

# MEDEMAP

## Comparative Assessment of Legal and (Self-)Regulatory Frameworks for Media in the European Union

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DELIVERABLE 3.3, V1.0

MeDeMAP - Mapping Media for Future Democracies

Grant Agreement number: 101094984



**Funded by  
the European Union**

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## Document information

<b>Project information</b>	
Grant Agreement no.	101094984
Funding scheme	Horizon Europe Research and Innovation Actions
Project title	Mapping Media for Future Democracies
Project acronym	MeDeMAP
Project starting date	01/03/2023
<b>Document information</b>	
Work package no.	1
Work package title	Coordination
Work package lead beneficiary	OEAW
Task(s)	3.2
Deliverable no.	3.3
Deliverable title	Comparative Assessment of Legal and (Self-)Regulatory Frameworks for Media in the European Union
Deliverable type	Report
Contractual date of deliverable	31/10/2024
Actual date of deliverable	28/02/2026
Editor(s)	-
Author(s)	Josef Seethaler (OEAW), Maren Beaufort (OEAW), Thomas Lentz (OEAW)
Reviewer(s)	Nico Carpentier (CU), Andrea Miconi (IULM), Beata Klimkiewicz (JU), Helmut Peissl (COMMIT), Manuel José Damasio (Lusofona Uni)
Version	1.1
Status	Final
Total number of pages (including cover)	67
Dissemination level	Public

## Table of contents

Executive Summary .....	5
1. The Initial Question.....	7
2. Democratic Theoretical Foundation .....	7
3. A Value-Based Approach.....	9
4. The Analytical Model.....	12
4.1 Rule of law .....	15
4.2 Respect for Human Dignity .....	16
4.3 Freedom .....	18
4.4 Pluralism.....	23
4.5 Equality.....	26
5. Methodology and Data .....	30
6. Results.....	34
6.1. In what ways and to what extent do media laws and regulations serve to implement democratic values? .....	34
6.1.1 Rule of Law and Human Dignity as a Fundamental Right .....	34
6.1.2 Media Freedom .....	37
6.1.3 Freedom of Expression and Pluralism.....	38
6.1.4 Equality .....	40
6.1.5 Support for democratic media roles .....	42
6.2 Are there country differences in the implementation of values in media law and regulation? .....	44
6.3 Do media laws and regulations reflect principles of participatory democracy? .....	47
7. EU, CoE and OSCE Documents .....	49

8. Data Sources..... 51

9. References ..... 52

Appendix..... 58

## Executive Summary

The study presented in Deliverable 3.3 aims to clarify the extent to which national legal and (self-)regulatory frameworks in EU Member States contribute to securing and strengthening a democratic media system. The results provide insights into the strengths and weaknesses of the various frameworks with respect to democratic requirements, thereby revealing best practices and shortcomings. The study is based on the assumption that laws, norms, and rules can be understood as “applications of values,” which, in a democratic environment, reflect the underlying principles of democracy, even when they are always necessarily imperfect and changing. The developed—and during the project heavily revised—analytical model draws on the theoretical foundation published in Deliverable 2.1 and the recommendations of Deliverable 2.2. It consists of two pillars: first, the values considered fundamental in the European Union, and second, the values that follow a changing understanding of democracy and are primarily reflected in current EU policy. The values to be assigned to the two pillars are discussed in relation to their potential to safeguard the media’s democratic roles.

The starting points of the data collection for this study were an analysis of relevant international databases (published in the revised version of Deliverable 3.1 and in Deliverable 1.3 as part of the dataset for the Map of EU Political Information Environments) and interviews conducted with representatives of national media authorities, press councils, and civil society organizations in the ten countries represented by the project partners (Deliverable 3.2). The original plan for a comparative assessment of the legal and (self-)regulatory frameworks in the ten partner countries was significantly expanded during the project and extended to all EU member states. The reasons for this initially lay, on the one hand, in the recommendations made by reviewers during the first periodic reporting process and, on the other hand, in numerous consultations with representatives of European media and journalists’ associations, who suggested an EU-wide analysis. Above all, however, the European Media Freedom Act (EMFA), which entered into force on May 7, 2024, necessitated a thorough revision of the analytical model (Deliverable 3.1), making the expansion to the EU-27 the only reasonable consequence. This, in turn, necessitated collecting additional data and updating the data collected to date (which was then incorporated into the Map of EU Political Information Environments; Deliverable 1.6). All of this has required significantly more time to finish this deliverable, which now represents the first comparative analysis of media law and regulation in EU member states and, hopefully, inspires more in-depth national studies as well as further European studies, particularly concerning the impact of the EMFA on the regulation and structures of media ecosystems.

# Comparative Assessment of Legal and (Self-)Regulatory Frameworks for Media in the European Union

When examining media law and policy, research typically draws on public interest theories, rational choice, or sociological institutionalism. All these theories have significantly contributed to our understanding of how media governance operates. However, due to the current changes in media supply and media use that concern or even shake some of the very foundations of democratic societies, it seems justified to rethink media regulation and policy from a democratic theory perspective to deduce guidelines for how policymaking and (self)regulation may support the ability of the media to contribute to a healthy and reinvigorated democracy.

For a long time, media regulation was the domain of national policy. Only in recent years have the European Parliament and Council (2018; 2022a; 2022b; 2024b) launched a series of initiatives that extend beyond their traditional competence to enforce the free internal market. These include, among others, *the Audiovisual Media Services Directive (AVMSD)*, the *Digital Markets Act (DMA)*, the *Digital Services Act (DSA)*, and the *European Media Freedom Act (EMFA)*, which builds on the 2018 revision of the AVMSD and entered into force on 7 May 2024 (while the new rules fully apply since 8 August 2025). Political signals are also conveyed by the *Rule of Law Report*, published annually since 2020, which recognizes media pluralism as one of its four pillars.

Enforcing EU regulations within national jurisdictions and implementing directives into national law are sometimes complex processes that some Member States are reluctant to undertake. After all, the Member States have long-established media legislation and regulation systems, supplemented by co- and self-regulatory structures of varying density. Exploring the potential of national law and (self)regulation, including the measures to comply with EU rules, to support and safeguard the democratic role of the media is the subject of this EU-wide comparative study.

# 1. The Initial Question

The starting point for the comparative analysis of national legal and regulatory frameworks in EU Member States is the question of whether and to what extent media laws, regulations, and self-regulatory instruments may support, ensure, or jeopardize the media's roles in a democratic society.

The analysis relates to the scope and potential radius of action of national legal systems and regulatory structures under which journalistic media<sup>1</sup>—but only to a limited extent, platforms—operate, and people use media-mediated content. Global players are, at best, only partially constrained in their actions by national regulations; national players, by contrast, are integrated into a regulatory system that has developed over time and is usually sufficiently flexible. While, in the first case, supranational standard-setting bodies are required, in the second case, supranational regulations such as the EMFA, which (in recital 5, among others) explicitly addresses the “fragmentation of rules and approaches that characterize the media market in the Union”, are not uncontroversial. Nevertheless, as the EU can be understood as a federally organized association of states and constitutions in which the European and the Member States' constitutional legal systems are interlinked, influence each other, and develop in a complementary manner, there should be common requirements for the structure and content of both the European and the Member States' legal systems. In particular, the democratic legitimacy of law and politics is binding on both the Union and the Member States.

## 2. Democratic Theoretical Foundation

Undoubtedly, legal and regulatory frameworks are embedded in the overall political and social context in which media content is produced, distributed, received, and used. This context is clearly defined in Article 10 of the *Treaty on European Union* (based on the Maastricht Treaty, which entered into force in 1993) and in the constitutions of most EU Member States, with the

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<sup>1</sup> The article follows the definition of a “media service” in Art. 2, para. 1 of the *European Media Freedom Act*, as “a service [...], where the principal purpose of the service or a dissociable section thereof consists in providing programmes or press publications, under the editorial responsibility of a media service provider, to the general public, by any means, in order to inform, entertain or educate“. For a discussion see, for example, Bogdanić (2020) and Nenadić (2026).

commitment to the model of representative democracy and the function of political parties as an expression of the will of the citizens. Nevertheless, the *Treaty* also contains considerable potential for participatory and deliberative democratic practices, as political participation rights beyond the electoral act are explicitly recognized, and Article 11 obliges EU institutions to engage in institutionalized dialogue with civil society. The EU's guiding principle of liberal democracy (Art. 2) can therefore encompass many facets.

In this respect, it is hardly surprising that the recalibration of the relationship between general representation and individual participation is increasingly serving to combat the European Union's legitimacy deficit, which addresses society's changing understanding of democracy. In the area of communication studies, most recent publications on the democratic-theoretical foundation of analyses of media supply and demand agree that any conceptualization of the relationship between media and democracy must take into account that previous notions of a single public sphere must be discarded in favor of the recognition of multiple, perhaps even fragmented and polarized public spheres with different ideas of what the ideal society looks like (e.g., Bennett & Segerberg, 2012; Pfetsch & Bennett, 2018; Carpentier & Wimmer, 2025). If one follows the detailed classification of the *Models of Democracy* in Held's (2006, p. 4) book of the same name, the arguments that shape the conceptualization of democratic media performance can primarily be derived from the two "broad types" of democracy: representative democracy (as it is predominantly enshrined in the constitutions of the EU Member States) and participatory democracy, which, on average, resonates with one third of the population<sup>2</sup>, according to the *European Value Study* (EVS/WVS, 2024): thus, the idea of liberal-representative democracy is increasingly being supplemented by an understanding of democracy that aims for a more intensive, autonomous and rather direct participation of citizens in political will-forming and decision-making processes. For an increasing number of people, democracy is therefore not just a question of going to the polls and delegating responsibility to political parties, but of taking greater responsibility for their own human and material environment.

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<sup>2</sup> There is some evidence for the spread of a participatory understanding of democracy among the population of EU member states in the most recent European Value Survey (EVS/WVS 2024) based on forms of "non-institutionalized participation", a concept developed by Kaase and Barnes (1979). It refers to forms of political action that occur outside the established, conventional channels of a representative democracy and can be considered one of the components of participatory democracy (Bengtsson and Christensen, 2016). On average, more than 20% of respondents have participated in actions such as petitions, demonstrations, and boycotts, and a further 34% are willing to do so.

If one reads the most important EU media policy regulations and directives having in mind this change in the understanding of democracy, one tends to agree with Kelbel et al. (2021, p. 222) when they speak of a “culmination of an incremental shift in how democracy is perceived in Europe” in connection with the Whistleblower Directive (which is highly relevant to journalistic practice; European Parliament and Council, 2019). This “incremental shift” can be characterized as a shift from values such as *predictability* and *impartiality*, i.e., mediating among different interest groups, to *transparency* and *accountability* in order to increase the legitimacy of democratic policymaking (e.g., Bovens, 2007; Bouza García, 2015; Foret & Calligaro, 2018). The consequences of this ongoing change characterize all phases of the political process—and imply an understanding of political participation that goes far beyond electoral participation. In the input phase, for example, transparency enables stakeholders to participate in the development of agreements and to contribute different preferences; in the throughput phase, it enables citizens to review the information based on which decisions are made; and in the output phase, transparency is relevant in order to hold the actors involved accountable for how agreements are implemented (e.g., Schmidt, 2010; Kelbel et al., 2021). This policy shift implies that the analytical model to be developed for examining the legal and (self-)regulatory framework conditions of the media in EU Member States must account for different conceptions of democracy (Seethaler & Beaufort, 2017; Beaufort, 2025).

### 3. A Value-Based Approach

The conception of the model faces the challenge of defining a standardised analytical framework for a cross-national comparative study in the European Union that corresponds to the democratic-theoretical premises (briefly outlined above) and the nature of legal and regulatory norms.

The starting point for this was the intensified debate over the last two decades on the definition and significance of democratic values in shaping a European social and legal order (e.g., Williams, 2010; Weatherill, 2016; Jakab & Kochenov, 2023). Foret and Calligaro (2018) characterize the reference to specific values in EU politics as a new, identity-shaping narrative

that—following the failure of both the nation-building narrative, which found expression in the debate on Europe’s Christian heritage or the attempted development of European symbolism, and the functionalist, market-oriented narrative, which saw the EU as justified by its (primarily economic) output—seeks to legitimize the policies of the European Union with the help of normative resources. At first glance, values appear capable of consensus per se and, therefore, providing a suitable basis for generally binding norms and rules—although this social consensus must always be renegotiated. The political scientist Yehezkel Dror wrote as early as 1957: “By its very nature, law consists of a number of norms which constitute obligatory rules of behavior for the members of the society. These legal norms are closely related to various social values, being either a direct expression of them or serving them in a more indirect way.” (Dror, 1957, p. 440) Laws, norms, and rules can therefore be regarded as “applications of values” (Heinich, 2020, p. 221) and, in a democratic environment, of the ideas of democracy on which they are based (Seethaler & Beaufort, 2017).

Irrespective of the different conceptions of “value” (e.g., Hechter et al., 1993; Van Deth & Scarbrough, 1998), it should be noted that values are not to be understood as something intrinsic, objective, or even universally given. Instead, values are “humans’ *mental* representations of that which is worthy of appreciation or praise and are irreducible to facts of nature,” and, as “*collective* representations, they are irreducible to individual opinions even though they manifest themselves through individual expressions” (Heinich, 2020, p. 226 [emphasis added]). In this double sense, deeply cultural and subject to (interpretative) struggles and changes in long and diffuse processes, values nevertheless represent social facts of (assumed) general validity, as “the absence of objectivity in values does not mean they are subjective because the eminently social reality of representation systems and the institutions that stabilize and make them active interferes between objects and subjects” (Heinich, 2020, p. 228).

This implies that parliament-made laws and regulations set by regulatory bodies or professional associations not only reflect and implement values but also shape them—although, given their long-term cultural nature, this happens either (and usually) gradually or, in a break with the status quo, in the form of their abrupt abandonment. In any case, how values are, or should be, implemented is, more often than not, a subject of struggle that may overturn the consensus on the interpretation and validity of specific values (Voltmer & Rawnsley, 2019): we must always bear in mind what Habermas (1994) called the dialectic of law: law is condition for

both emancipation and domination. The more their existing implementations prove insufficient in practice (or are deliberately undermined), and the weaker the institutions that support them are (or the more they are deliberately weakened), the more likely it is that values produced by cultural and social conventions and enforced by institutions can be called into question (Foret & Calligaro, 2018; Heinich, 2017). The reason why the disparagement and defiance towards the EU by individual Member States and political parties has such a profound impact on the Union is that it is directed not only against its *acquis* of common rights and duties, but also against the values on which the Union is built (e.g., Jakab & Kochenov, 2017; Scheppele et al., 2021).

Applied to the given topic, the initial question mentioned above can be formulated more precisely as follows: whether and to what extent national media laws, regulations, and self-regulatory instruments serve to implement the democratic values that are either binding in the European Union or can be regarded as yardsticks for current EU policy, and, thus, support or jeopardize the exercise of democratically relevant media roles. Addressing these questions will reveal (1) the differences in the implementation of certain values safeguarding specific media roles, and (2) the extent to which the aforementioned shift to principles of a participatory understanding of democracy can be observed in implementing the various values. The following model addresses the informational role, the control or watchdog role, the forum role, the representational role, and the participatory role (Carpentier, 2007; Carpentier & Wimmer, 2025). They all are expected to contribute—in different forms and to varying degrees—to political participation as a constitutive element of democracy, be it in the sense of participation *through* the media or participation *in* the media, with participation through the media referring to “the opportunities for mediated participation in public debate and for self-representation in the variety of public spaces that characterize the social”, and participation in the media referring to “participation in the production of media output (content-related participation) and in media organizational decision-making (structural participation)” (Carpentier, 2011, pp. 67-68).

## 4. The Analytical Model

In line with these more precise questions, the analytical model comprises two pillars: on the one hand, the values considered fundamental by the European Union, and on the other, the values that follow a changing understanding of democracy, as primarily reflected in current EU policy. This dichotomy follows the distinction commonly made in value research between “substantive” or “terminal” values and “standard-setting” or “instrumental” values (e.g., Manners, 2008; Rokeach, 1979). The former refer to beliefs or ideas about ultimate desirable *goals* that are worth striving for; the latter refer to conceptions about desirable *modes of behavior* that serve to achieve the goals (Rokeach, 1979).

The substantive values are initially derived from the *European Convention for the Protection of Human Rights and Fundamental Freedoms*, which was drawn up by the Council of Europe in 1950 and entered into force in 1953, and is based on the *Universal Declaration of Human Rights*, which the United Nations General Assembly proclaimed in December 1948. Contrary to the UN Declaration<sup>3</sup>, the European Convention places particular emphasis on democracy<sup>4</sup> by stating in its introduction that the “fundamental freedoms which are the foundation of justice and peace in the world [...] are best maintained [...] by an effective political democracy.”

Building on the *Convention on Human Rights*, subsequent EU documents, such as the *Charter of Fundamental Rights of the European Union* and the *Treaty on European Union*, elaborate on target values, albeit not in a consistently coherent manner. So far, research has not convincingly explained the motives for the apparent lack of coherence. However, one possible factor is changing political priorities over time (Foret & Calligaro, 2018). In terms of structuring the various value-related statements, recent accounts speak of the “EU’s foundational values” or

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<sup>3</sup> The UN Declaration mentions a “democratic society” only in Art. 29, in the context of legal restrictions on the exercise of rights to ensure “recognition and respect for the rights and freedoms of others” and the “just requirements of morality, public order and the general welfare in a democratic society” (<https://www.un.org/en/about-us/universal-declaration-of-human-rights>).

<sup>4</sup> The “democracy-as-value” principle is not generally recognized in political and legal science. The European Union follows the understanding of democracy as a substantive, non-instrumental value: “The reason why I must accept democratically enacted laws as morally binding, even when I disagree with them, is that this is a precondition for mutual respect for autonomy and for no one being another person’s master. Democratic procedures that solicit the equal participation of everyone in collective decision-making are constitutive of relations of non-domination. And it is exactly the kind of relations among people democracies constitute, rather than the benefits that they bring about, that is the key to understanding why democratic governments have a legitimacy that non-democratic governments lack.” (Rostbøll, 2015, p. 276)

a “trinity of values”—*human rights, democracy, and the rule of law*—which, being mutually dependent, form the core of the identity as a European Union (Rosas, 2023; see also Carrera et al., 2013; Timmer et al., 2014, Mader 2019; among others). This is in line with the view of the European Commission (2014), according to which “respect for the rule of law is intrinsically linked to respect for democracy and for fundamental rights: there can be no democracy and respect for fundamental rights without respect for the rule of law and vice versa.” At the same time, Art. 2 of the EU *Treaty* emphasizes *respect for human dignity, freedom, and equality* as the core *human rights* among the “values on which the Union is founded.”

The foundational values should apply to all policy areas in the EU Member States, as they are binding not only on the Union but also on the Member States. However, the ongoing debate about the Union’s competencies, the resistance of the Member States to the expansion of the EU’s currently limited legislative and enforcement powers, and the increasing disputes over the interpretation and operationalization of the underlying concepts of human rights, democracy and the rule of law make their implementation and compliance difficult—at least in some Member States (Wouters, 2020a; 2020b).

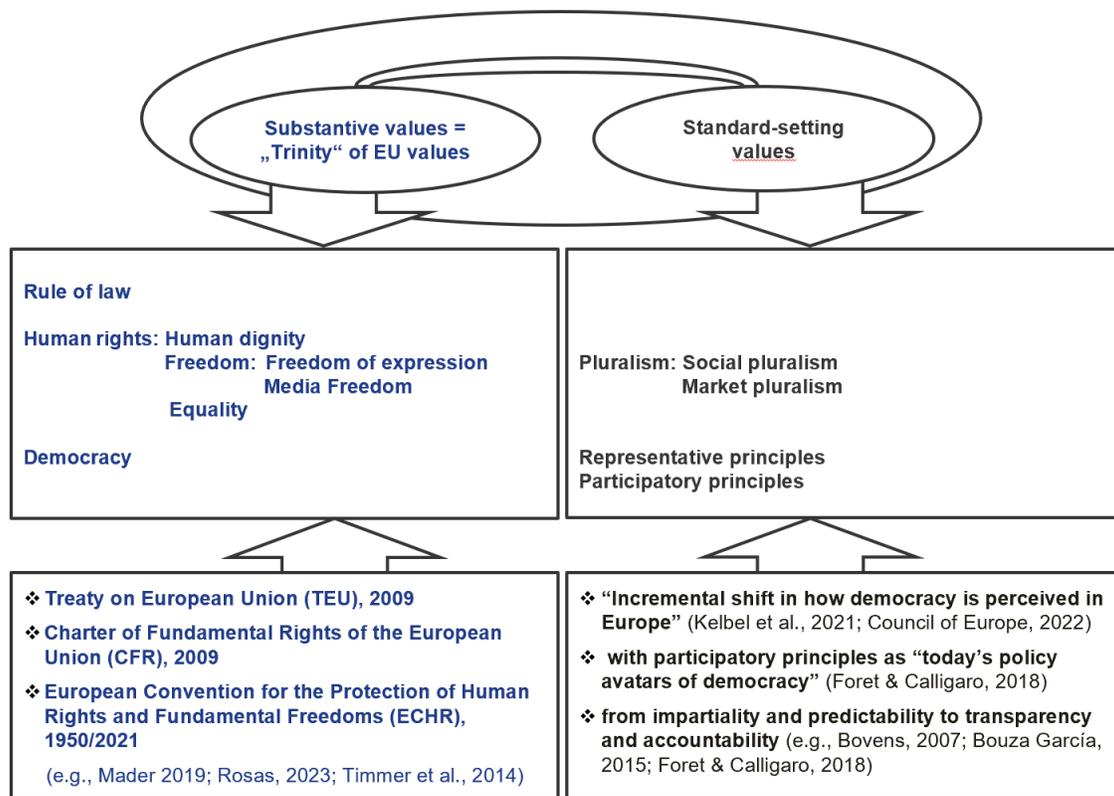
The second pillar of the analytical model comprises beliefs or conceptions about the modes of behavior that serve to achieve the target values. They depend on how the target values “are interpreted according to a particular worldview and the underlying cultural tradition” (Lucarelli & Manners, 2007, p. 10). What is particularly interesting in the context of the proposed analytical model is how the shift in the perception of democracy, as reflected in numerous European Parliament and Council regulations and directives, is evident in media law and regulation across Member States. In this regard, the principles of a *participatory understanding of democracy*, and in particular transparency and accountability, are mentioned in the political science literature as those standard-setting values in current EU policy that can be regarded as “policy avatars of democracy [...] best suited to implement it” (Foret & Calligaro, 2018, p. 13). The new *Principles for Media and Communication Policy* adopted by the Council of Europe (2022) also reflect a participatory approach towards democratic policy.

Regarding the status of *pluralism*, EU documents make an interesting distinction. The *Treaty on European Union* mentions (social) pluralism as an instrumental, standard-setting value necessary to support freedom—including, of course, freedom of expression—and equality. In the media context, the *Charter* notably elevates “media pluralism” to the same level as “media

freedom” in Article 11, the connection of which has to be considered (at least to some extent) in its relationship to “a well-functioning internal market for media services“ (EMFA, recital 2). Both classifications have implications, and as will be explained later, correspond to different democratic roles of the media. With this reservation, the analytical model (Figure 1) treats pluralism as an instrumental value.

**Figure 1**

*A Model for Examining the Potential of National Media Laws and Regulations to Promote Democracy*



Source: Authors

In the following sections, substantive and standard-setting values are discussed in the context of media legislation and regulation to derive *key operating indicators* for implementing the values considered relevant to supporting and safeguarding democratically relevant media roles. Due to their purely instrumental nature, indicators for *representative and participatory democratic principles* are linked to the indicators for the substantive values they primarily aim to support.

## 4.1 Rule of law

Inglehart and Welzel (2005) argue that effective democracy is inextricably linked to the rule of law: a (formally) democratic country not characterized by the rule of law is not democratic in the total sense of the word. The rule of law is not understood as an instrument for enforcing democracy, but rather as equivalent to and complementary to it. Through strict adherence to the principle of separation of powers and the rejection of absolutist notions of parliamentary sovereignty, the value of the rule of law has evolved from a protective shield against abuse of the law to a bulwark against any arbitrary exercise of power and in defense of principles such as respect for fundamental rights; legality in the sense of a democratic, pluralistic, transparent, and accountable process for enacting laws; equality before the law; legal certainty; judicial protection by independent and impartial courts. As a “theory of legitimate governance, reconciling public authority with individual autonomy and human dignity” (Allan, 2016, p. 201), in the European Union, the rule of law is understood not only as a task of the judiciary but of the policies of all EU institutions and Member States (Hillion, 2016, p. 2).

It fits within this broad definition, as the European Commission (2020) includes media freedom and media pluralism among the “areas that have a direct impact on respect for the rule of law.” The “fundamental element” mentioned first in this context is the “independence of media regulators”. This emphasizes the central importance of the rule of law for the legitimacy of the state and the bodies it appoints, as well as the indispensable independence of these bodies. In this context, Dreyer (2013) relates the term “independence” to status and power, decision-making, financial resources, expertise, transparency, and accountability, particularly linking the latter two dimensions, which deliberately imply a necessary reduction of independence (Schulz, 2013, p. 5), to democratic order and the principle of publicity. “Since democracy is concerned with legal security, and thus with lawfulness and accountability in the workings of the government, there is a strong inclination here to control mechanisms, as a guarantee for the legality required. And the principle of publicity is therefore paramount, as the most effective guarantee” (Kelsen, 1973, p. 103)—which refers to the importance of a properly structured right to information (see Chapter 4.3: *Freedom*). The European Commission (2023), in its *Rule of Law Report*, interprets the right to information as a substantive right that represents “one of the main transparency and accountability tools available for civil society and citizens,” and, at the same time, through the granting of particular access rights, is “fundamental for journalists to do their work.”

**Table 1**

*Rule of Law: Indicators*

Suggested indicators for overarching values
<ul style="list-style-type: none"><li>• Rule of Law</li></ul>
Suggested key operating indicators
<ul style="list-style-type: none"><li>• Right to information</li></ul>
<ul style="list-style-type: none"><li>• Independence of the media authority (in appointment procedures, incompatibility rules, decision-making, and resources), based on transparency and accountability of its activities</li></ul>

## 4.2 Respect for Human Dignity

Respect for human dignity, which connotes that all human beings possess equal and inherent value, is widely regarded as the “first foundational value” of the European Union, reflecting the commitment to “never again” following liberation from the Nazi regime (Dupré, 2015). While other fundamental rights, above all, the right to freedom of expression and the right to vote, as well as principles of the separation of powers, had long been recognized as constitutive features of a democracy, respect for human dignity developed as a guiding principle of a democratic constitutional order in Europe, particularly after the end of the Second World War, due to the experience of inhumanity and dictatorship in the heart of a seemingly ‘enlightened’ continent.

The explanatory notes to the *Charter of Fundamental Rights of the European Union* state that the dignity of the human person is not only a fundamental right in itself but also forms the very basis of fundamental rights and may, therefore, not be infringed.<sup>5</sup> While rights are always relative in the sense that they are exercised and asserted in a specific social context and can and must, therefore, be restricted by a legitimized authority and upon presentation of a convincing justification, the “core rights of human dignity” enshrined in the *Charter* are “protected in absolute ways” (Dupré, 2015, p. 45). In the present context, this applies, according to the case law of the European Court of Human Rights (ECtHR), not only to the denial of the Holocaust but

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<sup>5</sup> <https://fra.europa.eu/en/eu-charter/article/1-human-dignity>

also, in particular, to “hate speech, apology for violence or incitement to violence”, which cannot be balanced with freedom of expression (Oster, 2017).<sup>6</sup>

Even if such a strict interpretation is certainly open to question (e.g., Grimm 2021)<sup>7</sup>, there is no doubt that “illegal hate speech represents a systemic risk for democracy and fundamental rights” (European Commission, 2025a). Accordingly, the DSA (recital 104) highlights risk mitigation against illegal content through self- and co-regulatory instruments, specifically referencing the *Code of Conduct on Countering Illegal Hate Speech Online* (recital 62), a revised version of which was integrated into the regulatory framework of the DSA in January 2025.<sup>8</sup> Preceding this, the AVMSD (Art. 6, para. 1(a)), which relates to television, video-on-demand services, and video-sharing platforms, has already mandated Member States to ensure “by appropriate means that audiovisual media services provided by media service providers under their jurisdiction do not contain any incitement to violence or hatred directed against a group of persons or a member of a group based on any of the grounds referred to in Article 21 of the Charter”,<sup>9</sup> namely sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

This wording reflects the definition of the terms “incitement” and “hatred” by the Court of Justice of the European Union, which refers to both “an action intended to direct specific behavior and [...] a feeling of animosity or rejection with regard to a group of persons” (cited in Psychogiopoulou, 2024, p. 1887). This provides a twofold basis for the required measures: in the interests of the individual and in the interests of public order, since hate speech and hate crimes incited by it increase tensions between social groups, disturb public peace and public order, and endanger peaceful coexistence. Accordingly, a study by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs (2020, p. 169) emphasizes that protection against hate speech is grounded in two values: the principle of human dignity, on the

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<sup>6</sup> For an extensive discussion of ECtHR case law see Sobol (2024).

<sup>7</sup> For the factors developed by the European Court of Human Rights for assessing hate speech, see Oster (2017, p-99f.).

<sup>8</sup> <https://digital-strategy.ec.europa.eu/en/library/code-conduct-countering-illegal-hate-speech-online>

<sup>9</sup> Similarly, the EMFA (recital 45) states that “national regulatory authorities or bodies need to have a dedicated tool to protect users of video-sharing platform services from certain illegal and harmful content, including commercial communications”, and it adds that “without prejudice to the country of origin principle, a mechanism is needed to allow any relevant national regulatory authority or body to request its counterpart to take necessary and proportionate actions to ensure the enforcement of obligations on video-sharing platform providers”.

one hand, and equality and non-discrimination, on the other. The close connection between the two values is also underlined by an ECtHR (2025) finding according to which “incitement to discrimination is a form of incitement to intolerance, which, together with incitement to violence and hatred, is one of the limits which should never be overstepped in the exercise of freedom of expression”.

One of the groups particularly affected by violence, incitement to violence, and hate speech is the media professionals themselves, who are facing an increasing number of attacks, aggression, and sexual harassment both offline and online across Europe. The European Commission (2021) has responded to this with its *Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union*, which is explicitly based on the values enshrined in the *EU Treaty* and the *Charter*. Three years later, the efforts of Member States to implement the recommendation were reviewed, with rather sobering results (European Commission, 2024).

**Table 2**  
*Human Dignity: Indicators*

<b>Suggested indicators for overarching values</b>
<ul style="list-style-type: none"> <li>• Fundamental rights</li> </ul>
<b>Suggested key operating indicators</b>
<ul style="list-style-type: none"> <li>• Protection against and prevention of hatred and incitement to violence (including content regulation)</li> <li>• Protection of the (physical, mental, and digital) safety of journalists (with special emphasis on harassment of journalists by governmental or powerful non-governmental actors)</li> </ul>

### 4.3 Freedom

In terms of freedom, freedom of expression and media freedom must be considered as different concepts, even if they largely overlap. While *freedom of expression* is a fundamental right applicable to all people, media freedom applies only to the press. For this reason, some scholars

regard media freedom as an instrumental right, whereas others regard it as a *lex specialis* of freedom of expression (Oster, 2017, p. 8). It should also be emphasized that the right to freedom of expression is two-sided: According to Art. 11 of the *Charter*, it includes “freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.” The right to express opinions freely and the right to receive information—especially from the state—are inseparable and interdependent unless national security interests and the protection of personal and intellectual property rights prevent the disclosure of information. Undoubtedly, the comprehensive and interrelated implementation of freedom of expression and the right to information (see Chapter 4.1: *Rule of Law*) into national law would strengthen the rights of media users, which are rarely considered in media law, and facilitate participation in public discourse and democratic processes. The associated objective of a societal dialogue among individuals and collective actors was already formulated around half a century ago as the “right to communicate” in the UNESCO report *Many Voices, One World* (McBride, 1980, p. 172; see also Nieminen, 2024). However, as the following considerations will show, this objective is only partially reflected in European media law.

It is evident from the above that, in EU documents and case law, media freedom is thought to protect *two democratic roles of the media: conveying information on issues of public interest* and, by doing so, *acting as a “public watchdog” that monitors those in power*. Carpentier (2011, p. 67) sees these two roles as a prerequisite for enabling democratic participation *through* the media: journalists and media are expected to provide factual and independent information, thereby to fulfil their role as “public watchdogs” and “fourth estate” so that people are able to participate in public debate and, above all, in the processes of representative democracy such as elections and referendums.

The protection of these two fundamental media roles requires several privileges for journalists and the journalistic media as institutions, which have also been incorporated into the EMFA (Art. 4). These rights relate, on the one hand, to the publication of communication, even if it has been obtained unlawfully but can be considered to be in the public interest, and, on the other hand, to the processes of news gathering and editing, with special emphasis on the protection of sources and privileged access to government information, press conferences and court trials. These privileges can take effect only if the media can operate independently of any

state influence.<sup>10</sup> The state, including its regulatory authorities and bodies, “shall not interfere in or try to influence the editorial policies and editorial decisions of media service providers” (EMFA, Art. 4, para. 2).

Given these privileges, media freedom is, like freedom of expression, interpreted in a more nuanced way in the European Union than in the United States, where an absolutist interpretation is widespread. EU legislation advocates a “two-tiered approach” (Oster, 2013, p. 71), distinguishing between speech that is of public interest and speech that is not, with the latter enjoying less protection, for example, if it relates to private and intimate matters (as mentioned above) or is deemed illegal or harmful to the public (Fathaigh et al., 2021). Neither freedom of expression nor media freedom constitutes a license to disseminate illegal content, such as hate speech and incitement to violence (see Chapter 4.2: *Human dignity*). Citizens must be free to criticise the government and other public institutions without fear of prosecution, and a vital social dialogue must be secured by law. However, the state may impose restrictions in the interest 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” (Art. 10 European Convention on Human Rights [ECHR]), provided that such restrictions are proportionate to the objective sought, which may not be achieved in any other manner. This balancing act is even more difficult when it comes to issues that are not illegal a priori but can be very harmful to individuals and society, as is the case when privacy and personal rights are at risk or the integrity of information itself is violated through the spread of misinformation and disinformation, which can undermine democratic processes, far from only, but especially at election times.

Neither challenge is entirely new. However, on the Internet, the risk of misconduct and misuse is greater, control is more difficult to exercise, and the possibilities for legal action are limited, particularly within the scope of national jurisdiction. In media law, the basic principle applies that privileges justify duties: duties are the necessary equivalents of privileges to protect the media’s informational and watchdog roles. First of all, in the case of factual information,

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<sup>10</sup> “Independence” is a multi-layered concept. As Schulz (2013) points out, it cannot be absolute because it is constrained, for example, by accountability. It should rather be understood as pertaining to the specific functions that a social subsystem or organization is expected to perform for society, and it can perform these functions only on the premise of independence. The protection of independence thus serves to protect the respective function. In the following, the corresponding relationship is always referred to when “independence” is discussed.

which is considered susceptible to proof, journalists must adhere to the principles of responsible journalism. Because it is sometimes difficult to draw a strict line between factual information and value judgments, courts generally examine whether due diligence has been undertaken to establish the truthfulness of statements before publication (Ukrow & Iacino, 2016). If due diligence was not exercised, the media must be subject to the right of reply. This means that the law guarantees any legal person the right to defend themselves against unjustified public criticism in the same venue where it was published. Such a guarantee obviously implies a balancing act between media freedom and the protection of personality rights such as privacy, honor, and reputation, which, however, is required not only so as not to damage media's informational and control roles but also "to create a favorable environment for participation in public debate by all the persons concerned, enabling them to express their opinions and ideas without fear" (Ukrow & Iacino, 2016, p. 29). In other words, responsibly providing information constitutes the indispensable basis for the other democratic media roles discussed in the following chapters.

A similar argument is made by the EMFA (recital 32), when identifying media ownership transparency as a "prerequisite for forming well-informed opinions and, consequently, for actively participating in a democracy", thereby linking transparency to "media accountability vis-à-vis the recipients of media services". This participatory component is primarily intended to "empower citizens to make informed choices" (EMFA, recital 8), which aligns with a representative understanding of political participation, while preparing the ground for more direct and inclusive forms of participation.

In this sense, EU policy goes further than traditional national media laws in defining and justifying the obligation to disclose media ownership. For example, the EMFA (Art. 6, para. 1) urges to publicly provide accurate and up-to-date information on "direct or indirect owner or owners with shareholdings enabling them to exercise influence on the operation and strategic decision making, including direct or indirect ownership by a state or by a public authority or entity". These far-reaching transparency rules also include the total annual amount of advertising revenues received from state and third-country public authorities or entities. This is because, transparency is considered "an effective tool [...] to limit the risk of interference with editorial independence", the guarantee of which is recognized as a further duty of media service providers (EMFA, Art. 6, para. 3). Particularly media service providers offering news and current affairs content shall establish appropriate internal safeguards allowing for editorial decisions to be made

freely within the established editorial line and in accordance with ethical and professional standards, while ensuring that actual or potential conflicts of interest that could impair the provision of news and current affairs content are disclosed.

**Table 3**

*Freedom: Indicators*

Suggested indicators for overarching values
<ul style="list-style-type: none"> <li>• Freedom of expression</li> </ul>
<ul style="list-style-type: none"> <li>• Media freedom</li> </ul>
Suggested key operating indicators: Privileges
<ul style="list-style-type: none"> <li>• Protection of journalistic sources, investigations, and research data</li> </ul>
<ul style="list-style-type: none"> <li>• Protection of journalists from interception of communications, surveillance, search, and seizure (including protection against abusive lawsuits)</li> </ul>
<ul style="list-style-type: none"> <li>• Privileged access to government information, press conferences, and court trials</li> </ul>
<ul style="list-style-type: none"> <li>• Independence of the media from state influence (including absence of censorship)</li> </ul>
Suggested key operating indicators: Duties
<ul style="list-style-type: none"> <li>• Obligation to observe the principles of responsible journalism (code of ethics), in the case of factual reporting: obligation to truthfulness and the principle of due diligence (including the right of reply)</li> </ul>
<ul style="list-style-type: none"> <li>• Transparency of media ownership and revenues from state advertising (including from third-country public authorities or entities)</li> </ul>
<ul style="list-style-type: none"> <li>• Mandatory internal safeguards guaranteeing the independence of editorial decisions and the disclosure of potential conflicts (editorial statutes)</li> </ul>
<ul style="list-style-type: none"> <li>• Protection of privacy and personal rights, particularly on the Internet</li> </ul>
<ul style="list-style-type: none"> <li>• Protection of information integrity and against disinformation (especially during election times)</li> </ul>

## 4.4 Pluralism

As already mentioned, EU documents treat “pluralism” mainly as an instrumental, standard-setting value necessary to support the substantive value of freedom of expression. When, however, the *Charter* explicitly refers to “media pluralism” as being at the same level as “media freedom”, it can be assumed that the interpretations of “pluralism” differ to some extent.

In the latter sense, media pluralism is generally understood as *market pluralism* (or better: *market plurality*, referring to the number of market players or offerings) provided that the markets for media services and the providers’ economic activities function properly. Accordingly, the EMFA (Art. 1) is concerned with “rules for the proper functioning of the internal market for media services,” based on the conviction that the internal market’s economic viability can help avoid weaknesses in terms of plurality of the media. This competition-oriented approach, which is not uncontroversial, is first contrasted with “must-carry” rules in the audiovisual sector, which, under Article 7a AVMSD, are intended to ensure general access to general-interest content and are therefore important for a pluralistic media supply, even when they “are spread across multiple pieces of legislation in the EU, which creates a complex situation for all concerned” (Ledger, 2023, p. 37). Second, the EMFA (recital 29) relates fostering competition in the media sector to “producing a wide range of content that caters to various interests, perspectives and demographics and by offering alternative viewpoints and programming options, which provides a rich and unique offering”—the objective is therefore not to offer a wide range of products by number, but by content. “Access to a plurality of editorially independent media content” is explicitly recognized as a “right of recipients of media services” (EMFA, Art. 3) in order to be able to “make informed choices” (EMFA, recital 8) in the interests of a functioning representative democracy. This argumentation is based on ECtHR court rulings according to which “free elections and freedom of expression, particularly freedom of political debate, together form the bedrock of any democratic system [...]. The two rights are inter-related and operate to reinforce each other: [...] freedom of expression is one of the ‘conditions’ necessary to ensure the free expression of the opinion of the people in the choice of the legislature.”<sup>11</sup>

In this sense, the two most important instruments to ensure media market plurality can be described as (a) controlling and minimizing the effects of concentration (both in national and

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<sup>11</sup> Bowman v. United Kingdom, App. No. 24839/94, Ecu. Ct. H. R. (Feb. 19, 1998), para. 18, 22, cited in Zysset (2019).

local media markets) on a plural range of independent media, regardless of their organizational form (public service, private-commercial, community/non-profit media) and (b) protecting editorial freedom from direct or indirect interference by political and economic actors, be it politicians who want “to obtain political advantage” or be it shareholders and other private parties who have a stake in media service providers who “might act in ways which go beyond the necessary balance between their own business freedom and the freedom of expression [...] in pursuit of an economic or other advantage” (EMFA, recital 18). Since this interference can blur the boundaries between editorial and advertising content, a regulation adopted by the European Parliament and Council (2024a) stipulates that political advertising—like commercial communications—shall be readily recognizable as such.

In addition to the understanding of media pluralism as market plurality, in several cases the Court of Justice of the European Union suggests that pluralism can also be understood as part of a cultural policy safeguarding “the freedom of expression of the different social, cultural, religious and philosophical components” of a region (cited in Bougerol, 2023, p. 142)—a consideration that the EMFA (recital 8) took up to some extent, emphasizing the role of media services as “carriers of cultural expression” and as “essential for cultural and linguistic diversity in the Union”. This interpretation of pluralism “as a condition or factor for the exercise of freedom of expression” (Bougerol, 2023, p. 143) and, thus, clearly as an instrumental value related to the exercise of freedom of expression that includes but goes beyond the right to vote, makes it possible to build a bridge to the concept of internal pluralism.

In brief, this concept holds that the media should ensure that as many diverse voices as possible are heard in public debate. This refers to the *media’s forum and representational roles*, not least because internal pluralism in media law relates to both the diversity of viewpoints *and* the diversity of society. While the forum role is intended to initiate and promote public debate among diverse opinions and competing viewpoints on issues generally considered relevant, the representational role strives to make the diversity of the concerns, practices, and identities of different social groups across social fields and cultural contexts visible and their voices heard. Both roles imply editorial autonomy—not only defined externally as independence from political actors but also, as mentioned, as one of the duties of media service providers (see Chapter 4.3)—internally in the sense of editorial guidelines based exclusively on journalistic criteria and promoted by a shared culture of leadership and responsibility, which recognizes internal transparency and co-determination. This also applies to media that follow a specific editorial line (EMFA, Art. 6, para. 3a).

Notably, public broadcasters are generally required by law, as part of their public service mandate, to convey a spectrum of positions and interests that is as broad and representative of as many social groups as possible (European Audiovisual Observatory, 2020; Seethaler & Beaufort, 2017). When the EMFA (recital 27) recognizes the important role of public service media “in upholding the fundamental right to freedom of expression and information” and “promoting the values of democracy, cultural diversity and social cohesion”, it clearly points out that fulfilling this role requires internal pluralism: “Enabling people to seek and receive diverse information” and providing “a forum for public discussion” can help to promote “broader democratic participation of citizens”. Editorial and functional independence, and adequate, sustainable, and predictable financial resources can be considered necessary to comply with the public service remit fully (EMFA, Art. 5).

Internal pluralism is, however, usually mediated by journalists, political representatives, and experts. Only a few formats that promote direct audience participation, such as call-in programs, voting, forum broadcasts, and moderated online forums, encourage dialogue and discussion. To varying degrees, they can be understood as “controlled participation” (Day, 2009, p. 126), as minimalist forms of *participation in the media*. However, even in a hierarchically structured institutional context, audience participation could be maximized if a balance of power between participants and media professionals is achieved (Carpentier, 2003).

**Table 4**  
*Pluralism: Indicators*

Suggested key operating indicators: Market plurality
<ul style="list-style-type: none"> <li>• Provisions in media and competition law to restrict horizontal and cross-media concentration in the media markets</li> </ul>
<ul style="list-style-type: none"> <li>• Obligation to transmit specific audiovisual channels and services (“Must carry rules”)</li> </ul>
<ul style="list-style-type: none"> <li>• Regulatory and self-regulatory measures (such as media councils, cross-sectoral and internal codes of conduct) that protect editorial freedom from undue interference with political forces (including labelling political advertising)</li> </ul>
<ul style="list-style-type: none"> <li>• Regulatory and self-regulatory measures that protect editorial freedom from undue interference with economic forces (including the owner or owners and the management of the media service provider)</li> </ul>

#### Suggested key operating indicators: Diversity of viewpoints and social voices

- Promotion of a wide array of political perspectives (including involvement of users)
- Mandatory internal safeguards guaranteeing the independence of editorial decisions and the disclosure of potential conflicts (editorial statutes) (see also Chapter 4.3: Freedom)
- Editorial and functional independence of public service media (including transparent and non-discriminatory procedures for the appointment and dismissal of directors and members of the management board)
- Adequate, sustainable, and predictable funding of public service media

## 4.5 Equality

Articles 20 and 21 of the *Charter of Fundamental Rights* define “equality” as encompassing the rights to equal protection (in the sense of “equality before the law”) and non-discrimination, giving (in Articles 23 to 26) particular emphasis on equality between women and men, the rights of the child, the rights of the elderly, the integration of persons with disabilities, and, above all, in Article 22, on cultural, religious and linguistic diversity. In this sense, “pluralism” is also an instrumental value to “equality”: Without respect for diversity, equality is inconceivable. This is also evident in the media context, where equality can be understood not only as equal access to media but also as equal opportunities to be represented and to participate.

In media law and regulation, equal access to the media is defined as equal access to infrastructure and to the market. In the former sense, provisions are basically concerned with the technical infrastructure such as PSM signals, fixed and mobile broadband, and net neutrality, i.e., equal treatment of all data flows on the Internet regardless of the sender, recipient, or selected application (Spindler, 2023)—which is becoming increasingly important given the potential impact of traffic blocking, restrictions, Internet speed throttling, and other measures by Internet service providers on freedom of expression and the right to access information (Blagojev, 2025, p. A15). Equal access to the media is also discussed from the perspective of the rights of socially disadvantaged groups and can be seen here (as will be explained below) as a necessary preliminary step toward establishing equal opportunities for any kind of media participation.

The legal instruments intended to contribute to equal access to the market are generally based on “non-discrimination,” which critics see as susceptible to weakening the value of equality, as it allows for “differences in treatment unless they are based upon a number of expressly prohibited grounds” (Craven, 1995, p. 54). Four of these instruments deserve special attention because they are designed with a focus on providing pluralistic information to the public: firstly, transparent and non-discriminatory spectrum allocation; secondly, transparent and non-discriminatory allocation of state subsidies and state advertising as a means of supporting the economic sustainability of media service providers in the face of fierce competition from global online platforms; and thirdly, transparent and non-discriminatory systems for measuring audience figures, which have a direct impact on the allocation and pricing of advertising (EMFA, recitals 69 and 72). Non-comparable audience measurement solutions and “opaque and biased allocation” of public funds can lead to information asymmetries among media market players and potential market distortions. Non-transparent and discriminatory allocation of public funds is, moreover, “a powerful tool to exert influence on the editorial freedom of media service providers, ‘capture’ media service providers or covertly subsidize such providers to gain unfair political or commercial advantage or favorable coverage” (EMFA, recital 72). To prevent a “high-choice media environment” (Van Aelst et al., 2017, p. 3) from becoming a threat to democracy rather than an advantage, equal access to the media must go hand in hand with informed access to the media, i.e., the ability to critically and responsibly evaluate and create media content. On the one hand, state authorities are well advised to adhere to the principle of “open government” to enable citizens to acquire participatory competence and to hold the government accountable. On the other hand, recital 59 of the 2018 AVMSD takes up a more *participatory perspective* when it states: “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, analyze complex realities and recognize the difference between opinion and fact.” For Nieminen (2024), this addresses fundamental “communication rights” that need to be reformulated in times of digital transformation, not least in view of disinformation on the one hand and the use of algorithms and artificial intelligence in a data-based environment on the other (Spindler, 2023).

Media literacy, understood as the critical and self-determined use of media, raises the question of equal opportunities for citizens’ representation and participation in the media, which are usually discussed in connection with internal pluralism (see Chapter 4.4: *Pluralism*).

However, the value of equality is increasingly gaining legal relevance. Art. 2 of the EU *Treaty* explicitly adds respect for “the rights of persons belonging to minorities” to respect for human rights: if the majority dominated a minority, the fundamental principle of self-determination would be violated, and democracy would be undermined (Baume, 2012). The same applies to any socially disadvantaged group, regardless of its size. Equality, or at least non-discrimination, manifests in three forms (Klimkiewicz, 2003): access to the media (as a basic condition), representation in media content, and participation in media production and management. These forms can be seen as a litmus test for the realization of both the *representational and participatory roles* of the media, insofar as these roles aim to contribute to social equality in media practice, for example, regarding to cultural, religious, and linguistic diversity and gender equality.

Remarkably, since 2005, the ECtHR has, in some cases, grounded its case law on a functional understanding of media freedom by granting journalistic privileges to civil society actors *and* “citizen journalists” insofar as they cover matters of public interest and comply with specific standards of conduct (Rowbottom, 2018, p. 30). While “equality of opportunity to communicate cannot be guaranteed in public communication” (McQuail, 2003, p. 71), this approach at least opens the door to a more inclusive media landscape. It provides legally permissible equal opportunities to participate in the media in a maximalist sense, both in the production of media content and in media organizational decisions (Carpentier, 2011), thereby broadening the circle and diversity of actors in the media landscape and within individual media organizations alike. The question of the applicability of media freedom becomes even pressing as new forms of journalism—such as content creators—develop on online platforms. In the context of legacy media, the media’s *participatory role* is not constrained by law but requires specific organizational structures that are difficult to finance commercially and depend on state support. Non-profit community media, independent of any political or social power and accountable to the (mostly local) public, can be considered the most important providers. Despite numerous recognitions of their democratic-participatory added value in resolutions of the European Parliament (2008), the OSCE (2019), and the Council of Europe (2021), the definition of their role and legal status varies, as do the state funding options in the EU Member States (Palmer & Seethaler, 2025).

**Table 5**  
*Equality: Indicators*

Suggested indicators for overarching values
<ul style="list-style-type: none"> <li>• Social equality</li> </ul>
<ul style="list-style-type: none"> <li>• Non-discrimination</li> </ul>
Suggested key operating indicators: Access to infrastructure and market
<ul style="list-style-type: none"> <li>• Equal access to technical infrastructure such as PSM signals, fixed and mobile broadband</li> </ul>
<ul style="list-style-type: none"> <li>• Ensuring net neutrality</li> </ul>
<ul style="list-style-type: none"> <li>• Non-discriminatory and transparent spectrum allocation</li> </ul>
<ul style="list-style-type: none"> <li>• Non-discriminatory, transparent, and proportionate allocation of state subsidies and state advertising</li> </ul>
<ul style="list-style-type: none"> <li>• Non-discriminatory, transparent, and comparable audience management systems</li> </ul>
Suggested key operating indicators: Informed access to the media—media literacy
<ul style="list-style-type: none"> <li>• Support for participatory competence</li> </ul>
<ul style="list-style-type: none"> <li>• Measures in the areas of formal, non-formal, and informal education for people of all ages to strengthen media literacy skills (including IT skills)</li> </ul>
Suggested key operating indicators: Non-discrimination of social groups
<ul style="list-style-type: none"> <li>• Measures for the appropriate representation of minorities in media content, media production and management</li> </ul>
<ul style="list-style-type: none"> <li>• Measures for the equal representation of women and men in media content, media production and management</li> </ul>
Suggested key operating indicators: Community media and citizen journalism
<ul style="list-style-type: none"> <li>• Legal recognition of citizen journalists</li> </ul>
<ul style="list-style-type: none"> <li>• Legal recognition of and state subsidies for community media</li> </ul>

## 5. Methodology and Data

The development of a value-based model for the comparative analysis of national media law and regulation aims to determine their potential to support the exercise of democratically relevant media roles. The defined indicators should enable examination of the nature and validity of the implementation of democratic values in national law and regulation, and thus the application of benchmarks grounded in European identity and policymaking.

The dataset on which the empirical study is based relies, on the one hand, heavily on quantitative data from several European and international projects (Deliverable 1.3). On the other hand, to support interpretation of the available quantitative data for the EU-27 is supplemented by literature reviews and, concerning the ten MeDeMAP countries (Austria, Czech Republic, Estonia, France Germany, Ireland, Italy, Poland, Portugal, Slovenia) by semi-structured, guided interviews with experts and representatives of media authorities, self-regulatory institutions, and audience and civil society organizations (Deliverable 3.2).

Secondary data research draws on data that were originally collected for a different purpose, using different methodologies, under different legal frameworks, and by different people or institutions. Reusing this data necessarily entails both reviewing the definitions underlying the original data collection to determine whether they align with the research objectives and assessing the data quality, even when opportunities to do so are limited. Specifically, quality assurance includes evaluating the source, conducting plausibility checks, verifying data consistency, and documenting the data preparation.

**Evaluating the source.** The dataset is solely based on secondary data from credible, reliable and relevant sources, provided by the European Commission (Directorate-General for Communications Networks, Content and Technology), intergovernmental organizations such as the International Institute for Democracy and Electoral Assistance (IDEA; EU co-funded project “The Global State of Democracy”), recognised non-partisan and non-profit organizations governed by principles of democratic governance such as Reporters Without Borders (RSF) and World Justice Project (WJP), research departments of renowned companies such as the Bertelsmann Stiftung and the Economist Intelligence Unit, and university institutes such as the V-Dem Institute at the Department of Political Science, University of Gothenburg (Varieties of Democracy Project), and the Centre for Media Pluralism and Media Freedom at the European

University Institute Florence (EU co-funded project “Media Pluralism Monitor”). Most data is published under a Creative Commons licence; if not, permission for re-use has been obtained. For detailed information see Chapter 8: *Data Sources*.

**Conducting plausibility checks and checking the logical consistency of the data.** In addition to simple plausibility and consistency checks to detect errors and typos, the definitions, data collection methods, and calculation formulae (e.g., for indices or rankings) used in the various sources were checked for appropriateness on the basis of the methodologies, codebooks or questionnaires provided. Data based on methods, codebooks or questionnaires that appear to be (even partially) inconsistent, outdated or non-transparent were not included in the dataset. However, a more reliable judgement of the plausibility of the data can be made by comparing it with data from other sources but based on similarly defined indicators. This does not mean that there must be complete conformity; however, if the data for individual countries deviate significantly from one another, whereas for most countries the data are similar, the deviations must be explainable. If plausibility or consistency were lacking, the data were excluded from the dataset. In addition, given the study’s objective, data covering only selected EU countries were excluded from the dataset.

**Documenting the data preparation.** To facilitate comparison and interpretation of data from different sources, all data are transformed to a 0-100 scale, with the same direction. i.e., at supporting democracy.<sup>12</sup> The latter transformation, i.e., the reversal of direction, concerns only data that measures a risk to democracy. For example: If the source reports a 40% risk of a democratically desirable characteristic, this figure is transformed into 60% in favor of democracy.

**Table 6**  
*Data transformation I*

Original data	Transformed data
Interval data: 0 – 100	0 – 100
Interval data: 0 – 1, 0 – 4, 0 – 10, 1 – 10	recoded: 0 – 100
Percentage data: 0% – 100%	recoded: 0 – 100
Percentage risk data: 0% – 100%	reversed: 0 – 100

<sup>12</sup> In three instances (access to PSM signals, net neutrality, legal recognition of community media) dichotomous variables are included in the dataset due to a lack of more detailed data. Dichotomous variables, while categorical with exactly two possible values, can be statistically treated as metric variables because coding them as 0 and 1 allows calculation of means that represent proportions and, therefore, their use in regression and regression-like techniques.

Moreover, country data for each indicator is grouped into three categories representing a (comparatively) high, medium, or low data level. Where possible, threshold values are determined from theoretically grounded information in the sources. If this information is not available (as is usually the case), a widely used measure in statistics for describing data series is used, which adds half a standard deviation to the mean value for the threshold value between the upper and middle data range and subtracts half a standard deviation from the mean value for the threshold value between the middle and lower data range. This procedure allows for an initial orientation on how a country behaves relative to other countries; it does not replace a theoretically based definition of thresholds, as provided by only a few data sources.

**Table 7**  
*Data transformation II*

<b>Data level</b>	<b>Threshold value</b>
<b>Comparatively high scores = green</b>	<p><i>Above mean plus half a standard deviation</i></p> <p>If source = Economist Intelligence Unit – Democracy Index: data above 80.00 = “Full democracies: Countries in which not only basic political freedoms and civil liberties are respected, but which also tend to be underpinned by a political culture conducive to the flourishing of democracy. The functioning of government is satisfactory. Media are independent and diverse. There is an effective system of checks and balances. The judiciary is independent and judicial decisions are enforced. There are only limited problems in the functioning of democracies.”</p> <p>If source = Media Pluralism Monitor: data above 66.67</p>
<b>Comparatively medium scores = yellow</b>	<p><i>Between mean plus half a standard deviation and mean minus half a standard deviation</i></p> <p>If source = Economist Intelligence Unit – Democracy Index: data between 60.00 and 80.00 = “Flawed democracies: These countries have free and fair elections and, even if there are problems (such as infringements on media freedom), basic civil liberties are respected. However, there are significant weaknesses in other aspects of democracy, including problems in governance, an underdeveloped political culture and low levels of political participation.”</p> <p>Media Pluralism Monitor: data between 66.67 and 33.33</p>
<b>Comparatively low scores = red</b>	<p><i>Below mean minus half a standard deviation</i></p> <p>If source = Economist Intelligence Unit – Democracy Index: data between 40.00 and 60.00 = “Hybrid regimes: Elections have substantial irregularities that often prevent them from being both free and fair. Government pressure on opposition parties and candidates may be common. Serious weaknesses are more prevalent than in flawed democracies—in political culture, functioning of government and political participation. Corruption tends to be widespread and the rule of law is weak. Civil society is weak. Typically, there is harassment of and pressure on journalists, and the judiciary is not independent.”</p> <p>If source = Media Pluralism Monitor: data below 33.33</p>

**Aligning with the research objectives.** It is inherent in secondary data analysis that the variable definitions originally used are rarely identical to those used in one's own study. In the interests of transparency in scientific research, it is necessary to disclose the original definitions to indicate which aspects of the indicators intended for analysis are covered by the data (Table 9 in the appendix). This also shows that in some cases two external variables had to be used for one indicator in order to cover it as comprehensively as possible, and conversely, one variable had to be used for two indicators because no differentiated data was available. This promotes critical interpretation of the results.

To sum up, the final quantitative dataset on media legislation, regulatory standards and self-regulatory measures is based on eight European and international databases and studies published by the aforementioned eight institutions and is the result of a source-critical assessment of the available data, with a focus on the comparability of the data across all EU Member States.

**Analyzing the data.** Principal Component Analysis (PCA) is used to analyze relationships among variables and to represent the data using a few main features. It identifies underlying, hidden patterns in data by transforming variables onto a new coordinate system. This reduces irrelevant information in the data, mitigates overfitting, and makes the data easier to visualize; for example, a 2D plot facilitates the identification of trends, patterns, or outliers. To keep the statistical explanations brief, PCA is a dimensionality-reduction technique that transforms complex, high-dimensional datasets into fewer, uncorrelated variables called “principal components,” while preserving the maximum variance. This ensures that each new component provides unique information with no redundancy. The first principal component (represented on the x-axis) accounts for the largest proportion of variance and is thus the most influential driver of the patterns in the data; each subsequent component accounts for the maximum remaining variance, ensuring that the most significant information is retained. The so-called “eigenvalues” are computed from the covariance matrix to identify the principal components; they indicate the relative importance of the variance each component captures. An eigenvalue smaller than 1 means that the component covers less variance than a single variable contributes, so such a component is excluded from analysis. The coefficients in the output are more accurately known as “loadings”. They describe how each original variable contributes to the creation of a specific principal component: the larger the absolute value (closer to 1), the more important that variable is to the component. Loadings smaller than 0.4 are often considered

not to provide a “meaningful” contribution to the interpretation of the model; they are therefore excluded from analysis. For each value cluster, a PCA model is computed based on the theoretically derived indicators for the existence, content, implementation, and effectiveness of legal and regulatory obligations.

## 6. Results

### 6.1. In what ways and to what extent do media laws and regulations serve to implement democratic values?

#### 6.1.1 Rule of Law and Human Dignity as a Fundamental Right

The first set of analyses focuses on components derived from theoretically grounded variables that assess the effectiveness of media law provisions, which are thought to reflect and promote the rule of law and the protection of human dignity as the very basis of fundamental rights, which, in the context of digital communication, is becoming increasingly important.<sup>13</sup> It is operationalized through indicators such as protection of journalists from harassment, journalists’ physical, mental and psychological safety, content regulation, and legal protection against hate speech and defamatory online content (see Chapter 4.2). The first three variables constitute one of the two components with an eigenvalue greater than 1, and protection against hate speech constitutes the other. Together, the two components account for nearly 77 percent of the variance (Table 8).<sup>14</sup> Regarding the rule of law, the only two defined indicators, independence of the media authority and transparency of its decisions and the right to information, form the two axes (see Chapter 4.1).

The quadrant plots (Figures 2 and 3) reveal a consistent pattern: countries that score highly on one dimension tend to score highly on the other, forming a cluster of “green” high-performing states. This underscores the interconnectedness of the two dimensions: satisfactory

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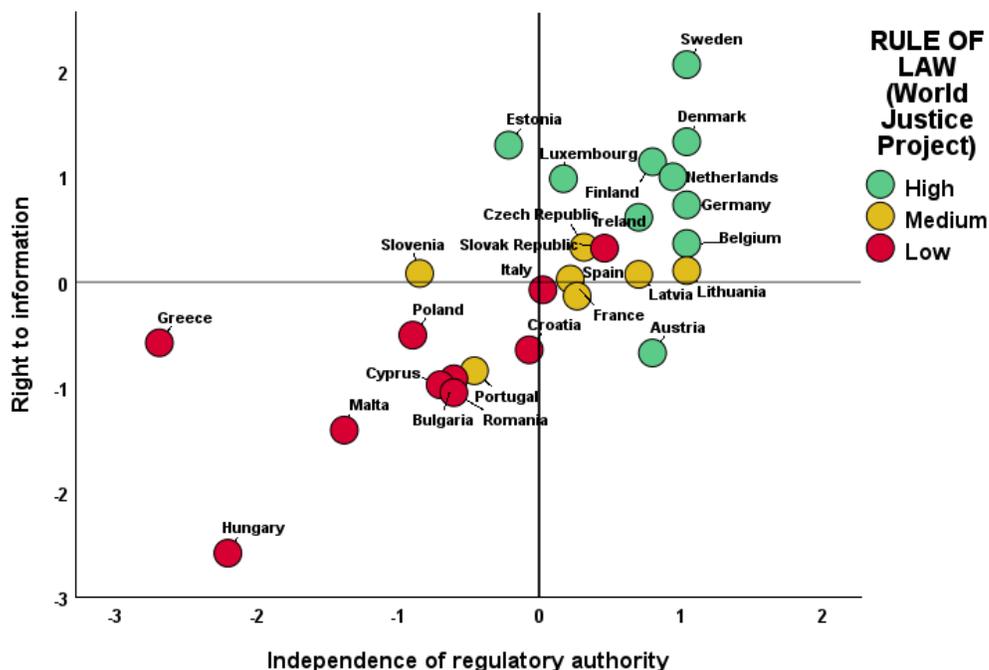
<sup>13</sup> Since no data on the protection of human dignity is available, the analysis had to refer to fundamental rights in general.

<sup>14</sup> Since PCA is a regression-related method, it is possible to incorporate the components as independent variables in a regression calculation, with the respective democratic value as the dependent variable. The results of all regressions are highly significant and indicate that the respective components affect the implementation of values. However, they are not shown here to avoid interpretive short circuits; such an equation would require a whole series of additional intervening variables to be realistic.

implementation of both is necessary to promote the respective values: While this is not so clear-cut in the case of human dignity, Figure 2 shows that most countries with strong rule of law also have strong rights to information and strongly protected independence of regulatory authorities (as indicated by the dots more distant from the axes). Moreover, when comparing countries that score highly in both analyses, it becomes apparent that safeguards for protecting human dignity in online communication cannot function effectively without institutional arrangements that ensure open government, transparency, and independent authorities. Conversely, the application of the rule of law in the field of public communication remains hollow if fundamental rights, such as the right to human dignity, are insufficiently safeguarded in practice. The concentration of high-performing states in the “high–high” quadrant highlights the complementarity of these values: neither value alone appears capable of sustaining a democratic media environment. Instead, robust protection of human dignity requires the coherent implementation of independently and transparently operating institutions to strengthen the integrity of the public sphere, particularly the online public sphere, which, despite all its shortcomings, risks and dangers, meets the needs of participatory democracy and opens up new possibilities for participation in the media (e.g., Bucy & Gregson, 2001; Vaccari & Valeriani, 2021; Beaufort, 2025).

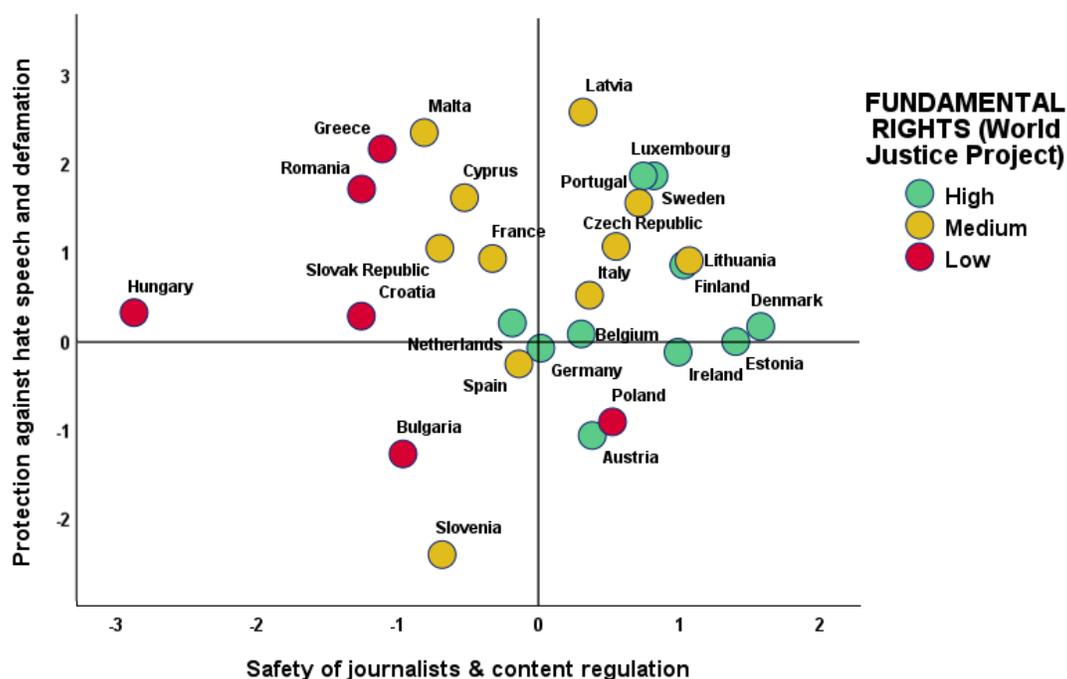
**Figure 2**

*Rule of Law (country scores are z-standardized)*



**Figure 3**

*Fundamental Rights*



**Table 8**

*Results from Principal Component Analyses*

Fundamental Rights	Component		Media Freedom	Component	
	1	2		1	2
Protection of journalists from harassment	.874		Protection of journalists' work (political aspects)	.949	
Safety of journalists	.842		Editorial autonomy	.893	
Content regulation	.764		Protection of journalists' work (legal aspects)	.866	
Protection against hatred and incitement to violence		.992	Independence of the media from state influence	.806	
			Absence from censorship	.728	
			Privileged access to information	.712	
			Transparency of ownership and revenues from state advertising		.913
			Protection of information integrity during election times		.671
			Protection of information integrity		.496
Variance (%)	51.56	25.35	Variance (%)	51.05	20.70
Total variance (%)	76.91		Total variance (%)	71.74	

*Principal Component Analysis; rotation method: Varimax with Kaiser Normalization; components with eigenvalue > 1; loadings > .400*

## 6.1.2 Media Freedom

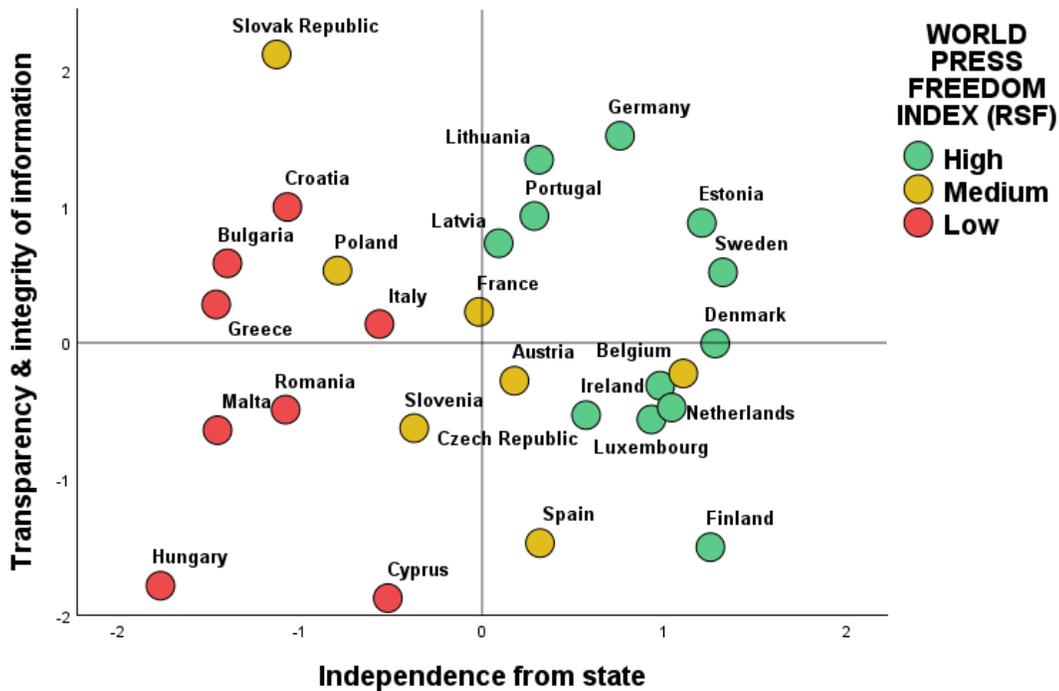
“One of the main characteristics distinguishing media freedom from freedom of expression is that media freedom not only includes defensive rights against the state, but also more positive entitlements to state action where these are necessary for the media to fulfil its role as ‘public watchdog’ and to inform the public on matters of general interest.” (Oster, 2017, p. 54). In accordance with this key condition, the analysis is based on ten indicators that describe media privileges and duties (see Chapter 4.3). The results grouped these indicators into two components that accounted for nearly 72 percent of the variance (Table 8). The components can be described as independence from the state on the one hand, and focus on media transparency and the integrity of information on the other. The first component comprises indicators of the protection of journalists’ legal rights and working conditions, the absence of censorship, independence from government, access to information, and editorial autonomy. The second component combines transparency in media ownership and financing with the protection of information integrity by combating disinformation and ensuring the provision of unbiased, fair information during election campaigns.

Critically, only the first—and dominant—component, which accounts for more than two thirds of the total variance, is systematically associated with high levels of media freedom across Member States (Figure 4). All countries with high scores for media freedom have legal provisions that guarantee genuine independence from the state in many respects, while some of them regulate the transparency of media ownership and financing insufficiently. This indicates that strong support for a favorable environment for journalists’ informational and control tasks, accompanied by safeguards against potential encroachments by state authorities and the right to access information from those authorities, which “is crucial to enable journalists to carry out their investigative work” (European Commission, 2025b, p. 26), constitutes the indispensable core of media freedom. This is also evident on the opposite side: a high degree of state dependence restricts media freedom. The second component, encompassing transparency of ownership and integrity of information, while normatively desirable, appears to function as a secondary, inconsistently implemented dimension that does not consistently translate into stronger media freedom. Nevertheless, it must be emphasized that the two parts of the second component are concerned, on the one hand, with most recently passed EU regulations—the national implementation of EMFA was only to be completed in August 2025—and, on the other hand,

with relatively new phenomena such as disinformation, for which politics is still struggling to find adequate solutions. So the picture might change soon, and it is reasonable to ask whether, in the absence of EMFA, missing or inadequate regulations would have persisted. In any case, as with the disclosure of ownership and financing, the integrity of information is also largely linked to the disclosure of the processes underlying information gathering and presentation. This means that the second component can also be described as accountability to the public, who need this background information in order to critically engage with media content.

**Figure 4**

*Media Freedom*



### 6.1.3 Freedom of Expression and Pluralism

Undoubtedly, a pluralistic media landscape is essential to democracy. From a representative viewpoint, it is about access to a plurality of editorially independent media content to empower citizens to reflect and discuss politics and make informed decisions: the electoral process is a mechanism whose very purpose is the expression of the political will of the people; freedom of expression is therefore seen as a fundamental component of free and fair elections. This kind of pluralism is, according to long-term EU policy, best served by market plurality.

From a participatory perspective, pluralism is fundamental to the more active exercise of freedom of expression in a socially and culturally diverse society. When the media is expected to make the diversity of viewpoints visible in a vivid, controversial public debate that allows struggles to be carried out democratically, it is tasked with providing a forum for this debate and giving people's concerns a voice.

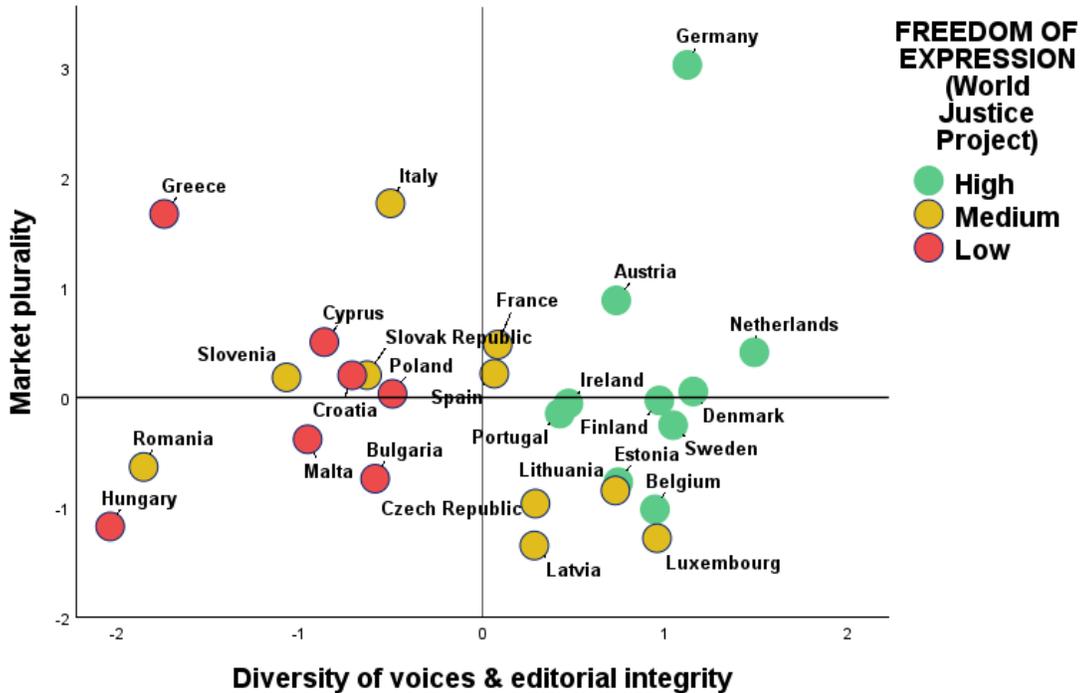
To examine the relationship between both understandings of “pluralism” with freedom of expression, eight indicators of both concepts of “pluralism” have been included in the analysis: efficiency of regulations ensuring plurality of the legacy and online media markets; editorial independence from undue interference with political and economic forces; pluralism of views in the legacy and online media markets; independence of public service media; and editorial autonomy, which is considered a decisive factor both in this context and in the context of media freedom (see Chapter 4.4). PCA results reveal two components that account for 72.8 percent of the variance and are clearly related to the two pluralism concepts, but about three-quarters of the total variance is explained by the “diversity of voices” component (Table 9). Interestingly, all variables concerning various forms of newsroom integrity are closely associated with pluralism of views, rather than market plurality. It is the integrity of newsrooms, i.e., the guarantee that editorial decisions are only made by editors in accordance with journalistic codes of conduct and free from undue influences from political actors, advertisers, and interests of media owners outside the industry, that allows putting emphasis on the media's forum and representational roles. When internal pluralism and the integrity of the newsroom are strong, the media can facilitate open, inclusive debate, amplify minority and dissenting voices, and provide citizens with a broad spectrum of viewpoints. Conversely, where internal pluralism and the integrity of the newsroom are weak, freedom of expression is diminished even in a pluralistic market.

Figure 5 illustrates this interpretation. Diverse voices and viewpoints in the media, coupled with newsroom integrity, are more crucial than structural plurality of media markets for ensuring freedom of expression, not to speak of the rising concentration trends in parts of Europe (Blagojev et al., 2025). Only three countries—among them and far ahead of the others, Germany—represent exceptions to the rule. Higher market plurality scores usually do not correlate with higher freedom ratings, whereas higher scores for diversity and editorial integrity do so *consistently*. In most cases, market mechanisms have clearly failed to provide the necessary infrastructure for freedom of expression, perhaps due to insufficient regulation (as the EMFA

implicitly admits). This poses major challenges for the EU’s economic policy. Moreover, it is alarming that freedom of expression is rated highly in only ten EU countries by the renowned *World Justice Project*.

**Figure 5**

*Freedom of Expression*



### 6.1.4 Equality

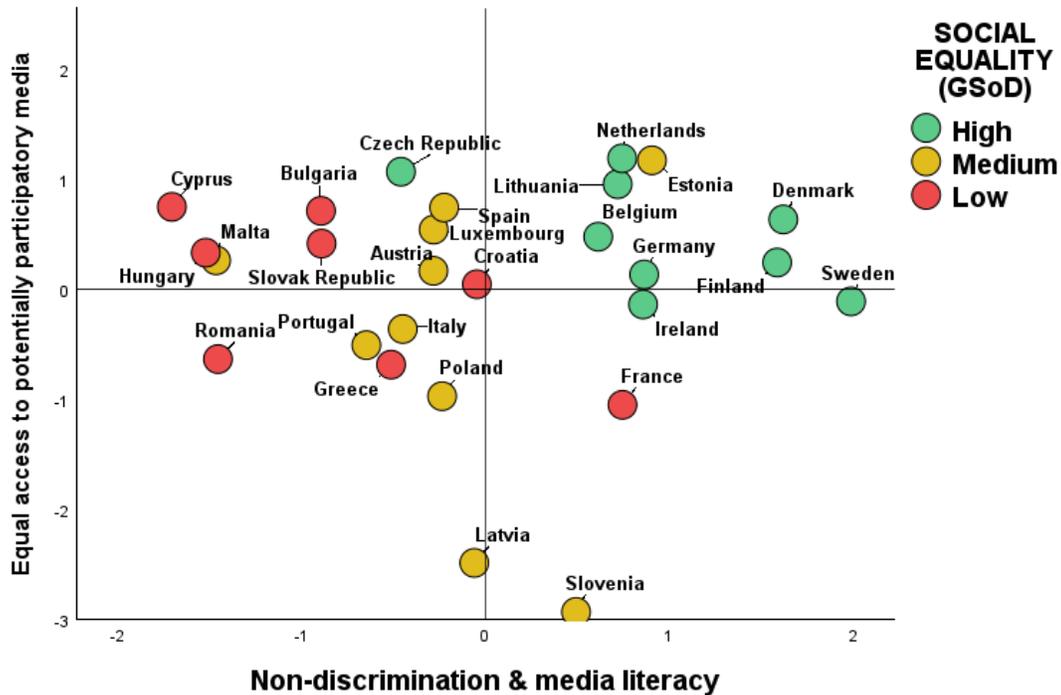
Social equality—at least understood as non-discrimination—manifests in the media environment through four core mechanisms: equal access to media infrastructures, equal access to the market for media service providers, equal opportunities for representation in content and production, and equal opportunities for participation in the media sphere. The following indicators for these mechanisms are included in the analysis: universal coverage with PSM services; neutrality; transparency in the allocation of state subsidies and state advertising; participatory competence; media literacy; representation of minorities and women; and legal recognition of community media (see Chapter 4.5). Unfortunately, data is not available for all theoretically derived indicators, and some available data (on access to broadband, spectrum allocation, and IT skills) is not meaningful in terms of supporting the value of equality (as

indicated by their PCA coefficients). Given these limitations, the model accounts for only 66 percent of the variance.

Nevertheless, the results are compelling: While the first component is composed of variables that promote non-discrimination at various levels (including media literacy, which can be understood as a necessary precondition to include as many people as possible into informed access to and use of the media), the second component includes all variables that refer to media types, which have the potential to support participation *in* the media: public service media, online media, and community media (Table 9). As is the case with the rule of law, the quadrant plots again reveal that countries that score highly on one dimension tend to score highly on the other: it needs non-discriminatory representation of social groups, fair allocation of state subsidies to media service providers, and the broadest possible, critical access to media on the one hand, and (infrastructurally) equal access to potentially participatory media on the other, to serve the value of equality. This structure, confirmed by the smallest difference in the variance explained by the two components compared to all other models, underscores the need to institutionalize equality at various levels so that the media can fulfill their representational and participatory democratic roles.

**Figure 6**

*Equality*



**Table 9***Results from Principal Component Analyses*

Freedom of Expression	Component		Equality	Component	
	1	2		1	2
Editorial autonomy	.896		Measures to strengthen media literacy skills	.860	
Independence of public service media	.883		Support for participatory competence	.840	
Protection from undue interference with economic forces	.866		Non-discriminatory allocation of state subsidies	.742	
Protection from undue interference with political forces	.849		Measures for the equal representation of women and men	.722	
Promotion of a wide array of perspectives in legacy media	.843		Measures for the appropriate representation of minorities	.697	
Wide array of political perspectives in online media	.730		Legal recognition and support of community media		.812
Provisions to restrict concentration in digital media markets		.698	Equal access to PSM signal and services		.768
Provisions to restrict concentration in digital media market		.848	Ensuring net neutrality		.745
% of variance	56.53	16.24	Variance (%)	38.83	27.16
Total variance	72.78		Total variance (%)	65.99	

*Principal Component Analysis; rotation method: Varimax with Kaiser Normalization; components with eigenvalue > 1; loadings > .400*

### 6.1.5 Support for democratic media roles

From the perspective of media’s democratically relevant roles, the results can be specified as follows:

A strict **rule-of-law** culture can be regarded as an indispensable foundation for the implementation of all other values embedded in the European constitutional tradition in media law and regulation. A strong right to information and independence of regulatory authorities are intrinsically linked and thus protect the integrity of a democratic public sphere. All countries with high scores on the two rule-of-law dimensions also rank highly on most other value dimensions. The European Commission (2025b, p. 23) has rightly noted that a “lack of accountability for attacks on media freedom and journalists often goes hand in hand with a deterioration in other rule of law standards”.

Countries with high scores on both dimensions of **human dignity** show that protecting journalists' safety, content regulation in accordance with well-established legal criteria, and

protection against hate speech are, to a large extent, mutually reinforcing prerequisites for media freedom and freedom of expression. It can be assumed that safeguarding human dignity is, on the one hand, particularly essential for exercising the media's *control role*, because investigative journalists are more likely to be subject to threats and violence, including physical and verbal abuse (Del Monte & Faucheux, 2024). On the other hand, measures against hate speech support the media's *representational and participatory roles*, because otherwise “people may feel reluctant to discuss news openly or share their political views” (Nielsen & Fletcher, 2020, p. 154), which applies in particular to subgroups of the political community that are often targeted by hate speech (Carpentier & Wimmer, 2025, p. 80).

The **media freedom** analysis shows that independence from the state is (still?) the most crucial condition for autonomous editorial decision-making, free investigation, and public-interest journalism. Where interference is restricted, the media can effectively perform their *informational and control roles*. In the legal literature, these “two well-established functions” are considered paramount for the Article 10 jurisprudence (Rowbottom, 2018, p. 18). Transparency and information integrity contribute positively but unevenly: some high-freedom countries regulate both poorly, but this may change with the ongoing implementation of the EMFA in national law.

For **freedom of expression**, the key driver is **internal pluralism**—the presence of diverse viewpoints and social voices, safeguards against undue influence on editorial decisions to maintain editorial integrity, and independent and sustainably funded public service media with a clear legal mandate to represent a socially and culturally diverse society. This directly supports the media's *forum and representational roles* by making sure that public debate remains diverse, inclusive, and open to competing positions. **Market plurality**, by contrast, plays a minor role; a large number of outlets does not necessarily guarantee freedom of expression unless internal editorial cultures are open and independent. In many cases, market mechanisms have failed to provide the necessary conditions for freedom of expression, highlighting regulatory shortcomings.

The **social equality** analysis reveals two dimensions, which basically correspond to two different roles of the media: first, a non-discrimination dimension, which seems crucial for supporting the *representational role* by ensuring that—in addition to fair funding allocation—diverse social groups are visible in media content and production and can engage with media on

an informed basis. Second, an equal-access dimension groups variables associated with specific media types—public service, online, and community media—that are supposed to provide institutional spaces where citizens can contribute, not just consume, thus supporting the media’s *participatory role*. Countries that perform well on one dimension tend to perform well on the other, indicating that equality requires both non-discriminatory representation in the media and access to participatory media infrastructures. Nevertheless, participation is fostered indirectly by reducing structural barriers, rather than through explicit legal and regulatory measures that enable direct citizen involvement in media production or governance. Legal recognition of community media and citizen journalism remains uneven or absent, and participation in the media often depends on (voluntary) organizational practices rather than on binding legal guarantees.

## 6.2 Are there country differences in the implementation of values in media law and regulation?

The results of the analyses show the potential of media laws and regulations to support democratically relevant media roles; however, implementation varies widely across EU member states. From the perspective that all ten dimensions must be fulfilled to a high degree<sup>15</sup>—in comparison to all EU countries—this only applies to Denmark and Germany. For Finland, this applies to nine dimensions, as it ranks low on the dimension “Transparency & integrity of information,” which, however, is consistent with the general trend that this dimension is of secondary importance with regard to media freedom.

- This top group [Denmark, Germany, Finland] is followed by Belgium, the Netherlands, Ireland, Estonia, Sweden, Luxembourg, Lithuania, and Portugal (which, however, does not perform that well on both dimensions of the rule of law);
- Latvia, the Czech Republic, and Austria are in the slightly better midfield;
- France, Slovenia and Spain are in the lower midfield;
- and Italy is already tending toward the group of countries that appear to be resisting the adoption of media laws and regulations that serve democratic values. This group includes Croatia, Greece, Romania, Bulgaria, Hungary, Cyprus, Malta, and Poland.

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<sup>15</sup> This criterion was also considered to be met if the values for the dimensions lie on the axes, i.e., at the edge of the respective range.

Except for Portugal, it is precisely this group for which the right to information laws have several flaws (with Hungary further narrowing the scope of access to data held by state authorities in 2024; see Blagojev, 2025), and media regulators lack sufficient independence from political influence, which manifests in unstable regulatory frameworks, politicized appointments, biased decisions, or limited oversight capacity (Figure 2). Disrespect for the rule of law manifests as disrespect for the right to information and the independence of public authorities. Of all the values addressed in this study, the rule of law is the most contested, at least with respect to its implementation in the media and communications sector. Both dimensions examined are so closely linked that the formulation of every legal or regulatory provision is always a question of deciding for or against a greater rule of law, and the threshold for both dimensions is very high in order to comply with a relatively high level of rule of law compared to the EU as a whole.

There are good reasons why Austria ranks outside the “green” top group. In Austria, the Right to Information Act was passed by parliament only in 2024 after decades of political struggle, and, unfortunately, it provides for far-reaching exemptions from the proactive publication obligation, for example, concerning municipalities with fewer than 5,000 inhabitants (Seethaler et al., 2025). In general, recognizing deviations from best-practice examples can help address potential weaknesses in the legal and regulatory measures or in their realization in political and media practice.

The Fundamental Rights analysis (Figure 3) appears to narrow the set of countries that do not make every effort to exploit the potential of media law and regulation to protect human dignity in the media sector. Here, only Bulgaria, Slovenia, and—even if close to the axis intersection point—Spain appear in the lower-left quadrant, indicating heightened risks related to hate speech, defamation laws, and journalist safety. In all other countries in the above-mentioned group, disrespect for fundamental rights is primarily accompanied by reduced security for journalists and weaker relevant regulations. However, the question arises as to whether the favorable values for protection against hate speech and defamation could be accompanied by restrictions on freedom of expression. The question is relevant because the “security” component also includes an indicator for a method of regulating online content that respects freedom of expression—and these countries do not perform well in this regard. On the other hand, almost all countries identified as members of the (wider) top group and the midfield, including Italy, make efforts, at least to a certain extent, to protect human dignity across the broad spectrum of

requirements in the media sector. Again, Austria is deviating from this path, as a comprehensive policy strategy and adequate resources to combat online hate speech are still lacking, despite its fundamental commitment to human rights (Seethaler et al., 2025).

The same group of countries, this time without outliers, adheres to the conviction (sometimes with less success, as indicated by the yellow dots in Figure 4) that independence from the state is the indispensable foundation of media freedom. The issue of independence divides EU countries: disregarding it weakens media freedom. The emphasis EMFA is paying to transparency has not (yet) been incorporated into many national regulations; the same applies to the integrity of information. However, both of these factors are likely to pose a threat to media freedom, as, on the one hand, non-media players, often linked to extreme political groups, are entering the (online) market and deliberately operating covertly, and, on the other hand—and related to this—only a small part of the population is able to recognize disinformation.<sup>16</sup>

The same composition of the two groups can also be observed with respect to freedom of expression. The dividing line here is determined by the attitude toward promoting the structural conditions for representing a diversity of viewpoints and voices in media communication, which—beyond state non-interference—requires journalistic work without interference from external *and* internal but industry-external interests of pressure groups, advertisers and owners (which can be called “editorial integrity”). In contrast, the idea that the market would regulate itself and ensure a diversity of offerings is a relevant factor in safeguarding freedom of expression only in a few countries such as Germany, Austria and the Netherlands. Even countries with comparatively little support for internal pluralism do not really support the argument that market diversity is conducive to freedom of expression, as it is particularly the case in Greece and Italy (represented by the red and yellow dots in Figure 5).

The pattern of country distribution changes significantly when it comes to equality. According to the results of the analysis, social equality can only be served by a combination of non-discriminatory representation of social groups (for which women and minorities were selected as key examples), fair allocation of state subsidies to media service providers, and widespread but informed access to media on the one hand, and (infrastructurally) equal access to potentially participatory media such as public service, community and online media on the other,

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<sup>16</sup> On average, only 13 percent of people in the 27 EU countries are confident that they can recognize disinformation.(Flash Eurobarometer 2832, Media & News Survey 2022).

to serve the value of equality (Figure 6). Only nine countries still meet these more complex requirements: Belgium, Denmark, Estonia, Finland, Germany, Ireland, Lithuania, the Netherlands and Sweden. For the media in the Czech Republic, which ranks relatively high in social equality but nevertheless falls outside this group of countries, non-discrimination of social groups is not an important issue, as expert interviews have shown. Apart from this exception, it can be said that at least some efforts toward non-discrimination and media literacy rarely occur in isolation, as in France and Slovenia, but that (infrastructural) equal access to potentially participatory media without non-discriminatory representation of social diversity and widespread media literacy is not only logically inconsistent, but – as this inconsistency suggests – can also be abused.

### 6.3 Do media laws and regulations reflect principles of participatory democracy?

From a democratic-theoretical perspective, the analytical model underpinning this study departs from a purely liberal-representative understanding of democracy. While representative democracy remains constitutionally dominant within the EU and its Member States, contemporary EU policy increasingly reflects a complementary participatory orientation, emphasizing citizens' involvement beyond electoral acts. In this understanding, democracy encompasses not only delegation and indirect representation, but also continuous opportunities for citizens to scrutinize power, engage in public deliberation, and participate in communicative and political processes.

The findings show that transparency and accountability, which are hailed in the literature (e.g., Foret & Calligaro, 2018) and by the European Commission (2023) as the most important participatory elements in current EU policies, are to some extent part of contemporary media law and regulation, shaping as instrumental values the structural conditions under which media's democratic roles are supported or jeopardized. Right-to-information laws, transparency obligations for regulatory authorities, disclosure requirements concerning media ownership and financing, rules governing state advertising, and the integrity of information and newsrooms—which is largely linked to the disclosure of (and potential conflicts during) the processes underlying information gathering (“fact-checking”), selecting and disseminating—are all designed to hold political and media actors accountable and to empower citizens and civil society to critically engage with information and media and to monitor political and economic power.

However, empirical results indicate that these dimensions remain secondary and are inconsistently implemented across Member States, particularly in comparison with the more traditional emphasis on protecting the independence of regulatory authorities and the media from direct government influence. Moreover, significant cross-national differences persist. Only a limited number of EU countries have implemented participatory principles across multiple value dimensions, while most others exhibit systemic vulnerabilities.

While the principle of independence is in line with institutionalized democratic control, which implies a commonly agreed reduction of independence (Schulz, 2013), new forms of social and direct accountability, i.e., accountability to citizens and civil society, which have been pursued in EU Governance since the 1990s, surpass the complete hierarchical chain, including Parliament (Bovens, 2007). Their implementation in legal and regulatory provisions is undoubtedly challenging, not only because they cannot employ informal and indirect sanctions (unlike political control), but also because they require rethinking their legitimacy as instruments aimed at citizens. The EMFA (recital 32) clearly states that there is a need for “media accountability vis-à-vis the recipients of media services”.

The same applies to transparency rules. On the one hand, they can be considered as a prerequisite for accountability and, thus, “for forming well-informed opinions and, consequently, for actively participating in a democracy” (EMFA, recital 32). Both closely related principles are central to the right to information, which is inextricably linked to freedom of expression. Otherwise, meaningful discourse in a citizens’ public sphere that legitimizes democratic state power cannot occur (Habermas, 1989). On the other hand, in a representative system as established in all European constitutions, institutional decision-making processes require, at least in critical phases, safe spaces of deliberation and bargaining “without interference from an unlimited public sphere, which includes the media as well, which is too often prepared to sensationalize or reduce complexities” (Thomass, 2016, p. 203).

The current manifold threats to democracy will require efforts to strike an appropriate balance among democratic principles. Based on the findings of this study, this will initially mean strengthening participatory principles, which appear better suited to countering disinformation and manipulation by anti-democratic actors. Non-profit community media, independent of any political or social power and accountable only to the (mostly local) public, can be considered as one of the best-practice examples for striking this balance.

Finally, the analysis clearly reveals that freedom of expression is most strongly associated with the diversity of viewpoints and social voices within media content representation, when coupled with newsroom integrity. Internal pluralism enables the media to make social, cultural, and political diversity visible in public debate. In this sense, participatory democracy is reflected discursively: citizens are not merely passive recipients of information but are addressed as members of a plural public sphere in which competing perspectives can be articulated and contested. Public service media play a particularly important role in this regard. It would be desirable to consider whether, as with changes in the principle of accountability, changes in the principle of diversity can also be observed, reflecting shifts in the understanding of democracy. At this point, it should be concluded with a quote from a recently published paper by the Bertelsmann Stiftung (2025, [p. 4]): “Diverse participation is not a nice-to-have. It is essential for an inclusive democracy.”

## 7. EU, CoE and OSCE Documents

*European Convention for the Protection of Human Rights and Fundamental Freedoms*. 1950/2021.

[https://www.echr.coe.int/documents/d/echr/convention\\_ENG](https://www.echr.coe.int/documents/d/echr/convention_ENG)

*Charter of Fundamental Rights of the European Union* (2016/C 202/02). <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016P/TXT>

*Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union* (2016/C 202/01). <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016ME/TXT>

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(2022). Recommendation CM/Rec(2022)11 of the Committee of Ministers to Member States on principles for media and communication governance.

[https://search.coe.int/cm/#{%22CoEIdentifier%22:\[%220900001680a61712%22\],%22sort%22:\[%22CoEValidationDate%20Descending%22\]}](https://search.coe.int/cm/#{%22CoEIdentifier%22:[%220900001680a61712%22],%22sort%22:[%22CoEValidationDate%20Descending%22]})

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## Appendix

**Table 9**

*List of Indicators*

Indicator	Data source, name of the variable, year of validity	Description
<b>Rule of Law</b>		
<b><i>Suggested indicators for overarching values</i></b>		
Rule of Law	World Justice Project (WJP) (2024): Rule of Law Index 2024	The Rule of Law Index offers original data organized into eight factors and 44 sub-factors that encompass the concept of the rule of law: Constraints on Government Powers, Absence of Corruption, Open Government, Fundamental Rights, Order and Security, Regulatory Enforcement, Civil Justice, and Criminal Justice. In each country, the World Justice Project collects two original data sources and combines them: an annual survey of legal practitioners and academics, and a general population survey conducted every few years. The data is subject to a series of tests to identify possible biases and errors. For example, the Index team cross-checks all sub-factors against more than 70 third-party sources, including quantitative data and qualitative assessments drawn from local and international organizations. (WJP Rule of Law Index 2023, pp. 184–187)
<b><i>Suggested key operating indicators</i></b>		
Right to information	World Justice Project (WJP) (2024): Right to information (index), 2024	„Right to information” measures whether requests for information held by a government agency are granted, whether these requests are granted within a reasonable time period, whether the information provided is pertinent and complete, and whether requests for information are granted at a reasonable cost and without having to pay a bribe. It also measures whether people are aware of their right to information, and whether relevant records are accessible to the public upon request. (WJP Rule of Law Index, 2023, p. 17)
Independence of the media authority (in appointment procedures, incompatibility rules, decision-making, and resources), based on transparency and accountability of its activities	Media Pluralism Monitor (2025): independence and effectiveness of the national regulatory authorities, 2024	„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, in practice, independent; whether the allocation of budgetary resources protects the authorities from coercive budgetary pressures and allows them to perform their functions freely; the types of powers and appeal mechanisms which are in place with regard to the authorities’ decisions; and the transparency and accountability of their actions.” (Bleyer-Simon et al., 2023, p. 44)
<b>Human Dignity</b>		
<b><i>Suggested indicators for overarching values</i></b>		
Fundamental rights	World Justice Project (WJP) (2024): Fundamental rights (index), 2024	The „Fundamental rights” index comprises the right to life and security of the person, equal treatment, due process of the law, and rights of the accused, guarantees of the freedom of expression, religion, assembly and association, freedom from arbitrary interference with privacy and fundamental labour rights (WJP Rule of Law Index 2023, p. 15).

*Suggested key operating indicators:*

<p>Protection against and prevention of hatred and incitement to violence (including content regulation)</p>	<p>University of Gothenburg: Varieties of Democracies (V-Dem), v15 (2025): Defamation protection, 2024</p>	<p>Question (expert survey): Does the legal framework provide protection against defamatory online content, or hate speech?            0: No. The law provides no protection against Internet defamation and hate speech.            1: Not really. The law provides a weak protection and to very limited range of circumstances.            2: Somewhat. The law provides some protection against Internet defamation and hate speech but in limited circumstances, or only to particular groups of people.            3: Mostly. The law provides protection against Internet defamation and hate speech under many circumstances, and to most groups of people.            4: Yes. The law provides comprehensive protection against Internet defamation and hate speech. (Coppedge et al., 2023, 328)</p>
<p>Protection of the (physical, mental, and digital) safety of journalists (with special emphasis on harassment of journalists by governmental or powerful non-governmental actors)</p>	<p>Reporters Without Borders (RSF) (2025): Safety of journalists (index), 2024</p>	<p>„Safety of journalists“ is one of the five contextual indicators that comprise the World Press Freedom Index. For this purpose, press freedom is defined „as the ability to identify, gather and disseminate news and information in accordance with journalistic methods and ethics, without unnecessary risk of bodily harm [...], psychological or emotional distress [...] and professional harm“ (<a href="https://rsf.org/en/methodology-used-compiling-world-press-freedom-index-2024?year=2024&amp;data_type=general">https://rsf.org/en/methodology-used-compiling-world-press-freedom-index-2024?year=2024&amp;data_type=general</a>). The 12 questions used for this indicator make up two thirds of the safety score; the so-called „abuse score“ accounts for the remaining third. It is calculated from RSF’s tally of abuses against media and against journalists in connection with their work (RSF’s press freedom barometer).</p>
<p>Protection of the (physical, mental, and digital) safety of journalists (with special emphasis on harassment of journalists by governmental or powerful non-governmental actors)</p>	<p>International Institute for Democracy and Electoral Assistance (IDEA): The Global State of Democracy (2025) Harassment of journalists, 2024</p>	<p>Question (expert survey): Are individual journalists harassed; that is, threatened with libel, arrested, imprisoned, beaten or killed, by governmental or powerful non-governmental actors while engaged in legitimate journalistic activities?            0: Journalists do not dare to engage in journalistic activities that would offend powerful actors because harassment or worse would be certain to occur.            1: Some journalists occasionally offend powerful actors but they are almost always harassed or worse and eventually forced to stop.            2: Some journalists who offend powerful actors are forced to stop but others manage to continue practicing journalism freely for long periods of time.            3: It is rare for any journalist to be harassed for offending powerful actors and if this were to happen, those responsible for the harassment would be identified and punished.            4: Journalists are never harassed by governmental or powerful non-governmental actors while engaged in legitimate journalistic activities. (Tufis &amp; Hudson, 2023, p. 87)</p>

<b>Freedom</b>		
<b>Suggested indicators for overarching values</b>		
Freedom of expression	World Justice Project (WJP) (2024): Freedom of opinion and expression, 2024	„Freedom of opinion and expression” measures whether an independent media, civil society organizations, political parties, and individuals are free to report and comment on government policies without fear of retaliation. (WJP Rule of Law Index, 2023, p. 17)
Media freedom	Reporters Without Borders (RSF) (2025): World Press Freedom Index, 2024	The World Press Freedom Index comprises five contextual indicators: political context, legal framework, economic context, sociocultural context and safety. The score is calculated on a basis of (1) a qualitative analysis of the situation in each country or territory based on the responses of press freedom specialists, and (2) a quantitative tally of abuses against media and journalists in connection with their work. ( <a href="https://rsf.org/en/methodology-used-compiling-world-press-freedom-index-2024?year=2024&amp;data_type=general">https://rsf.org/en/methodology-used-compiling-world-press-freedom-index-2024?year=2024&amp;data_type=general</a> )
<b>Suggested key operating indicators: Privileges</b>		
Protection of journalistic sources, investigations, and research data	Reporters Without Borders (RSF) (2025): Legal context, 2024	Variables overlap both indicators
Protection of journalists from interception of communications, surveillance, search, and seizure (including protection against abusive lawsuits)	Reporters Without Borders (RSF) (2025): Political context, 2024	
Privileged access to government information, press conferences, and court trials	Media Pluralism Monitor (2025): Protection of the right to information, 2024	This indicator „focuses on the right to access to information by journalists and citizens more at large, the lawfulness of the limitations thereto, as well as the existence and effectiveness of appeal mechanisms, in cases where information is unduly 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 is also composed by a sub-indicator on whistleblowers’ protection, which aims to understand whether, in each country assessed, legislation on the topic exists; whether the state systematically raises awareness in relation to the protection available to whistleblowers and implements that legislation in practice, and whether the country is free from the arbitrary sanctioning of whistleblowers.” (Bleyer-Simon et al., 2024, p. 35)
Independence of the media from state	Bertelsmann Stiftung (2022):	This indicator refers to the extent to which the media are subject to the influence of the government and government-affiliated actors, with a focus

influence (including absence of censorship)	Sustainable Governance Indicators: Media freedom [=Independence from government], 2022	on both media regulation and government intervention.: „The rules and practice of supervision should guarantee sufficient independence for publicly owned media. Privately owned media should be subject to licensing and regulatory regimes that ensure independence from government.“ (Schiller & Hellmann, SGI Codebook 2022: Sustainable Governance Indicators, p. 42)
	International Institute for Democracy and Electoral Assistance (IDEA): The Global State of Democracy, v9 (2025): Print/broadcast censorship effort, 2024	Question (expert survey): Does the government directly or indirectly attempt to censor the print or broadcast media? 0: Attempts to censor are direct and routine. 1: Attempts to censor are indirect but nonetheless routine. 2: Attempts to censor are direct but limited to especially sensitive issues. 3: Attempts to censor are indirect and limited to especially sensitive issues. 4: The government rarely attempts to censor major media in any way and when such exceptional attempts are discovered, the responsible officials are usually punished. (Tufis & Hudson, 2023, p. 86)
<b>Suggested key operating indicators: Duties</b>		
Obligation to observe the principles of responsible journalism (code of ethics), in the case of factual reporting: obligation to truthfulness and the principle of due diligence (including the right of reply)	No data available for EU-27	
Transparency of media ownership and revenues from state advertising and third-country public authorities or entities	Media Pluralism Monitor (2025): Transparency of media ownership, 2024	„This indicator is composed of seven legal variables and five socio-political variables. The legal variables aim to assess the existence and the effectiveness of media-specific laws requiring the disclosure of ownership details, including financial information, on the news media sector. The socio-political variables ask if, in the absence of media-specific rules, the transparency of media ownership information is guaranteed in practice (for example, by the application of commercial law, anti-money laundering law, or by practice) (Bleyer-Simon et al., 2023, p. 60)
Mandatory internal safeguards guaranteeing the independence of editorial decisions and the disclosure of potential conflicts (editorial statutes) (see also <i>Pluralism</i> )	Media Pluralism Monitor (2025): Editorial autonomy, 2024	This indicator assesses „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 watchdogs of society, and as providers of information that serves the public interest and debate, journalists have to be able to act independently of undue influence. 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 rules that guarantee the fairness of the appointment of, and the dismissal procedures for, editors-in-chief.“ (Bleyer-Simon et al., 2023, p. 99) In addition, MPM 2025 explicitly defines two variants of self-regulation: (1) 'External safeguards' such as „cross-sectorial codes of conduct stipulating editorial independence from political interference in the news media“ and „media or press councils, overseeing selfregulation“; (2) 'Internal safeguards' focusing „on media service providers' internal codes of ethics and/or codes of conduct and bodies stipulating independence from political

		interference, and their effectiveness in practice“. (Blagojev et al., 2025, p. A-24)
Protection of privacy and personal rights, particularly on the Internet	University of Gothenburg: Varieties of Democracy (V-Dem), v15 (2025): Privacy protection by law, 2024	Question (expert survey): What does the legal framework to protect Internet users' privacy and their data stipulate? 0: The legal framework explicitly allows the government to access any type of personal data on the Internet. 1: The legal framework explicitly allows the government to access most types of personal data on the Internet. 2: The legal framework explicitly allows the government to access many types of personal data on the Internet. 3: The legal framework explicitly allows the government to access only a few types of personal information on the Internet. 4: The legal framework explicitly allows the government to access personal information on the Internet only in extraordinary circumstances. (Coppedge et al., 2023, p. 325)
Protection of information integrity and against disinformation (especially during election times)	Media Pluralism Monitor (2025): Protection of information integrity, 2024	„The Protection of information integrity indicator assesses the respect of freedom of expression online by platforms, the respect of freedom of expression online by public authorities and the protection against disinformation and Foreign Information Manipulation and Interference (FIMI).“ (Blagojev et al., 2025, p. 18)
	Media Pluralism Monitor (2025): Integrity of political information during elections, 2024	„The indicator on Audiovisual media, online platforms and elections assesses the availability and implementation of a regulatory and self-regulatory framework for the fair representation of different political actors and viewpoints on both public service media (PSM) and private channels, especially during electoral campaigns. The indicator also examines the regulation of political advertising in audiovisual media, as well as the availability and adequacy of regulation and self-regulation, so as to ensure the transparency of political advertising online and on online platforms.“ (Bleyer-Simon et al., 2023, p. 102) In MPM 2025, three new variables have been added related to the ban on the provision of advertising services to third country sponsors three months before an election or referendum, the fair and transparent distribution of state advertising to online platforms, and the task of the National Regulatory Authority to monitor, and report annually on the allocation of state advertising expenditure to media service providers and providers of online platforms (Blagojev et al., 2025, p. A-26)
<b>Pluralism</b>		
<b>Suggested key operating indicators: Market plurality</b>		
Provisions in media and competition law to restrict horizontal and cross-media concentration in the media markets	Media Pluralism Monitor (2025): Plurality of media providers, 2024	„This indicator aims to assess the threats to media pluralism that arise from the concentration of media ownership. [...] Risks to market plurality can arise both from the concentration of ownership in a single news media sector, and/or from the concentration of ownership across different sectors. Horizontal and cross media concentration are therefore both assessed in this indicator, which contains 16 variables: - Seven legal variables to assess whether a country has media-specific rules to prevent a high concentration of ownership in each media sector (horizontal concentration) and across the different media sectors (cross-media concentration); whether these rules are effective; and whether their compliance is overseen by an independent authority; - Nine economic variables to assess the situation on the ground, and to measure the concentration with the Top4 index for revenue shares and the audience/readership in each media sector, and the market share of the Top4

		<p>media owners across the different sectors.“ (Bleyer-Simon, 2023, p. 63-64)  The term „media owners” refers to companies or individuals that provide original content professionally; the scope of the indicator includes mainly legacy media (audiovisual, radio, newspapers), including their non-linear services and their digital outlets.  In MPM 2025 (year of validity: 2024), a new variable has been added, asking whether the national law establishes „substantive and procedural rules, based on transparent, objective, proportionate and nondiscriminatory criteria, to assess the impact of media market concentrations on media pluralism and editorial independence“. (Blagojev et al., 2025, p. A-20)</p>
Media Pluralism Monitor (2025): Plurality in digital markets, 2024		<p>„This indicator tries to assess the risks for media pluralism that derive from market concentration that emerges in a broad notion of the media market, in which all the actors in the media ecosystem are included. In the online environment, the scope of the indicators of market pluralism needs to be enlarged to include the digital intermediaries, who increasingly also impact on the media market, selecting the access to news, and attracting market resources. Even if the digital intermediaries (social media, search engines, algorithmic aggregators) do not produce, or only produce to a very limited extent, news and original content, they operate in the same market as the news media providers, thus competing for the consumers’ attention and the advertising.“ (Bleyer-Simon et al., 2023, p. 69)  In MPM 2025, two new variables have been added: „Are there in your country pro-competition initiatives aimed at balancing market power between publishers and online platforms?” And: „Are there financial agreements in your country, between Generative AI providers and media providers, to remunerate the right holders for the use of copyrightprotected content?” (Blagojev et al., 2025, p. A-21)</p>
Obligation to transmit specific audiovisual channels and services („Must carry rules”)	No data available for EU-27	
Regulatory and self-regulatory measures (such as media councils, cross-sectoral and internal codes of conduct) that protect editorial freedom from undue interference with political forces (including labelling political advertising)	Media Pluralism Monitor (2025): Political independence of the media, 2024	<p>„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. [MPM 2025 (year of validity: 2024) defines control „as excessive ownership control (i.e. more than 10% of the shares of a given media company) by political actors in general, and the control enabling a dominant influence to be exercised in the ordinary shareholders' meeting“ (Blagojev et al., 2025, p. A-23).] 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 business people). Conflict of interest is defined as being an incompatibility between holding government office and owning media. The MPM, therefore, takes into consideration the existence, and effectiveness, of those rules that prohibit media proprietors from holding government office, as well as the situation in practice.“ (Bleyer-Simon et al., 2023, p. 94)</p>

Regulatory and self-regulatory measures that protect editorial freedom from undue interference with economic forces (including the owner or owners and the management of the media service provider)	Media Pluralism Monitor (2025): Independence from commercial and owners influence, 2024	„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. [...] In particular, the indicator includes variables that assess 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 the existence of self-regulatory measures to guarantee a separation between the editorial sphere and the commercial one“ to minimize risks that are related to the economic conflict of interests (Bleyer-Simon, 2023, p. 84)
<b>Diversity of viewpoints and social voices – internal pluralism: Suggested key operating indicators</b>		
Promotion of a wide array of perspectives (including involvement of users)	University of Gothenburg: Varieties of Democracy (V-Dem), v15 (2025): Alternative sources of information index, 2024	Questions (expert survey): To what extent is the media (a) un-biased in their coverage or lack of coverage of the opposition, (b) allowed to be critical of the regime, and (c) representative of a wide array of political perspectives? (Coppedge et al., 2023, p. 315)
	University of Gothenburg: Varieties of Democracy (V-Dem), v15 (2025): Online media perspectives, 2024	Question (expert survey): Do the major domestic online media outlets represent a wide range of political perspectives? 0: The major domestic online media outlets represent only the government’s perspective. 1: The major domestic online media outlets represent only the perspectives of the government and a government approved, semi-official opposition party. 2: The major domestic online media outlets represent a variety of political perspectives but they systematically ignore at least one political perspective that is important in this society. 3: All perspectives that are important in this society are represented in at least one of the major domestic online media outlets. 4: All perspectives that are important in this society are represented in many major domestic online media outlets. (Coppedge et al., 2023, p. 329)
Mandatory internal safeguards guaranteeing the independence of editorial decisions and the disclosure of potential conflicts (editorial statutes) (see also <i>Freedom</i> )	Media Pluralism Monitor (2025): Editorial autonomy, 2024	This indicator assesses „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 watchdogs of society, and as providers of information that serves the public interest and debate, journalists have to be able to act independently of undue influence. 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 rules that guarantee the fairness of the appointment of, and the dismissal procedures for, editors-in-chief.” (Bleyer-Simon et al., 2023, p. 99) In addition, MPM 2025 explicitly defines two variants of self-regulation: (1) 'External safeguards' such as „cross-sectorial codes of conduct stipulating editorial independence from political interference in the news media“ and „media or press councils, overseeing selfregulation“; (2) 'Internal safeguards' focusing „on media service providers’ internal codes of ethics and/or codes of conduct and bodies stipulating independence from political interference, and their effectiveness in practice“. (Blagojevic et al., 2025, p. A-24)

<p>Editorial and functional independence of public service media (including transparent and non-discriminatory procedures for the appointment and dismissal of directors and members of the management board)</p>	<p>Media Pluralism Monitor (2025): Independence of public service media, 2024</p>	<p>„The Independence of the public service media (PSM) 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.” (Bleyer-Simon et al., 2023, p. 114) Special focus is given on the „editorial autonomy and independence of the PSM by examining whether editors and editors-in-chief are appointed and dismissed based on professional and objective standards, or whether there are cases of political interference”. (ibid., p. 185)</p>
<p>Adequate, sustainable, and predictable funding of public service media</p>		
<p><b>Equality</b></p> <p><i>Suggested indicators for overarching values</i></p>		
<p>Social equality</p>	<p>International Institute for Democracy and Electoral Assistance (IDEA): The Global State of Democracy, v9 (2025): Social group equality, 2024</p>	<p>Five V-Dem expert-coded indicators ask about social class and identity group inequalities regarding civil liberties and the distribution of political power. Four V-Dem indices provide measures of socio-economic, political, social, and urban-rural exclusion. They are supplemented by indicators of equality treatment and political equality from Bertelsmann Stiftung’s Transformation Index and Freedom in the World. (Tufis &amp; Hudson, 2023, p. 66)</p>
<p>Non-discrimination</p>	<p>World Justice Project (WJP) (2024): qual treatment and absence of discrimination, 2024</p>	<p>„Equal treatment and absence of discrimination” measures whether individuals are free from discrimination—based on socio-economic status, gender, ethnicity, religion, national origin, sexual orientation, or gender identity—with respect to public services, employment, court proceedings, and the justice system. (WJP Rule of Law Index, 2023, p. 17)</p>
<p><b>Suggested key operating indicators: Access to infrastructure and market</b></p>		
<p>Equal access to technical infrastructure such as PSM signal</p>	<p>Media Pluralism Monitor (2025): Universal coverage of PSM signal and services, 2024</p>	<p>Is the territory covered by PSM signal and extensive online presence? [dichotomous]</p>
<p>Ensuring net neutrality</p>	<p>Media Pluralism Monitor (2025): Implementation of regulatory safeguards regarding net neutrality, 2024</p>	<p>„Are there regulatory safeguards regarding net neutrality in your country, and are they implemented in practice?” [dichotomous]</p>

Non-discriminatory and transparent spectrum allocation	No data available for EU-27	
Non-discriminatory, transparent, and proportionate allocation of state subsidies and state advertising	Media Pluralism Monitor (2025): State regulation of resources and support to the media sector, 2024	„This indicator assesses the legal and practical situation in relation to the distribution of state-managed resources for the media”, asking whether „fair and transparent rules on the distribution of state resources and support are in place”, and whether they are „effectively implemented” because the „lack of clear and transparent rules may be conducive to favoritism and political dependency. The lack of available data on allocation, in practice, is also seen as being a potential risk, since the lack of transparency may conceal the practice of channelling funds to specific media outlets in a biased manner.” (Bleyer-Simon et al., 2023, 107) This indicator refers to the distribution of all state-managed resources for the media, such as frequency allocation, distribution of direct and indirect subsidies, as well as state advertising.
Non-discriminatory, transparent, and comparable audience management systems	No data available for EU-27	
<b>Suggested key operating indicators: Informed access to the media – media literacy</b>		
Support for participatory competence	Bertelsmann Stiftung (2022): Sustainable Governance Indicators: Citizens’ participatory competence (index), 2022	This index comprises two indicators: political knowledge and open government. The former „assesses the extent to which citizens have information and knowledge enabling them to critically assess government policymaking adequately”, and the latter „assesses whether or to what extent (diversity and detail of information, timeliness of publication, availability of retrospective time periods, relevance compared to demand) the government publishes data that allows citizens to hold the government accountable and how user-friendly (e.g., data formats and easy access, provision of documentation or user guides to avoid unnecessary question loops) this data is”. (Schiller & Hellmann, SGI Codebook 2022: Sustainable Governance Indicators, p. 69)
Measures in the areas of formal, non-formal, and informal education for people of all ages to strengthen media literacy skills (including IT skills)	Media Pluralism Monitor (2025): Media literacy, 2024	„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 [European Association for Viewers Interests]. 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.” (Bleyer-Simon et al., 2023, 137) In MPM 2025, three new variables have been added regarding resources allocated to media literacy programmes and to actions of VSPs and AVMS in terms of media literacy (Blagojev et al., 2025, pp. A29-30).
	Digital Economy and Society Index (DESI) (2025):	The Digital Skills Indicator 2.0 (DSI) is a composite indicator which is based on selected activities related to internet or software use that individuals aged 16-74 perform in five specific areas: Information and data literacy,

	Individuals who have basic or above basic overall digital skills, 2023	Communication and collaboration, Digital content creation, Safety, and Problem solving. It is assumed that individuals having performed certain activities have the corresponding skills. Therefore, the indicators can be considered as proxy of individuals digital skills. The indicator is based on the EU survey on the use of ICT in households and by individuals. ( <a href="https://ec.europa.eu/eurostat/databrowser/view/ISOC_SK_DSKL_I21/default/table?lang=en">https://ec.europa.eu/eurostat/databrowser/view/ISOC_SK_DSKL_I21/default/table?lang=en</a> )
<b>Suggested key operating indicators: Non-discrimination of social groups</b>		
Measures for the appropriate representation of minorities in media content, media production and management	Media Pluralism Monitor (2025): Representation of minorities in the media, 2024	This indicator - „focuses on the representation of minorities (whether legally recognised or not) on the public service media and on private TV and radio”, taking „into account both the existing legal safeguards and the representation of minorities, in practice”, - and „assesses media accessibility for people with disabilities”, taking „into account the existing regulatory framework to guarantee media accessibility as well as the existence of support services for people with hearing and visual impairments in practice”. (Bleyer-Simon et al., 2023, p. 122) Since MPM 2024, the term ‘non-legally recognised minority’ has been replaced by the term „marginalised community” (Blagojev et al., 2025, p. A-28).
Measures for the equal representation of women and men in media content, media production and management	Media Pluralism Monitor (2025): Gender equality in the media, 2024	„The indicator Gender equality in the media evaluates the existence, the comprehensiveness and the implementation of gender equality policies within the public service media. It also assesses gender parity in media production and, more specifically, in management level positions, as well as the representation of women in political and news content.” (Bleyer-Simon et al., 2023, p. 132) In MPM 2025, a new variable has been added assessing gender equality among editors-in-chief in local media (in addition to gender equality among editors-in-chief in leading news media ) (Blagojev et al., 2025, p. A-29).
<b>Suggested key operating indicators: Community media and citizen journalism</b>		
Legal recognition of citizen journalists	No data available for EU-27	
Legal recognition of and state subsidies for community media	Media Pluralism Monitor (2025):	„Are community media recognised by the law?” and „Does the state support community media through subsidies?” [dichotomous]