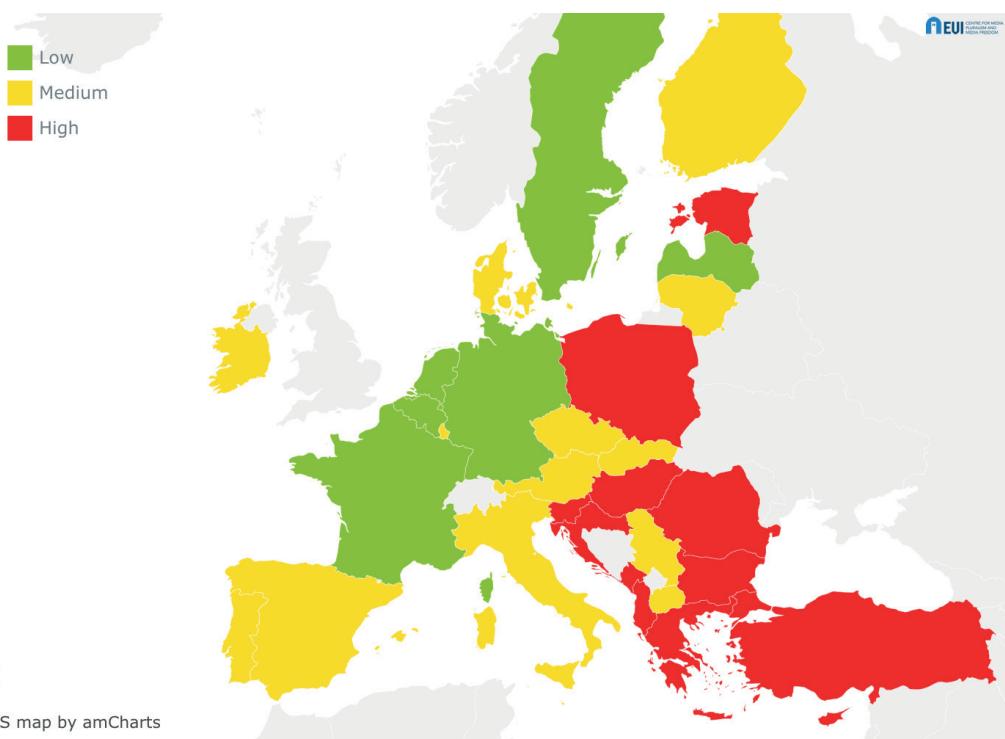


An increasing number of journalists and news organisations make use of social media platforms, such as Facebook and Twitter, to research, break, distribute and discuss the news, and to (self)promote (Lasorsa et al., 2012, Noguera Vivo, 2013). This may result in tension between journalistic objectivity (non-partisanship) and transparency (journalists more freely commenting on social media and revealing more about their political views which may affect their own reputation and the reputation of their media organisation). Furthermore, this often results in tensions between the personal and professional use of social media. Social media guidelines are, with increasing frequency, being issued by news organisations that want to indicate to journalists what is, and what is not, permitted on these platforms. The aim of this variable was to collect initial information on the extent of the availability of guidelines so as to be able to evaluate whether they are developing as a proper self-regulation of journalists' activity on social media, or are being imposed on journalists (e.g., by marketing units), and may even limit their expression.

The MPM2021 results show that, in 26 of the countries, social media guidelines for journalists are either non-existent or are, in some parts, problematic, for example, when

limiting journalists' expression. The guidelines, especially when designed within commercial media, are often not made public and, hence, are impossible to assess. In 6 countries, these guidelines exist on a larger scale, and they do not seem to be problematic. An example is Germany, where all public broadcasters have guidelines for dealing with social media.

Figure 3.3.2.c. Social media guidelines for journalists - Map of risks per country (variable)



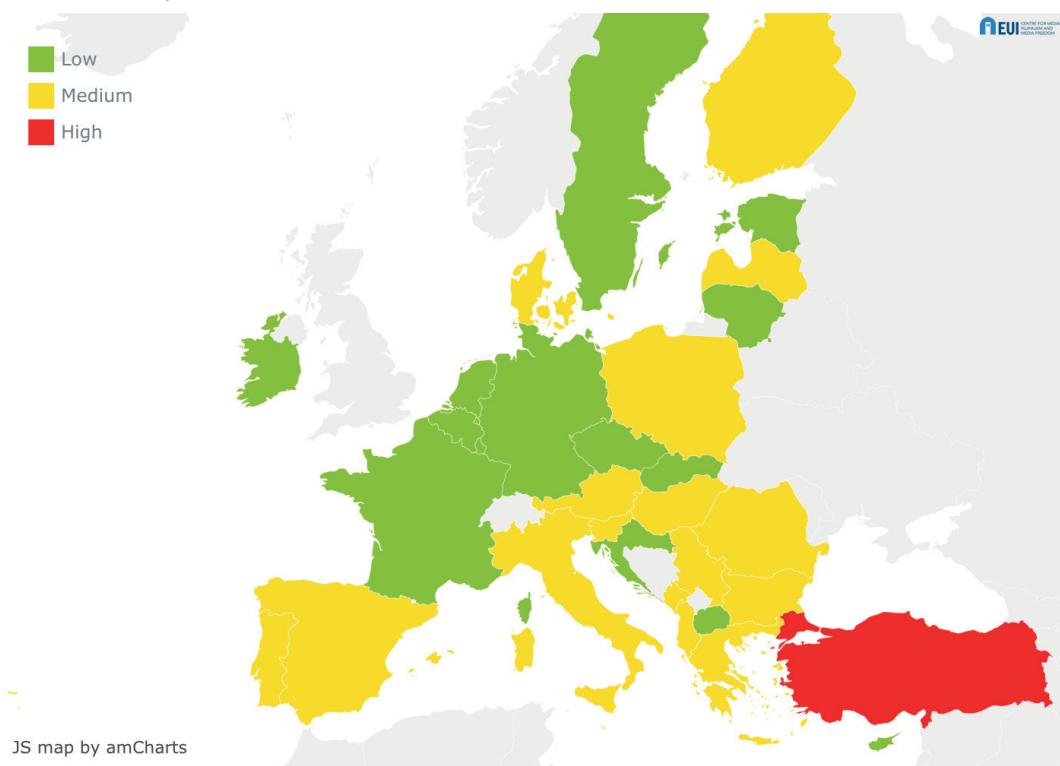
3.3.3. Audio visual media, online platforms and elections

The indicator on Audio visual media, online platforms and elections assesses the existence and implementation of a regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints on public service media (PSM) and private channels, especially during electoral campaigns. The indicator also takes into consideration the regulation of political advertising in audiovisual media, as well as regulation and self-regulation, in order to ensure the transparency of political advertising online. The focus is on the risks from bias in the audiovisual media, since television remains the main source of news for citizens in the EU (Standard Eurobarometer 90). However, the continuous rise of online sources and platforms as resources for news (SE 90), and as channels for more direct and less controlled political marketing, call for a deeper examination of the related practice and the regulation that is available.

Close to half of the countries covered by the MPM2021 score as being at low risk on the indicator on Audio visual media, online platforms and elections. The result is ascribed to the general availability of rules to ensure the impartiality of media reporting and equal (or proportionate) opportunities for political actors to access the media, in particular, during

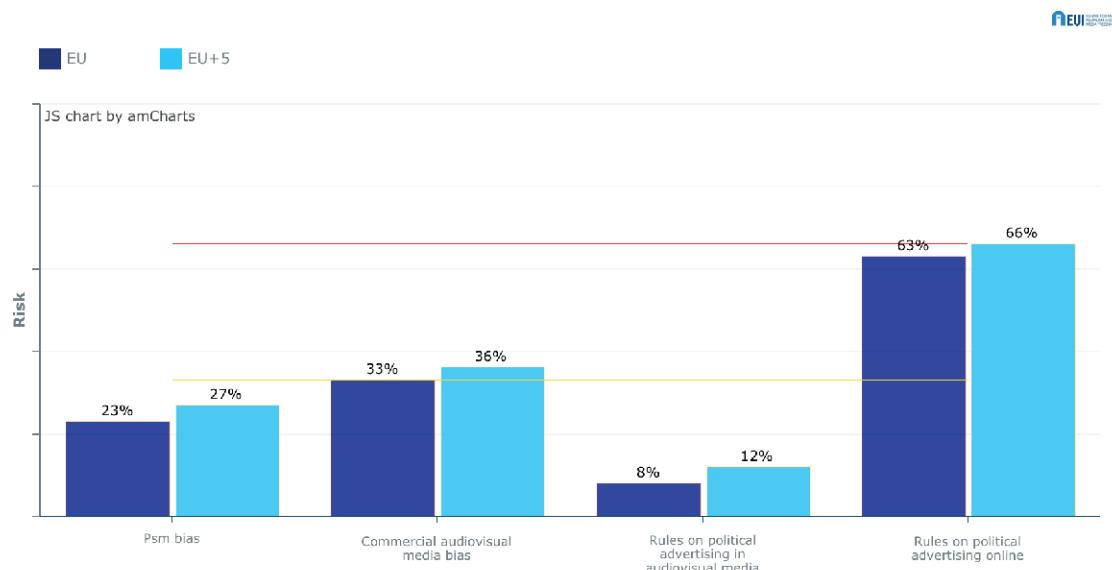
election campaigns. The reporting of public service media in the electoral period is often monitored by regulators, which puts additional pressure on such media to provide fair representation of political actors and political viewpoints. Despite the long tradition of regulation and regulatory monitoring in this field, 17 countries score as being at medium risk (Albania, Austria, Bulgaria, Denmark, Finland, Greece, Hungary, Italy, Latvia, Malta, Montenegro, Poland, Portugal, Romania, Serbia, Slovenia, Spain). Turkey is the only country that registers high risk, while Hungary and Serbia are closest to the high-risk threshold.

Figure 3.3.3.a. Indicator on Audio visual media, online platforms and elections - Map of risks per country



This indicator is composed of four sub-indicators: Public service media bias; Commercial audiovisual media bias; Rules on political advertising in audiovisual media; and Rules on political advertising online. Concerns about political bias, preferential treatment and manipulative political advertising increase during periods of electoral campaigning. This was the case with the legacy media and is, perhaps, even more of a concern now, when political communication and advertising are shifting to the realm of online platforms and are taking on the new techniques that are enabled by the online and platform environments. In the traditional media systems, legal provisions are in place to ensure that the public media act in a non-discriminatory way and provide for equal treatment, that parties and candidates have access to media, and that citizens are given access to a variety of voices during election campaigns (Venice Commission, 2010: para 148). For the online dimension, clear standards, transparency and the pluralistic rules of the game are still widely lacking.

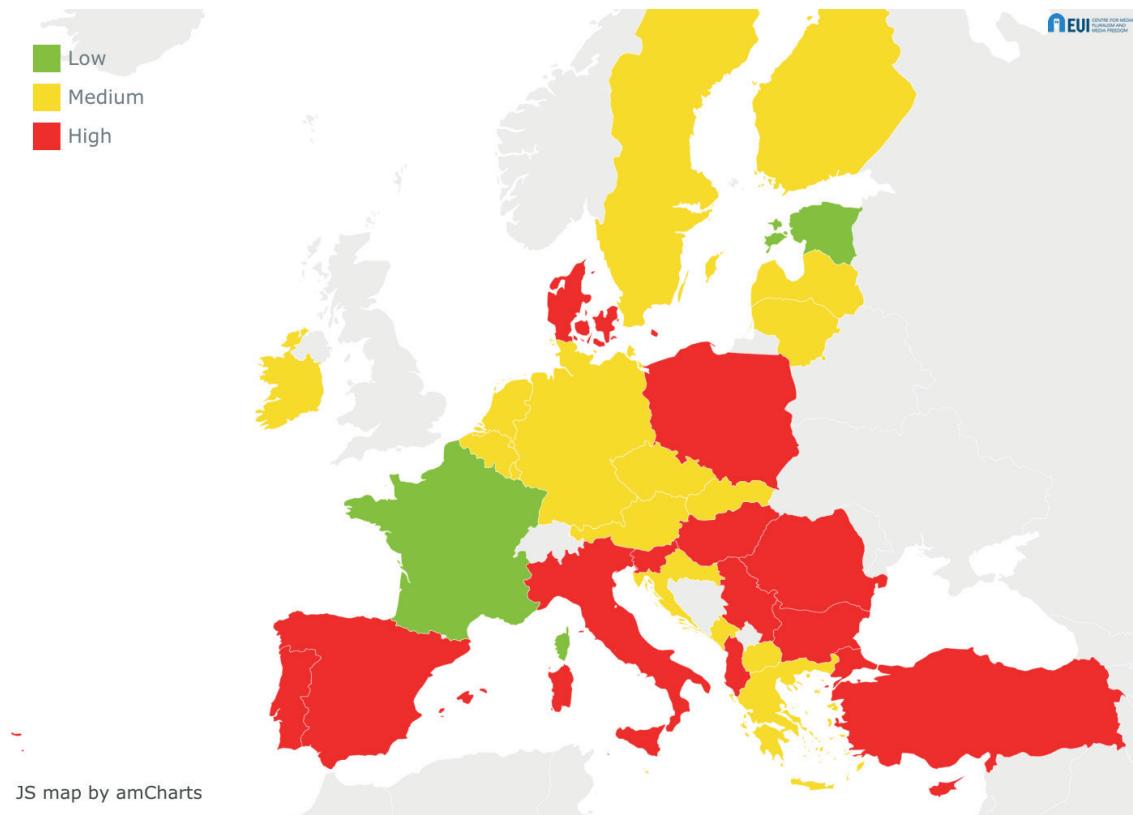
Figure 3.3.3.b. Indicator on Audio visual media, online platforms and elections - Averages per sub-indicator



As was the case in previous MPM reports, on an aggregate level, Audio visual media, online platforms and elections is the indicator for which the lowest risk is recorded in the area of Political Independence. However, the sub-indicator on Rules on political advertising online scores significantly higher risk than all other sub-indicators. The larger component of the indicator remains dedicated to audiovisual media, as television remains the most common news source in Europe. However, online, and especially algorithm driven platforms, are increasingly gaining prominence as a general source of news and as a source of political information before elections.

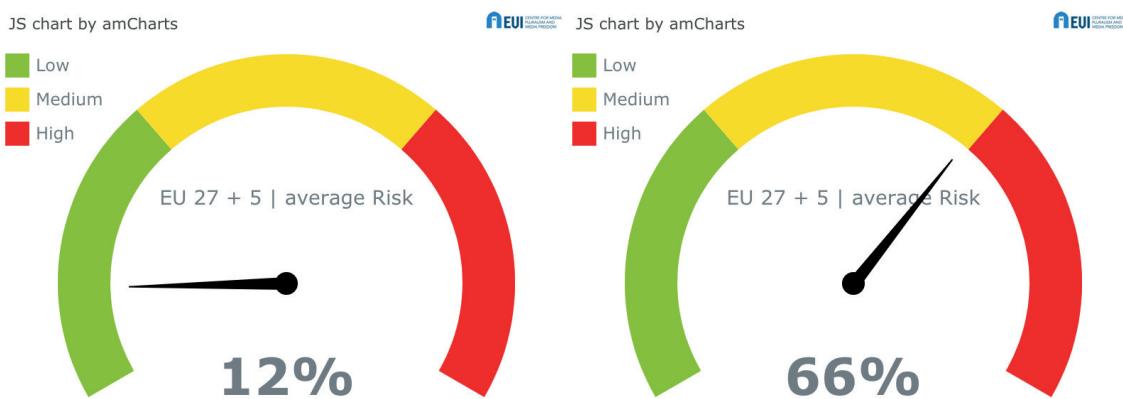
The results show that the vast majority of countries, (24 of 32), have no, or have insufficient, regulation to ensure the transparency of political advertising on online platforms. Only 8 countries (Belgium, France, Germany, Greece, Latvia, Lithuania, Portugal and Sweden) have a regulation that seeks to provide equal opportunities and to secure the transparency of online political advertising during the campaign period. The situation is only slightly better when we look at online news media: 23 countries report a lack of equal opportunities and transparency. 15 countries report a lack of rules for political parties, candidates and lists competing in elections to report on campaign spending on online platforms in a transparent manner. For the rest (with the exception of Estonia), the rules are not effective. In 30 countries, the political candidates and parties are not fully transparent about the spending and methods used in their social media promotion. In 23 countries, some issues were noted in relation to the implementation of the Code of Practice on Disinformation with regard to the clear labelling and registering of political and issue-based advertising, and in terms of indicating who paid for it. In 19 countries, the data protection authority does not take sufficient account of, and/or monitor the use of personal data by political parties for electoral campaigning purposes.

Figure 3.3.3.c. Sub-indicator on Rules on political advertising online - Map of risks per country



There exists very little regulation of political advertising online, largely due to a lack of understanding of the criteria used by online platforms in content moderation and recommendation systems' design. At the same time, the audiovisual media, especially the public service media, are strongly regulated. The MPM results show that most EU countries have put in place rules to ensure the fair representation of political viewpoints in news and informative programmes on public service media. Political advertising is often prohibited, or at least restricted, in order to prevent the financially stronger political actor from acquiring a disproportionate amount of airtime, and/or to prevent political groups with fewer financial resources from being partially or wholly excluded from the media channels. Since the greater portion of this indicator is still dedicated to the audiovisual media, the overall results for the majority of countries remain within the low risk band. Nevertheless, the results suggest that much more should be done to regulate the online dimension.

Figure 3.3.3.d. Comparison between sub-indicators: Rules on political advertising in audiovisual media (left) and Rules on political advertising online (right) - Average risk score



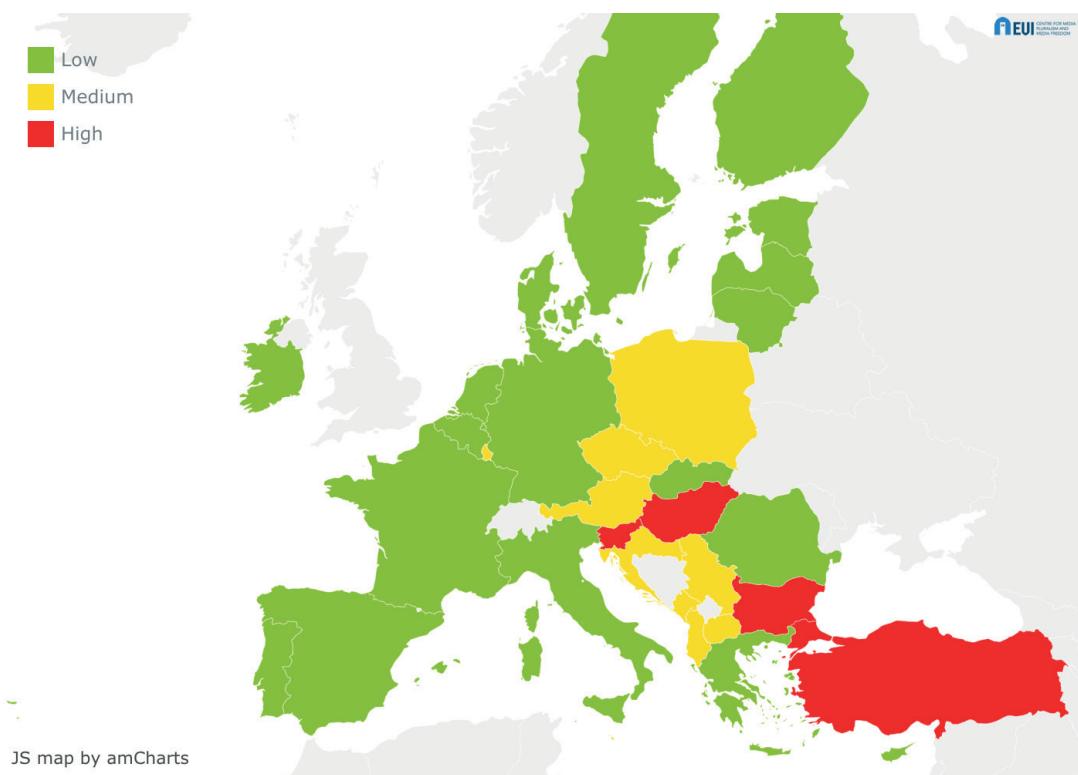
3.3.4. State regulation of resources and support to the media sector

This indicator assesses the legal and practical situation in relation to the distribution of state managed resources for the media. In a situation in which media organisations face economic difficulties that are caused by the recent economic crises and ongoing technological disruption, financial support from the state can be crucial, especially for non-profit, community media and other less commercial forms of journalism. It is therefore of particular importance that fair and transparent rules on the distribution of state resources and support are in place, as well as that they are being effectively implemented. The lack of clear and transparent rules may be conducive to favouritism. The lack of available data on allocation, in practice, is also seen to be a potential risk, since the lack of transparency can conceal the practice of channelling money to specific media outlets in a biased manner.

Across this indicator, 4 countries score as being at high risk: Bulgaria, Hungary, Slovenia, and Turkey. Bulgaria has reached the highest possible risk score in this area, as there is a complete lack of legal provision for direct and indirect subsidies, neither is there transparency regarding the distribution of the funds. In the meantime, state advertising is used to exert political influence over national and local media (Spassov et al., 2021). Slovenia has a regulation on spectrum frequency allocation, but the provisions of the law do not ensure transparent allocation, nor is the process transparent in practice. In Slovenia, direct subsidies to the media are very limited, and there is no clear set of rules regarding the distribution of state advertising (Milosavljevic & Biljak Gerjevic, 2021). In Hungary, there have been several legal procedures against the media authority that allege unfair and non-transparent frequency allocations. State subsidies are distributed to the media by the Media Council and the MTVA (PSM) for local, regional and community media and programmes, via the Hungarian Media Fund, but no reports are available to scrutinise who the beneficiaries are. In the last few years, the State (includ-

ing the government, state-owned companies, institutions, ministries, local government) has become one of the biggest advertisers in Hungary, in the absence of regulation on this matter that would ensure fair and transparent allocation that is free of political interests (Bátorfy & Szabó, 2021). In Turkey, the Directorate General of Press Advertisement (BİK) has been questioned on its legitimacy, function, and lack of autonomy ever since it was founded (Inceoğlu et al., 2021). 10 countries rank in the medium risk band on this indicator, while 18 countries score as being at low risk. These results show a slight improvement, if compared to the MPM2020. This is partly a consequence of the COVID-19 pandemic that increased the significance of state support to the media; at least in relation to direct and indirect subsidies.

Figure 3.3.4.a. Indicator on State regulation of resources and support to the media sector - Map of risks per country



This indicator is composed of three sub-indicators: Spectrum allocation, Government subsidies (direct and indirect), and Rules on State advertising. The sub-indicator on Spectrum allocation, which assesses the existence and implementation of the legal framework that enacts the general regulatory principles and policy objectives of the Radio Spectrum Policy Programme (2012), continues to be at low risk for the vast majority of countries. Most have effective regulation, and no major disputes have recently been recorded on this matter.

Overall, we can see substantial differences in the degree of, and approaches to, direct subsidies. Austria, Belgium and France, for example, provide substantial support to their

private media in order that they can successfully compete in the media market. In the pre-COVID era, Austrian newspapers received EUR 8.9 million annually, the country's Private Broadcasting Fund amounted to 20 million, and the Non-Commercial Broadcasting Fund received 3 million per year. In Croatia, the Ministry of Culture and Media distributes HRK 30 million (EUR 4 million) yearly. Still, in the majority of the countries, direct funding is limited and/or available for special content (mainly for minority or minority language media, or the promotion of special topics): Finland, for example, provides €800.000 to cultural magazines and €500.000 to minority language newspapers. In Poland, the Ministry of Foreign Affairs can, based on a competition, select media projects that would support Polish foreign policy, while the Ministry of Culture can support projects that would promote readership, or other issues of public interest. In 10 countries, there were no direct State subsidies to the media, not even those related to the COVID-19 pandemic (Albania, Bulgaria, the Czech Republic, Estonia, Greece, Ireland, Malta, Romania, Slovakia and Turkey). In Italy, Hungary, Montenegro, Portugal and the Republic of North Macedonia, some sort of direct support is available, but the criteria relating to their distribution to media outlets are either not clearly set out, or the practice is not fully transparent. Indirect subsidies, largely in the form of tax exemptions, are available in two thirds of the countries under examination, and they are mostly fairly distributed.

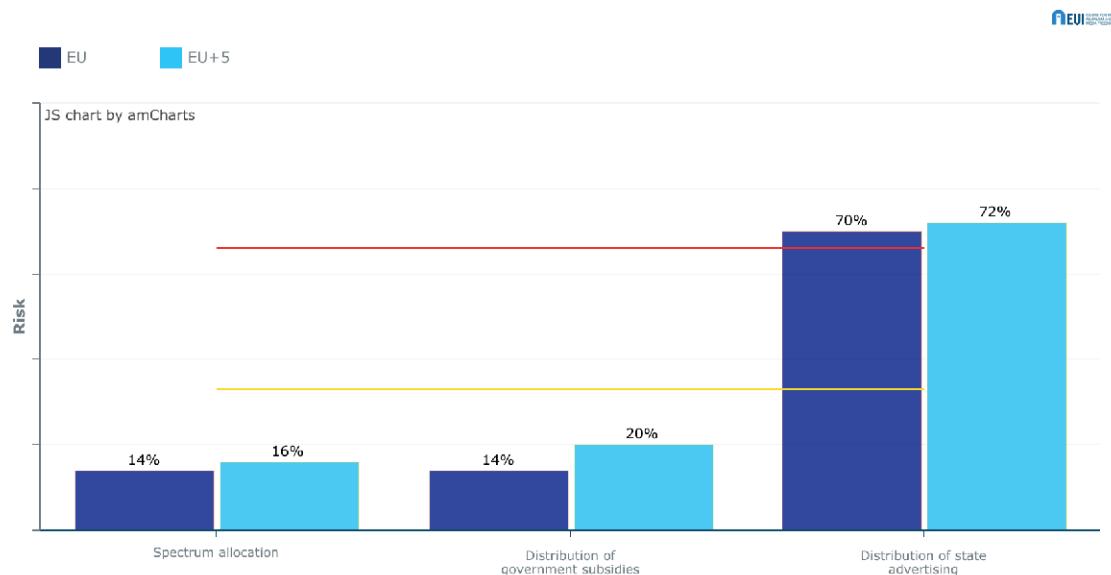
In the COVID-19 pandemic, news organisations, as the key suppliers of credible and timely information, have recorded remarkable increases in the numbers of their audiences, but they have not been spared of economic consequences, a strong drop in advertising revenue and follow up newsroom cuts (UNESCO Brief, 2020). The indicator on Media viability in the Market plurality area has shown that, in most countries, the revenues of the news media have decreased by a greater percentage than the overall economy has. The greatest losses were recorded during the first wave of the pandemic, and although the market later showed signs of recovery, the losses remained significant. For this reason, journalists' associations have urgently called states to include the media in recovery plans, and to provide financial support to professional journalism. From the perspective of preserving pluralism, it is crucial that these mechanisms are timely, comprehensive, and are allocated in a transparent way that is based on clear and fair criteria. As the findings of the MPM2021 show, some member states have heeded the call, and they have introduced COVID-19-specific media subsidies (and, even more, have, in one way or another, covered their media by general crisis support schemes), such as Austria, Belgium, Finland, France, Latvia. In Austria, this meant a scaling-up of the existing subsidy scheme: the pandemic-related special government subsidies to the press amounted to almost EUR 35 million. The Spanish national government introduced a special payment of EUR15 million for the national television providers. Latvia provided support of EUR 1.2 million to cover, among other things, the delivery costs of print publications, the broadcasting cost of electronic media. In Finland, the government provided EUR 7.5 million to cover payroll costs and freelancers' fees. France, in addition to transversal measures (such as State-guaranteed loans and an emergency fund), allocated more than EUR 100 million to ensure the continuity of its distribution, and strengthened its so-called "Strategic fund for the development of the press".

The team in Cyprus reported that the distribution of COVID-19-support has followed clear criteria, but the overall sum (EUR 700,000) was insufficient, given that the radio and television sector's real advertising revenue for 2019 was around EUR 30 million, and losses in the first semester of 2020 were estimated to have reached at least 25%. Besides the insufficiency of funds, a number of other possible risks were highlighted in the COVID-19 context: country teams have mentioned the opacity of support measures (France), possible distortions of the market, and governmental support's tendency to favour large players over small media (Luxembourg). Country teams have also pointed out that a disproportionately high percentage of the support goes to tabloid (Austria) or legacy (Italy) media, while, in some cases, there seems to be evidence that subsidies end up profiting conspiracy sites and far-right media (Croatia). In Poland and Hungary, there were signs of ministries and other State agencies favouring media outlets whose coverage is friendly to the government. In the context of the pandemic, we have also seen serious delays in terms of decisions and payments in some countries (Slovenia, Italy).

On a more positive note, there have also been some improvements in the provision of direct state support: in Luxembourg, the distribution became fairer, once language barriers were eliminated (Portuguese language newspapers had a large readership, but didn't qualify for support until recently); efforts are seen in some countries to include quality control in the process (e.g., Spain) and to extend support to online media. There were cases where the pandemic made clear that there is a long-term need for support measures. Germany, for example, for the first time considered providing support (EUR 180 million in the first year) to commercial media. However, the proposal disregarded online publishers, and this was criticised (Holznagel & Kalbhenn, 2021), later the whole plan was scrapped. These developments led to a two percentage point decrease in the area's risk score.

Issues regarding the unfairness of the distribution of direct subsidies were often noted. Austria has repeatedly criticised the practice of direct subsidies, as they disproportionately favoured high- circulation tabloids. Instead, experts in the country would favour a reformed system that supports democratic qualities (Seethaler & Beaufort, 2021). In Croatia, it has become apparent that funds might be used by commercial media only, leaving freelancers and nonprofit media without any COVID-19-related support (Bilic et al., 2021). In Portugal, the three big media groups (Impresa, Media Capital, and Cofina) received more than half of the money (Rui Nunes Cádima et al., 2021).

Figure 3.3.4.b. Indicator on State regulation of resources and support to the media sector
- Averages per sub-indicator



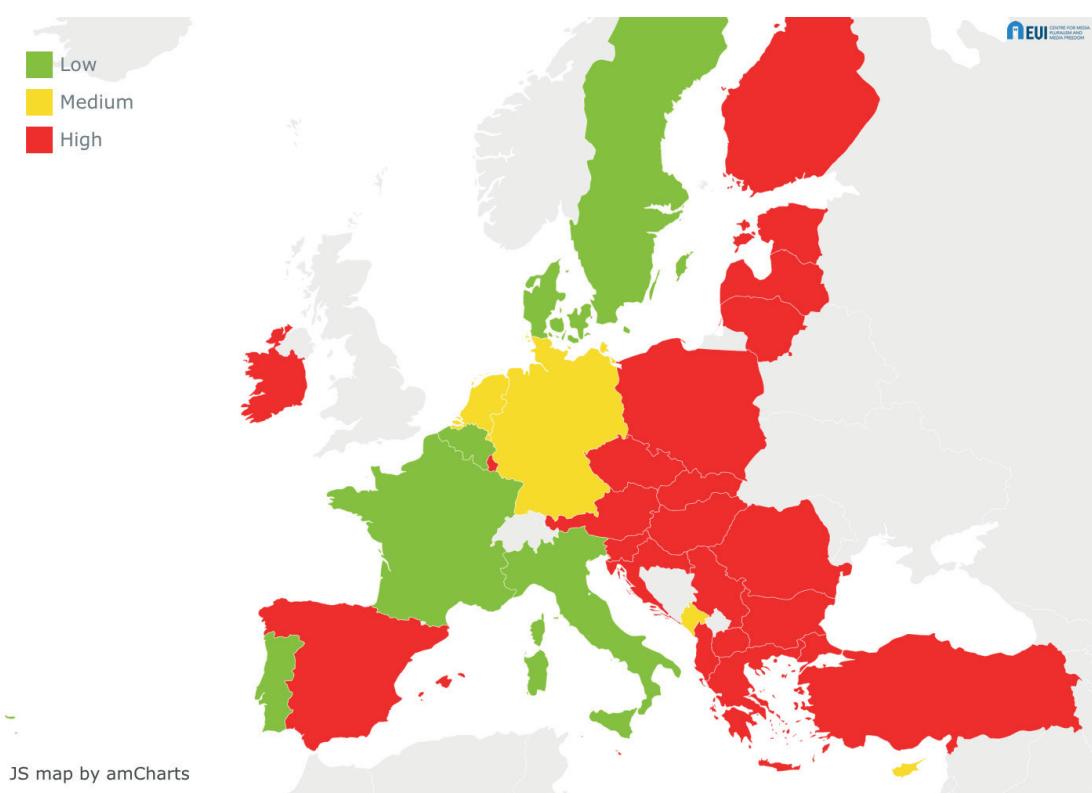
The third sub-indicator relates to the Distribution of state advertising. As in the previous rounds of monitoring, State advertising persists in being the most problematic issue for most countries, and it is the highest scoring component of this indicator (Figure 3.3.4.b.). Due to the pandemic, its risk score has increased by 2 percentage points. State advertising is described as being any advertising that is paid for by governments (national, regional, local) and state-owned institutions and companies, to the media. The majority of countries (25) scored a high risk, because they lack the legislation to ensure fair and transparent rules on the distribution of State advertising to media outlets, and this is also reflected, in practice, through low transparency in relation to the distribution criteria, the amounts allocated, and the beneficiaries. In the Czech Republic and in Hungary, there is widespread evidence that State advertising is used as a covert way to subsidise friendly media, or to buy influence over the rest. Bulgaria was condemned by the European Parliament for using EU funds to support allied media through advertising. The COVID-19 pandemic has increased the overall risk of this indicator by two percentage points. This year, the risk level is the highest possible in 16 countries: Albania, Austria, Bulgaria, Croatia, the Czech Republic, Finland, Hungary, Ireland, Latvia, Malta, Montenegro, Poland, Serbia, Slovakia, Slovenia and Turkey. The list confirms that risks related to State advertising continue to be present to a greater extent in Central-Eastern European countries, and in the candidate countries, than they do in other members of the EU. Austria and Ireland are outliers here.

Even in countries where State advertising is subject to public tenders, we have encountered some problems, as public procurement laws are not suitable for addressing all of the peculiarities of State advertising, and often advertising campaigns fall under the public procurement thresholds, and there are ongoing discussions about whether the cheapest or the “most well-reasoned” bid is to be preferred. Moreover, as the Irish

example shows, even having a public procurement process doesn't necessarily mean that the allocation of advertising in the news media will be free of government interference. In this case, public procurement makes sure that the placement of advertising is being carried out through an intermediary (an ad agency), but, still, the law makes sure that the State bodies can decide in which media the agency will place the ads (Flynn & O'Dell, 2021).

The COVID-19 campaigns have led to a visible increase in advertising spending (with "stay home" campaigns all over the EU), and there were even cases in which State advertising was framed as a form of media support from governments. During the first wave of the pandemic, the government of the Czech Republic planned to launch a CZK 2 billion campaign (EUR 40 million) to support its major media outlets and promote local tourism, but the plan was not executed due to criticism about its lack of transparency. The Greek government launched a public health awareness campaign without specifying the criteria by which the media outlets would be selected (Psychogiopoulou & Kandyla, 2021), but similar examples of opacity can also be found in a number of other countries. A number of other support measures were described in the Market Plurality area under the Media viability indicator.

Figure 3.3.4.c. Sub-indicator on Distribution of state advertising - Map of risks per country

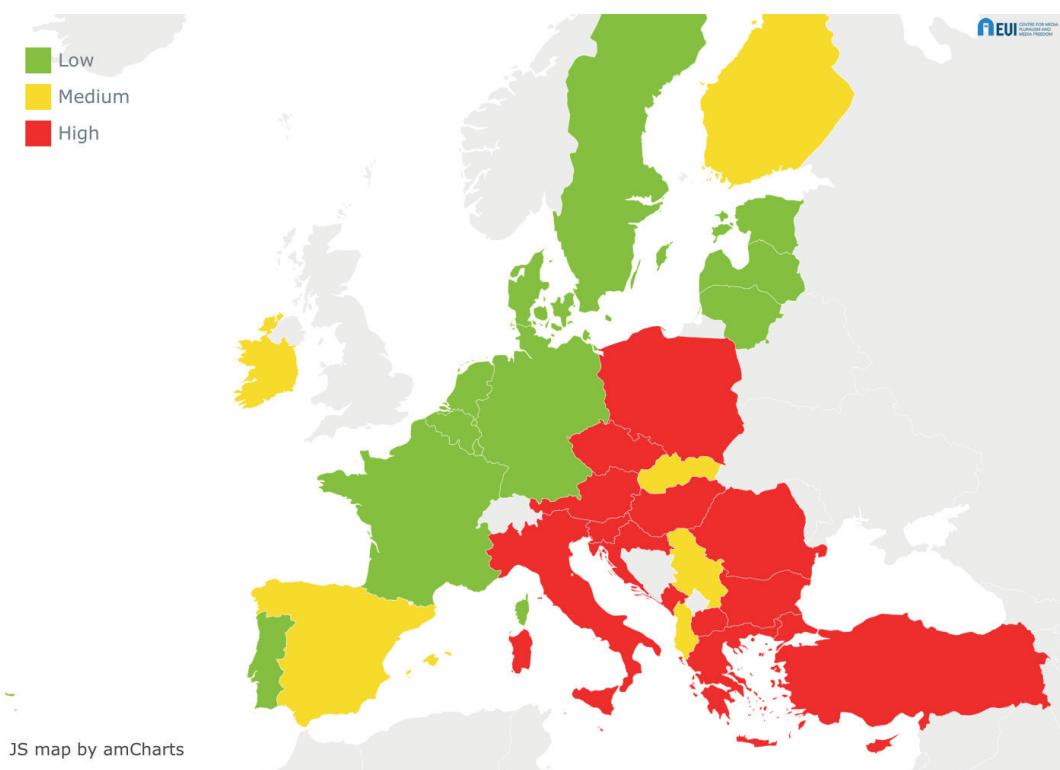


3.3.5. Independence of public service media governance and funding

The Independence of the public service media (PSM) governance and funding indicator is designed to measure the risks which stem from appointment procedures for top management positions in the public service media, and the risks arising from the PSM funding mechanisms and procedures. The reasons behind giving a special focus to PSM are twofold, and they emerge from its perceived special role in society and its relationship with the state (CMPF, 2016). PSM systems are usually established by the State, which, in some cases, still maintains an influence over them. Given that the PSM are thought of as being media that are both owned by the public and are responsible to it, and that are characterised by nationwide access, and to produce content for all communities (Smith, 2012), it is feared that the PSM that are under political influence will no longer fulfil the above-mentioned roles. Specifically, it is feared that this will produce biased content and reduce the ability of citizens to make informed choices. In order to secure their independence, it has frequently been suggested that the State should have only a minimal ability to interfere with the procedures for appointments to their boards and to exert influence by funding (Benson & Powers, 2011; Council of Europe, 2012; Hanretty, 2009; Papathodorou & Machin, 2003).

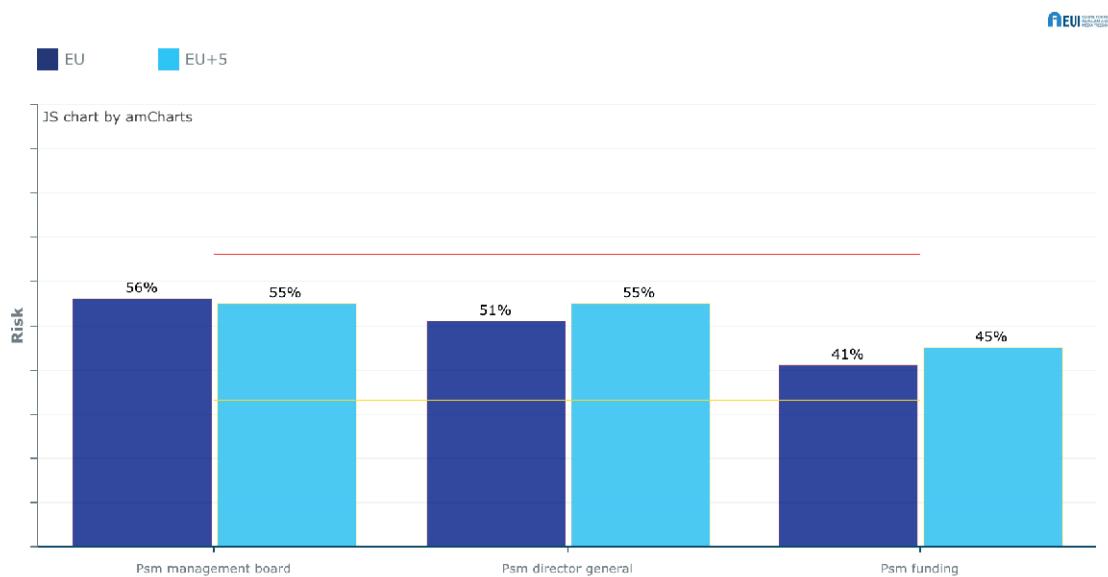
For this indicator, the MPM continuously shows a relatively clear division between Northern and Western Europe, on the one hand, and Central, Eastern and Southern Europe, on the other. While the first geographical area is among those scoring lower risks, the latter group is characterised by higher percentages. Notable outliers are the Baltic countries and Austria. The lowest risk scoring countries are: Belgium, Denmark, Estonia, France, Germany, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal and Sweden. Medium risk scoring countries are Albania, Finland, Ireland, Serbia, Slovakia and Spain. The indicator registers high risk in 15 countries: Austria, Bulgaria, Croatia, Cyprus, the Czech Republic, Greece, Hungary, Italy, Malta, Montenegro, Poland, the Republic of North Macedonia, Romania, Slovenia and Turkey. Luxembourg has shown a significant improvement from high to low risk, due to a new law on public service media that is currently under review. This law limits government influence and ensures that the PSM's board of directors is chosen based on competence (Kies & Hamdi, 2021).

Figure 3.3.5.a. Indicator on Independence of public service media governance and funding - Map of risks per country



This indicator consists of three sub-indicators: one looking at the risks arising from PSM funding, and two that assess the risks stemming from both appointments to the PSM management boards and the appointment of the Director General. As shown in the figure below (Figure 3.3.5.b.), in general, risks are more related to the appointment procedures than to PSM financing. In the majority of countries, appointment procedures for the management of PSM lack proper safeguards and remain vulnerable to political influence. While selection and appointment procedures are often run by special committees, or by media authorities, the final approval is, in many cases, given by parliamentary vote or by the government (a competent Minister).

Figure 3.3.5.b. Indicator on Independence of public service media governance and funding - Averages per sub-indicator



The highest scoring countries under this indicator are Malta, Romania, Slovenia and Turkey. In Romania, built-in legislative flaws prevent politically independent appointment procedures. In particular, the procedures allow for the dismissal of members of the PSM executive board, including the president, based on the political vote and without due consideration for their performance (Popescu et al. 2021). This year, Slovenia was downgraded from medium risk to the higher end of high risk, with 92%. This is mostly due to (attempted) changes in management and board functions, as well as the draft law of the new Radio and Television Corporation of Slovenia Act, which was proposed in July 2020 (Milosavljevic & Biljak Gerjevic, 2021).

Another visible increase in risks was observed in the Czech Republic, where we see another switch from medium to high risk. While the politicisation of the appointment process of the members of broadcasting councils, for both the public service TV and radio, has been a problem in the past, last year saw increased efforts, particularly to capture the Czech Television Council via the appointment of several new members with strong links to pro-government parties, as well as to the President Miloš Zeman (Stetka & Hajek, 2021). In the candidate country, the Republic of North Macedonia, the main problem was related to funding, as it is still unable to guarantee the stability and independence of the PSM. The budget allocated to PBS was reduced to around 0.5% of the central government budget, although the amount necessary for its efficient functioning was estimated to be 1%. As a result, the revenues of the public broadcasting service have been declining for the past five years, and in 2020 they were about EUR 5.7 million lower than in 2015 (Trpevska & Micevski, 2021). The lowest risk scoring countries are Germany, Lithuania, the Netherlands, Portugal and Sweden. While the appointment procedures of the PSM management are also not entirely depoliticized in these countries, there has been no indication of political interference in the appointments and dismissals of managers and board members of PSM.

3.4 Social inclusiveness

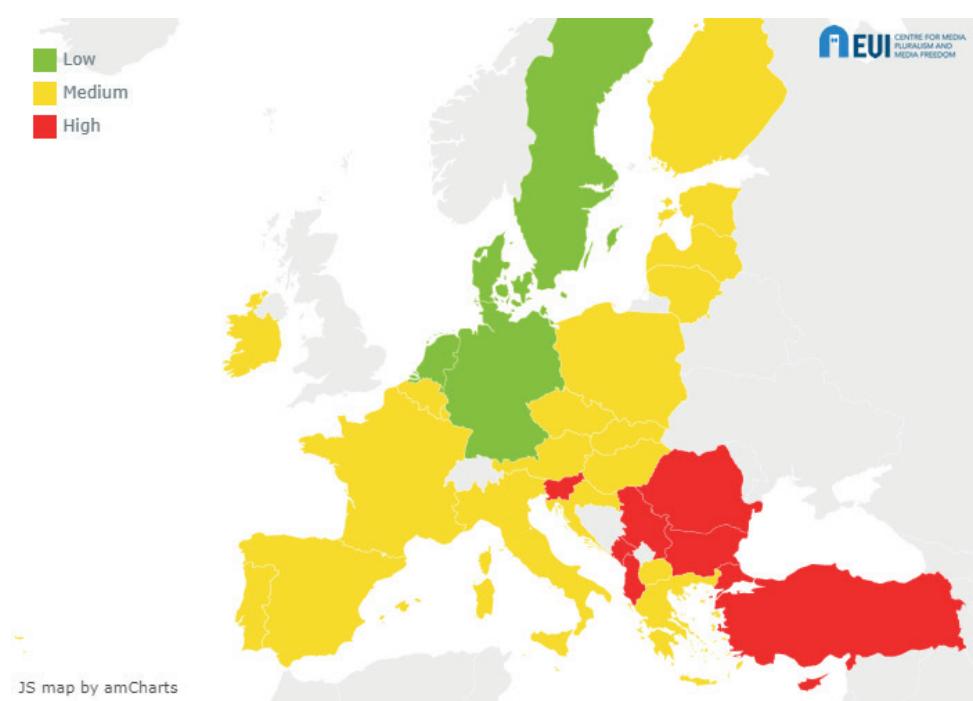
The Social Inclusiveness area examines access to the media by various social and cultural groups, such as minorities, local/regional communities, people with disabilities, and women. Different social groups' access to the media is a key aspect of a participatory media system, and it is a core element of media pluralism. In addition, the Monitor considers media literacy to be a precondition for using the media effectively. For the 2021 edition of the MPM, a new indicator has been added to the Social inclusiveness area in order to assess new challenges arising from the uses of digital technologies, such as hate speech and the spread of misinformation and disinformation.

The area covers the following indicators:

- Access to media for minorities
- Access to media for local/regional communities and community media
- Access to media for women
- Media literacy
- Protection against illegal and harmful speech

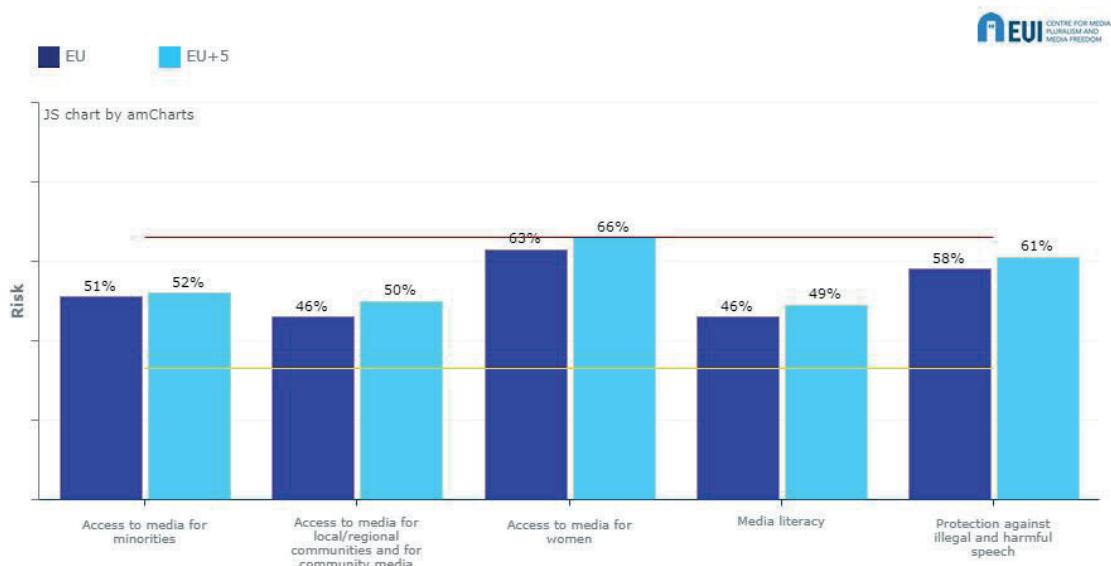
In the area of Social Inclusiveness, 20 countries of 32 are in the medium risk band; 8 countries scored high risk (Albania, Bulgaria, Cyprus, Montenegro, Romania, Serbia, Slovenia and Turkey), and 4 countries are in the low-risk band (Denmark, Germany, the Netherlands, and Sweden). More countries score a high risk in this 2021 edition of the MPM. This is largely due to the scores obtained by the candidate countries: Albania, Montenegro, Serbia, and Turkey.

Figure 3.4.a. Social Inclusiveness area - Map of risks per country



As shown in Figure 3.4.b., Access to media for women is the highest risk scoring indicator in the Social Inclusiveness area. The level of risk regarding Access to media for women was already worrisome in the MPM 2020 and has slightly worsened in the MPM2021. In most of the countries studied, women continue to be heavily underrepresented in the managerial and top executive positions in both public service and commercial media. In addition, male experts are systematically more often invited to comment in political programmes and articles than female experts are. Regarding the representation of women, no country recorded low risk on this matter, except Estonia. The new indicator on Protection against illegal and harmful speech is the second highest scoring indicator in this 2021 edition. The absence of an adequate and efficient regulatory framework with which to face these digital issues in most of the countries heavily impacted the results of this sub-indicator.

Figure 3.4.b. Social Inclusiveness area - Averages per indicator



The average risk relating to the Access to media for minorities has slightly declined in comparison with the previous year (from 61% for EU countries, and 63% for non-EU countries in 2020, to 51% and 52%, respectively, in 2021). This decrease is mostly due to the modification of the composition of the indicator. The latest includes, for this 2021 edition, some questions regarding the access to the media for people with disabilities. Those questions tend to score a medium risk that is on the fringe with low risk, and to lower the overall risk of the indicator. In most countries with legally recognised minorities, there is also a law that aims to guarantee access to airtime on PSM to these minorities. It is not always effectively implemented in practice, but more than half of the countries score as being at low risk on access to public service media for legally recognised minorities. The risk is more prevalent with regard to those minorities which are not recognised by law.

The two remaining indicators, Access to media for local/regional communities and com-

munity media and Media Literacy, remain at a similar level of risk in comparison to previous editions of the MPM. Media Literacy remains at a medium risk with, respectively, 46% for EU member states and 49% for EU candidate countries. This medium risk is due to the absence of a coherent and comprehensive media literacy policy in most of the countries studied. Regarding Access to media for local/regional communities and community media, both EU member countries and EU candidate countries scored within the medium-risk band, with, respectively, 46% and 50%. In most of the countries, the risk is due to the absence of an adequate legal status for community media.

3.4.1. Access to media for minorities

The Monitor assesses minorities' access to airtime on public service media, both in terms of legal safeguards and in practice. It further assesses whether the minorities have access to airtime on private TV and radio, and it takes into account both those minorities that are legally recognised, and those that are not. Variables have been elaborated on the basis of Council of Europe (CoE) and OSCE documents. The OSCE's Oslo Recommendations (p.6) state: "Persons belonging to national minorities should have access to broadcast time in their own language on publicly funded media. At national, regional and local levels the amount and quality of time allocated to broadcasting in the language of a given minority should be commensurate with the numerical size and concentration of the national minority and be appropriate to its situation and needs." The Council of Europe's European Charter for Regional or Minority Languages (Council of Europe 1992, Article 11) and its Framework Convention for the Protection of National Minorities emphasise that the Convention Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against but are facilitated in their access to the media (Council of Europe, 1995, Article 9).

For the purpose of the MPM, a "minority" is defined as being a cultural or social group that is:

- numerically inferior to the rest of the population of a state,
- smaller than the majority group in the respective country,
- in a non-dominant position,
- whose members possess ethnic, religious, or linguistic characteristics differing from those of the rest of the population.

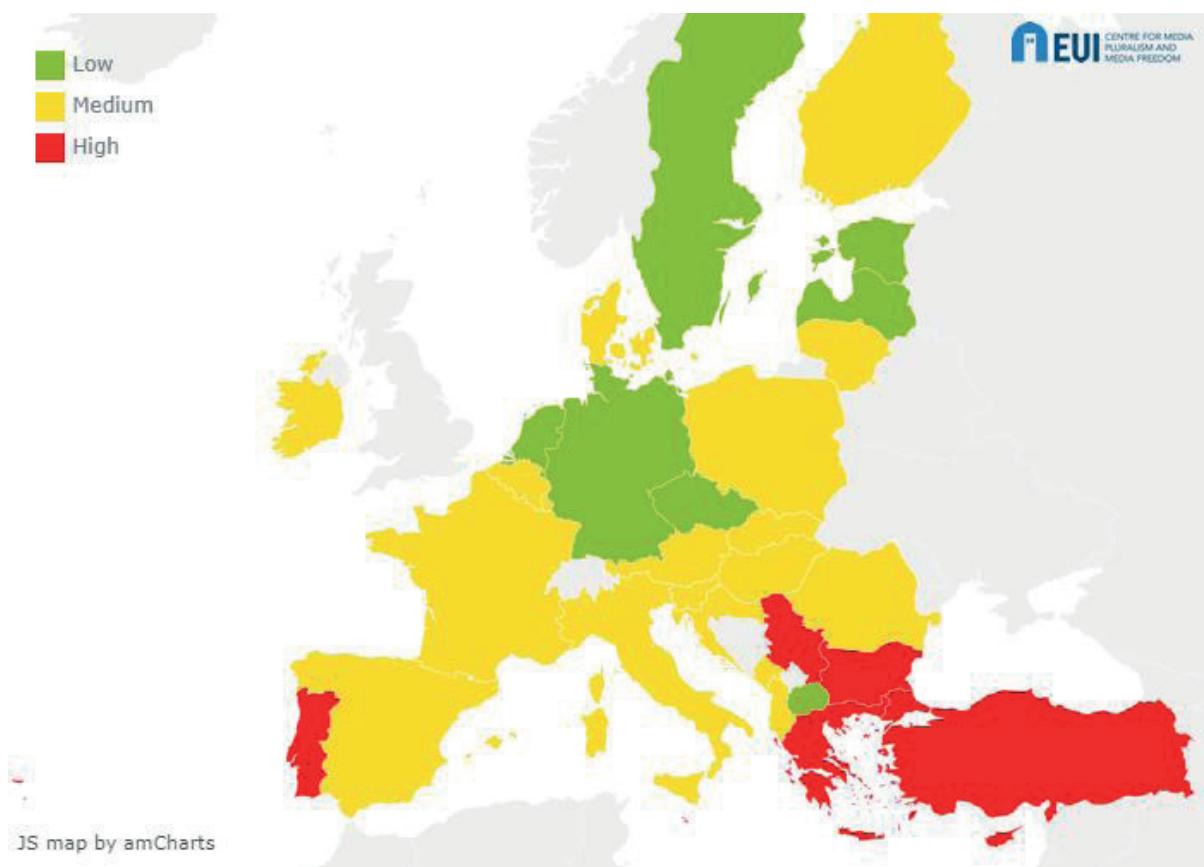
The monitor also assesses the regulatory framework, including the policies and laws on access to media content for people with disabilities, and the availability of support services for people with hearing and visual impairments. All citizens have the right to access media, and persons with disabilities need this access in order to live independently and to participate fully in all aspects of life (European Blind Union, 2016). The UN Convention on the Rights of Persons with Disabilities, which has been ratified by all of the EU countries (European Commission, 2016), stresses that states should encourage the media, including providers of information through the Internet, to make their services accessible to persons with disabilities; and that they should promote the use of sign lan-

guages (Article 21). The Convention also asserts that states shall take all appropriate measures to ensure that persons with disabilities enjoy access to television programmes in accessible formats (Article 30). At the European level, the Audiovisual Media Services Directive (AVMSD, 2018, 22) states that “Member States should, without undue delay, ensure that media service providers under their jurisdiction actively seek to make content accessible to persons with disabilities, in particular with a visual or hearing impairment. Accessibility requirements should be met through a progressive and continuous process, while taking into account the practical and unavoidable constraints that could prevent full accessibility, such as programmes or events broadcast in real time”. The Directive further contains a requirement to measure progress, based on the regular reports provided by media service providers. The access to audiovisual media has been defined in Paragraph 31 of Directive 2019/882 on the accessibility requirements for products and services, as follows: “the access to audiovisual content is accessible, as well as mechanisms that allow users with disabilities to use their assistive technologies. Services providing access to audiovisual media services could include websites, online applications, set-top box-based applications, downloadable applications, mobile device-based services including mobile applications and related media players as well as connected television services”.

In the framework of the MPM, people with disabilities are defined as those who are blind, partially sighted, deaf and hard of hearing.

In the majority of countries, minorities do not have adequate access to airtime. 7 countries scored a high risk score (Bulgaria, Cyprus, Greece, Malta, Portugal, Serbia, and Turkey), while 18 scored a medium risk (Albania, Austria, Belgium, Croatia, Denmark, Finland, France, Hungary, Ireland, Italy, Lithuania, Luxembourg, Montenegro, Poland, Romania, Slovakia, Slovenia, and Spain), and only 7 countries obtained a low risk level score (the Czech Republic, Estonia, Germany, Latvia, the Netherlands, the Republic of North Macedonia, and Sweden), with Germany and the Republic of North Macedonia being on the border with the medium-risk level. The fact that fewer countries score a high risk, if compared to the previous edition of the MPM, is mostly due to the integration of the sub-indicator relating to the indicator Access to media for people with disabilities.

Figure 3.4.1.a. Indicator on Access to media for minorities - Map of risks per country

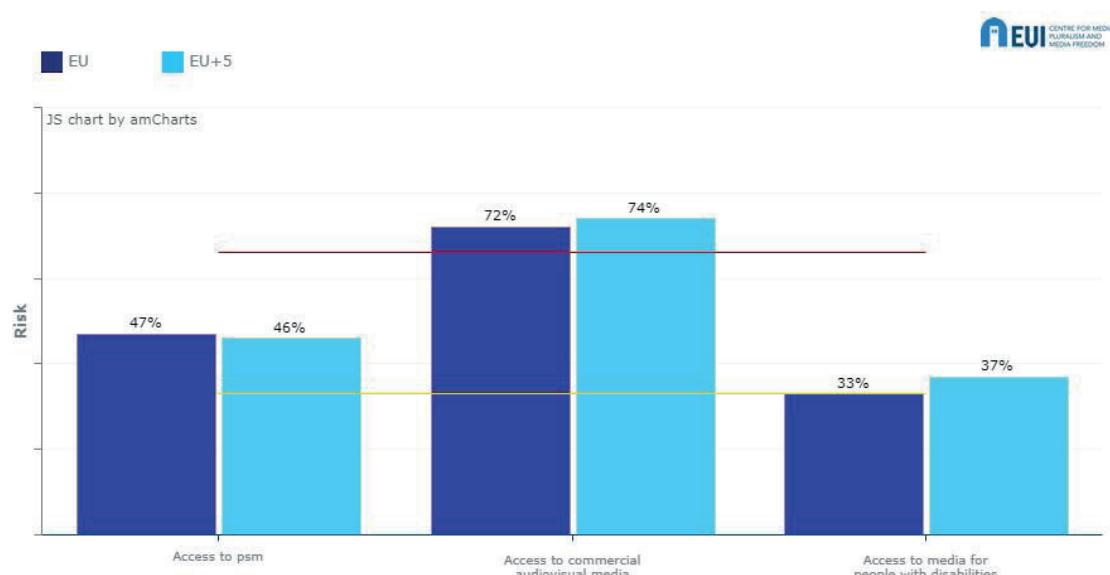


The average risk observed for the sub-indicator on Access to media for people with disabilities is noticeably lower than in the other sub-indicators, with an average low risk of 33% for EU member countries, and a medium risk of 37% for EU candidate countries. This relatively good score is due to the fact that 13 countries are in the low-risk band (Belgium, the Czech Republic, Denmark, France, Germany, Hungary, Ireland, Latvia, Poland, Portugal, Slovakia, Spain, and Sweden), while only two countries score a high risk (Cyprus and Serbia). Except for Cyprus, all the countries studied have a legal framework to ensure access to the media for people with disabilities. However, the level of audio transcription for blind people, and the support for people with hearing impairment, are frequently found to be insufficient in most countries.

On the contrary, the sub-indicator on Access to private audiovisual media also scores a high risk for EU member countries and for EU candidate countries. 22 countries score a high risk (Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, Finland, France, Greece, Hungary, Ireland, Italy, Malta, Montenegro, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Spain and Turkey), among which 15 score 97%, the maximum score in the high-risk band. The risk regarding the access to private audiovisual media is high both for legally recognized minorities and for non-legally recognized ones.

The sub-indicator on Access to PSM scores a medium risk for EU member countries and EU candidates. On the one hand, the access to airtime on PSM for legally recognized minorities (if it exists) is guaranteed by the law in most countries, except in Cyprus, Estonia, Germany, Greece, and Turkey. Despite being guaranteed by the law, the access to airtime for legally recognized majorities tends not to be proportional to the size of minority, or to be irregular, and therefore corresponds to a medium risk in most countries. On the other hand, non-legally recognized minorities barely have access to airtime on Public Service Media in the majority of countries (Austria, Croatia, Cyprus, Finland, France, Greece, Hungary, Italy, Luxembourg, Malta, Montenegro, Poland, Portugal, Serbia, Slovakia, Slovenia, Spain, and Turkey).

Figure 3.4.1.b. Indicator on Access to media for minorities - Averages per sub-indicator

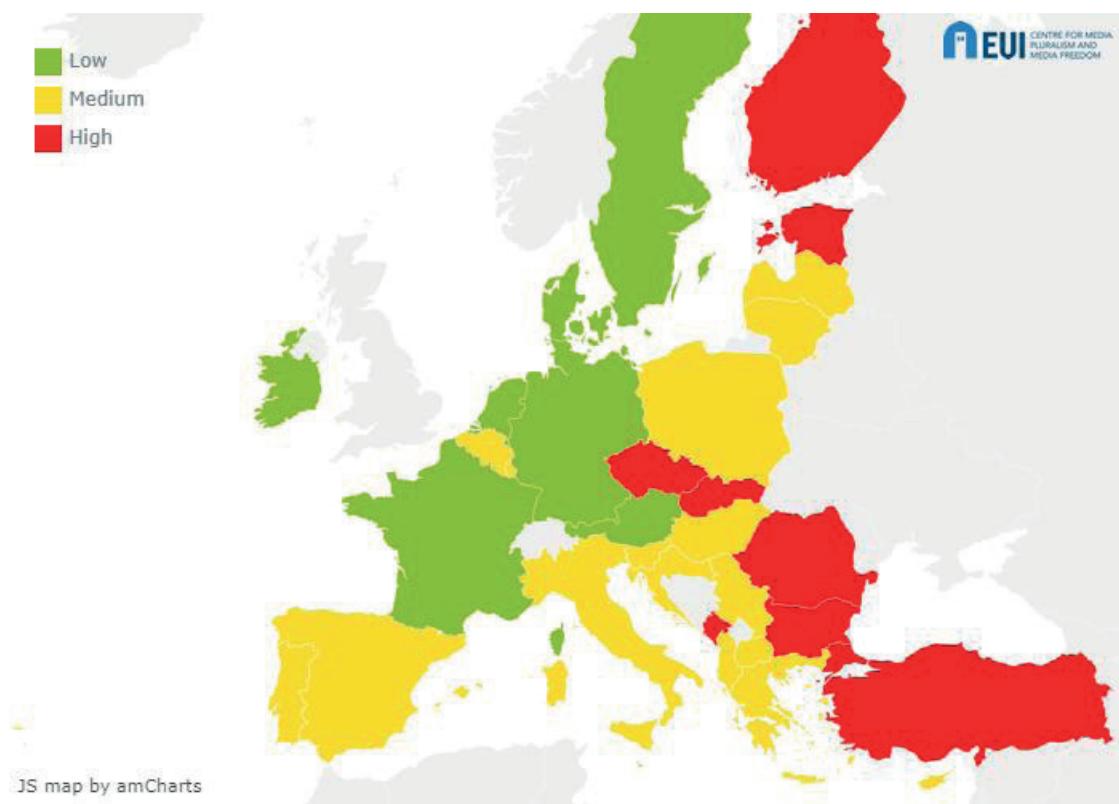


3.4.2. Access to media for local/regional communities and for community media

Media at the regional and local level are particularly important for democracy, since their relationship with local audiences tends to be closer, if compared to the national media. That proximity is confirmed by both the user statistics and by the level of the participation of users in the media. Regional and local media can also serve as alternative spaces for discussion for those identities and languages that are marginalised by the national media. A solid regulatory framework and support measures can help regional media in their democratic mission (Cappello et al. 2016). This is becoming increasingly important now, when more and more local and regional newspapers and broadcasters are struggling to survive. Community media are also critical in ensuring media pluralism, and they are an indicator of a sound democratic society. They tend to focus on local issues, and they can contribute to facilitating local discussions (UNESCO 2017). In the MPM, the community media are defined as being those media that are non-profit and that are accountable to the community that they seek to serve. They are open to participation by the members of the community for the creation of content. As such, they are a distinct group

within the media sector, alongside commercial and public media. Community media are addressed at specific target groups, and social benefit is their primary concern. This MPM indicator assesses whether local and regional communities are guaranteed access to the media, both in terms of legal safeguards and of policy or financial support. It also covers community media, both from the point of view of the legal and practical guarantees of access to media platforms and independence, and in terms of policy measures.

Figure 3.4.2.a. Indicator on Access to media for local/regional communities and for community media - Map of risks per country



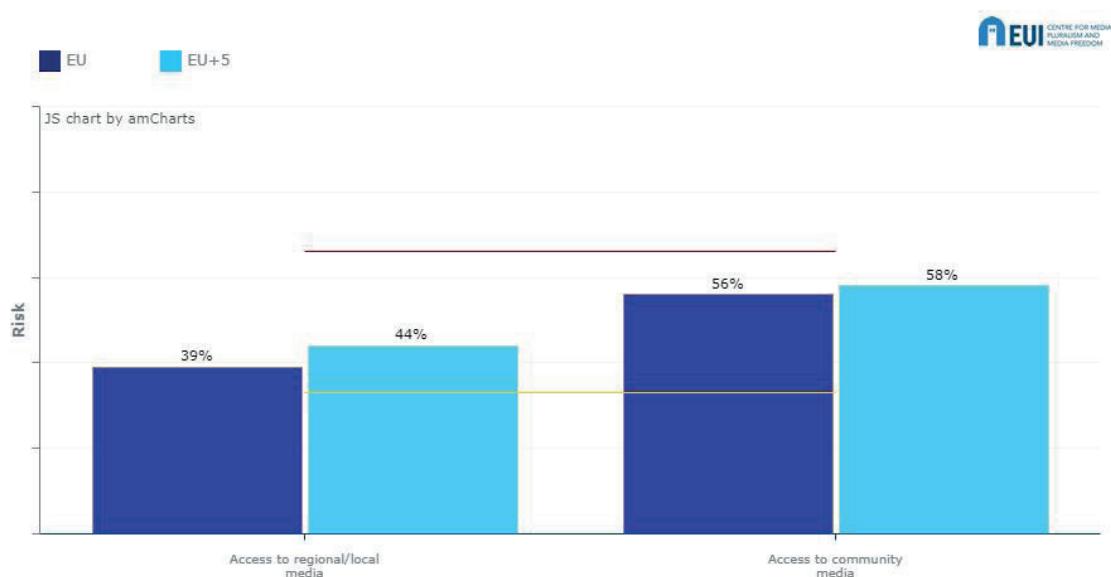
More than two thirds of the countries (24) scored in the medium or in the high-risk band (see Figure 3.4.2.a.). Among them, 8 scored a high risk (Bulgaria, the Czech Republic, Estonia, Finland, Montenegro, Romania, Slovakia, and Turkey). On the other side of the spectrum are Austria, Denmark, France, Germany, Ireland, Malta, the Netherlands, and Sweden, where there is a low risk on the Access to media for local/regional communities and community media.

As the name indicates, this indicator is composed of two sub-indicators: Access to local/ regional communities and Access to community media. In line with the previous editions of the MPM, the sub-indicator on community media presents a higher risk than the sub-indicator on access to local and regional media. Both are, however, situated within the medium risk band.

While most of the countries scored within the medium risk band in relation to local and regional media, six countries scored within the high-risk band (the Czech Republic, Estonia, Finland, Montenegro, the Republic of North Macedonia, and Turkey). Among them, Estonia, Finland and Montenegro scored the highest possible risk, due to the absence of adequate legal safeguards and the lack of consistent subsidies. In general, the main problem relating to the local and regional media is the absence of adequate and transparent subsidies. Only 7 of the countries studied provide local and regional media with an adequate level of subsidies (Austria, Belgium, Croatia, Denmark, Hungary, Portugal, and Spain). When such subsidies exist, they are distributed in a fair and transparent manner in only ten countries: Denmark, France, Germany, Greece, Ireland, Latvia, the Netherlands, Portugal, Spain, and Sweden.

The risk related to community media is usually generated by the absence of an adapted legal framework to protect them, as well as to the lack of adequate subsidies. In 15 countries, community media are not defined by the law and/or their access to the platforms for diffusion is not guaranteed. Among these countries are: Bulgaria, Cyprus, the Czech Republic, Estonia, Finland, Greece, Italy, Latvia, Luxembourg, Montenegro, Portugal, the Republic of North Macedonia, Romania, Slovakia, and Turkey. The independence of community media is also not legally guaranteed in Bulgaria, Croatia, Hungary, Lithuania, Poland, Slovakia, Spain, and Turkey. The absence of a legal framework and safeguards for community media, in practice, do not necessarily hamper the independence of community media, as in Italy for example (Carlini & Brogi, 2021). However, this absence generates a higher risk. Regarding subsidies, there are none in Bulgaria, Estonia, Finland, Poland, the Republic of North Macedonia, Romania, Slovakia, Spain, and Turkey.

Figure 3.4.2.b. Indicator on Access to media for local/regional communities and for community media - Averages per sub-indicator



3.4.3. Access to media for women

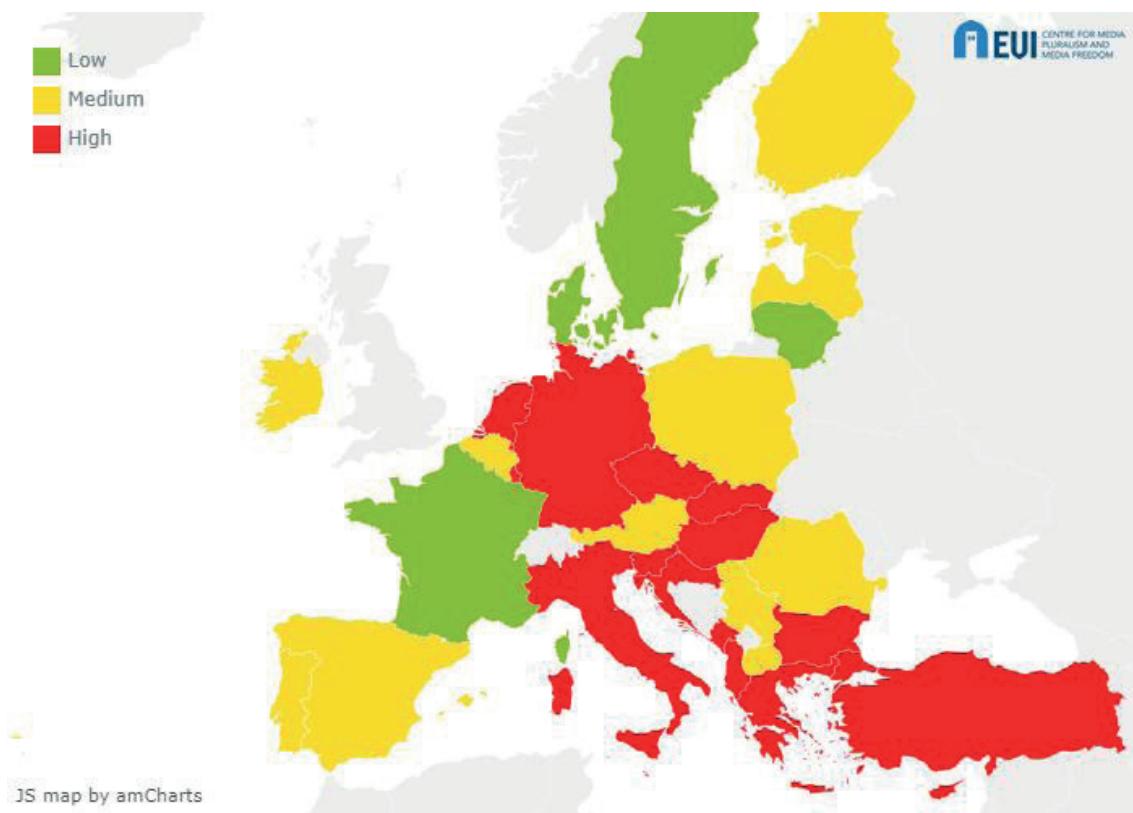
Gender equality is a fundamental value (Treaty on the European Union 2008) and is a strategic objective of the EU (European Commission 2015). The Council of Europe considers gender equality to be an integral part of human rights, inter-related with media freedom, EUI - RSC - CMF - July 2020 99, including editorial freedom, and hand-in-hand with freedom of expression (Council of Europe Recommendation 2013). However, gender gaps are still a reality in the media sector. The EU-wide study, conducted by the European Institute for Gender Equality (EIGE 2013, p. 59), stresses that significant inequalities, including under-representation and career barriers, remain entrenched in the media sector. The indicator Access to media for women evaluates the availability, the comprehensiveness and the implementation of gender equality policies within the public service media. It also assesses the proportion of women at the level of management, as well as their representation in political and news content.

As shown in the map, in Figure 3.4.3.a., 16 countries score as being at high risk on this indicator, 12 countries are found to be at medium risk, and only 4 (Denmark, France, Lithuania, and Sweden) scored as being at a low risk level. Two candidate countries, Albania and Turkey, acquire the highest risk scores, 90% and 97%, respectively, as well as an EU member, Slovenia (90%). In Slovenia, the PSM does not have a public gender equality policy. Gender equality is not mentioned in the Radio and Television Corporation of Slovenia Act, nor in the status or list of professional standards and principles of journalistic ethics. Women are underrepresented in management. The board of the Slovenian PSM was composed in 2020 of only 7 women among 31 members. In addition, women tend to be underrepresented in the news. In 2018, it was evaluated that two thirds of guests/sources are male, and one third female⁴⁸.

48 <https://metinalista.si/preglej-leta-2018-zenske-v-casopisnih-medijih/>

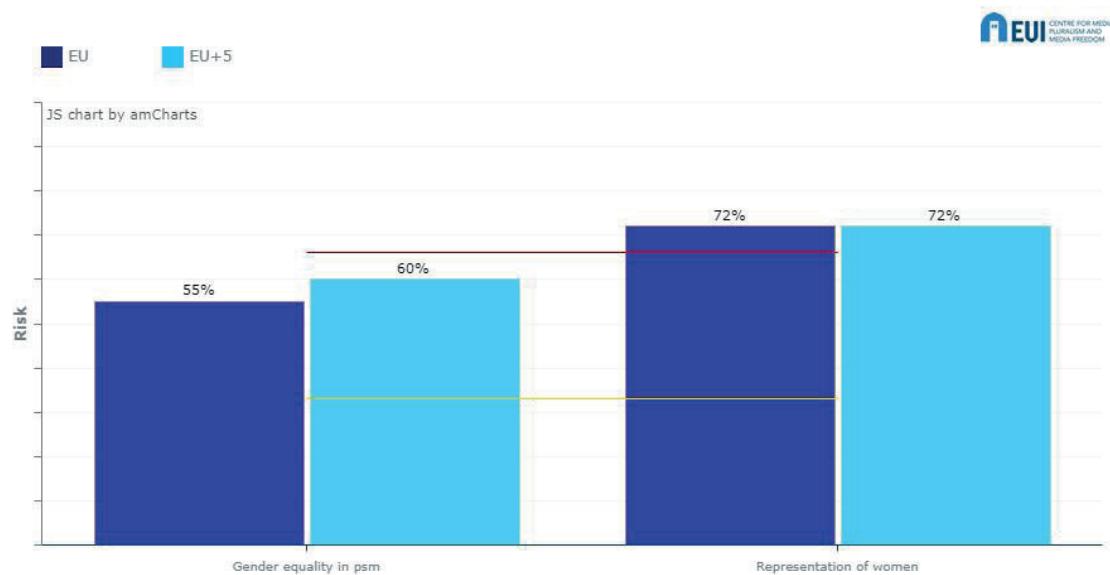
Analysis

Figure 3.4.3.a. Indicator on Access to media for women - Map of risks per country



Two sub-indicators were used to evaluate the Access to media for women: a first sub-indicator on Gender equality in public service media to assess existing gender equality policies and their implementation, and a second sub-indicator on the representation of women, to assess whether women are proportionally represented in the media, without stereotypes. The aggregated results showed that the representation of women was at high risk, in both the EU countries and the candidate ones, while Gender equality scored in the medium risk band. These results can be explained by the fact that, in many countries, efforts are made to develop adapted gender policies. However, those are not always applied, nor are they followed in practice.

Figure 3.4.3.b. Indicator on Access to media for women - Averages per sub-indicator



Regarding the indicator assessing Gender equality in the PSM, seven countries score the highest risk possible (97%): Albania, Croatia, the Czech Republic, Hungary, Montenegro, Slovenia, and Turkey. In these countries, the maximum risk reflects the absence of a comprehensive gender equality policy, as well as the underrepresentation of women in management positions, both in the PSM and in private channels. Cyprus, Greece, Italy and the Netherlands are also presenting a high risk. In the case of Italy, women only occupy 25.5% of key management positions, and their salaries are systematically lower than the salaries of men, despite the mention of gender equality and gender balance as fundamental principles of PSM in the Contratto di Servizio Rai (Carlini & Brogi, 2021). Private media outlets are not performing any better in this matter. It is important to note that in 2021, none of the leading news media companies in Italy had a female editor-in-chief.

In relation to the sub-indicator on the representation of women, Estonia is the only country whose score is in the low-risk band. Women are proportionately represented in news and current affairs broadcasting and the broadcasting is free from stereotypes. Despite the absence of formal sources on the topic, this may be due to the high share of women (60%) working either as executives, or as members of the boards of the PSM and the private media. Female experts are also invited to comment in informative and political programmes, almost to the same extent as male experts. Many efforts have been made in this regard over the past year.

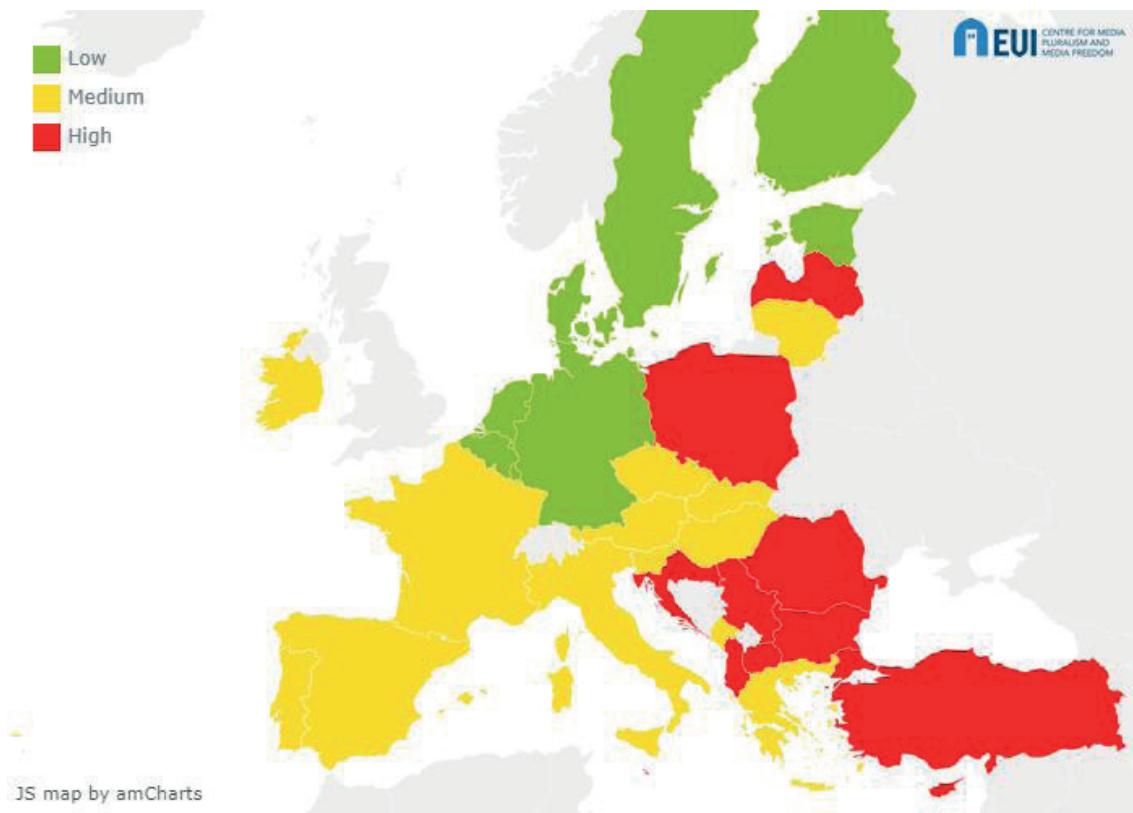
4.4.4. Media literacy

*Media literacy is a fundamental prerequisite of an accessible media system, and is a core element of media pluralism. People need to master media literacy skills so as to fully enjoy fundamental rights, such as freedom of expression and access to information (UNESCO 2013). The European Commission considers the promotion of media literacy to be one of the key follow-up actions of the Annual Colloquium on Fundamental Rights in 2016.⁵¹ Moreover, the Audiovisual Media Services Directive (AVMSD 2018) requires both the development of media literacy in all sections of society, and the measurement of its progress (52). The Monitor bases its definition of media literacy on both the AVMSD's text and the European Association for Viewers Interests' (EAVI) media literacy study, which was carried out in 2009: "Media literacy is an individual's capacity to interpret autonomously and critically the flow, substance, value and consequence of media in all its many forms" (EAVI 2009). "Media literacy" refers to skills, knowledge and understanding that allow citizens to use media effectively and safely. In order to enable citizens to access information and to use, critically assess and create media content responsibly and safely, citizens need to possess advanced media literacy skills. Media literacy should not be limited to learning about tools and technologies, but should aim to equip citizens with the critical thinking skills required to exercise judgment, analyse complex realities and recognise the difference between opinion and fact" (AVMSD 2018, 59). The MPM indicator covers two major dimensions of media literacy: environmental factors, and individual competencies, which follow the logic of the categorisation used by EAVI (2009: 5). EAVI defines environmental factors as being a set of contextual factors that have an impact upon the broad span of media literacy, including informational availability, media policy, education and the roles and responsibilities of stakeholders in the media community. Individual competencies are defined as an individual's capacity to exercise certain skills (including *inter alia* cognitive processing, analysis, communication). These competencies draw on a broad range of capabilities, and embrace increasing levels of awareness, the capacity for critical thought and the ability to produce and communicate a message (EAVI 2009).*

Under the Media literacy indicator, 13 countries score a medium risk, 11 a high risk, and 8 register a low risk (Belgium, Denmark, Estonia, Finland, Germany, Luxembourg, the Netherlands, and Sweden). In comparison with the last edition of the MPM, a number of countries have switched from medium to high risk. Among the countries concerned are Bulgaria, Croatia, Latvia, Malta, Poland, the Republic of North Macedonia, and Serbia. In most of those countries, there is no media literacy policy framework, and media literacy initiatives tend to be conducted by civil society organisations. In Bulgaria, for example, media literacy activities conducted by civil society are usually limited to young people, and they are insufficient to compensate for the absence of media literacy courses in the compulsory curriculum. However, Bulgaria has recently taken a positive step, since the Audiovisual Media Services Directive (2018/1808)⁴⁹ has been transposed into the national legislation.

49 <https://eur-lex.europa.eu/eli/dir/2018/1808/oj>

Figure 3.4.4.a. Indicator on Media literacy - Map of risks per country



On the contrary, Germany (3%), Finland (4%) and the Netherlands (4%) scored the minimum risk for the Media Literacy indicator. In Germany, media literacy activities are widespread. State media authorities are in charge of promoting them. This task is mentioned in their status and is financed by the broadcasting contribution. The specificity of Media Literacy in Germany, in comparison to most of the European countries, lies in the fact that activities are widespread and are not restricted to a fraction of the population. As the State Media Treaty provides it, media literacy is for all generations and minorities (§ 30 para. 3)⁵⁰.

Media literacy policies remain in the medium risk band, comparable to the results of the MPM2020. Media literacy policies are evaluated as being comprehensive in 7 countries (Belgium, Estonia, Finland, Germany, Luxembourg, the Netherlands, and Sweden). However, in the vast majority of countries, namely, 19, media literacy policies are available, but they are either not put into practice, or they are not comprehensive enough. Among the countries studied, 6 have no media literacy policy at all (Croatia, Cyprus, Malta, Montenegro, Romania, and Serbia). Some countries showed some positive signs of improving their existing policy framework. For example, in Albania, which is classified in the medium risk band, the Audiovisual Media authority included media literacy as a priority in its Strategic Action Plan 2021-2023⁵¹. ASCAP (the former Education Develop-

50 <https://www.gesetze-bayern.de/Content/Document/MStV/true>

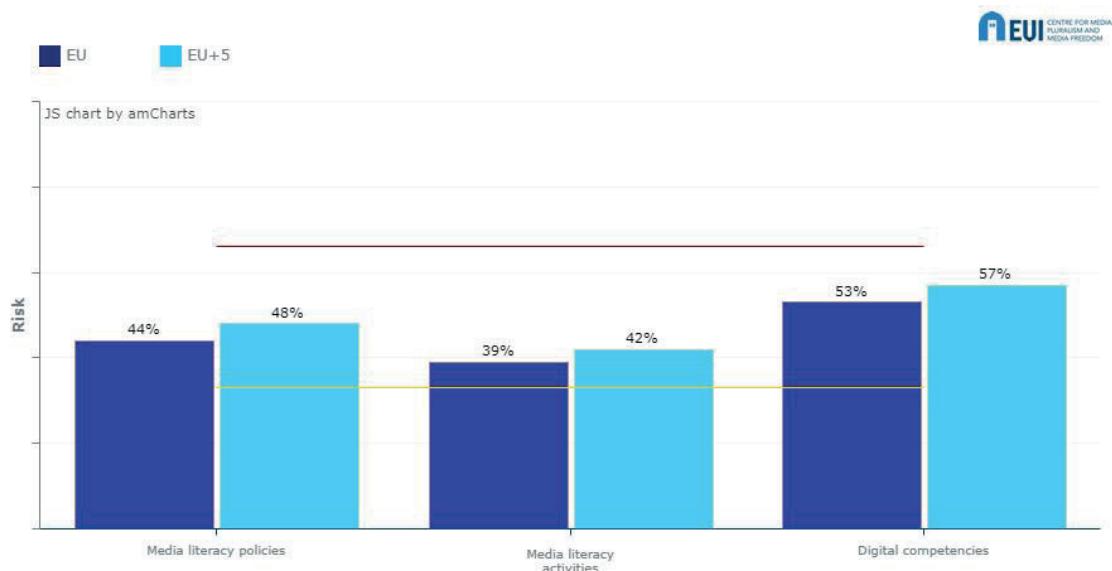
51 http://ama.gov.al/wp-content/uploads/2020/11/AMA_STRATEGJIA_20212023.pdf

Analysis

ment Institute) and the Albanian Media Institute are also drafting a proposal for a mandatory curriculum for media literacy in schools, which should also include the training of teachers.

Media literacy training is present in the education curriculum in most countries, except in Romania and in the Republic of North Macedonia. However, its importance varies greatly from one country to another. In most cases, it is not compulsory. A well-developed and comprehensive training programme in media literacy for teachers is provided in only 6 countries (Denmark, Germany, Lithuania, Luxembourg, the Netherlands, and Sweden). Media literacy activities are growing, and they are available in all of the countries to different degrees. Estonia has made a specific effort in this regard, recently developing the Estonian Lifelong Learning Strategy 2020⁵², which proposes concrete and coherent set of targets and measures to increase the media literacy skills of its population.

Figure 3.4.4.b. Indicator on Media literacy - Averages per sub-indicator



Another dimension that has been taken into account for this indicator's assessment is the digital competencies of individuals. The assessment is based on Eurostat data (2019)⁵³ on the percentage of the population that has basic, or above basic, overall digital skills, in a given country. In only five countries, do more than 68% of the population have basic, or above basic, overall digital skills (Denmark, Finland, Germany, the Netherlands, and Sweden). A majority of countries (17) score a medium risk, since between 48% and 67% of people there have the required level of digital skills. Alarmingly, we found that there were serious deficiencies in ten countries. A significant part of the population (over 33%) have low overall digital skills in Albania, Bulgaria, Cyprus, France, Ireland, Latvia, Poland, the Republic of North Macedonia, Romania, and Turkey.

52 https://www.hm.ee/sites/default/files/estonian_lifelong_strategy.pdf

53 The Eurostat data for 2020 were not available when the data collection was conducted.

3.4.5. Protection against illegal and harmful speech

A new indicator was added to the MPM2021 in order to assess the effectiveness of regulation and of other activities that seek to combat or prevent illegal and harmful speech in our societies, including disinformation and hate speech. This new indicator is composed of two sub-indicators:

- *Protection against disinformation. The Protection against disinformation sub-indicator aims to assess whether there is a policy framework to counter disinformation, and whether it has been efficient in reducing the prevalence of disinformation, while not presenting a risk to freedom of expression. In particular, the sub-indicator aims to assess whether the policy instruments are effectively and non-arbitrarily limiting the spread of disinformation. The definition of disinformation that is used here is based on the Report of the independent High Level Group on fake news and online disinformation (2018)⁵⁴. The consequences of disinformation are far-reaching. Disinformation can polarise debates, create or deepen tensions in society, and erode trust in institutions and in news media. In doing so, it can cause public harm, be a threat to democratic political and policy-making processes, undermine electoral systems, and it may even put the protection of citizens' health and security at risk, since it is hampering the citizens' ability to make informed decisions.*
- *Protection against hate speech assesses the effectiveness of policies that seek to combat or prevent hate speech, especially that which appears online and is against vulnerable groups, such as minorities, people with disabilities, and women. This indicator also assesses the efforts made to combat and prevent hate speech, including whether there is a regulatory framework to counter hate speech online, and whether it has been efficient in removing hate speech that is directed towards ethnic or religious minorities, people with disabilities, and women, on online platforms, while not presenting a risk to the freedom of expression. In particular, it assesses whether the regulatory instruments (Code of Conduct on Countering Illegal Hate Speech 2016⁵⁵, Council of the EU 2008 Framework Decision on Combating Certain Forms and Expressions of Racism and Xenophobia⁵⁶, and, if applicable, whether the EU Directive 2018/1808 (Audiovisual Media Services⁵⁷) Art. 28b on video sharing, are effectively and non-arbitrarily limiting hate speech and fostering an online media environment that is inclusive and non-discriminatory.*

Only four countries scored within the low-risk band for this indicator (Belgium, Finland, Germany, and Sweden). 15 scored within the medium risk-band (Austria, Croatia, Denmark, Estonia, France, Greece, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Portugal, the Republic of North Macedonia, and Romania), and 13 in the high risk band (Albania, Bulgaria, Cyprus, the Czech Republic, Hungary, Ireland, Montenegro, Poland, Serbia, Slovakia, Slovenia, Spain, and Turkey). Germany stands out, as it was assessed with a minimum 3% risk score for this Indicator. Based on the analysis

54 <https://op.europa.eu/en/publication-detail/-/publication/6ef4df8b-4cea-11e8-be1d-01aa75ed71a1>

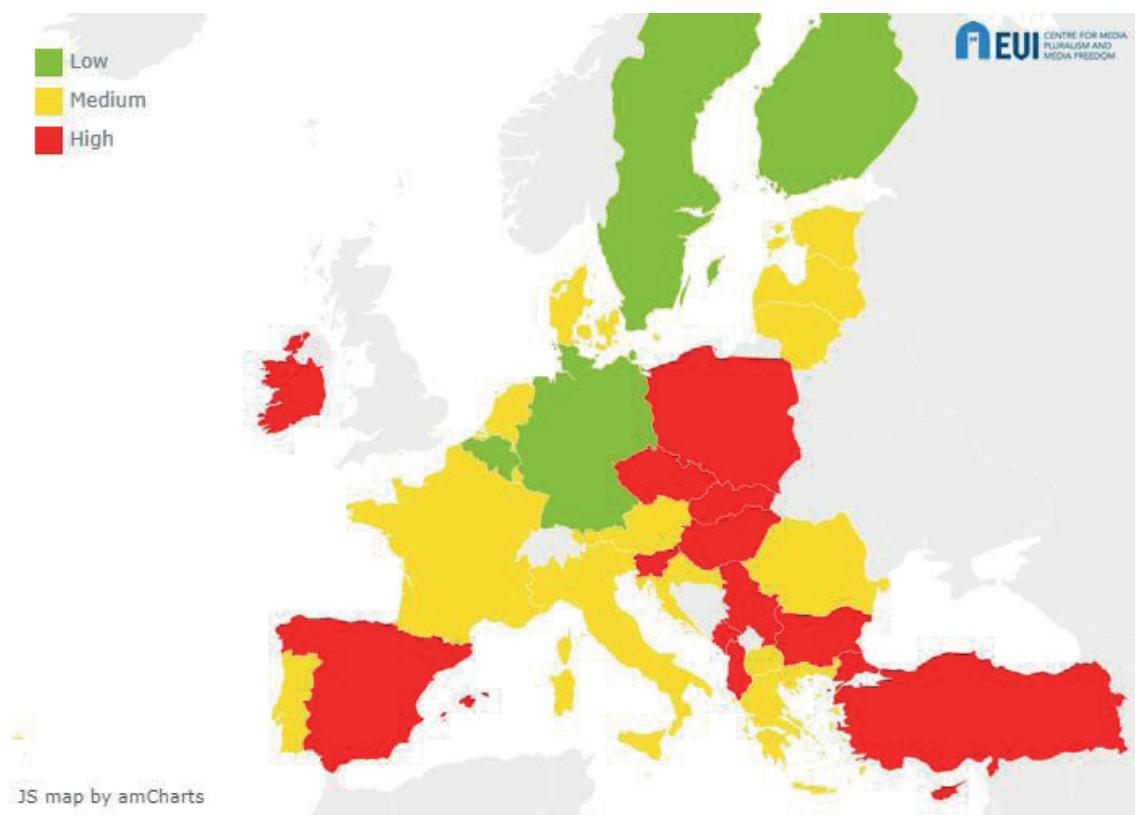
55 https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1135

56 <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32008F0913>

57 <https://eur-lex.europa.eu/eli/dir/2018/1808/oj>

of the German country team, Germany has already enacted legal regulations for both problems, without significantly altering freedom of expression. This is made up of the Network Enforcement Act, to quickly remove disinformation and hate speech content from social networks, and the new 2020 State Media Treaty, which specifically targets disinformation. However, the effectiveness of this legal framework remains to be proven in the coming years (Holznagel & Kalbhenn, 2021).

Figure 3.4.5.a. Indicator on protection against illegal and harmful speech - Map of risks per country



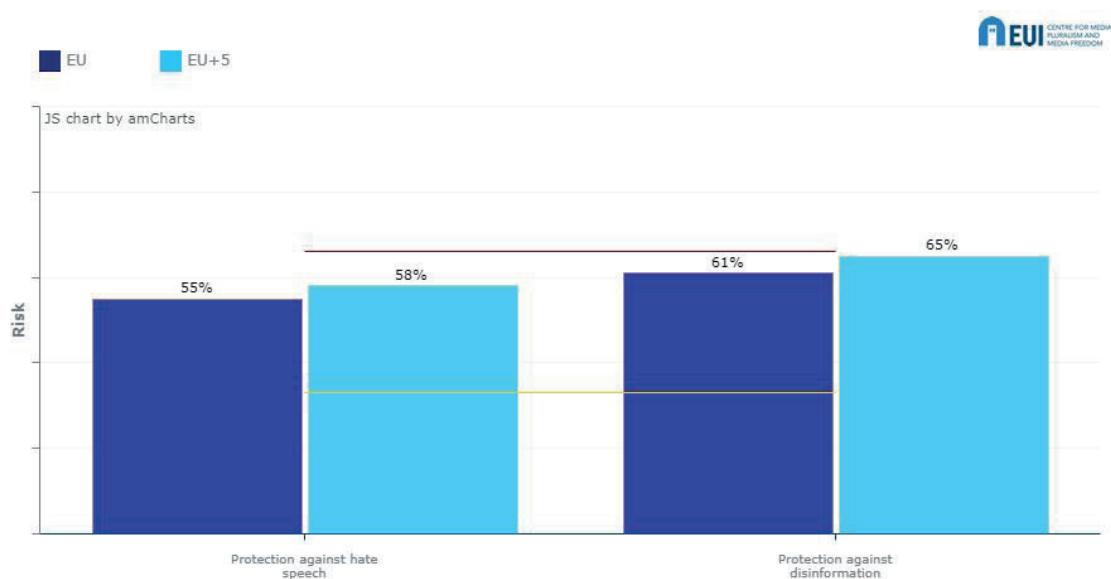
Regarding the protection against disinformation, all of the countries, except Germany and Finland, score at least within the medium risk band. Three countries reach the maximum risk level of 97%: Bulgaria, the Czech Republic and Spain. In Spain, the existing regulatory framework⁵⁸ to fight disinformation has raised some concerns regarding possible restrictions of freedom of expression. In Bulgaria, the Parliament has attempted to amend the existing law, to criminalize disinformation. However, the proposed amendments have been heavily criticized by experts and journalists as being a threat to freedom of expression, and eventually these amendments were not adopted.

As a general remark, the EU has recently supported self-regulatory measures to limit

58 https://drive.google.com/file/d/1Oj48rl0URHi2bwOzc7f_pn2b7zgFoX71/view

the spread of disinformation, in particular, the signature of the Code of Practice on disinformation⁵⁹, a self-regulatory instrument, signed by representatives of online platforms, leading social networks, advertisers, and the advertising industry, that has committed, at EU level, to putting in place actions to limit the spread of disinformation/harmful content. The effectiveness of this approach is still difficult to assess, in particular, at national level, due to the limited level of transparency that has been achieved so far with self-reporting by the signatories⁶⁰.

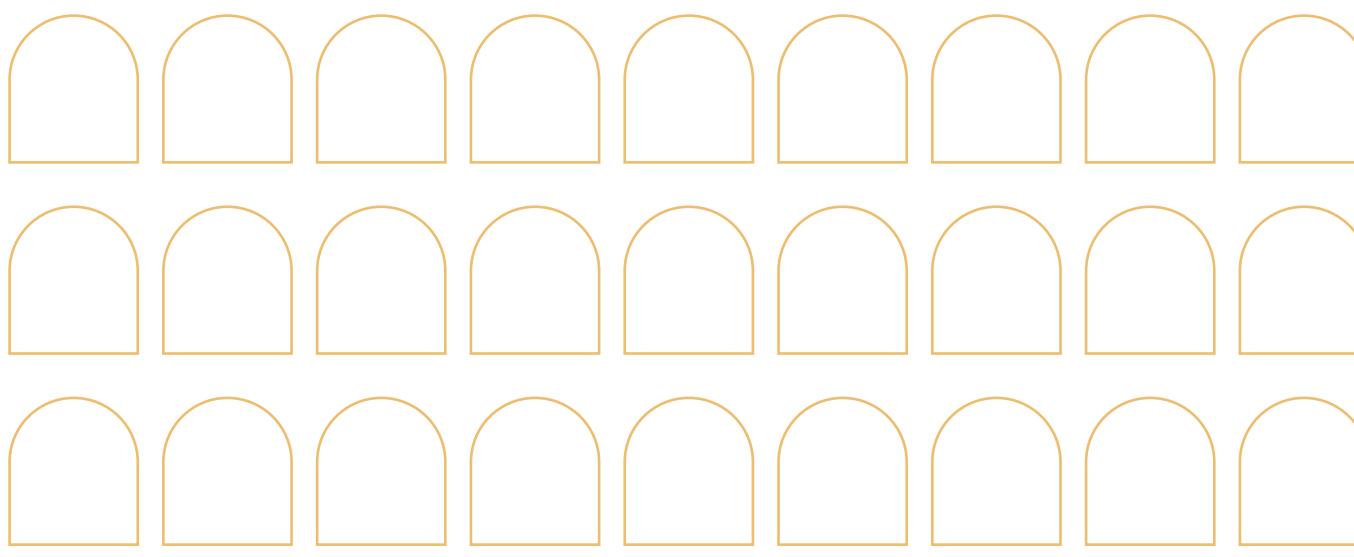
Figure 3.4.5.b. Indicator on Protection against illegal and harmful speech - Averages per sub-indicator



In terms of Protection against hate speech, six countries scored in the low-risk band (Austria, Belgium, Germany, Lithuania, Luxembourg, and Sweden), 14 countries in the medium-risk band (the Czech Republic, Denmark, Estonia, Finland, France, Greece, Hungary, Latvia, Malta, the Netherlands, Portugal, the Republic of North Macedonia, Romania, and Serbia), and 12 in the high-risk band (Albania, Bulgaria, Croatia, Cyprus, Ireland, Italy, Montenegro, Poland, Slovakia, Slovenia, Spain, and Turkey). Amongst those, Slovenia scores the maximum risk of 97%. In the absence of a specific framework to target hate speech online, harmful speech is a common practice on social media platforms in Slovenia (Kavcic, 2020), and no specific efforts have been made to remove it.

59 <https://digital-strategy.ec.europa.eu/en/policies/code-practice-disinformation>

60 European Commission, "Staff Working Document (SWD (2020)180 Final - Assessment of the Code of Practice on Disinformation," (2020), <https://digital-strategy.ec.europa.eu/en/library/assessment-code-practice-disinformation-achievements-and-areas-further-improvement>; ERGA, "ERGA Report on Disinformation: Assessment of the Implementation of the Code of Practice" (2020). <https://erga-online.eu/wp-content/uploads/2020/05/ERGA-2019-report-published-2020-LQ.pdf>.



4. MEDIA PLURALISM IN A DIGITAL ENVIRONMENT

4.1. Fundamental Protection - digital

In this area, several topics have been included to evaluate emerging or evolving digitally-specific risks to media pluralism, namely:

- *Guarantees for Freedom of Expression online (6 variables);*
- *(Journalists') Digital safety (2 variables);*
- *Journalism and data protection (3 variables);*
- *Broadband coverage (1 variable);*
- *Internet access (2 variables);*
- *Net neutrality (3 variables).*

These are organised under three indicators in the Fundamental Protection area: Protection of the freedom of expression; Journalistic profession, standards and protection and Universal reach of traditional media and access to the Internet. In total, there are 17 digital-specific variables (questions), which are also taken into account in the general assessment of the Fundamental Protection area.

The average of the “digital” variables (37%) in the Fundamental Protection area scores higher than the general average for the same area (35%), and results in a medium risk. In absolute numbers, the digital dimension of Fundamental protection is in some ways comparable to the overall score of this domain, but it presents some specific elements that contribute to additional risks. In the Fundamental Protection area, the digital score was lower than the overall score for the area in the Czech Republic, Luxembourg, Malta, the Netherlands, Poland, Slovenia and Spain.

Figure 4.1.a Average score of the digital variables in the Fundamental Protection area

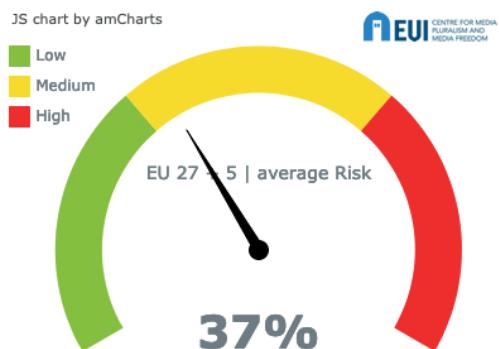
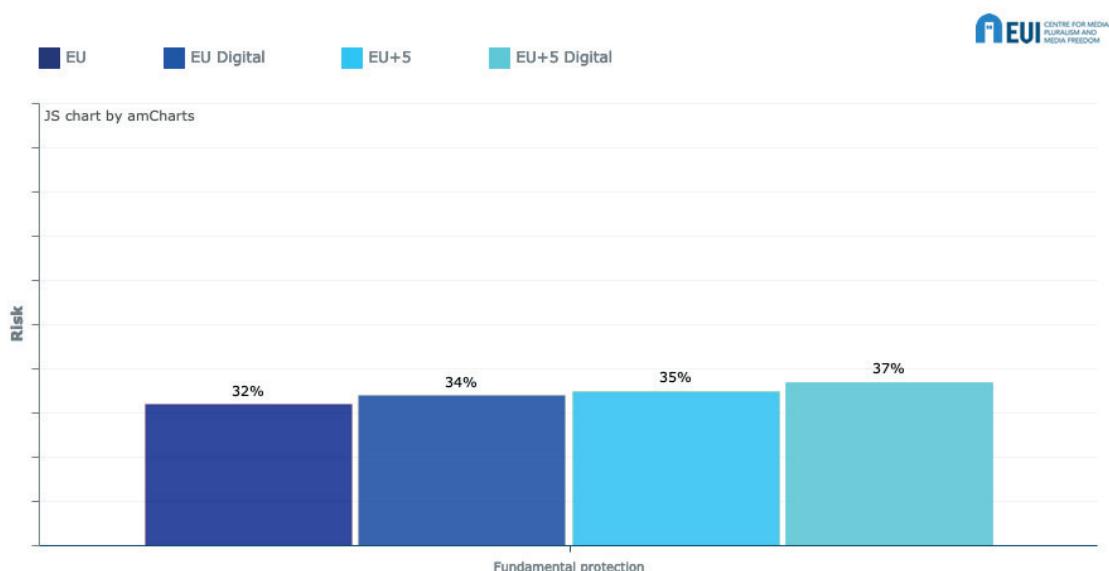


Figure 4.1.b. Digital vs overall score in Fundamental Protection area



The higher scores are explained by the higher risks in the “digital score” of the indicators on Journalistic profession, standards and protection (digital score 42%) and Universal reach of traditional media and access to the Internet (digital score 35%).

Within the Protection of freedom of expression indicator, the MPM analyses whether freedom of expression online is formally guaranteed and respected in practice (sub-indicator: Guarantees for freedom of expression online). This specific focus is interesting, since it gives an overview on how different countries guarantee freedom of expression online, in particular, when it comes to the moderation of content online and, therefore, the role of web intermediaries. While the Internet enables individuals to seek, receive and impart information across national borders, unlike any other medium, there are new issues to be considered, given the new challenges that are posed in terms of ensuring that any potential interference with freedom of expression is, indeed, legitimate. For the purposes of the MPM, this means assessing whether the general standards guaranteeing freedom of expression, or specific laws for the online environment that touch upon

freedom of expression online, including self-regulatory measures, can be considered to be in line with the rule of law and the standards of the ECHR, Art 10, as applicable in the online environment. In general, except for the case of the Network Enforcement Act in Germany (the so-called NetzDG)⁶¹, national laws are not specifically drafted to establish procedures for the removal/blocking of content online. According to international standards, online expression can only be limited on the same grounds, and to the same extent, as offline expression, so, usually; the same general laws apply, posing problems when it comes to the effectiveness of enforcement.

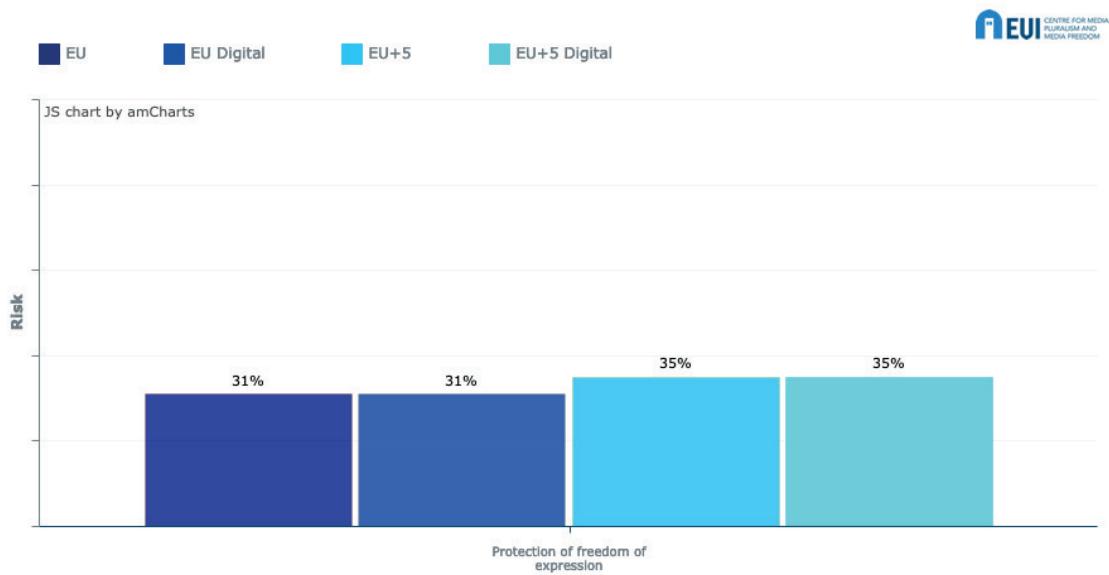
The sub-indicator on the Guarantees of Freedom of Expression online aims to address the self-regulatory practices of web platforms and social media. It seeks to analyse whether any restrictive measure, e.g., blocking, filtering and removing online content, comply with the three conditions that are set by Article 10(2) ECHR, namely, that limitations on the freedom of expression are prescribed by law, pursue a legitimate aim that is foreseen in Article 10(2) ECHR, and that they are necessary in a democratic society, according to the case-law of the ECtHR⁶². Another aim of the sub-indicator is to collect information on, and to assess the risks stemming from, the blocking and filtering practices of governments and online intermediaries, and to acknowledge whether content moderation practices and data gathering practices are reported in a transparent way: it assesses the transparency and accountability of the online platforms when removing online content, based on their terms of reference, or on obligations that stem from legislation, co-regulation and self-regulation.

The sub-indicator on the Guarantees of Freedom of Expression online scored an average 35% (31% if we consider just the EU27), the entire group (EU +5) are in the medium-risk band, the EU27 in the low-risk range, but at its upper level, with 12 countries scoring a medium risk (Albania, Bulgaria, Cyprus, Estonia, France, Greece, Hungary, Ireland, Poland, Romania, Serbia, and Slovenia) and one being scored at high risk (Turkey).

⁶¹ See also the French law "Loi Avia", which required online platforms to remove terrorist or child pornography content following a simple request from the police. In the case of refusal on the part of the platform, the latter are liable to one year of imprisonment and a fine of up to €250,000, in the case of a natural person, and €1,250,000 in the case of a legal person. These provisions were later decided by the French Constitutional Court to be unconstitutional. See section 3.1. on Fundamental Protection for more details.

⁶² The Council of Europe, Freedom of expression and information: Explanatory Memorandum, <https://www.coe.int/en/web/freedom-expression/freedom-of-expression-and-information-explanatory-memo>

Figure 4.1.c. Digital vs overall score in Protection of freedom of expression



State authorities themselves generally seem to refrain from filtering and/or monitoring, and/or blocking, and/or removing online content. A few cases have been reported in Albania, France, Ireland, Romania, Serbia and Spain. In Albania, beyond the occasional violations, such as the blocking of the domain of the community blogging website Medium.com, the government does not restrict, disrupt access to the Internet, or censor the content in any way (Voko & Likmeta, 2021). In France, the 2020 Avia law (the Law on Countering Online Hatred), adopted on 13th May, 2020, by the French National Assembly, was perceived as being problematic, as it would leave the public administration to make an ultimate decision on what content is deemed to be illegal (Rebillard & Sklower, 2021). That said, the French Constitutional Court had eventually decided that its key provisions were unconstitutional⁶³. In Romania, blocking or taking down content was related to the extraordinary measures that were adopted in response to the COVID-19 pandemic. These measures allowed the authorities to take-down or block sites or articles that were deemed to promote false information or to sow fear among the public in a non-transparent and arbitrary way (Popescu et al., 2021). In Turkey, state authorities practice systematic arbitrary blocking, filtering, and direct requests for the removal of content (e.g., the case of Wikipedia, which has now been settled) and online platforms and social media passively execute their orders so as to avoid further consequences.

MPM2021 data collection shows that ISPs and online platforms sometimes moderate content online in such a way that this can be considered arbitrary⁶⁴ (Austria, France,

⁶³ Constitutional Court of the French Republic, Decision n° 2020-801 DC of 18 June 2020, 18 June 2020, <https://www.conseil-constitutionnel.fr/decision/2020/2020801DC.htm> and Article 19, France: Constitutional Council declares French hate speech 'Avia' law unconstitutional, 18 June 2020, <https://www.article19.org/resources/france-constitutional-council-declares-french-hate-speech-avia-law-unconstitutional/>.

⁶⁴ The MPM methodology considers a removal arbitrary in a broad sense, when the online platform does not follow its terms of reference or self- or co-regulatory measures that are deployed at state or EU level or whether it is not compliant with legal obligations in the country asking for the removal of illegal or harmful

Hungary, Ireland, the Netherlands, Poland, Serbia, and Spain). Albania, Cyprus, Italy, Latvia and Turkey have reported a high number of such cases.

Similarly, as in the MPM2020, most of the country teams in the MPM2021 report that there is a lack of transparency, and ISPs and online platforms do not effectively report on practices and cases of content moderation, based on their terms of reference, or on obligations that arise from the legislation.

Under the **Digital safety of journalists** sub-indicator MPM2021 has collected information on the existence of threats to the digital safety of journalists, including those that appear through the illegitimate surveillance of their searches and online activities, their email or social media profiles, hacking, and other attacks by State or non-State actors. Threats of violence, typically made online, have become increasingly common in recent years, and the MPM2021 confirms the trend, as the sub-indicator is scored at an average risk of 59% (medium risk, and nine percentage points higher than in the previous round of the MPM). As public figures, journalists are often targeted. The MPM2021 data shows that online threats are faced by journalists in 31 of the 32 countries assessed. Journalists are often subject to hate speech, and they are also implicitly or explicitly threatened with violence, are subject to surveillance, email hacking, DoS attacks, cyberbullying, public threats on social media platforms or via private email and messages. In some cases, the attacks against journalists appear to be organised: individual journalists are singled out online and, in some cases, they are repeatedly attacked over an extended period, by means also of violent tags and bots. A quantitatively large portion of the abuse is connected to politics. Countries that score low risk may not be immune from this kind of threat to journalists. The only country that scored a low risk in this sub-indicator was Luxembourg. However, the low-risk score does not necessarily mean that the risk to journalists' safety in the digital environment is not present. Online harassment often goes unreported, thus there is an underestimation of the extent of the issue. Similarly, as with the sub-indicator on physical safety, the sub-indicator on digital safety considers the gendered nature of the threats. The results have shown that female journalists are reported to receive more digital threats than male journalists in most of the countries analysed.

content. This evaluation also includes an assessment of whether the traditional appeal mechanisms are effective for the user, and/or whether self-regulatory measures that are used by the platforms are effective in guaranteeing a prompt reaction to an infringement of the freedom of expression. The MPM also aims to assess the transparency and accountability of the online platforms when removing online content, based on their terms of reference or on obligations that arise from the legislation. A report is deemed to be transparent when the legal rationale of the online content's removal/filtering/blocking is clear, and/or when the cases of removal/filtering/blocking are aggregated based on the logic of the removal. A full archive of such cases should be available and accessible.

Figure 4.1.d. Digital safety of journalists (left) vs Physical safety of journalists (right)

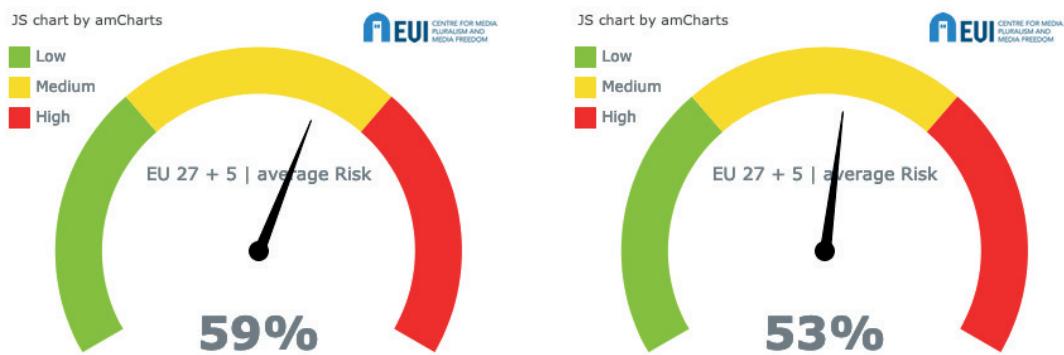
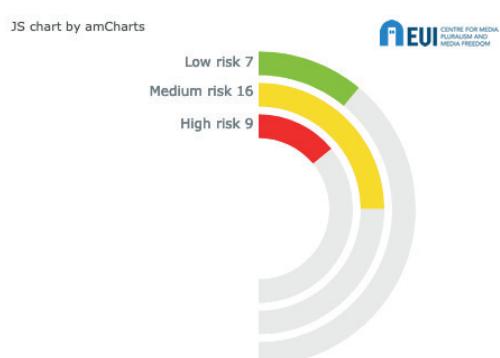
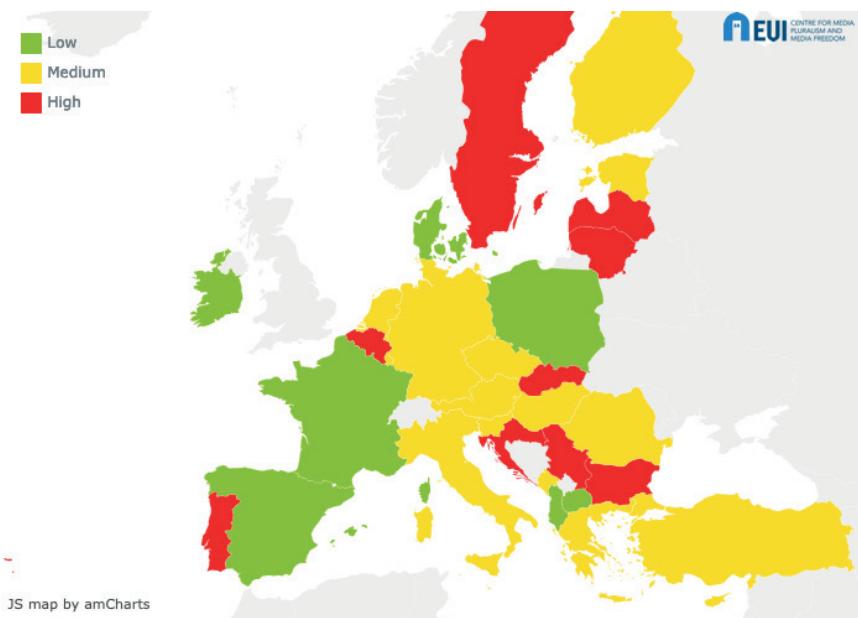


Figure 4.1.e. Digital safety of journalists



4.2. Market plurality - digital

In recent years, digitalization has fully reshaped the news media market, both from the demand and the supply side. Last year, for the MPM2020 exercise, the market area of the MPM was radically revised in order to better analyse and record those risks that are related to the digital environment. A premise of this exercise is that digital challenges relate to all of the media economy, and, therefore, the “digital” cannot be considered as a sector in itself, neither can the digital risks be recorded just from the digital indicators and variables. For example, trends in market concentration and media viability for traditional media can be explained by the growing competition from digital players in the market. Nonetheless, some specific variables and indicators focus on the digital player in the media market, as they are content providers or digital intermediaries. In this chapter, we describe the results that emerge from these digitally-specific variables and indicators, ones that are included in the MPM questionnaire according to the following structure:

- *Ownership transparency of digital news media (5 variables, grouped in two specific sub-indicators: Transparency of media ownership online, and Transparency of ultimate ownership online);*
- *Ownership concentration of online media (6 variables; the digital media sector is analysed as a separate sector and is included in the measure of cross-media concentration);*
- *Online platforms’ concentration and competition enforcement: 8 variables (this indicator is all digital, except for 1 variable that asks for the effects of the public financing of PSMs on market competition).*
- *Media viability: 4 variables, asking for revenue trends in the digital native media sector; the total advertising (on- and offline) that goes to the news media sector; the existence and sustainability of alternative news media business models; the existence of public subsidies for digital media.*
- *Commercial & owner influence over editorial content: 3 variables, asking whether the legal and self-regulatory safeguards that exist in relation to the legacy media apply to digital media.*

In total, there are 26 digitally-specific variables, and they are of three types: legal (14), economic (8), and socio-political (4). In comparison with the previous implementation, in *MPM2021 the digital risks for Transparency of media ownership are assessed separately, with two news specific sub-indicators.*

The average score of the digital variables for the Market Plurality area is 66%, at the highest border of medium risk; and the digital score is 3 percentage points lower than the overall score for the area, that is, 69%. In the previous implementation, the digital risk for Market plurality was 61%.

Figure 4.2.a. Average score of the digital variables in the Market Plurality Area

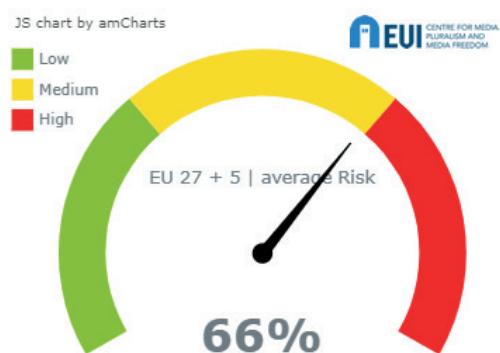
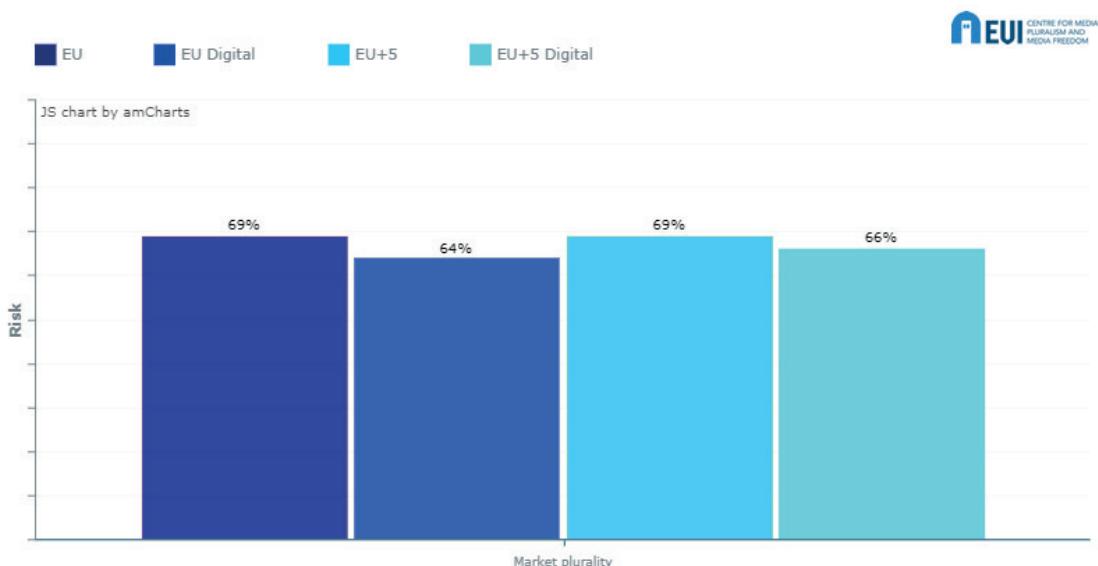


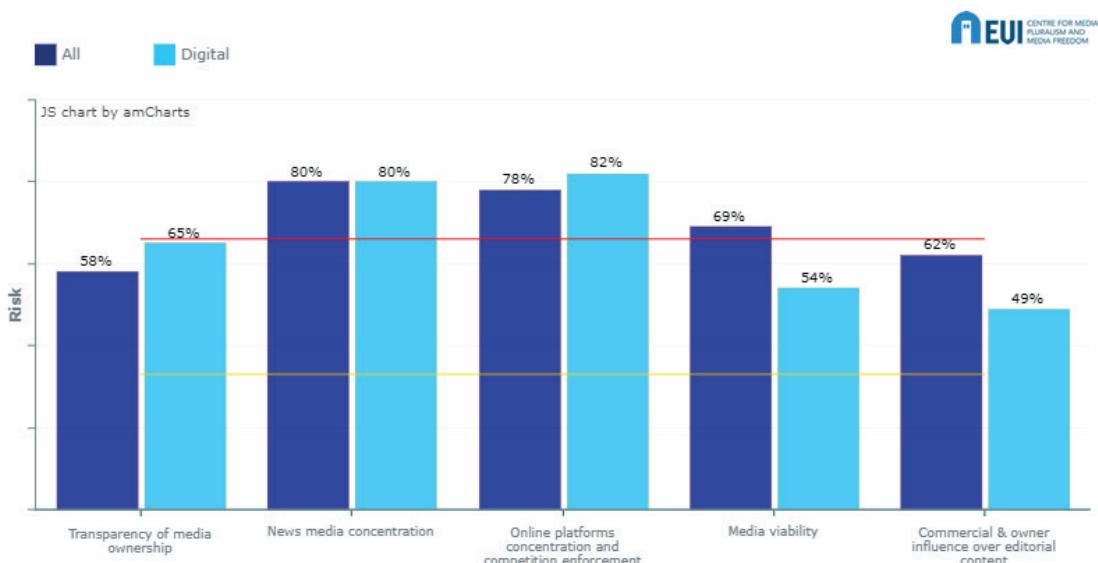
Figure 4.2.b. Digital vs overall score in the Market plurality area



The number of countries at high risk is still 18, 13 are at medium risk (Austria, Belgium, Denmark, Estonia, France, Luxembourg, Malta, Montenegro, Poland, Portugal, the Republic of North Macedonia, Sweden, and the Netherlands), and 1 is at low risk (Germany). The digital score for the market area is lower (64%) if we consider only the EU countries in the assessment. This result may depend on the higher development of sustainable digital media outlets, as well as on the evolution of the regulatory and competition framework in the EU countries. Overall, the relatively lower economic risks for the digital indicators and variables can be explained for two reasons: digital disruption has most affected the traditional media business model, whereas the digital news media are in a better position to benefit from the advantages of technological innovation (reduction of costs, development of alternative sources of financing); the digital sector, although exposed to new kinds of commercial pressure, is relatively more independent from its owners' influence. On the other hand, growing risks in the digital environment are related to the need to update the regulatory framework for ownership transparency; and the highest level of risk is confirmed when it comes to the online platforms, which dominate

the advertising market, and whose concentration is not effectively addressed by the traditional competition tools.

Figure 4.2.c. Digital vs overall score in the Market plurality area, per indicator

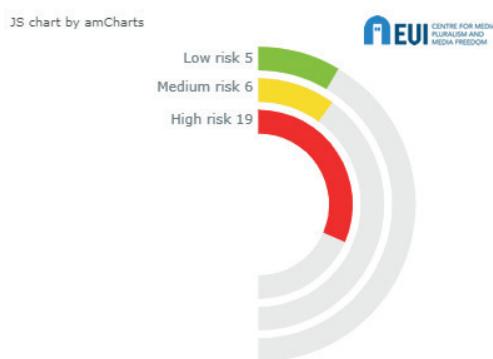


For the indicator of **Transparency of media ownership**, digital variables score a medium risk, at 65%, which is close to the high-risk threshold and higher than the overall risk. This result is due to the fact that, in the majority of the countries, the legal and regulatory framework has not been updated to include the digital media. In addition, even when digital media are obliged to respect the general rules on ownership's disclosure, the national laws do not apply to cross-border media. For example, the Estonian country report highlights that, although “all information related to entrepreneurship in Estonia is electronically available and the use of the registers is free, in the case of digital media one can point to cross-border activities with news outlets such as Russia Today, Sputnik, PBK and the like” (Kõnno, 2021). The Czech Republic’s country report underlines that, although the issue of the transparency of media ownership is problematic, both for online and offline media, in the digital environment “(it) is more palpable due to the presence of a number of online news outlets whose ownership and sources of finances are unknown - not just to the public, but to media experts as well - including those that are widely considered to be spreading disinformation and conspiracy narratives” (Stetka & Hajek, 2021). The same concern – about the opacity of cross-border websites, and their role in spreading disinformation, often by using bots, is expressed in several MPM country reports. While the scope of the indicator on the Transparency of media ownership are the news media (content providers), an interesting development is at stake in Italy, with the attempt to apply the same rules to digital intermediaries. “In 2020 AGCOM (the media authority) completed its investigation on some digital platforms, sanctioning them for violating the registration obligation and affirming the principle by which the new players in the media market (even if based abroad) must register in ROC (the register of communications operators) if they operate in Italy. The budget law for 2021 contains a specific provision that obliges the online intermediaries and search engines to enlist in the ROC” (Carlini & Brogi 2021).

In the indicator on **News media concentration**, the digital risk is at the same level as the overall risk. The result is mainly due to the fact that, in most countries, the market is dominated by the digital outlets of traditional media, which are, in turn, highly concentrated. As for the digital native news media, it is worth underlining that the data on the market and the audience are not publicly available, and are not standardized. The lack of reliable and official statistics in the digital news media market is an issue that needs to be addressed at national as well as at European Union level.

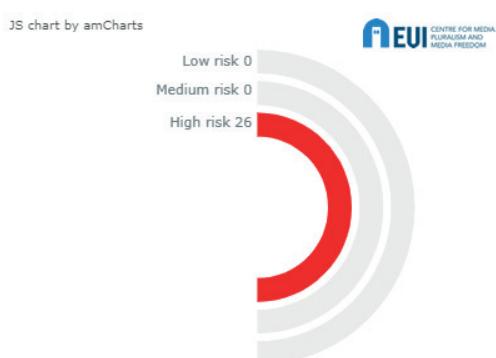
As was said in Chapter 3.2, the indicator on **Online platforms: concentration and competition enforcement** is in itself a measure of digital risk for media pluralism. The drivers of the risks in this regard are: the ways in which people access the news online (the higher the exposure to algorithm-driven information, the higher the risk), the concentration of the online advertising market (with two platforms, Google and Facebook, gathering at least half the revenues in the countries covered by the assessment), the difficulties of competition enforcement in the digital markets.

Figure 4.2.d Variable. What is the main way in which people access news online in your country? (direct/side-door/equivalent)



Only in five of the 32 countries do the majority of people who consume information online access news websites directly, while in 19 countries the consumption is mainly through a side door (via search engines, social network and other algorithmic sources).

Figure 4.2.e Variable. What is the online advertising market share of the Top4 online players in your country?



In all the countries for which these data are available, the Top4 index for the online advertising market concentration is above 50%. But in several countries, it is even higher. For Ireland, the “estimates from ore Advertising suggest that Facebook and Google alone account for 81% of all digital advertising in Ireland (and thus 40% of all advertising spend across Irish media)” (Flynn & O'Dell, 2021). This phenomenon is highlighted worldwide and is confirmed for the European market; and it becomes more and more relevant, with the decline of offline advertising expenditure. In Italy, the online advertising market is included in the SIC (the Integrated System of Communication, the widespread aggregate upon which the Italian law sets the thresholds for the evaluation of concentration); in the most recent evaluation, the share of online advertising is reported to be 19.5%, close to the share of the press. The Italian media authority calculated the difference between the ARPU (average revenue per user) for platforms and for publishers (EUR 23 vs EUR 4) (Carlini & Brogi, 2021).

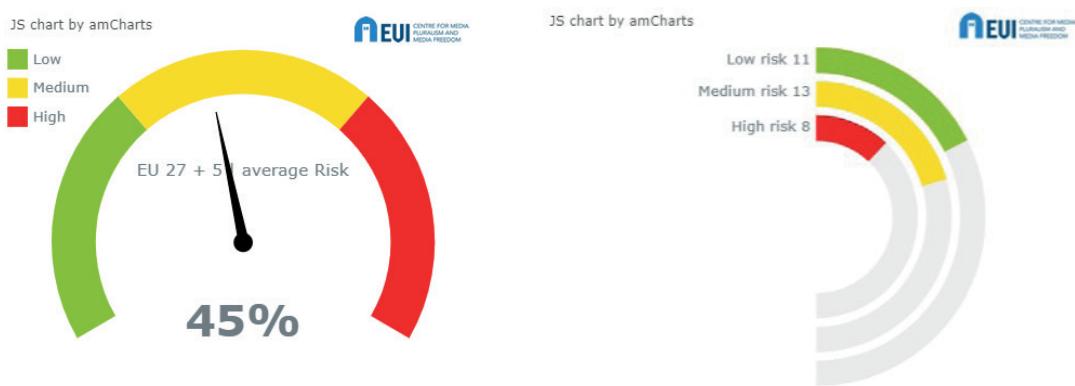
Even if the dominance of few players in the digital markets is a common feature, the results from MPM2021 may help to track the different national contexts, and the degree to which some countries are using the existing tools in their competition and regulation legal frameworks, or are trying to update them to cope with the new environment. In this regard, it is worth analysing the results of the sub-indicator on competition enforcement, in which the Country teams were asked to evaluate whether the legal and regulatory framework, as well as the competition and media authorities, had updated the tools with which to cope with the digital challenges. The only country that is scored at low risk in this sub-indicator is Germany, where an ongoing reform of the competition laws is underway; as the German MPM country report argues, “the 10th GWB amendment (Act against Restraints of Competition) will enable the cartel authorities to take factors that are of particular importance in the digital environment (intermediary power, data economy) into account in competition enforcement. The amendment is intended to enable the cartel authorities to assess the market position of companies in the context of abuse control and merger control. The State Media Treaty responds to the power of digital platforms with transparency requirements and prohibitions on discrimination. A new design requirement is that media intermediaries, such as Facebook and Google News, must keep their relevance criteria and the functioning of their algorithms available. Journalistic-editorial content must not be discriminated against” (Holznagel & Kalbhenn, 2021).

In other countries, like France, Italy and Spain, initiatives and cases that were opened by the competition authorities intensified in 2020, and these were mainly related to online advertising market dominance, to the marketing of personal data, and/or to alleged abuses of dominant positions by the platforms. Although still not effective in addressing digital dominance in the media market, these developments pushed towards a reform of the competition and regulatory framework. This topic is intertwined with the issue of the economic sustainability of the news media, as some countries have tried to introduce financial obligations or fiscal levies on the platforms, but have not succeeded in their goal, only having paved the way to bilateral negotiations between platforms and publishers. As the French country report assesses, “... at the European level, France has been, to a certain extent, a leader in the regulation of online issues: it was the first to apply the Copyright Directive, in July 2019, and planned a tax on the GAFA. However, the results of these measures, and others, have not met expectations”. The long-term dispute

between digital platforms and publishers came to a turning point with the intervention of the French competition authority to oblige platforms to negotiate; “rather than considering structural changes or major taxation measures, authorities have let Google negotiate “related rights” compensation with the APIG (an association that represents major “general information” news outlets, thus excluding many others, such as magazines and independent outlets), and sign individualized deals rather than a universal framework” (Rebillard & Sklower 2021). With the digital platforms negotiating for economic agreements with the main publishers in the main EU media markets, the opportunities and the limits of these unilateral- bilateral initiatives need to be closely investigated.

In the indicator on **Media viability**, the digital score is lower than the overall score. As in the previous assessment, this result is due to the fact that the long-term crisis in market revenues has impacted mainly on the traditional media. Although it is too early to fully assess the impact of the COVID-19 crisis on digital news media, the result of MPM2021 shows some signals of resilience, particularly in the media that have developed alternative business models, i.e., their source of financing is not mainly dependent on advertising. In some cases, the economic resilience of the digital media has helped to ameliorate media diversity in a context where there is strong political influence on the media.

Figure 4.2.f Variable. Are news media organizations in your country developing sources of revenue other than traditional revenue streams?



In the Czech Republic, “the presence of numerous independent news websites, some of which have been founded by journalists who have left the publisher MAFRA following its takeover by Prime Minister Babiš ,in 2015, has certainly contributed to greater market diversity. However, the majority of the digital native brands have a relatively limited audience, while the market is largely dominated by news websites belonging to the same legacy publishers that control the offline market (...). The only exception is Seznam --- the local tech company - whose news portal, Seznam Zpravy, managed to climb to No..2 in the ranking in 2020. As a leading Czech digital platform, Seznam is also successfully challenging the positions of Google and Facebook on the advertising market (...). While the COVID-19 pandemic has hit the traditional media sector hard, and the print media, in particular. The impact on the digital media sector has been much less severe, and many digital news outlets have reported a notable increase in online traffic during 2020. Demonstrating the resilience of digitally native media vis-à-vis the pandemic, some of

them reported a significant increase in the number of subscribers (such as Denník N), offsetting the losses from ads, while some other online news projects have been able to gather extra donations from supporters" (Stetka and Hajek, 2021). In Finland, "media companies are actively seeking new revenue streams, and new media startups are being launched (...). Finns still prefer to access their online news media directly, rather than through social media or search engines. This leaves the citizens with more personal control over their news consumption. Most of the Finnish newspapers today rely on subscription fees, both in print and online, and audiences' brand loyalty is an important resilience factor during times of declining advertising spending. Freesheets, tabloid websites and broadcast media are supported by ad sales, and they are thus more susceptible to market fluctuations" (Manninen & Hjerpe, 2021). In France, "some digital versions of newspapers, and a few online journals, have managed to consolidate their position. Mediapart, for instance, is benefitting from a growing audience, with a sound 'hard paywall' model, and it further ensured its independence, by putting its capital in a 'Fund for a free press'" (Rebillard and Sklower, 2021). In Poland, "reacting to the crisis and lay-offs in the Third Channel of the Polish Radio (Trójka), former Polish Radio journalists launched successful crowdfunding campaigns to create two new online radio stations – "Nowy Świat" (New World) and "357". Additionally, an online news programme focusing on international relations "Raport o stanie świata" (Report about the World's State of Play) was auspiciously established by Dariusz Rosiak, also a former journalist at Trójka. Another successful project includes the OKO.press news investigative site, established in 2016. OKO.press's COVID-19 coverage, and a focus on fact-checking politicians, saw a 75% increase in one-off, and a 25% increase of regular donations" (Klimkiewicz, 2021).

The risk score for the indicator on **Commercial and owners' influence over editorial content** is medium for the digital variables, as for the overall score, but at a lower level. This result is due to the worsening conditions relating to economic independence in the traditional media, and to the features of the digital media market, which are characterized by smaller and independent outlets. Nevertheless, it must be noticed that the lack of rules and regulations on the new kinds of sponsored content online often obscure the dividing lines between advertising and journalistic content. In some countries, the legal framework is addressing this issue, for example, in the Netherlands, where the digital score for this indicator is very low, the Media Act (which sets rules for advertising, sponsoring and product placement for broadcasters) was revised in 2020 so that it could apply to the online environment (Klein, 2021).

4.3. Political Independence - digital

In the area of Political Independence, the following variables evaluate emerging and evolving digital-specific risks to media pluralism:

- *Political independence of digital native media (1 variable);*
- *Editorial autonomy in self-regulating social media use (1 variable);*
- *Political advertising online (5 variables);*
- *Funding for the online mission of the public service media (1 variable).*

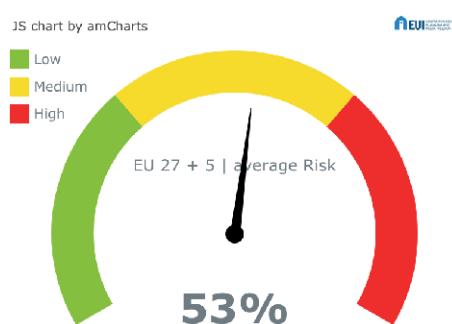
These variables are organised under the four indicators of the Political Independence area: Political independence of media; Editorial autonomy; Audio visual media, online platforms and elections; and the Independence of PSM governance and funding. In total, this amounts to eight digitally-specific variables (questions) of two types: legal (aiming to assess regulatory measures), and socio-political (aiming to evaluate the situation in practice).

The only indicator in the area that, at the moment, has no specifically digital considerations is that relating to State regulation of resources and support for the media sector. One of the topics covered by this indicator is the availability and distribution of State subsidies to the media, without undue political influence. For a few countries, it was noted that the risk stems from the fact that these subsidies are still largely directed at the traditional media, and very little, if any, funds are available for digital native media initiatives. However, framed in this way, the issue has already been covered by the Market Plurality area, more specifically, under the Media viability indicator.

As shown in Figure 4.3.a., the average score of digital variables in the Political Independence area is at 53%, which is two percentage points higher than last year, and higher than the overall risk score in this area (48%).

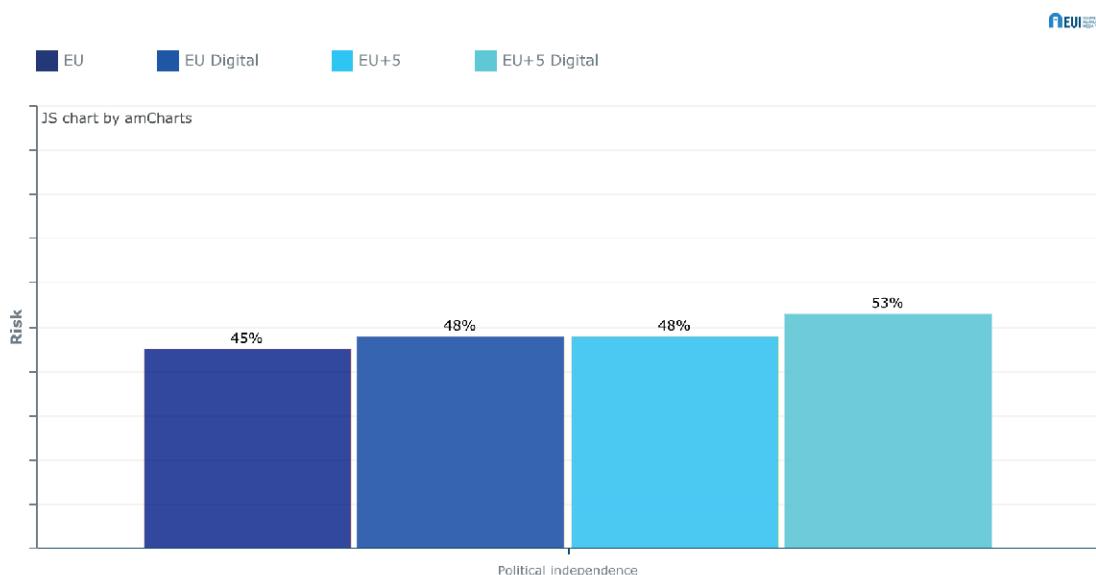
In the Political Independence area, the digital score was higher than the overall score for the area in Albania, Austria, Belgium, Bulgaria, the Czech Republic, Cyprus, Denmark, Estonia, Germany, Hungary, Lithuania, Luxembourg, Montenegro, Portugal, the Republic of North Macedonia, Romania, Serbia, Slovenia, Spain, Sweden and Turkey.

Figure 4.3.a. Average score of the digital variables in the Political Independence area



The extracted digital risk score is higher than the overall risk that has been recorded, in both cases: when the five candidate countries (Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey) are considered along with the EU member states, and when they are excluded from the calculation. This is visible from the Figure below (4.3.b.), and should be interpreted with regard to the specific issues tackled in the digital part of the Political independence area. The specific digital risk largely reflects the situation with regard to political advertising online, and the state of play is that there are almost no rules to ensure transparency and political pluralism in the online sphere during election campaigns. Of eight ‘digital’ variables, five belong to the indicator Audio visual media, online platforms and elections. The other three indicators have one ‘digital’ variable each: Political independence of media also evaluates the presence of political control over the digital native media. Editorial autonomy seeks to assess specific codes of conduct, or guidelines, for the use of social media by journalists, while the Independence of PSM governance and funding indicator contains a variable that examines whether a law provides for funding that adequately covers the online public service missions of the PSM without distorting competition in relation to private media actors.

Figure 4.3.b. Digital vs overall score in Political Independence area



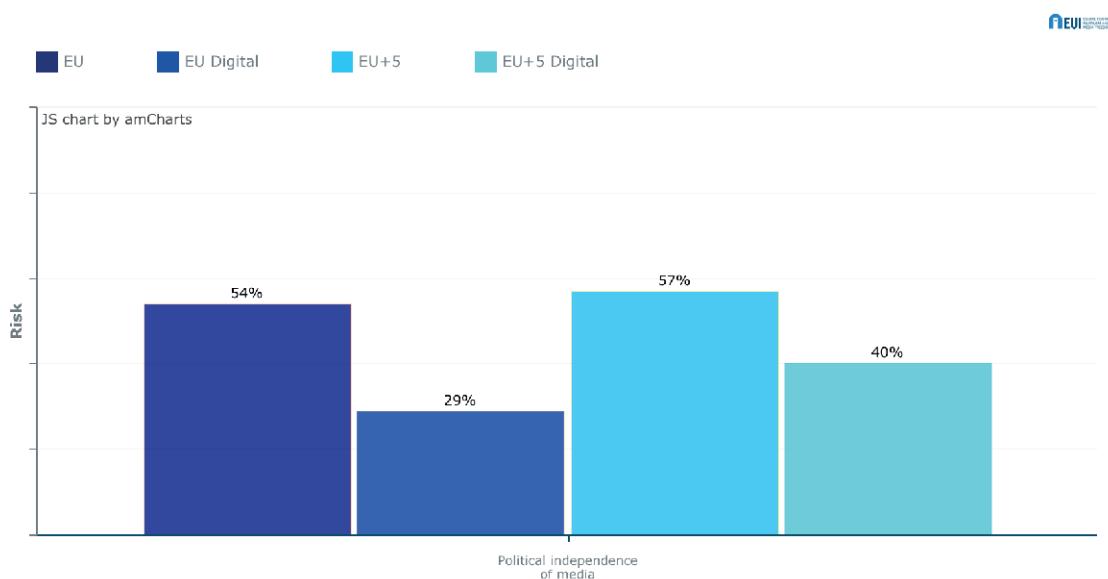
Political independence of digital native media

The indicator on the Political independence of media, which aims to assess the existence and effectiveness of the implementation of regulatory safeguards against direct or indirect control of the media by governments and politicians, and the extent of political control over the media in practice, also considers political control over digital native media. The results show that the risk is lower for the digital (native) dimension than for the traditional media. Notably lower risks of political control, in the form of direct or indirect ownership, have been recorded in relation to native digital media, than for audio-visual media and newspapers.

While digital native media are often considered to be a beacon of hope for journalism in

countries where the legacy media are captured, the MPM data collection shows that this is not always the case. In fact, in the 5 candidate countries (Albania, Montenegro, the Republic of North Macedonia, Serbia and Turkey), as well as in 4 EU countries (Cyprus, Hungary, Romania and Slovenia), the digital natives with the highest audience tend to be mainstream in style and organisation, and it is not uncommon for their owners to be closely connected to political figures. In Hungary, where the situation was already been assessed as being at high-risk in MPM2020, political control over online natives further increased, when the leading private newsroom, Index.hu, was taken over by government-aligned investors during the pandemic (Bátorfy & Szabó, 2021). Another problem has been observed with regard to the transparency of native digital media ownership and editorials. Greece, for example, reports a lack of ownership data for digital native media (Psychogiopoulou & Kandyla, 2021). Similarly, the country team in Finland highlights that the lack of market data makes it hard to determine whether “major” digital native news media are, in fact, politically controlled (Manninen & Hjerpe, 2021).

Figure 4.3.c. Indicator on the Political independence of media – All vs digital



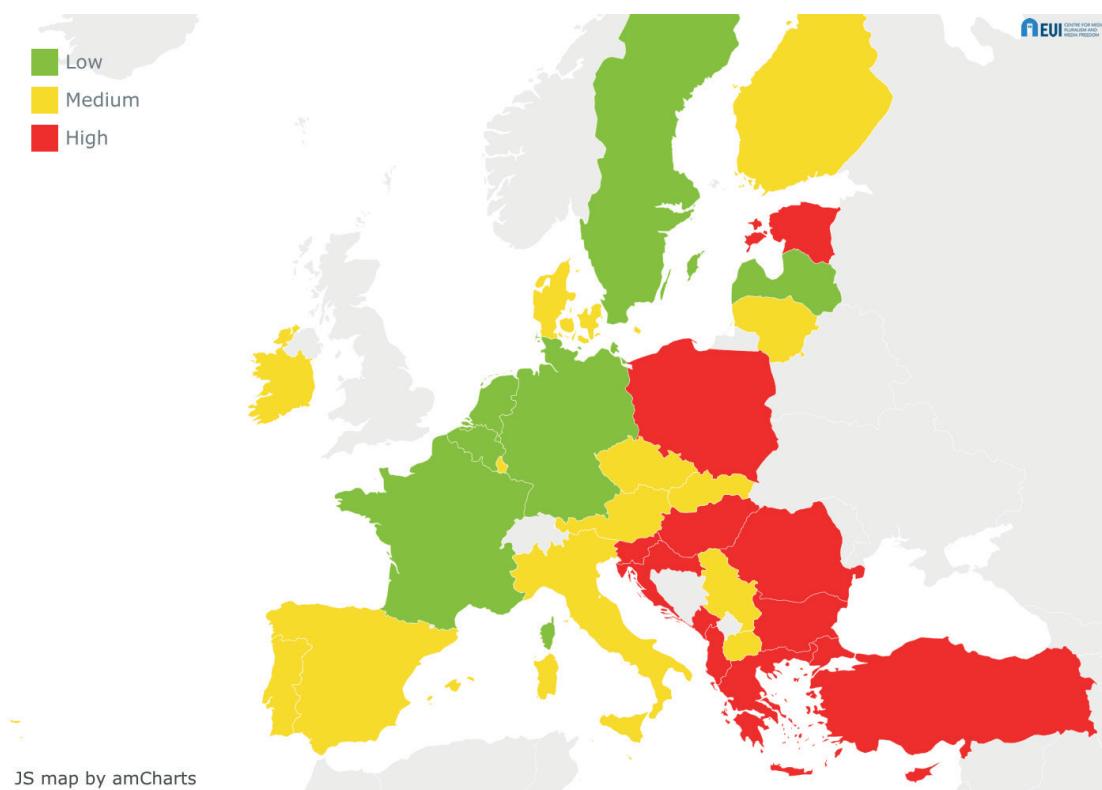
Editorial autonomy in self-regulating the social media use

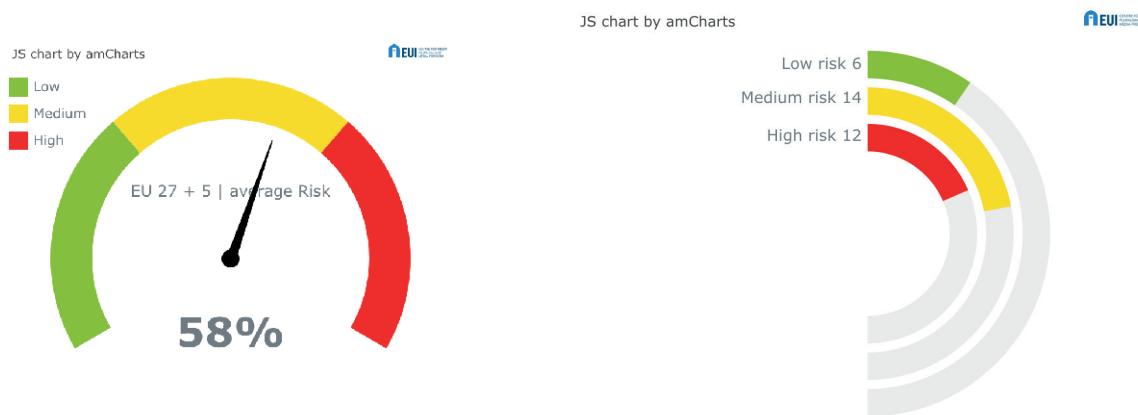
Effective protection of editorial autonomy (mainly through self-regulation) has been shown to be one of the weakest links in ensuring political pluralism in traditional media environments. The MPM aims to assess the potential to establish editorial autonomy in self-regulating journalists' behaviours on social media, where professional activity often blurs into personal use, and the core professional standards, such as objectivity and detachment, may be put in doubt. The MPM2021 includes, therefore, a question about the availability of specific codes of conduct, or guidelines, for the use of social media by journalists. Social media guidelines are being issued with increasing frequency by news organizations that want to indicate to journalists what is, and what is not, permitted on these platforms. What is not clear is the extent to which journalists themselves are

involved in the creation of these guidelines. The aim of this variable is to collect initial information on the extent of the availability of the guidelines in the private and the public media in the EU, and to evaluate whether they are developing as a proper self-regulation of journalists' activities on social media, or whether they are being imposed on journalists (e.g., by marketing units). This can serve as an indication of the extent to which journalists are autonomous and effective in self-regulating their professional standards and activities in the face of new opportunities and challenges.

The MPM2021 results show that, in 26 countries, social media guidelines for journalists are either non-existent or are, in part, problematic, for example, when limiting journalists' expression. The guidelines, especially when designed within the commercial media, are often not made public, and they are thus impossible to assess. In 8 countries, these guidelines exist on a larger scale and do not seem to be problematic. An example is Germany, where all public broadcasters have guidelines for dealing with social media. The Dutch Press Council (Raad van Journalistiek) requires that journalists take responsibility for the information that they disseminate, regardless of the medium or platform they use. It highlights journalists' need to adapt to the changing media and to new initiatives that are emerging in the digital world and beyond (Klein, 2021). The remaining four countries that have a good track record are Belgium, France, Latvia, and Sweden.

Figure 4.3.d. Variable on the Editorial autonomy in self-regulating the social media use





Political advertising online

The reliability and pluralism of political information in the periods prior to elections is one of the key preconditions for the legitimacy of the democratic process, and for democracy itself. Bearing in mind that online platforms play an increasingly important role in the distribution of political information – be it paid for or organic – it is important to evaluate whether there are any safeguards in place to ensure that online platforms’ services are not misused by some of the political actors. Accordingly, the ‘digital’ part of the indicator on Audio visual media, online platforms and elections, evaluates the existence of legislation that seeks to safeguard democracy and to prevent certain political actors from capturing online political communication by buying and targeting online political advertising in a non-transparent manner. The sub-indicator on Rules for political advertising online, seeks to understand the extent to which countries comply with the standards proposed at the EU level (European Commission Communication on Tackling online disinformation: a European Approach, COM(2018) 236; and the General Data Protection Regulation, Regulation (EU) 2016/679), and to what extent the implementation of platforms’ commitments, as laid down in the Code of Practice on Disinformation (2018), is effective in different countries. The Commission’s guidance on the application of GDPR in the electoral context (European Commission, COM(2018) 638) particularly emphasises the strengthened powers of authorities, and calls for them to use these sanctioning powers, especially in cases of infringement in the electoral context. Whether the data protection authorities take this more (pro)active stance has been assessed in the MPM2021 Report, especially considering that the European data protection authorities (DPAs) have historically been very reluctant to regulate political parties.

The results clearly show that the online dimension is almost totally unregulated when it comes to political advertising. The vast majority of countries (23 of 32) have no, or have insufficient, rules to ensure transparency and fair play in campaigning on online platforms. Only 8 countries (Belgium, Estonia, France, Greece, Germany Latvia, Lithuania and Sweden) possess regulation that seeks to provide equal opportunities and the transparency of online political advertising during the campaign period. The country team of Portugal reported a complete ban on political advertising, both online and offline,

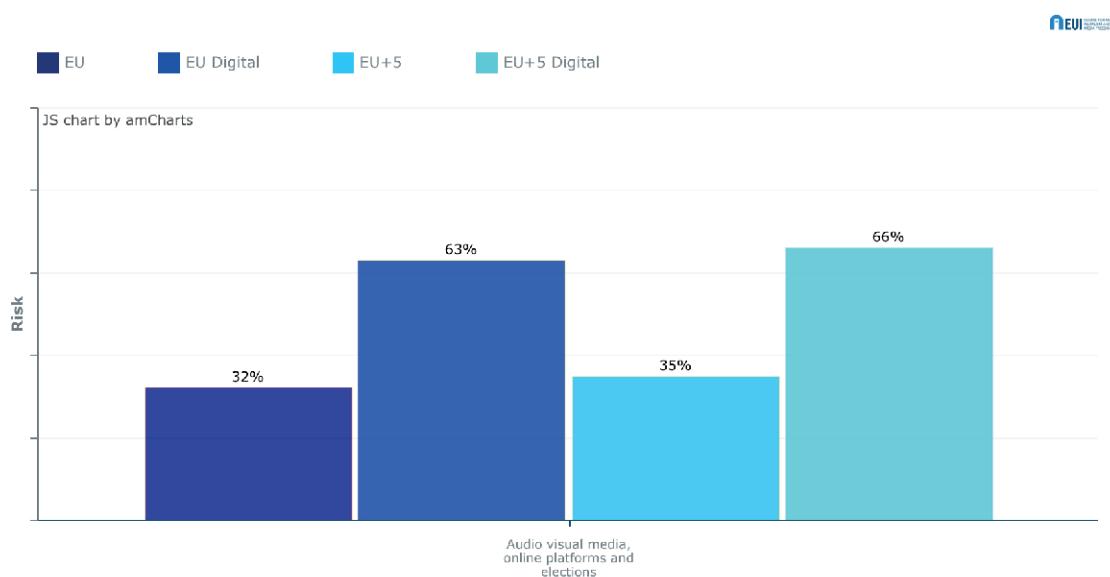
and thus marked the question as being “not applicable”. In Germany, the new Interstate Media Treaty (MStV) requires that, in cases of an advertisement of a “political, ideological or religious nature”, the identity of the advertiser or client is indicated in a clear manner (Holznagel & Kalbhenn, 2021). In France, Article L. 52-1 of the Electoral Code requires that online platforms that generate a certain amount of traffic in France respect “educated information”, the “sincerity of the elections” and “transparency” (especially with regard to their algorithms) for a period of 3 months prior to the first day of the month during which elections will take place. Information concerning the revenue generated from the promotion of this kind of content must be aggregated in a public register (Rebillard & Sklower, 2021).

In 15 countries, including four candidate countries, the rules for political parties and candidates competing in elections, to report on campaign spending on online platforms in a transparent manner, are completely lacking (Austria, Bulgaria, Denmark, Germany, Hungary, Italy, Luxembourg, Portugal, Romania, Slovenia, Sweden, Albania, Montenegro, Serbia and Turkey). In 16 countries, the rules are in place, but they are not effectively implemented (Belgium, Croatia, Cyprus, the Czech Republic, France, Finland, Greece, Ireland, Latvia, Lithuania, Malta, the Netherlands, Poland, Slovakia, Spain and the Republic of North Macedonia). Only Estonia reported that the rules were transparent and were implemented effectively. In most cases, this means that a law demands a superficial level of transparency in the disclosure of the overall expenditure during elections, but without detailing the expenditures per platform. The analysis shows that only some political parties have been open and transparent about their online advertising spending, as well as about their social media strategies. In 30 countries, political candidates and parties are not fully transparent about their spending and the techniques employed in their social media promotion.

In 21 countries, some issues were noted in the implementation of the Code of Practice on Disinformation as regards clearly labelling and registering political and issue-based advertising as such, and indicating who paid for it. Serbia and Turkey marked the question as being “not applicable”. Turkey highlights that Google does not implement transparency reports on political ads, unlike in other countries (İnceoğlu et al. 2021). The Albanian team added that Facebook’s “Political Ads Rules, even though extended to most countries of the Balkans at the beginning of 2020, were never applicable to Albania. There is no explanation available why Facebook chose to exclude Albania” (Voko & Likmeta, 2021).

Even though the GDPR has strengthened the powers of the data protection authorities, and the European Commission (COM(2018) 638) has called on them to use the new sanctioning powers, especially in cases of infringement in the electoral context, the MPM data suggests that, in 15 countries, the data protection authorities do not take sufficient account of the use of personal data by political parties. In a further 4 countries (Denmark, Ireland, Lithuania and Slovenia), the risk reflects the lack of data on what exactly data protection authorities are doing in this regard.

Figure 4.3.e. Indicator on Audio visual media, online platforms and elections – All vs digital

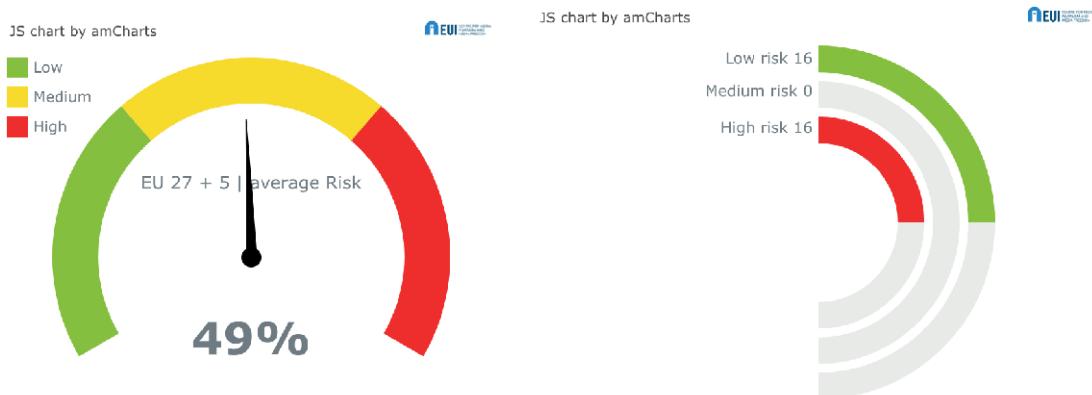
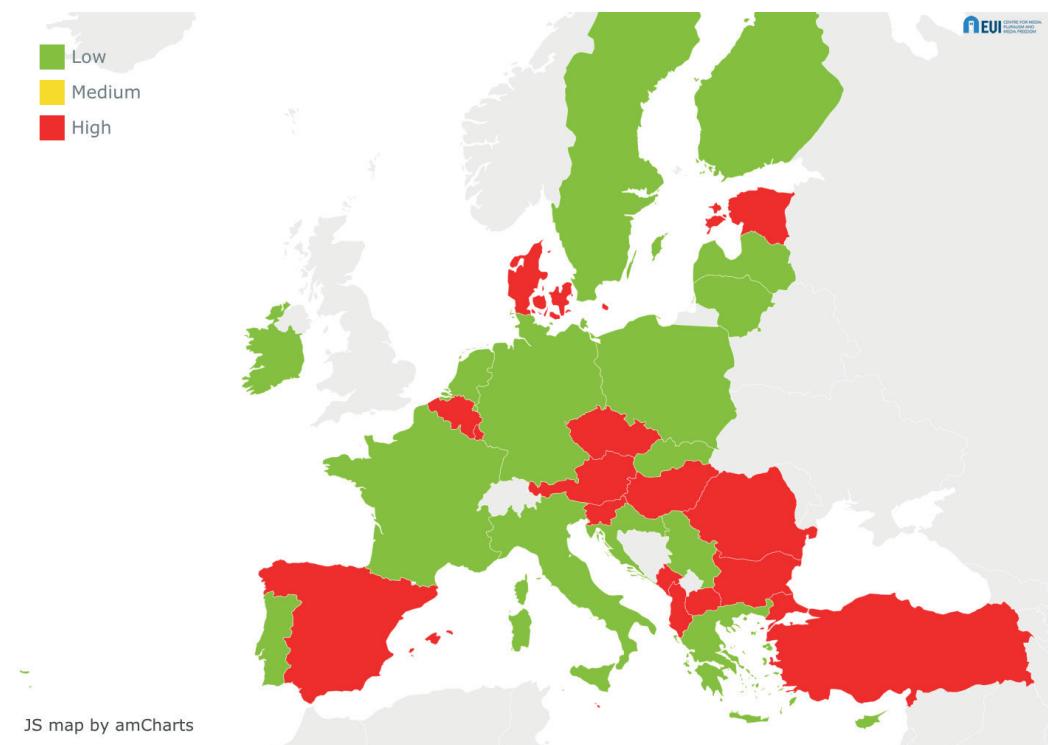


Funding for the online mission of the public service media

The Independence of the PSM governance and funding indicator assesses whether a law provides for funding that adequately covers the online public service missions of the PSM, without distorting competition with regard to private media actors. The financing of PSM is strictly connected to the definition of their remit according to EU state aid rules and the interpretative indications given by the European Commission, for their application. Yet, if it is to remain relevant in the online sphere and contribute to the democratic sphere, “every PSM needs some kind of mechanism allowing it to launch innovative new media services outside the scope of its formal remit in a timely manner, whilst at the same time ensuring that the market is informed and not disproportionately distorted as a result” (AMO, 2015: 87).

This is a binary (yes-no) legal question, and the MPM2021 results indicate that, in 16 countries, including four of the candidate countries, there is no law that provides for funding that adequately covers the online public service missions of the PSM, or it does not consider the potential implications for commercial media actors (Austria, Belgium, Bulgaria, the Czech Republic, Denmark, Estonia, Hungary, Luxembourg, Malta, Romania, Slovenia, Spain, Albania, Montenegro, the Republic of North Macedonia and Turkey).

Figure 4.3.f. Funding for the online mission of the public service media (variable)



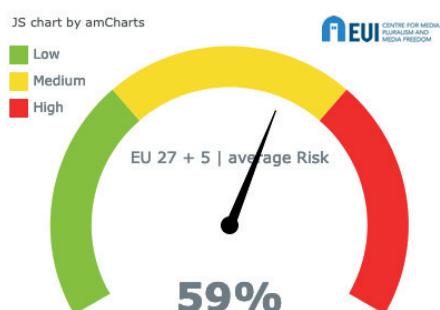
4.4. Social Inclusiveness - digital

In the area of Social Inclusiveness there are three digital-specific sub-indicators:

- *Digital skills of individuals (2 variables)*
- *Protection against disinformation (3 variables)*
- *Protection against hate speech online (4 variables)*

The sub-indicator on Digital skills of individuals is part of the Media literacy indicator. It aims to assess the digital skills of individuals in a given country, based on Eurostat datasets. The two other sub-indicators constitute the Protection against illegal and harmful speech indicator, which is dedicated to digital issues. While the sub-indicator: Protection against disinformation, assesses the regulatory framework and the initiatives to counter disinformation, the sub-indicator on Protection against hate speech, evaluates the extent and efficiency of the efforts to remove hate speech against vulnerable social groups on social media. All nine digitally-specific variables (questions) in this area are socio-political (aimed at evaluating the situation in practice).

Figure 4.4.a. Average score of the digital variables in the Social Inclusiveness area



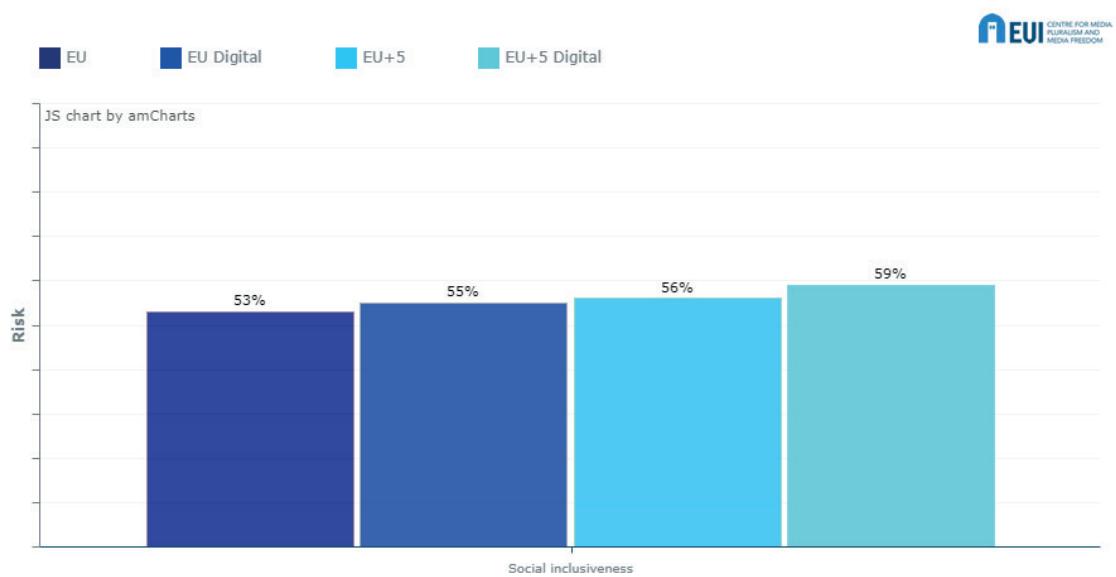
As shown in Figure 4.4.a., the average score of just the digital variables in the Social Inclusiveness area stands at 59%, which is slightly higher than the overall risk score in this area (56%).

In the Social Inclusiveness area, the digital scores obtained by some countries are lower than the overall score for the area, namely, Austria, Croatia, Finland, Germany, Greece, Luxembourg, Malta, Montenegro, the Netherlands, and Portugal. Germany scores a minimum risk for the digital variables, and this is due to the high-level digital skills of its population, and to its unique and comprehensive regulatory framework for fighting illegal and harmful speech online. Finland also scores in the low-risk band for digital variables,

with 17%, while the country scores in the medium-risk band, with 48%, for the overall Social Inclusiveness indicator. Over three-quarters of the Finnish population have basic or above basic digital skills (Eurostat, 2019). Regarding the regulation of disinformation, the self-regulation of journalism appears to be an effective system in the case of Finland. During the COVID-19 pandemic, the Finnish government reacted immediately to concrete cases of disinformation by publishing accurate information.

However, most of the countries scored a global higher risk in the Social Inclusiveness area, when considering only the digital variables. Among these, two countries presented a massive increase in the risk in the Social inclusiveness area, when considering only the digital variables: Ireland and Poland. Ireland's overall risk is medium, with 53%, while the evaluation of risk for digital variables is 72%. The poor performance of Ireland, in terms of digital skills, is one of the factors that contribute to the risk. According to Eurostat (2019), 36% of the population have poor digital skills, while just 53% have even basic skills. The increase in hate speech against minorities, as well as the absence of an adequate legal framework to fight it, also justifies a high risk for digital variables. However, the Irish government announced, in its legislative programme, the preparation of a new Bill with which to address the shortcomings of the current regulatory framework. Similar flows in the regulatory framework against disinformation and hate speech, as well as a level of digital competencies (44%) that is lower than the average of the European Union (56%), has justified a high risk score for Poland.

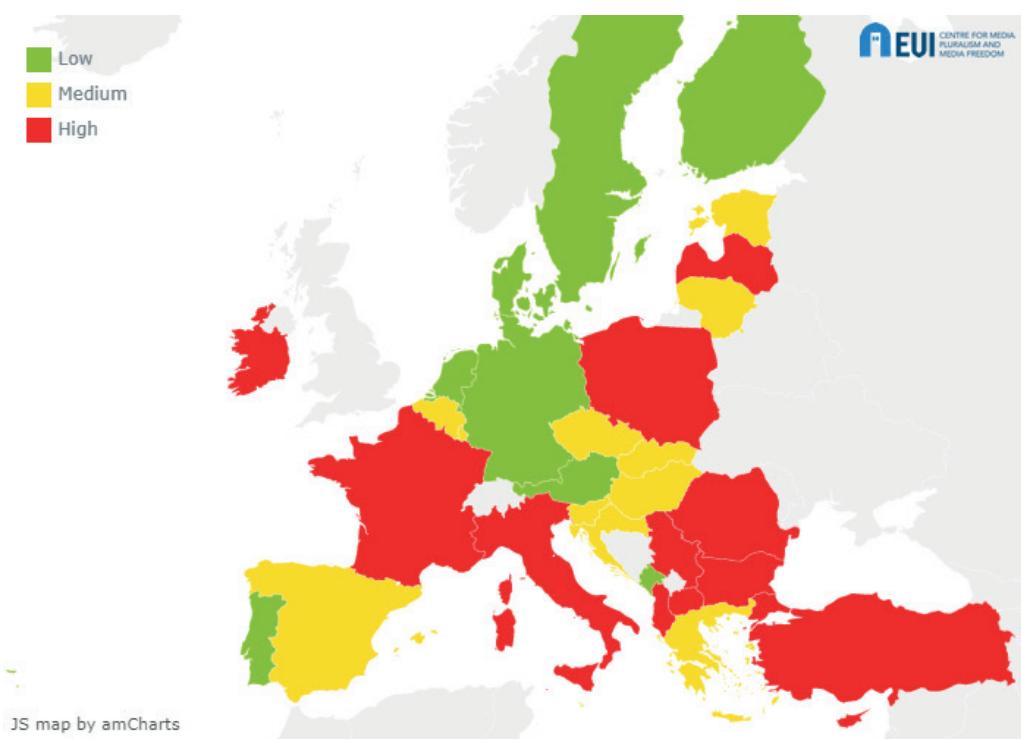
Figure 4.4.b. Digital vs overall score in Social inclusiveness area Dig



The sub-indicator on Digital competencies is based on Eurostat data on Individuals' level of digital skills (for 2019), and two components are used for the MPM2021 evaluation: the percentage of the population that has basic, or above basic, overall digital skills in the country (as a positive indication), and the percentage of the population that has low overall digital skills in the country, which is not a desirable state of play. The thresholds used to establish the risk level were calculated percentiles that were based on the available country scores. The resulting thresholds were as follows: high risk: if 0-47%; medium risk: 48-67%; low risk: 68-100% of the population has basic, or above basic, overall digital skills. In the case of low overall digital skills, the thresholds were: low risk: 0-23%; medium risk: 24-32%; high risk: 33-100%.

12 countries score a high risk on Digital competencies (Albania, Bulgaria, Cyprus, France, Ireland, Italy, Latvia, the Republic of North Macedonia, Poland, Romania, Serbia, and Turkey), 12 countries are in the medium risk band (Belgium, Croatia, the Czech Republic, Estonia, Greece, Hungary, Lithuania, Luxembourg, Malta, Slovakia, Slovenia, and Spain), and 8 countries are found to be at the low risk level (Austria, Denmark, Finland, Germany, the Netherlands, Portugal, Slovakia, and Sweden).

Figure 4.4.c. Sub-indicator of Media literacy on the Digital competencies of individuals - Map of risks per country

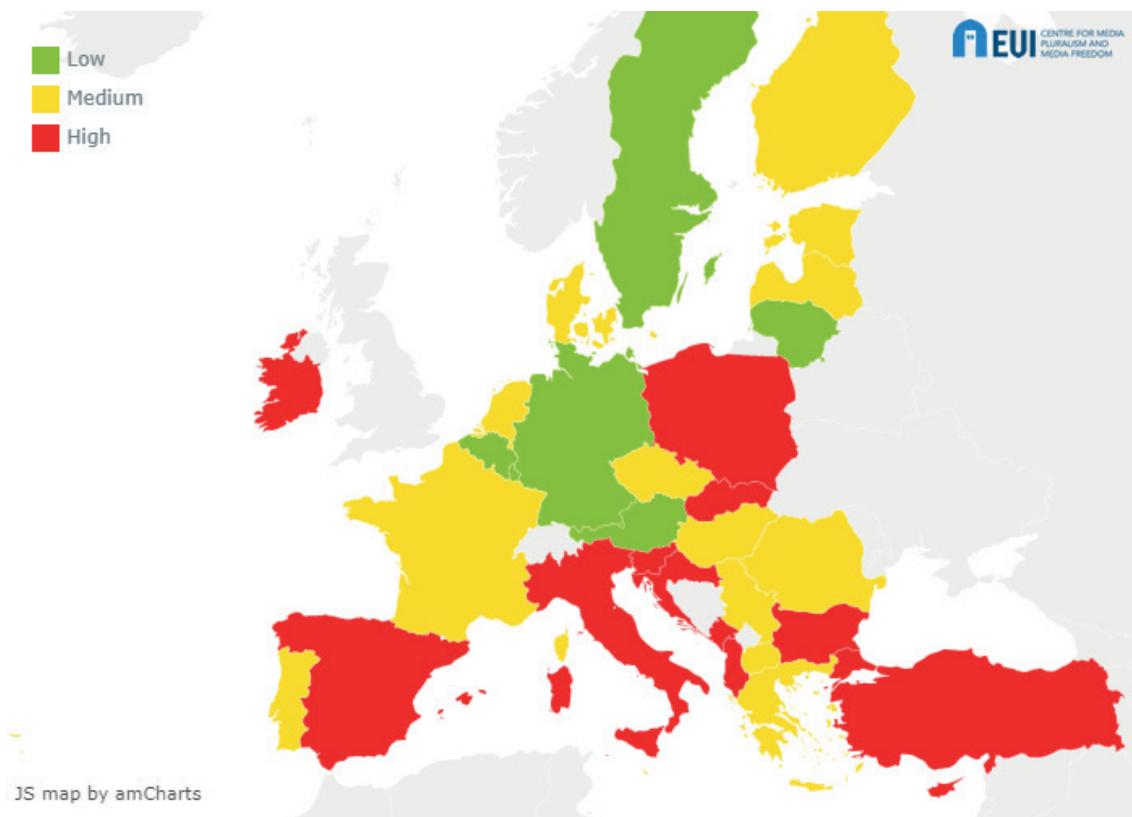


The sub-indicator on Protection against hate speech, created for the MPM2020 as part of the Media Literacy indicator, is now part of the newly created digital indicator: Protection against illegal and harmful speech. Its focus is on the protection of vulnerable social groups against hate speech online, including on social media. The sub-indicator aims to assess whether there is a (self-)regulatory framework with which to counter hate speech online, and whether it has been efficient in removing hate speech that is directed towards ethnic or religious minorities, people with disabilities and women, from online platforms, while not presenting any risk to the freedom of expression. It further takes note of whether there are any media literacy or other educational initiatives in a country that aim to prevent or counteract hate speech. The definition of hate speech that is used here is based on the case law of the European Court of Human Rights: it is a form of expression that spreads, incites, promotes or justifies hatred based on intolerance.

The protection against hate speech scores in a medium-score band for European countries (52%), as well as for candidate countries. Only six countries scored in the low-risk band in this 2021 edition of the MPM. Amongst them, the good performance of Lithuania, which scored an honourable 8%, should be mentioned. Despite the absence of a clear reduction in the number of cases of online hate speech, the effect of existing measures could be observed. In 2020, 1546 cases of hate speech were reported to social media platforms by the Inspector. Amongst these, 98% of the reported comments were eliminated in an average response time of 3 hours (ŽEIT, 2021)⁶⁵. In addition, Lithuania has taken a series of initiatives to reinforce its regulatory framework in order to fight against hate speech. First, the Ministry of the Interior launched a workgroup in early 2020 to increase the effectiveness of responses to hate crimes and hate speech. Among its tasks, the workgroup is entrusted with compiling and publishing an annual report on hate crimes and hate speech cases in Lithuania. Second, in 2020, the Prosecutor General of Lithuania approved the pre-trial investigation methodological recommendations for the characteristics of conducting, organizing, and leading investigations of hate crimes and hate speech. The new recommendations defined hate crimes, and explained the concepts in much greater depth than before. Prosecution is thus likely to result more easily. Third, the provisions of the revised EU *Audiovisual Media Services Directive* (AVMSD), which is related to video-sharing platforms, were transposed in the Amendments to the Law on the Provision of Public Information, the Law on the Protection of Minors against the Detrimental Effect of Public Information and the Code of Administrative Offences, all of which were adopted by the national parliament in January, 2021.

65 ŽEIT (2021). Žurnalistų etikos inspektorius tarnybos 2020 m. veiklos ataskaita (<https://www.zeit.lt/data/public/uploads/2021/03/2020-metu-veiklos-ataskaita-v-003.pdf>).

Figure 4.4.d. Sub-indicator on the Protection against hate speech - Map of risks per country



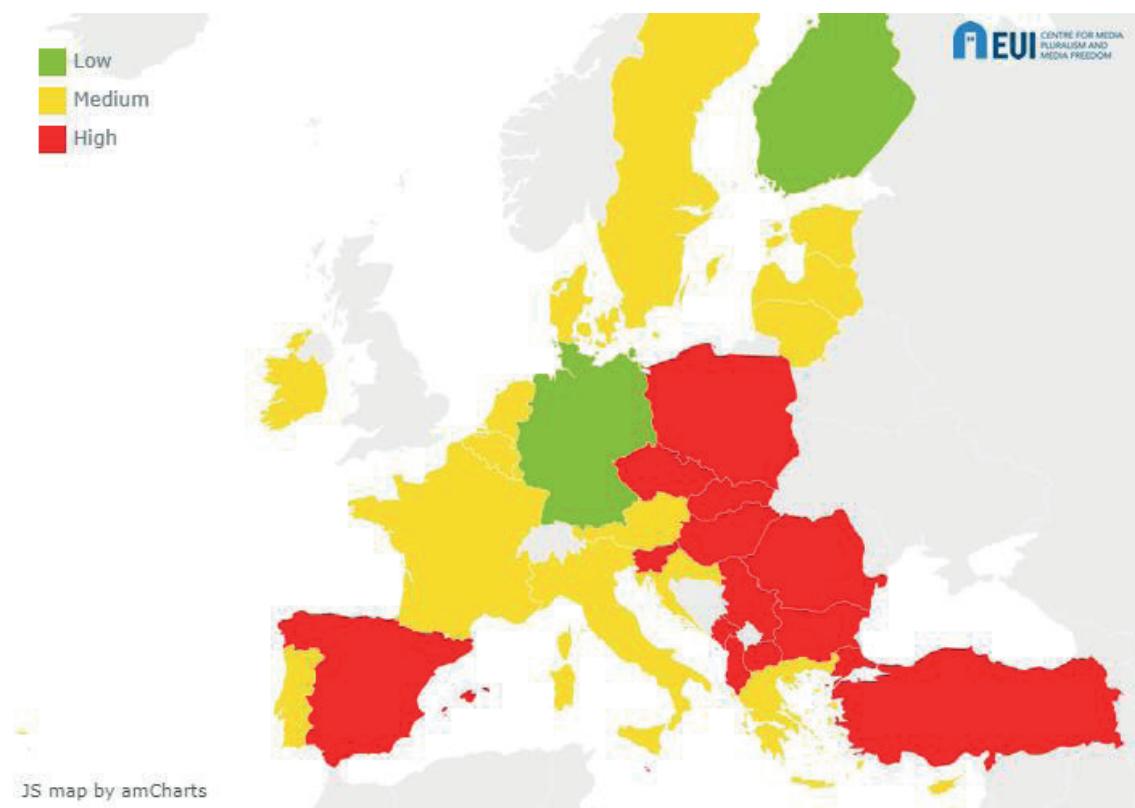
The sub-indicator on Protection against disinformation, was created for this 2021 edition of the MPM as part of a new indicator called Protection against illegal and harmful speech. This sub-indicator assesses whether there is a policy framework through which to counter disinformation, and whether it has been efficient in removing disinformation, while not presenting a risk to freedom of expression. The definition of Disinformation that is used in this report is extracted from the Final report of the High Level Expert Group on Fake News and Online Disinformation (2018)⁶⁶: “all forms of false, inaccurate, or misleading information designed, presented and promoted to intentionally cause public harm or for profit. It does not cover issues arising from the creation and dissemination online of illegal content (notably, defamation, hate speech, incitement to violence), which are subject to regulatory remedies under EU or national laws. Nor does it cover other forms of deliberate but not misleading distortions of facts, such as satire and parody.”

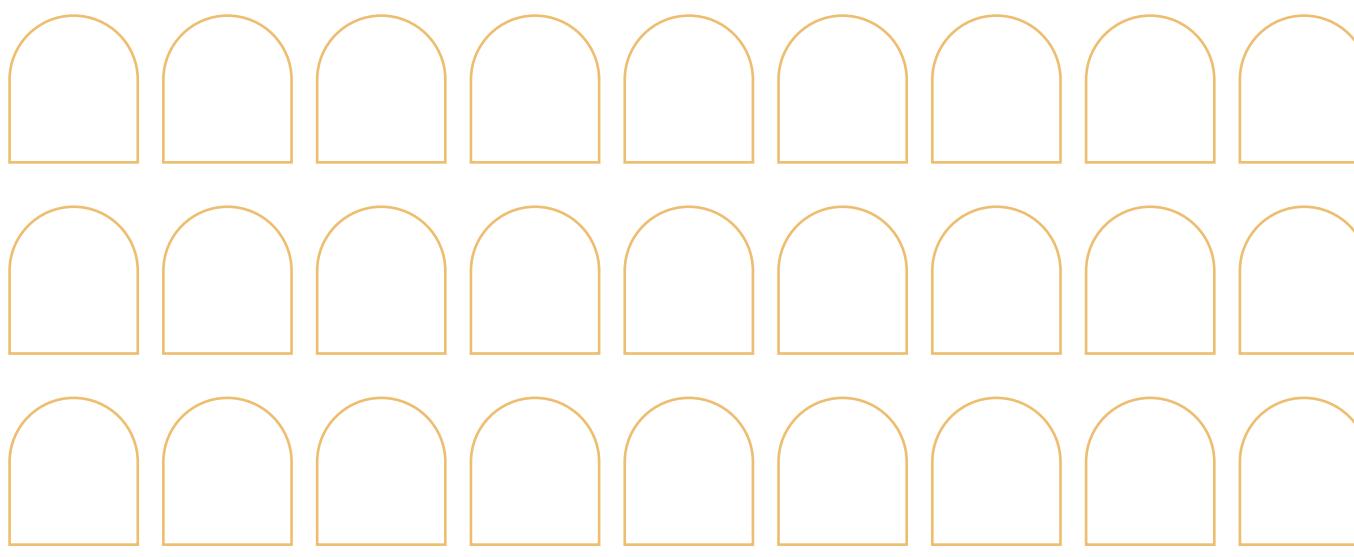
Both European countries and candidate countries score within the medium-risk band, with, respectively, 61% and 65%. Except for Germany and Finland, all of the countries studied presented, at the least, a medium risk, with 14 countries scoring over 75%. In most of those countries, the current pandemic has triggered a huge amount of disinformation, and there is no consolidated policy framework with which to fight the phenomenon. Some individual initiatives may have emerged from civil society, but they are not

⁶⁶ <https://digital-strategy.ec.europa.eu/en/library/final-report-high-level-expert-group-fake-news-and-online-disinformation>

sufficient to stem disinformation. It is important to highlight that the two countries that scored the highest, Bulgaria and Spain, actually intended to develop a regulatory framework but, in both cases, these were considered to be too restrictive for freedom of expression.

Figure 4.4.e. Sub-indicator of on the Protection against disinformation - Map of risks per country





5. METHODOLOGY

5.1 Research design

The Media Pluralism Monitor categorises risks to media pluralism in four main areas: Fundamental Protection, Market Plurality, Political Independence and Social Inclusiveness. This categorisation allows for an assessment that encompasses the different components and meanings of “media pluralism”. These areas are assessed according to the scoring of 20 indicators and 200 variables, in total. The research design of the MPM is based on a questionnaire that was compiled by the national country teams, which consist of experts in media pluralism and media freedom. The questionnaire is composed of legal, economic and socio-political questions, in order to allow an assessment of media pluralism risks in any given country, taking into account the legal framework, its implementation, and the effective conditions of the media landscape. Legal and socio-political questions are closed, while economic questions ask for a numerical value that is formally translated into a level of risk. Starting from the MPM20201, variables that refer specifically to the online environment are marked as digital, in order to allow the extraction of a specific digital-related score.

Data for the MPM2021 were gathered through a structured questionnaire with closed questions (except for the economic questions, where benchmarks are set in order to translate them into qualitative answers – please see the ‘User Guide’ in Appendix I for details). This method allowed for the gathering of both quantitative and qualitative data, which proved to be crucial in assessing the risks to media pluralism in the EU. Additionally, this method allowed the quantitative analysis of answers, and the production of a numerical risk assessment, which is essential in order to obtain comparable results across countries.

The data were collected using an online platform that was developed by the CMPF. The CMPF checks and supervises the quality and consistency of the data collected, and of the methodology used.

The final assessment per area of risk is carried out using a standardised formula developed by the CMPF (please see Paragraph 6.3 on MPM2021’s structure and calibration).

For a number of particularly sensitive and complex variables, the MPM employs an

external peer review system, called the Group of Experts. This group of experts, which includes national stakeholders and experts in the area, conducts a review of the answers to questions that require a qualitative type of measurement and/or that cannot be based on measurable and easily verifiable data.

For a list of selected countries, the final country report, which is authored by the country team, has also further been independently peer-reviewed by a leading academic in the field of media in the country concerned. The procedure aims to maximise the accuracy of the final report. In these cases, the country report does not necessarily reflect the views of the additional peer-reviewer, however, the last acknowledges that there is enough empirical evidence to justify the content of the country report. The country reports that are submitted to this additional peer-reviewing are selected in such a way that they represent all of the different regions of Europe. Amongst the criteria for selection were: 1) a quickly-evolving situation over the past year, 2) a change of country team, and 3) the presence of high-risk evaluation in the previous country reports.

The MPM is a holistic tool that is designed to identify the potential risks to media pluralism in Member States. The research design of the MPM was developed and tested during the two pilot implementations of the Monitor, in 2014 and 2015. It mostly focuses its analysis on news and current affairs. However, it must be noted that, as in previous MPMs (2014, 2015, 2016, 2017 and 2020), “all indicators that assess the general universality of media coverage and the outreach of the diffusion of information” (CMPF, 2015, 2016, 2017 and 2020) are included in the MPM. “They are considered to be basic indicators that are relevant to the infrastructure and universality principles as a whole” (CMPF, 2015, 2016, 2017 and 2020). In particular, indicators on access to the media for minorities, people with disabilities, and media literacy, are preserved as part of this holistic principle.

In order to meet the challenges that emerge from this periodic large scale comparative analysis, the MPM2021 is mostly informed by secondary data, collected through a questionnaire, and it is supplemented with primary data, gathered through interviews and document analyses (e.g., of legal and academic texts), together with the Group of Experts’ evaluation of the variables that are more difficult to measure and/or that require a qualitative type of measurement, and/or that showed a lack of measurable and easily verifiable data. As was already discovered from the implementation of the first MPM’s pilot-test (2014), there are many reliable, available materials which can be used as primary and secondary sources, e.g., national laws, case law, decision practice, governmental documents, NGO reports, official statistics, and academic research. The secondary data analysis, with the cited integrations, has therefore proven to be a useful and effective approach in order to ensure reliable and valid findings in the context of this project.

5.2 Research and fine-tuning of the questionnaire

The MPM2020 is an update of the MPM2017 tool. As was the practice in previous years, the CMPF updated and fine-tuned the questionnaire of the previous implementation, in this case MPM2017, and, based on the evaluation of the tool after its implementation, the results of the previous data collection and newly available data.

In MPM2020, a major change was implemented, so as to update the MPM tool in relation to digital developments in the media field. Moreover, variables on laws' existence and implementation were, in many cases, merged and transformed into questions with choices of three answers, in order to allow more nuanced assessments for the country teams, and to open space in which to introduce new (digital) variables. For an extensive description of such changes, please see the MPM2020 Final Report.

In MPM2021, no major change was implemented. Below is a description of the main changes to the MPM2021 questionnaire.

The first area assessed by the monitor, that of "Fundamental Protection", was addressed in previous years under the name of "Basic Protection". The five indicators are the same as in the previous MPM round: Protection of freedom of expression, Protection of right to information, Journalistic profession, standards and protection, Independence and effectiveness of the media authority and the Universal reach of traditional media and access to the Internet. In MPM2020, new variables and new sub-indicators were included in the Fundamental Protection area in order to address the potential challenges to freedom of expression online (please see the methodological section of the MPM2020 Final Report). In MPM2021, three new variables were added, in order to better capture threats to the conditions of journalists and to assess whether the states are putting in place measures to ensure an enabling environment for journalists. The new variables assess: (i) whether perpetrators of crimes against journalists are commonly prosecuted, or whether impunity remains a problem; (ii) the occurrence of Strategic Lawsuits Against Public Participation (SLAPP) cases, and (iii) the existence of an anti-SLAPP legal framework.

The design of the Market plurality area is unchanged after the major revisions that were introduced in MPM2020. The 5 indicators are the same as those in the previous year, namely: Transparency of media ownership, News media concentration, Online platforms' concentration and competition enforcement, Media viability, Commercial and owner influence over editorial content. Minor revisions have been introduced in the questionnaire for MPM2021, (i) to assess separately the risks in the transparency of media ownership for the digital media, (ii) to assess the economic sustainability of media, giving more weight to employment and salary conditions in the newsrooms as well as for freelancers. As a result, the sub-indicators for evaluating the Transparency of media ownership and Media viability have been restructured, as shown in the table:

Indicator	Sub-indicators MPM2021	Sub-indicators MPM2020
Transparency of media ownership	<ul style="list-style-type: none"> • Disclosure of media ownership • Disclosure of media ownership online • Transparency of ultimate ownership • Transparency of ultimate ownership online 	<ul style="list-style-type: none"> • Disclosure of media ownership • Transparency of ultimate ownership
Media viability	<ul style="list-style-type: none"> • Revenue trends • Employment and salaries trends • Public incentives to media pluralism 	<ul style="list-style-type: none"> • Revenue and employment trends - AVMS • Revenue and employment trends- radio • Revenue and employment trends - newspaper • Revenue and employment trends - digital native • Revenue and employment trends - local media • Media market resources • Regulatory incentives

The fine-tuning of the Media viability indicator has been addressed by taking into account the need to assess the economic conditions of the media in an extraordinary year – one which was characterized by the impact of the COVID-19 crisis on sales and advertising - without impacting upon the structure and methodology of the MPM. As in the previous MPM implementation, media revenue trends have been evaluated in relation to the GDP trends, and have been assessed for each sector; so as to address the issue of the lack of updated official detailed data, a back-up variable has been added, asking for the revenue trends of the media sector as a whole. While all the variables on the revenue trends have been grouped in a unique sub-indicator, which aims to assess the viability of the market, the new sub-indicator on employment and salaries aims to signal the viability of the labour market for professional journalists. The sub-indicator on Regulatory incentives has been renamed as “Public incentives to media pluralism”, and it is now focused on the public financing of the news media (overall and digital), while the variable on the existence of a digital tax, first introduced in MPM2020 in this sub-indicator, has been moved to Online platform concentration and competition enforcement.

In the Political independence area, most of the risks of political interference that were identified in the previous rounds of the MPM implementation, remain (e.g., political

control over media via direct and indirect ownership; state advertising and state subsidies to the media; lack of editorial autonomy; and politicisation of the appointment procedure for the management of the public service media).

To assess the new challenges and sources of risks, the following changes were introduced to the area of Political Independence: the assessment of political control over online media (digital natives); the assessment of the existence and adequacy of the social media guidelines for journalists; the consideration of the conditions in which (political) information is being provided to citizens online (and, in particular, on social media) in electoral periods; and whether the public service media are funded adequately to cover the online public service missions without distorting competition with private media actors. In addition, a sub-indicator on distribution networks has been moved to the Market Plurality area as, with the rise of online platforms as content intermediaries, the distribution becomes concentrated in the hands of a few big tech companies. Political biases in the algorithmic sorting of news, and other relevant content, or the polarisation that results, are still difficult to measure on this scale, due to the lack of available data (secondary sources) and the lack of online platform transparency in regard to the sorting criteria that are being employed. As in the other areas of the Monitor, variables on the existence of laws and implementation were merged to allow more nuanced assessments by the country teams, and to open up space for the introduction of new (digital) variables.

The Political Independence area thus continues to be composed of five indicators: (1) Political independence of media; (2) Editorial autonomy; (3) Audio visual media, online platforms and elections; (4) State regulation of resources and support to media sector; (5) Independence of PSM governance and funding. In MPM2021, there has been a slight change in the indicator "Audio visual media, online platforms and elections": the variable "Is there a regulation that aims to ensure equal opportunities and transparency of online political advertising during electoral campaigns?" was replaced with two questions, one focusing specifically on online news media, and another dealing with online platforms. The addition of these new variables may lead to changes in the risk assessment of the sub-indicator (Rules on political advertising online).

In the Social Inclusiveness area, the structure of the questionnaire was slightly modified in order to integrate variables relating to new digitally-specific issues. First, the former indicator on Access to media for people with disabilities, was turned into a sub-indicator and integrated into the indicator on Access to media for minorities. However, all the variables contained in this sub-indicator remained unchanged from the previous edition.

The transformation of the sub-indicator on Access to media for people with disabilities aimed to integrate into this 2021 edition a new indicator that is dedicated to digital issues without altering the global structure of the MPM questionnaire. This new indicator is called Protection against illegal and harmful speech. It contains two sub-indicators: the first deals with Protection against Disinformation. This sub-indicator is new to this 2021 edition. It contains three variables assessing, respectively: the regulatory framework that is in place to fight disinformation, the existence of other initiatives to fight disinformation, and the impact of disinformation in the country. The second sub-indicator is Protection against hate speech: in the MPM2020, the latter was included in the Media literacy indicator.

In addition, certain variables relating to the existence of certain regulations and laws, and their implementation, were merged to allow more nuanced assessments by the country teams, and to open up space for the introduction of new digital variables. Finally, the variable on the percentage of women training for (and employed in) jobs with specialist ICT skills, was removed from the questionnaire.

5.3 MPM 2021 structure and calibration

All of the questions in the MPM questionnaire are classified as variables. Variables are grouped into sub-indicators, and sub-indicators into indicators, which are integral parts of each MPM area. In addition, each question in the questionnaire has been classified as belonging to one of the four question types: Legal (L) questions, which are focused on whether or not a particular provision exists in a country's legal framework, and whether due process is in place to ensure the effectiveness of the legal safeguard; Socio-political (S) questions, which examine the actual practice (i.e., a reality check); while economic (E) questions were designed to assess the risk, based on the economic data that are related and that affect media pluralism (e.g., market revenues, audience shares). In order to determine the risk for each variable, sub-indicator and indicator, a standardised formula has been applied to the entire MPM questionnaire. The formula was designed by drawing from previous studies, in which the indices were based on a list of questions/indicators where answers were calibrated on a scale from 0 to 1 (e.g., Gilardi, 2002; Hanretty, 2009).

In other words, each variable is assessed by a question and receives a score from 0 to 1, according to the specific answer. The questions with a yes/no reply are rated 0 or 1. The other variables (three-option replies) are rated 0/0.5/1, according to the band into which the reply falls. The overall result is then obtained by calculating the average of the average of variables of the same question type (be it a legal, social or economic type of question) for each level of analysis (sub-indicators, indicators, area). The process of calibration, quantitative and qualitative answers of both a dichotomous (e.g., yes - no) and a polychotomous (e.g., low, medium, high risk) nature have thus been transformed into a scale ranging from 0 to 1 when assigning values to the answers of the Monitor⁶⁷. Scores closer to 0 indicate a low risk assessment, while those closer to 1 indicate a high risk assessment.

The MPM allows the possibility to answer by using the options 'not applicable' and 'no data' for all of the questions. The option 'not applicable' was introduced in MPM2015 to better capture the specificities of the national contexts and to allow for the exclusion of questions which are irrelevant to, or that are totally inapplicable to, a country's media system. For example, if a country does not have any State subsidy for the media, the questions relating to the existence and implementation of the legislation to ensure fair and transparent allocation were coded as 'not applicable'. This reply option was also used with logically dependent variables: for example, if the variable question asks whether there is a law that aims to protect the freedom of expression, and the answer to

⁶⁷ The same calibration was applied to the quantitative answers of all of the Economic questions (E), whose answers were firstly transformed into qualitative replies (low, medium, high risk), based on pre-set benchmarks.

this question is ‘no’, then the following variable, which asks about the effectiveness of the law, is coded as ‘not applicable’. All the questions coded as ‘not applicable’ are excluded from the final calculation. The answers that were coded as “no data” are, instead, elaborated as explained in the following paragraph.

5.4 Assessing the risk of lack of data

As the previous implementations have shown, some of the data - mostly those relating to economic factors- are missing across many of the EU Member States, and in order to better capture this information, the Monitor allows the option of a ‘no data’ answer. Following the choice of this answer, the country teams were asked to evaluate whether the lack of data represents a transparency problem within their national context, i.e., to evaluate whether the lack of data should be seen as being problematic in their country. In this way, the specific characteristics of the national context were accounted for, since there may be a variety of reasons why certain data are not available/accessible across EU Member States and Candidate Countries, and not all of these reasons may be causes for concern.

In order to ensure that all ‘no data’ answers have contributed to the national risk assessments in the same way, a standardised procedure for assigning values to the ‘no data’ answers was developed by the CMPF. According to this procedure, each ‘no data’ answer was coded and assigned one of the following five possible values: 1) Very Low Risk: a value of 0.00; 2) Low Risk: a value of 0.25; 3) High Risk: a value of 0.75; 4) Very High Risk: a value of 1; 5) Missing data: when due to technical issues- this answer was interpreted as ‘not applicable’, and was excluded from the analysis.

Generally, the following procedure was applied: firstly, if a local team took a position in the answer that indicated that a high risk was present, or, in contrast, that the lack of data was not problematic, the CMPF followed this suggestion, and coded it accordingly as ‘no data’, with either a low or a high risk value. In cases where the answer was vague, or where its meaning had to be deduced, the following criteria were considered:

- Taking into account the local context: if the data were not collected because they are considered to be of limited interest (e.g., because the country is too small to collect detailed information on a given issue, because a particular medium has a very limited reach), a ‘low risk’ value was assigned;
- If there was an evasion of a legal requirement to collect the lacking data, a ‘high risk’ value was assigned.
- The number of the ‘missing data’ values was limited, as much as possible, and was adopted only as a residual category in cases where comments that evaluated the reason behind the lack of data were missing, incomplete, or were impossible to interpret.
- The “Very low risk” and “Very high risk” options have been introduced since the 2020 MPM implementation. This was done to better take into account the phenomenon of a lack of data in the Market Plurality area.

In the **Market plurality area**, the MPM questionnaire asks for numeric values on the concentration index and market trends: these data are often difficult to collect, if primary sources are not publicly available or the metrics are not standardized, particularly in the digital markets. The evaluation of the lack of data in the Market area therefore follows **additional guidelines**.

- a) For the questions regarding market and audience concentration: if this is not due to technical reasons⁶⁸, the lack of data can be coded as a Very High Risk, according to the following criteria:
 - if country data on audience are available, but those on revenue shares are not, and *vice versa*: the ‘No data’ answer is given a ‘missing data’ value, meaning that the findings are based on the available variable alone. In other words, the missing data is considered to be optional, as the audience measurement, or the revenue measurement alone, are sufficient to assess concentration in the market;
 - if the country produces neither data on the audience, nor on the revenue shares: the lack of data for revenue shares is coded as being “very high risk”, and the lack of audience share data as ‘missing data’.
- b) For questions requiring the revenue and employment data for the Media Viability indicator:
 - With regard to the sub-indicator on revenue trends: the MPM2021 aims to assess separately the trend for each sector (audiovisual, radio, newspapers, digital native, local media); considering the difficulties of collecting these data in some countries, a back-up question asks for the total revenues of the news media. If there are data on the total news media revenue trends, the “no data” answers for the single sectors will be marked as “missing data” (and therefore neutralized in the final score of the sub indicator); if the overall data are missing, the lack of data will be scored as High Risk for the back-up question, as “missing data” for the single sectors; if there are separate data on each sector, the back-up question will be neutralized in the scoring of the risk (to avoid counting the same risk twice). The lack of data on total news media advertising is marked as High Risk⁶⁹.
 - With regard to the sub-indicator on employment and salary trends: the lack of data is scored as being high risk, except when this is due to technical reasons; when the phenomenon is not relevant in the country (e.g., when there is a very limited presence of a freelance contribution for the variables on freelancers); when there are data on other variables in the same sub-indicator that show

68 E.g. a lack of standardized metrics to measure the digital media reach; extreme fragmentation of the market.

69 For the variable on advertising resources’ data in Media viability: MPM2021 aims to assess the advertising expenditure which goes to the news media, considering it relevant for Media Viability, both in traditional and digital environments; their availability is also a condition of the transparency and contestability of the market.

related trends (e.g., the number of journalists, layoffs and salary cuts; the number of news media outlets: the answer to one of these variables is enough to assess the trends in employment and salaries).

All ‘no data’ assigned values have been double coded by CMPF, meaning that two independent coders assigned one of the three values to each ‘no data’ answer. In cases where the coders disagreed, a discussion was held between those coders until a consensus on the final value was reached.

5.5 MPM2021 aggregation method

The aggregation method relied on approaches used in previous studies (for an overview, see Hanretty & Koop, 2012), but taking into account the traditions and logic of the Media Pluralism Monitor project. Specifically, the method is based on the mean of the item scores, used as the most common aggregation method to calculate indices, and it was updated to take into account the logic of the MPM, which has traditionally relied on the groupings of legal, socio-political and economic variables.

Consequently, the procedure for establishing the risk assessment of an Indicator works as follows:

- 1) Calculate the mean of L variables within the sub-indicator;
- 2) Calculate the mean of E variables within the sub-indicator;
- 3) Calculate the mean of S variables within the sub-indicator;
- 4) Calculate the mean of 1), 2) and 3). This is the result of the sub-indicator.
- 5) The value of the indicator is calculated as the mean of all its sub-indicators.

Finally, the risk assessment of the area is calculated as the mean of all its indicators (five per area). It should be noted that all values were presented as percentages, for ease of use and interpretation (e.g., a score of 0.46 is presented as a risk of 46%). The results for each area and indicator are presented on a scale from 0% to 100%. Scores between 0 and 33% are considered to be low risk, 34 to 66% are considered to be a medium risk, while those between 67 and 100% are thought of as high risk. On the level of indicators, scores of 0 were rated as 3%, and scores of 100 were rated as 97%, by default, in order to avoid an assessment of a total absence or certainty of risk, concepts that are in contrast to the natural logic of the MPM tool. This trimming of the extreme values, as a methodological novelty that was introduced in MPM2016, was developed in collaboration with Gianni Betti, Professor of Statistics at the University of Siena.

The procedure for determining the risk assessment of variables, sub-indicators, indicators and areas, detailed above, allowed the MPM to benefit from a standardised formula for all levels of the Monitor. This has enhanced the comparability of results among the different levels of the Monitor, has decreased the arbitrariness in assessing the risk assessments of the various indicators, and, overall, this has increased the validity and reliabil-

ty of the findings. Furthermore, this formula has also contributed to establishing a better balance between the evaluation of the legal framework (L variables) with the evaluation of the actual situation for media pluralism and media freedom in actual practice, captured by the socio-political and economic variables. Finally, the MPM formula has also enabled the establishment of risk assessments which are better tailored to the specificities of the national contexts (through the introduction of the ‘not applicable’ and ‘no data’ answers). In this way, the differences and similarities among the Member States and Candidate Countries were better captured and reflected in the risk scores.

5.6 Data collection and research network

Given that the MPM’s research design rests on two main methods - a questionnaire and a group of experts’ evaluation- two main types of data were collected during its implementation, namely, answers to the questionnaire and comments from the experts who were engaged in the evaluation of the answers.

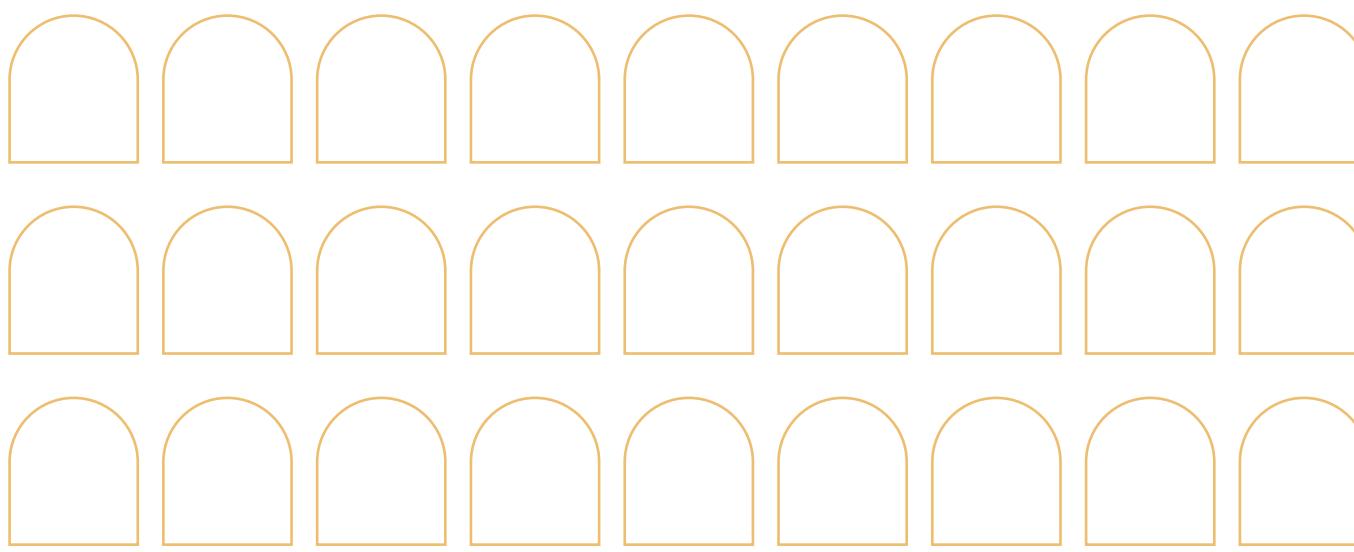
Most of the MPM2021 research network was confirmed as being those people from the 2020 implementation, in an effort, as much as it was possible, to ensure continuity, and therefore comparability. However, some changes or additions in the staff took place with regard to the country teams from Croatia, Finland, France, Hungary, Lithuania. The questionnaire was answered by national teams that were composed of renowned experts in media pluralism and media freedom in each of the countries analysed. In Italy, the data collection was carried out directly by the CMPPF team. As in previous implementations, cooperation with national teams of experts proved to be essential during the implementation of the MPM2021. Firstly, due to the necessity of relying on secondary data, which is often in the native language, it is essential to have local experts who were not only able to collect these data, but were also able to evaluate their reliability and validity. Another benefit of using a local team to implement the Monitor is the ability to build on their access to local networks, particularly with regard to local stakeholders. Given that one of the objectives of this project is to establish and maintain contacts with relevant stakeholders, local teams’ input in growing the network of informed stakeholders who join in the discussion on media pluralism has proven to be invaluable. Finally, local teams are fundamental to providing answers to socio-political questions: in answering some of these questions, local teams have to provide their expert evaluation, since objective ways of measuring certain variables are sometimes missing. Hence, having a reliable and independent local team, which consists of renowned experts in this field, is crucial for the implementation of this project.

Figure 6.6.a. MPM2021 Country teams

Country	Institution	Name
Albania	BIRN	Kristina Voko, Besar Likmeta
Austria	Institute for Comparative Media and Communication Studies (CMC)	Josef Seethaler, Maren Beaufort
Belgium	KU Leuven	Peggy Valcke, Ingrid Lambrecht
Bulgaria	Foundation Media Democracy	Orlin Spassov, Nelly Ognyanova, Nikoleta Daskalova
Croatia	Institute for Development and International Relations (IRMO)	Paško Bilić, Monika Valecic, Toni Prug
Cyprus	Media consultants	Christophoros Christophorou, Nikolas Karides
Denmark	Danish School of Media and Journalism (TBC)	Vibeke Borberg
Estonia	Media consultant	Andres Kõnno
Finland	University of Vaasa	Ville Manninen, Cecilia Hjerpe
France	IRMÉCCEN — Université Sorbonne Nouvelle	Franck Rebillard, Jedediah Sklower
Germany	University of Münster	Bernd Holznagel, Jan Kalbhenn
Greece	ELIAMEP	Evangelia Psychogiopoulou, Anna Kandyla
Hungary	Eötvös Loránd University	Attila Bátorfy, Krisztián Szabó
Ireland	Dublin City University	Roddy Flynn, Eoin O'Dell
Italy	CMPF	Roberta Carlini, Elda Brogi
Latvia	Riga Stradins University	Anda Rožukalne
Lithuania	Vytautas Magnus University	Auksė Balčytienė, Kristina Juraitė, Ignas Kalpokas, Deimantas Jastramskis

Methodology

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6. CONCLUSIONS AND RECOMMENDATIONS

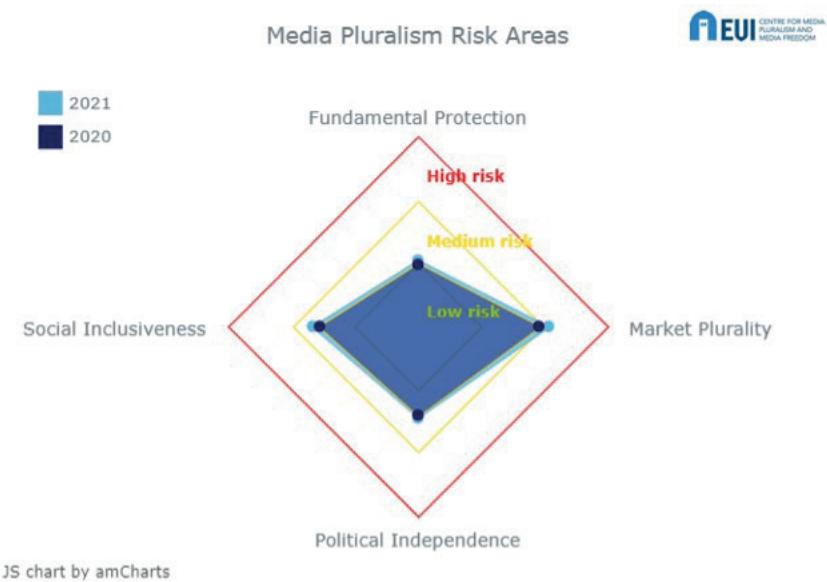
As in previous rounds of implementation, the results of the 2021 Media Pluralism Monitor confirm the main findings of the previous MPM's assessments, including that, based on the holistic research of the MPM, none of the analysed countries is free from risks to media pluralism.

It must be recalled that the MPM2021 covers, on this occasion, 32 countries, 27 EU and 5 non-EU (Candidate countries). The comparison of the two exercises should take into account this different sample. Even though this round of MPM is not fully comparable with the previous ones, it is possible to recognise similar trends across the years (See Figure 5.1).

Detailed results for each of the 32 countries analysed in the MPM2020 can be found in the country narrative reports, which are produced by the MPM2021's country teams. This part of the report gives a brief summary of the main findings of the MPM2021 and some recommendations that are based on the analysis.

The results of the MPM2021 show an increase in the risk level for all the areas that the Media Pluralism Monitor analyses: Fundamental protection, Market Plurality, Political Independence and Social Inclusiveness. The increase is higher in the Social Inclusiveness and in the Market area; in the last case, causing the shift from the medium to the high-risk level for the average of EU + 5.

Figure 5.1 Comparative charts of risks per area (2020/2021) - (comparison of the average score per area of the countries considered in 2020 and 2021)



Fundamental protection

In the MPM2021 round of implementation, Protection of freedom of expression shows a worsening trend, if compared to MPM2020 (from 31 to 34%). As was already mentioned in the previous MPM reports, freedom of expression enjoys good levels of protection *de jure*, with constitutional and legal safeguards, which are in line with international standards, in place. However, when it comes to their implementation and enforcement, several issues that had already been flagged up in the previous round of MPM remain problematic, such as: the criminalisation of defamation, given that imprisonment or exorbitant fines are potentially disproportionate measures, and the consequent chilling effect on journalists; the use of strategic lawsuits against public participation (SLAPPs), which are often employed to threaten journalists covering certain topics; requests for high damages; the dubious efficiency of the judiciary, or its political capture. In the online sphere, both public and non-public actors have an important role to play in ensuring that freedom of expression is not undermined. With regard to public actors, most of the States do not limit the freedom of expression online through general blocking or filtering measures. The MPM analysis once again confirmed that content moderation is disquieting, as online platforms are not sufficiently transparent about their practices, and do not provide disaggregated data that would allow for the full assessment of their practices in relation to the filtering/removal/blocking of online content. All of these issues have been exacerbated in the course of the COVID-19 pandemic, which has led many governments to adopt extraordinary legal and regulatory measures with the aim of fighting pandemic-related misinformation. However, several MPM country researchers raised concerns about the proportionality of these measures and their potential long-term impact on freedom of expression, if they stay in place longer than was initially intended.

The COVID-19 pandemic has also caused a deterioration in access to public-sector in-

formation. In a similar way to freedom of expression, the right of access to information is legally guaranteed in one way or another in all of the EU member and candidate countries assessed. However, implementation and enforcement of this right, in practice, varies widely across these countries. In many of them, MPM researchers reported long timeframes in which to respond to freedom of information (FOI) requests, non-response, refusals to disclose the requested information, lacking legal grounds and complicated and ineffective appeal procedures. In many countries, these issues have been exacerbated by the COVID-19 pandemic, with governments passing decrees allowing them to extend already long FOI timeframes. Despite EU member countries having to transpose the Whistle-Blowers' protection directive, the situation on the ground has not seen much improvement, if compared to the MPM2020. A new variable added in the MPM2021 implementation has revealed that governments' efforts to increase awareness about the available protection for whistle-blowers, are minimal.

In the MPM2021, conditions and standards for the conduct of journalistic work have also deteriorated, if compared to the MPM2020. The only sub-indicator that has seen an improvement is the sub-indicator assessing life safety. In previous years, with the murders of the Maltese investigative journalist, Daphne Caruana Galizia, in 2017, of the Slovak investigative journalist, Ján Kuciak, and his partner, Martina Kušnírová, in 2018, and the killing of Lyra McKee during her assignment in Northern Ireland, have demonstrated that the EU is not immune to the murders of journalists. Although the year 2020 was free from killings of journalists, cases of attacks and threats to journalists as a consequence of their work, both in the offline and online environment, have been on the rise. Governments who should be working towards better conditions for the conduct of journalistic work and the support of media freedom and pluralism, instead, were found either to be reluctant to acknowledge the public functions of journalism and to protect journalists, or, worse, were leading smear campaigns against them. Recent EU-funded projects (A Europe-wide response mechanism for the violation of press and media freedom⁷⁰) and the Council of Europe Platform to Promote the Protection of Journalism and the Safety of Journalists⁷¹, are useful mechanisms for the protection of journalists and in addressing impunity. This indicator also shows that, despite the 2014 decision of the Court of Justice of the European Union (Digital Rights Ireland, and Seitlinger and Others⁷²), in which the Court repealed the Data Retention Directive, some EU member states still have national laws that establish data retention obligations for Electronic Telecommunications Operators and Internet Service Providers which are not fully in line with the guidance provided by the CJEU. The same logic applies to the need for Member States' law "to reconcile the rules governing freedom of expression and information, including journalistic [...] with the right to the protection of personal data"⁷³; although, in this case, most EU Member States have already transposed such rules into their national laws, implementing and

70 Shaping Europe's digital future, European Commission, <https://ec.europa.eu/digital-single-market/en/news/pilot-project-europe-wide-response-mechanism-violation-press-and-media-freedom>

71 Platform to promote the protection of journalism and safety of journalists, The Council of Europe, <https://www.coe.int/en/web/media-freedom>

72 Court of Justice of the European Union. Joined Cases C-293/12 and C-594/12 (Digital Rights Ireland and Seitlinger and Others)

73 Recital 153 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April, 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and the repeal of Directive 95/46/EC (General Data Protection Regulation).

transposing, respectively, the provisions of the GDPR⁷⁴ and of Directive (EU) 2016/680⁷⁵, a few EU Member States still have to properly address this issue in their national legislation.

Media authorities are increasingly becoming key actors in regulating media, including online media, in Europe. Competition and data protection authorities can also play a role in this regard. Regulators can play a crucial role in defining the standards for media policies in a media environment that is being dramatically and constantly changed by new digital markets and services. Their independence from economic and political interests should, therefore, be guaranteed. The indicator on Independence and the effectiveness of the media authority highlights, instead, that not all the authorities can be considered to be free from influences, both due to the manner of the appointment of their boards, and when implementing their remit.

The Indicator on Universal reach of traditional media and access to the internet reflects the increasingly high standards of coverage and connectivity in the European Union, and the importance of access to the internet and good connectivity, thus allowing access to quality content on the web. It addresses some geographical inequalities.

Recommendations

The results of MPM2021 in the area of Fundamental Protection confirm the trends of previous MPM implementations, namely, a gradual deterioration of the principles and pre-conditions of a plural and democratic media system (some of it exacerbated by the COVID-19 pandemic). In light of these findings, the following recommendations for different stakeholders are proposed in order to attempt to improve the current trends:

For national governments and public authorities:

- Revisit the legislation that has been adopted in response to the COVID-19 pandemic and revoke provisions that are no longer needed.
- Refrain from any unjustified interference with individuals' freedom of expression, but governments must also proactively protect the individual's right to freedom of expression in the case of any kind of intimidation.
- Improve the implementation and enforcement of national freedom of information (FOI) laws. Consider establishing a body, or a committee, to monitor compliance (in case of the absence of an Information Commissioner or Ombudsman). Respect the statutory time limits for responding to FOI requests, use exemptions from disclosure that are strictly in line with the letter of the law, and publish public-interest information proactively.

⁷⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27th April, 2016, on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and the repeal of Directive 95/46/EC (General Data Protection Regulation).

⁷⁵ Directive (EU) 2016/680 of the European Parliament and of the Council of 27th April, 2016, on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences, or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA.

- Raise awareness about the available legal protection of whistle-blowers so as to increase its impact and to encourage potential whistle-blowers to come forward if they have information about any misconduct or wrongdoing.
- Signal that the safety of journalists is a priority by joining cross-border working groups, such as Groups of Friends on the Safety of Journalists, or the Media Freedom Coalition, and follow the CoE Recommendation 2016/4 on the protection and safety of journalists and other media actors.
- Adopt an umbrella approach to the protection of journalists, which would entail establishing a single independent point of contact within the government, who is in charge of providing evidence-based policy responses and of raising awareness. Raising awareness is particularly important among law enforcement authorities, who must understand the nature of the attacks on journalists in both the offline and online environments. Police officers should also have access to dedicated training that will equip them with skills enabling them to protect journalists better during events that could turn violent, such as protests and demonstrations.
- Improve data collection. First, collect disaggregated data on offences against journalists, violent incidents and online abuse. The MPM2021 data collection has pointed out the absence of gender-disaggregated data on this issue. The availability of high-quality data that covers the journalistic population in a country is a necessary precondition for formulating effective responses that are used to tackle violence against journalists.
- Deploy all available means to avoid impunity for crimes that are linked to journalism.
- Strengthen the protection of journalists' personal data and that of their sources.
- Ensure that media authorities are free from political independence.
- Ensure co-ordination between media authorities and other independent authorities that are relevant to the governance of the online media sector, such as the communication authorities, competition authorities and data protection authorities.

Market Plurality

The economic risks for media pluralism have been growing during the years of the MPM's assessments, and have reached an alarming level in this implementation: the average score for the Market Plurality area is 69%, which is at high risk. The extraordinary events of 2020 added to a long-standing trend to increases in economic risks. While the COVID-19 emergence impacted upon all areas of media pluralism, its effect on the media market is particularly significant, with the double-shock of the health crisis (with its physical restrictions) and the economic crisis. As a consequence, the MPM records growing threats to the economic sustainability of the news media, with an acceleration of the declining trend in news media revenues, and the shifting of resourc-

es towards digital intermediaries. The worsening economic conditions were not mitigated, but instead increased, another factor of risk in this area, that is, ownership concentration, with media conglomerates tending towards further mergers and acquisitions in order to face the digital competition. Other sources of risk are the high concentration in the online environment, with a few platforms dominating the advertising market; and the opacity of media ownership being worsened among the digital players. All these phenomena worsened the threats to the economic independence of editorial content from commercial and owner influence.

Transparency of media ownership is assessed as the first indicator in this area, as a fundamental principle of democratic societies and a precondition of market pluralism, being the base for any reliable analysis on the plurality of a given media market. Transparency is guaranteed when the details of media ownership are provided to both public authorities and to the public; and when information on the ultimate and beneficial owners is included. In comparison with MPM2020, the risks in this indicator worsened: the average score is still in the range of medium risk, but at a higher level, in particular, for the lower transparency of ultimate ownership and of digital media. The transparency of ownership online is at risk, even in those countries in which media-specific rules for transparency exist, because the digital news media are often beyond the scope of the laws, or they are based abroad and are therefore not obliged to fulfil the national rules.

Historically, a lack of competition and external pluralism are the main drivers of risk in the market area. The MPM2021 assessment confirms this feature, with the indicator News media concentration scoring a very high level of risk. Many countries in the EU have media-specific rules and thresholds for market concentration, and these take into consideration the fact that the media sector differs from other economic sectors as a result of the fundamental rights that are at stake, and the need to promote media pluralism and media diversity through a competitive market. Nonetheless, the rules and safeguards are often limited to the audiovisual market; and they result in their not being effective, as the numerical variables show a very concentrated market, particularly with regard to audiovisual services. The trend towards concentration has not been counteracted by digital innovation, as assessed in the MPM2020 and confirmed by the MPM2021's results. In the sector of the digital native news media, there is more competition and the proliferation of start-ups and small outlets. However, they are not so strong, overall, as to challenge the traditional concentration of the media industry. On the other hand, the crisis of the news media business model, deepened by the sharp economic downturn in 2020, contributed to pushing the news media's big players towards further concentration.

The indicator on Online platforms concentration and competition enforcement confirms the high risk that can be observed through a wider view of the media economic system, including the role of the intermediaries. The highest risk in this regard comes from the sub-indicator that measures the role of digital gatekeepers in the media market (named, in MPM, as "gateways to news"), resulting in very high concentration in the online advertising market. The MPM2021 results, particularly in the sub-indicator on Competition enforcement, consider the attempts made in several countries by law makers, competition authorities and regulators to face the digital challenges and to fight the abuses of market power. Nevertheless, the risk level for the indicator increased, also reflecting the

further and strong shift towards digitalization in 2020, and that benefited, once again, the big online platforms.

The risk assessment for Media viability has been strongly impacted upon by the COVID-19 crisis. The health crisis caused a generalized surge in attention, and a demand for (and supply of) news, but the revenues did not follow. The generalized fall in the advertising market deepened the crisis of the advertising-driven media business model; the online advertising market performed relatively better (and recovered sooner), but its revenues are, in great part, gathered by the digital intermediaries. As a consequence, the indicator that measures the economic sustainability of the news media production shifted from medium to high risk, with no country scoring as being at low risk. The MPM2021 results raise alarm on the economic conditions of professional journalism: on average, the sub-indicator on employment and salaries signal an alarmingly high risk, with the freelancers and independent journalists suffering most, since they are more vulnerable to market downturn and, in most cases, they are not covered by the social security protection schemes. Together with the sub-indicator on Working conditions in the area of Fundamental protection, these results raise the issue of the economic safety of journalists. Signals of resilience come from the trends in alternative business models, ones that are not relying exclusively on advertising; and in some niches of digital media outlets, that have managed to resist the market downturn and benefit from the shift toward digital consumption, which has been accelerated by the pandemic. The extraordinary public economic support that has been introduced in most of the countries also helped the media sector (in some cases, with media-specific measures); these subsidies were more used and more effective in the countries in which a tradition of public support to commercial media already existed; but they were not enough to counterbalance the market losses, and they are rarely earmarked to foster technological innovation, and/or shaped to reach the small and diverse media.

Another threat in the economic area derives from the Commercial and owner influence over editorial content, measuring the risks related to the businesses' influence and the effectiveness of the economic independence of the journalists. The risk for this indicator is medium, in this case also showing an increase, if compared with the MPM2020. This increase is mainly due to the new countries that are included in the analysis and, to a minor extent, to growing threats in the EU countries. As for the indicator on Transparency, it is problematic to apply the rules that have been set for the legacy media (for example, in regard to the dividing line between journalistic content and advertising and sponsored content) in the online environment. But it must be stressed that the risks, in this case, also grew in the traditional media sector. The worsening conditions of Media viability - together with the growth of precarious employment amongst journalists - may have contributed to the rising risks in this indicator.

Recommendations

The high risk in the Market Plurality area calls for action to face the economic threats to media pluralism. The quantitative results (the assessment of the risks), as well as the qualitative ones (the narratives from the countries), suggest addressing this challenge at both the EU and the national level, and with a triple scope:

- The journalists, acknowledging that the issue of the economic safety of professional journalists is a pillar of media pluralism;
- The news media industry, acknowledging that the transition towards a sustainable business model needs innovative policy tools;
- The media pluralism, fighting against the growing trends towards concentration, both for the content providers and for the digital intermediaries.

Protecting the journalists

- Strengthening the public social protection schemes for journalists, in case of unemployment, under-employment, sickness, parenthood. Where they exist for journalists who are regularly employed, the schemes should be extended to freelancers, with a minimum standard including all of those persons who practice professional journalism, regardless of their contractual position.
- Incentivizing collective bargaining to introduce new kinds of economic protection against market downturns, as well as against forms of economic pressure that limit media freedom (like SLAPPs), together with insurance mechanisms.

Financing the journalism

- Using the public support to the media industry to promote innovation, avoiding the market's distortions and political capture. At national level: together with transparent criteria (see the Political part of this chapter), the allocation of public funds should select economic criteria that respect market plurality and media diversity, such as financing investments in technological innovation, newsroom training and digital empowerment, promoting start-ups created by professionals, launching competitive tenders between investigative journalism projects. The European Commission could supervise compliance with these principles, particularly when the use of the NGEU funds' is at stake; and directly launch its own financing programmes for media pluralism.
- Reducing the disparity in the fiscal burden between the different players in the media market, with the introduction of a minimum tax on the profits or services of the digital intermediaries. If implemented, such a tax - favoured by the positive evolution of international negotiations - might also be earmarked to support the media, using a part of its revenues to finance a fund for media pluralism at the EU level.
- Promoting negotiations between platforms and publishers to compensate the news media for the use of their original content, guaranteeing that these bilateral agreements are not to the detriment of media pluralism and market competition.

Fostering market pluralism

- Updating the legal framework and the tools of the competition policy regarding the media, at both the EU and the national level, to include the digital platforms in competition enforcement; to provide a new regulatory framework for the media system as a whole (content providers and digital intermediaries).
- Strengthening the transparency of media ownership, including the ultimate ownership, updating the national law with media-specific provisions and introducing cross-border regulation; guaranteeing public access to the information retained by the public bodies.
- Identifying official and shared standards for data collection and independent sources of data at the EU level, on market and audience shares, media revenues and employment trends, information consumption; harmonising national media authorities' data collection; and using the co-regulation tools to collect these data from market players.

Political Independence

The overall medium risk score (48 percent) for the indicator on the Political independence of media warns us about the political capture of the media becoming a widespread phenomenon across both the EU and the candidate countries. Currently, the problem seems to be more prevalent with regard to the legacy media: newspapers and audiovisual media are evaluated as being at much higher risk of political control than are other forms of media. Still, there have been examples of capture, both in the case of radio and digital native media. The laws to prevent conflicts of interest are usually inadequate for a media specific field, are not applicable to online media ownership, or are not effectively implemented. In the online sphere, a problem of a lack of transparency of native digital media ownership and editorials has been noted. Political influence over commercial media continues to be exercised via informal networks and power alliances between owners and political actors.

One of the key conditions in a healthy democracy is that the media are free and responsible. This condition helps to distinguish credible media outlets from those spreading disinformation, misinformation, and extremely partisan content. Editorial autonomy continues to be the highest scoring indicator in the Political independence area of the Monitor. Effective protection of editorial autonomy (mainly through self-regulation) has been shown to be one of the weakest links in ensuring political pluralism in traditional media environments, and it does not show any improvement in the online sphere, as journalists seem to lack autonomy in self-regulating their professional standards and activities on social media.

The indicator on Audio visual media, online platforms and elections is the indicator with the lowest risk score in this area, nevertheless, its digital component; Rules on political advertising online is among the most problematic sub-indicators in the MPM2021. While political advertising in the audiovisual media, especially public service media, is strongly regulated across Europe, the online sphere lacks sufficient regulation. Two thirds of

countries do not require political parties, candidates and lists competing in elections, to provide detailed and transparent reports on campaign spending on online platforms. In the majority of countries, serious issues were noted in the implementation of the Code of Practice on Disinformation as regards clearly labelling and registering political and issue-based advertising as such, and indicating who paid for it. In 19 of the 32 countries, the data protection authorities do not take sufficient account of this, and they do not monitor the use of the personal data of individuals by political parties for electoral campaigning purposes. As political communication and advertising are increasingly shifting to online platforms, and citizens are increasingly using these platforms as a source of news and (political) information, it is of utmost importance that measures are put in place to ensure the transparency of the actors, techniques, contents, and amounts spent on political advertising online.

The COVID-19 pandemic and the ensuing economic crisis made it once again very clear that, in many countries in Europe, the media, especially the local/regional and community media, can hardly ensure sustainability without the help of the State. Findings of both the Market Plurality and the Political Independence area have shown that subsidies are relevant public policy tools for helping public interest journalism to survive in a difficult economic environment. However, this kind of support may also be detrimental, depending on the dynamics. In more than a third of the countries, there are no direct subsidies for the media. The risk is that, when they do exist, they become an instrument for political capture if the criteria for the distribution of direct and indirect subsidies are unclear, and if, in practice, they are not transparent. The indicator on State regulation of resources and support to the media sector shows that state advertising – any advertising paid for by governments (national, regional, local), as well as state-owned institutions and companies to the media – scores as a high risk in 25 countries, because they lack the legislation to ensure fair and transparent rules on the distribution of state advertising to media outlets, and, in practice, there is a lack of transparency in regard to the beneficiaries and the amounts spent. In some cases, risks related to direct support were also communicated, but to a lesser degree, as in the case of advertising, as direct State subsidies were harder to conceal than other forms of support.

The Independence of public service media governance and funding indicator is at medium or high risk in 21 countries. Appointment procedures for the management of the PSM lack proper safeguards and largely remain vulnerable to political influence. In the year 2020, there were government attempts to actively interfere in PSM management and funding.

Recommendations

If political pluralism is to be achieved, mechanisms should be put in place, and effectively implemented, in order to prevent all political actors from undue interventions in the media market, and from attempts to influence editorial decisions or public opinion more directly, among others through the services of online platforms. Political pluralism is especially important in the case of the public service media.

The following actions are thus suggested for national governments and public authorities:

In order to secure the health of democracy and to distinguish credible media outlets from those spreading disinformation, misinformation, and extremely partisan content, full transparency of media ownership, management and top editorial positions, should be ensured, including those in the digital native media.

- When designing support schemes, policymakers need to ensure that support to the media is provided in such a way that it is adequate (both in form and value), and well targeted. This requires clear regulation, otherwise, the support may not reach those media that are most in need of help, or those that provide the most relevant content to the public.
- Support measures have to quickly adapt to the circumstances – for example, in an increasingly digital market, the emphasis cannot be on subsidising print circulation, but has to look for the forms of media content that are most in line with the audience's consumption habits and the current trends in content creation.
- Furthermore, subsidies have to be complemented with efforts to improve content and to stimulate audiences' demand for news.
- State advertising needs to be regulated with clear criteria for distribution and transparent procedures, including regular reporting on who the beneficiaries are, and what amounts were received.
- Appointment procedures for the public service media require thorough revision to ensure that these media do indeed serve the public, and that they are not influenced by political interests.
- In the case of news agencies, governments and regulators need to pay more attention and to allocate further resources so as to ensure independent and high-quality content provision.
- Governments should take steps to implement the Code of Practice on Disinformation and to arrive at measures that can guarantee the fairness and transparency of online political campaigns. This would require making sure that political and issue-based advertising is clearly labelled, and to indicate who paid for it.
- More prominence should be given to tools that aim to empower the users of online platforms, including the tools that are needed to report harmful content, and the use of indicators of trustworthiness to prioritise authoritative sources.
- Data protection authorities have been empowered by the GDPR to act proactively in this field, and they should use the given powers more. They should also establish functional cooperation with the media authorities.

The following actions are suggested for journalists, journalistic associations and other stakeholders:

- To provide good models for the appointment procedures of public service media, the European Broadcasting Union and associations of journalists, associations of users, and other stakeholders, should provide adequate proposals.

- In case of support measures, regular monitoring should be carried out by a supervisory board that is composed of different stakeholders (e.g., representatives of journalists' associations, unions, academics, etc.). The same stakeholders can provide information on the needs of the industry so as to secure quality content provision.
- Journalists and their professional associations should engage more in creating effective self-regulation in an era in which journalism is increasingly produced and promoted outside traditional conventions and via online platforms.

Social Inclusiveness

In the Social Inclusiveness area, the access to media for women remains a problem. Women are still heavily under-represented in the managerial and top executive positions of both the public service and commercial media, as well as in the roles of editors-in-chief. In none of the countries are female experts invited to comment in informative and political programmes and in articles to the same extent as male experts are.

Disinformation and hate speech also emerged as major themes of the analyses. In most of the countries, there is no adequate regulatory framework to face these two issues. The only two countries that have adopted a regulatory framework against disinformation that has worked, based on the assessment of the country teams, are Germany and Finland. Other attempts to develop legal answers to fight disinformation, such as those in Spain and Bulgaria, were highly criticised for harming freedom of expression. In terms of hate speech, national regulatory frameworks are often non-existent or they are not implemented to fight online hate speech. The absence of data regarding the number of cases often reflects the lack of effective counting.

The access to media for minorities, especially for minorities that are not recognised by law, is often not proportionate to their size. Even when minorities have access to airtime, the airtime provided is not proportional to the size of their populations in the country, even in the public service media. This indicates that many ethnic and religious minorities are struggling for a voice, and for just representation, which is of particular concern considering the influx of refugees and migrants to Europe in the last few years. Regarding the access to media for people with disabilities, almost all countries have legislation in place. The current pandemic appeared to have slightly improved the access to media for people with disabilities, as many governments felt the necessity to ensure that people with disabilities have had access to Covid-19 related news.

In the majority of these countries, community media are not recognised in media law as a category *per se*. This absence of a specific legal status may jeopardise their independence, as well as their subsistence. Regarding regional/local media, the main issue spotted remains the sustainability of these local and regional media outlets, and this is due to the absence of adequate subsidies. Even in countries where subsidies are available, these can be misused to support only those media that are not critical of (local) governments, if no clear criteria regarding the distribution of subsidies are put in place.

Finally, in terms of media literacy, policies tend to be limited in most of these countries. Media literacy is often absent from the compulsory education curriculum. Civil society organisations are offering some media literacy activities in most of these countries, however, their scope of action is often limited to young and urban populations.

Recommendations

On the one hand, if the media are to be truly inclusive and representative of society in its diversity, media organisations across Europe need to tackle the persistent lack of access to the media for women and for minorities.

- Amending the contracts between governments and public service media in a country to include a gender equality policy, as a role model for other, commercial media.
- Ensuring better representation of minority groups in the management and on the boards of public service media (this can be achieved through revised appointment procedures).
- Legal recognition should be given to community media in order to guarantee their independence and their sustainability.
- An adequate level of subsidies should be distributed to local and regional media, with transparent and fair criteria of attribution.

On the other hand, to fight digitally specific issues, such as disinformation and online hate speech, the following recommendations are suggested:

- Media literacy strategies should be included in the formal education curriculum and teachers should be systematically trained.
- Media literacy activities should also be extended to a wider range of population, such as minorities, elders, and rural populations.
- Policies against disinformation should be supported by research and analysis on the effective spread and the impact on public opinion.
- As far as self-regulatory policy solutions to limit the dissemination of disinformation and hate speech online have been fostered at the EU level, it is of utmost importance that online platforms are transparent and accountable for the measures that they deploy to limit some specific content, the reasoning behind content moderation and the effective outcome of these efforts.
- Current policies at EU level, which aim to limit the spread of disinformation, should be boosted and coordinated at national level too. These policies should allow for an assessment and oversight of the measures taken by the platform in order to limit the spread of disinformation online.

- A systematic census of the cases of hate speech would help to measure the extent of the problem and the effectiveness of the responses that are, or have been, put in place.

As in MPM2020, a final recommendation is for the EU, states, and the media authorities, to effectively act to counter the opacity that seems to be a feature of the online sphere on many levels. The EU policy is working in this direction, as is the new legislation on Digital Services, and these will probably boost more transparency from the online platforms. Nevertheless, it is important to stress that it is important that the Member States and/or the EU, establish transparency obligations for online platforms and social media, aimed both towards academia and the regulators, and that might be helpful in defining the effective impact of online platforms on civil and political rights, on the media economy, on political discourse and, in the end, on democracy. This would also help in conceiving public policies that are strongly grounded on data analysis.

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