

Public consultation for European Media Freedom Act

Fields marked with * are mandatory.

Introduction

The European Union upholds media freedom and pluralism as pillars of democracy and enablers of free and open debate. In order to fulfil their special role, media services must fully benefit from unhindered internal market freedoms. Announcing the Commission's intention to table a European Media Freedom Act (EMFA) in [the 2021 State of the Union address](#), President von der Leyen stressed that media companies cannot be treated as any other businesses and that their independence must be protected at EU level. For that reason, the enhanced freedom for market operators on the media market must be accompanied by a proper and proportionate regulation in key areas, taking into account the relevant legitimate public interests as well as the different national traditions, in full compliance with EU values and the principles of proportionality and subsidiarity.

The objective of the EMFA would be to improve the functioning of the internal market for media, build on the fundamental freedoms in light of the Charter of Fundamental Rights of the EU and complement the existing EU media framework, currently based on the revised Audiovisual Media Services Directive ([AVMSD](#)). The Directive already regulates some aspects related to media pluralism as it lays down rules for the independence of media regulators, gathered at EU level within the European Regulators Group for Audiovisual Media Services ([ERGA](#)), promotes transparency of media ownership and recognises the importance of ensuring that editorial decisions remain free from interference. It will be complementary to the Commission's proposals on the [Digital Services Act package](#) and on [transparency and targeting of political advertising](#).

With the EMFA, the Commission intends to take yet another step to ensure the proper functioning of the EU media market, in particular by eliminating barriers to the establishment and operation of media companies, and safeguard a free and pluralistic media ecosystem. As stated in the [2022 Commission Work Programme](#), the EMFA's primary goal would be to improve transparency, accountability and independence around actions affecting media freedom and pluralism.

The Commission is initiating this public consultation as part of its evidence-gathering exercise, in order to identify issues that may require intervention through the EMFA.

The consultation is structured along the following main areas:

- Section I – Safeguarding the EU internal media market, media independence and pluralism
- Section II - Transparent and independent media markets
- Section III - Conditions for healthy media markets

- Section IV - Fair allocation of state resources in the media markets
- Section V - Governance options

The questionnaire refers to a wide range of editorial media (i.e. those that exercise editorial control over content), including those active in audiovisual, radio and press sectors, independently from their distribution model, be it online or offline. In certain instances, the questionnaire refers also to online platforms which curate and present to the public media content for which they do not exercise editorial control (in particular social networks and video-sharing platforms).

The questionnaire is open in its entirety to everyone, but some questions may be targeting respondents with specific knowledge (see in particular Sections 2.3, 3.2 and 5). In addition, respondents can skip questions in other Sections which may also require specific knowledge and on which they may not have an opinion.

The results of this consultation will serve as input to the preparation of the initiative. If relevant, written feedback provided in other document formats can be uploaded through the button available at the end of the questionnaire.

About you

* Language of my contribution

- Bulgarian
- Croatian
- Czech
- Danish
- Dutch
- English
- Estonian
- Finnish
- French
- German
- Greek
- Hungarian
- Irish
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish

- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* First name

Inés

* Surname

Talavera de la Esperanza

* Email (this won't be published)

talavera@iabeurope.eu

* Organisation name

255 character(s) maximum

IAB Europe

* Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

43167137250-27

* Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|---|--|--|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |
| <input type="radio"/> Andorra | <input type="radio"/> El Salvador | <input type="radio"/> Madagascar | <input type="radio"/> São Tomé and Príncipe |
| <input type="radio"/> Angola | <input type="radio"/> Equatorial Guinea | <input type="radio"/> Malawi | <input type="radio"/> Saudi Arabia |
| <input type="radio"/> Anguilla | <input type="radio"/> Eritrea | <input type="radio"/> Malaysia | <input type="radio"/> Senegal |
| <input type="radio"/> Antarctica | <input type="radio"/> Estonia | <input type="radio"/> Maldives | <input type="radio"/> Serbia |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini | <input type="radio"/> Mali | <input type="radio"/> Seychelles |
| <input type="radio"/> Argentina | <input type="radio"/> Ethiopia | <input type="radio"/> Malta | <input type="radio"/> Sierra Leone |
| <input type="radio"/> Armenia | <input type="radio"/> Falkland Islands | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore |
| <input type="radio"/> Aruba | <input type="radio"/> Faroe Islands | <input type="radio"/> Martinique | <input type="radio"/> Sint Maarten |
| <input type="radio"/> Australia | <input type="radio"/> Fiji | <input type="radio"/> Mauritania | <input type="radio"/> Slovakia |
| <input type="radio"/> Austria | <input type="radio"/> Finland | <input type="radio"/> Mauritius | <input type="radio"/> Slovenia |
| <input type="radio"/> Azerbaijan | <input type="radio"/> France | <input type="radio"/> Mayotte | <input type="radio"/> Solomon Islands |
| <input type="radio"/> Bahamas | <input type="radio"/> French Guiana | <input type="radio"/> Mexico | <input type="radio"/> Somalia |
| <input type="radio"/> Bahrain | <input type="radio"/> French Polynesia | <input type="radio"/> Micronesia | <input type="radio"/> South Africa |

- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar/Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey

- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena
- Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

The Commission will publish all contributions to this public consultation. You can choose whether you would prefer to have your details published or to remain anonymous when your contribution is published. **For the purpose of transparency, the type of respondent (for example, 'business association, 'consumer association', 'EU citizen') country of origin, organisation name and size, and its**

transparency register number, are always published. Your e-mail address will never be published.

Opt in to select the privacy option that best suits you. Privacy options default based on the type of respondent selected

* Contribution publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only organisation details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published as received. Your name will not be published. Please do not include any personal data in the contribution itself if you want to remain anonymous.

Public

Organisation details and respondent details are published: The type of respondent that you responded to this consultation as, the name of the organisation on whose behalf you reply as well as its transparency number, its size, its country of origin and your contribution will be published. Your name will also be published.

I agree with the [personal data protection provisions](#)

1. Safeguarding the EU internal media market, media independence and pluralism

Media regulation is important in two complementary ways: the media sector is a significant part of the economy, operating increasingly across borders, while independent and pluralistic media, functioning without any pressure or interference, are essential for Europe's societies. By providing people with reliable and timely information, media operators offer an invaluable service and, at the same time, they represent the fourth pillar of our democratic systems.

Unfortunately, the media sector in the EU is not as integrated as it could be and therefore fails to capitalise on its untapped growth potential. Moreover, the special role of media may lead to attempts to undermine their existence, operation or editorial independence for political, ideological or economic reasons, by both public and private actors. The Commission's [2020](#) and [2021](#) Rule of Law Reports as well as the Media Pluralism Monitor ([MPM](#)) point to various instances of interference in the ownership, management operation or existence of media outlets across the EU.

Safeguarding media pluralism and independence is considered crucial for a well-functioning internal market for media. However, media market players, especially those that want to operate across EU borders, may face difficulties stemming from different national media rules, including on pluralism. In certain instances,

challenges stem from the absence of appropriate rules capable of tackling threats to media pluralism. In other instances, the rules are in place, but their enforcement is lacking, incoherent, disproportionate or discriminatory. All the foregoing results in barriers to the free movement of media services, higher compliance costs, affects investment decisions and, ultimately, diminishes the level of pluralism in the EU media market.

Whereas the freedom to provide services within the internal market is to be fostered, there is at the same time a need to protect the EU fundamental rights, in particular the right to freedom of speech and the right to receive pluralistic and objective information. That is an important aspect because ensuring media plurality may pose challenges in particular online: despite increased levels of available information, people may not be exposed to sufficient diversity of views, to the detriment of the media offer.

In view of the above, the objective of the following section is to collect input on the most important issues affecting the functioning of the internal media market, the protection of media freedom and pluralism and possible solutions to address those issues at the EU level.

1) How do you assess the freedom to exercise a business activity in the media sector and the relevant safeguards for media independence and pluralism?

| | Satisfactory | Unsatisfactory | I don't know / no opinion |
|----------------------|-----------------------|-----------------------|---------------------------|
| In your Member State | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| In the EU as a whole | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

2) Are you aware of cases of interference in organisation or operation of media providers, to the detriment of the free provision of services or the freedom of establishment in the internal market? (Choose all that apply)

- Yes, I am aware of cases of national state interference
- Yes, I am aware of cases of foreign (non-EU) state interference
- Yes, I am aware of cases of private actors' interference
- No, I am not aware of any cases of interference

If possible, please provide examples.

5000 character(s) maximum

3) Are you aware of difficulties, stemming from any of the following rules or practices, for the freedom to exercise a business activity in the EU media market, to the detriment also of media independence or pluralism? (Choose all that apply)

- Diverging national scrutiny procedures over media market operations
- Rules restricting market entry or operation

- Discriminatory administrative decisions restricting the operation of media outlets
- Diverging interpretations of regulatory concepts relevant for media pluralism (e.g. prominence of general interest content or balanced media coverage or exposure)
- Insufficient transparency in media markets on media ownership
- Insufficient transparency in media markets on audience measurement
- Other
- None

If applicable, please provide examples of how you have been affected by any of such rules or practices.

5000 character(s) maximum

4) Do you observe a trend of increasing concentration in media ownership, to the detriment of the proper functioning of the internal market?

- Yes, in your Member State
- Yes, in the EU media market
- No
- I don't know / no opinion

Please explain:

5000 character(s) maximum

5) How would you assess the level of cross-border media ownership within the internal market?

- Decreasing over the past five years
- Stagnating over the past five years
- Increasing over the past five years
- I don't know / no opinion

6) How do you assess the level of diversity of views in the following media offer that you are exposed to in the EU media market?

| | | | |
|--|--------------|----------------|---------------------------|
| | Satisfactory | Unsatisfactory | I don't know / no opinion |
|--|--------------|----------------|---------------------------|

| | | | |
|--|-----------------------|-----------------------|-----------------------|
| Editorial media (e.g. television, radio and press, offline and online) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Online platforms (e.g. social networks and video-sharing platforms) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Both | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

7) What safeguards for the independence of editorial decisions of the media exist in your Member State?

Please specify:

5000 character(s) maximum

8) In your view, in which areas an action at EU level would be useful to improve the functioning of the internal media market and overcome challenges to media independence and pluralism? (Choose all that apply)

- Safeguards for editorial independence of media
- Transparency in media ownership
- Rules and procedures hindering market entry or operation
- Audience measurement methods
- Balanced and impartial media coverage
- Regulatory cooperation to support common standards for media pluralism
- Fostering media self-regulation
- Independence of public service media governance
- Transparency and fairness in allocation of state advertising
- EU-level mechanism to address risks to media independence and pluralism
- Other - please specify
- No action at EU level is needed
- I don't know / no opinion

2. Transparent and independent media markets

2.1 Transparency of media ownership

Transparency of media ownership is considered to be important for the proper functioning of the EU internal market for media. In particular, it allows both the public as well as media players to assess the plurality, independence and dynamics of media markets and evaluate the source behind the information

d i s s e m i n a t e d b y t h e m e d i a .

While the revised AVMSD encourages Member States to take measures in view of making accessible information concerning audiovisual media ownership structure, including persons who ultimately own or control media companies, different national approaches exist in this regard. In particular, there are differences between national requirements for media ownership transparency concerning for instance the availability of the information on who controls media companies. The granularity of such information also varies between Member States, as does the cost of access to it. This asymmetry of information can be seen as an internal market barrier, making it more difficult for media companies to understand the market dynamics and operate with certainty.

With this in view, the objective of the following section is to gather input on the state of play regarding the transparency of media ownership in the EU media market, and possible actions that can be taken to increase it across the EU.

1) In your view, is it important to have access to information on who owns or controls media companies, in particular for the entry or operation in the EU media market?

- Yes
- No
- I don't know / no opinion

2) In your experience, how accessible is the information on who owns or controls media companies operating in the EU media market?

- Accessible to a large extent
- Neutral
- Accessible to a limited extent
- Not at all accessible
- I don't know / no opinion

3) In your experience, has the level of transparency on media ownership affected your business decisions to enter a given EU market?

- Yes
- No
- Neutral
- I don't know / no opinion

Please explain your answer:

5000 character(s) maximum

4) In your experience, where would you look for information on who owns or controls media companies? (Choose all that apply)

- Business register
- Specific register for media service providers
- Website of an individual media service provider
- Website of the media regulator
- Direct enquiry (e.g. to the media service provider, media regulatory authority or any other competent public authority)
- Other (please specify)
- I don't know / no opinion

5) In your experience, is the information on who owns or controls media companies provided in a comprehensive and user-friendly manner?

- Yes
- No
- I don't know / no opinion

6) In your view, would any of the following be useful in order to increase media ownership transparency and thereby contribute to a better functioning of the internal media market? (Choose all that apply)

- Introduce obligations applicable to all media companies in the EU to disclose their ownership structure, including beneficial owners
- Introduce reporting obligations for Member States about ownership structure, including beneficial owners, of media companies under their jurisdiction
- Establish an EU-wide registry covering information on ownership structure, including beneficial owners, of media companies operating in the EU
- Foster exchange of best practices between Member States on media ownership transparency
- Entrust an independent EU body with the monitoring of national measures on media ownership transparency
- Other (please specify)
- I don't know / no opinion

2.2 Media market scrutiny procedures and restrictions to media market entry and operation

In the European Union, various national rules are in place as regards the control of or limitations to the activities of companies in the media sector. For instance, in some Member States, there are specific rules for the examination of the impact on media pluralism of mergers, acquisitions and other transactions affecting the ownership and control of media.

National laws also include a variety of ownership restrictions or authorisation requirements concerning the market entry and operation of media companies. This is, for example, the case where media companies operating in one sector cannot obtain an authorisation to operate in another media or non-media-related sector. This is also the case where entities not established in a given Member State are forbidden from controlling more than a certain amount of shares in a national media company. Another example are national requirements for the prior examination of all changes to the ownership structure of companies before allowing them to operate on the media market.

As a result, media service providers face a patchwork of national scrutiny procedures/rules for media market transactions, as well as various forms of restrictions related to their market entry and operation.

In addition, the operation of media companies appears, in some cases, to be made more difficult by discriminatory or disproportionate application of administrative authorisation or control procedures, including as regards the allocation and renewal of licenses.

This section aims at gathering information on the prevalence and impacts of the rules, procedures and restrictions outlined above, as well as the possible actions that could be taken to address challenges they may pose to the functioning of the internal media market.

1) Is the legislation in your Member State adequate and proportionate to ensure both the free provision of media services within the internal market and the need for protecting media pluralism and independence?

- Yes
- No
- I don't know / no opinion

2) In your view, or according to your experience, to what extent do the following national requirements affect the entry or operation in the EU media market? Please rate from 1 (not at all) to 5 (to a very large extent).

| | 1 (not at all) | 2 (to a limited extent) | 3 (neutral) | 4 (to a large extent) | 5 (to a very large extent) | I don't know / No answer |
|--|-----------------------|-------------------------|-----------------------|-----------------------|----------------------------|--------------------------|
| Rules to limit the participation/control of media by companies active in other sectors (e.g. telecommunications) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | | | |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Rules that prevent a media player that has been granted a licence to operate in one media-related service from obtaining further licences to provide other media or related services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules to examine the effect of market transactions on media pluralism | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules which limit media ownership or control by entities or persons not established/residing in a given Member State | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules on prior notification and approval required for operation of media players, including any renewal procedures | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Rules setting out quantitative thresholds e.g. limitations on the number of channels/licences owned by a single entity | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

3) Are you aware of any cases in which the above requirements restricted or discouraged the entry or operation of media players in the EU media market? This could include for example discriminatory or disproportionate application of such requirements.

- Yes
- No
- I don't know / no opinion

4) Would any of the following be useful at EU level when it comes to assessing the effects of media market transactions on media pluralism? (Choose all that apply)

- Harmonise national media-related procedures for the assessment of media market transactions
- Impose an obligation on Member States to systematically review the effects on media pluralism of transactions involving at least one media company
- Set out common standards for the assessment by Member States of the effects of media market transactions on media pluralism
- Create a pan-European registry to increase the transparency of media market transactions
- Entrust an independent EU body to issue opinions and/or recommendations on the effects of media market transactions on media pluralism

- Create an EU media-related procedure for the assessment of the effects of significant market transactions on media pluralism
- No EU-level action is needed
- Other (please specify)
- I don't know / no opinion

5) In your view, would any of the following actions be useful at EU level regarding national media ownership restrictions/authorisation requirements? (Choose all that apply)

- Harmonise ownership and authorisation requirements and procedures
- Require Member States to justify any national measure that has the effect of restricting/limiting the entry or operation in the media market
- Set out common criteria for justified restrictions of ownership/control of media outlets by Member States
- Set out common procedural criteria for administrative decisions affecting media outlets (e.g. non-discrimination, proportionality)
- Entrust an independent EU body to monitor and when appropriate provide opinions on national measures/procedures that may result in restricting entry or operation of media
- No EU-level action is needed
- Other (please specify)
- I don't know / no opinion

2.3. Audience measurement

Audience measurement is the process of collecting, reporting and interpreting data about the number and characteristics of individuals using media services. It is crucial for companies operating in the internal media market, allowing them to understand market dynamics, calculate and foresee advertising prices and plan content production in accordance with the preferences of the audiences.

Insufficient information on the process of audience measurement may affect investment decisions of media companies, which need granular data to plan their content offer to the public. Audience measurement may also, if it is carried out in a non-transparent or non-inclusive manner, affect the competitive position of media companies thus impacting their advertising revenues and ability to monetise content.

There are different methods for audience measurement across the internal market: for the broadcasters this is done by Joint Industry Committees or specialised companies, whereas in the online ecosystem online players tend to devise and carry out the measurement themselves.

In this context, the proposed [Digital Markets Act](#) provides for specific obligations for gatekeepers access to and use of data held by business users or transparency in relation to the provision of advertising services.

The objective of this section is to gather input on current practices of audience measurement across the EU and possible actions to ensure that audience measurement is carried out and the resulting data is used in a transparent, objective and inclusive manner.

1) Do you think that audience measurement with respect to the following media is carried out in a transparent, objective and inclusive way in your Member State (or, if you are replying on behalf of an EU organisation), in the EU as a whole?

| | Fully agree | Somewhat agree | Neither agree nor disagree | Somewhat disagree | Fully disagree | I don't know / no opinion |
|---------------------------|-----------------------|-----------------------|----------------------------|-----------------------|-----------------------|---------------------------|
| TV broadcasting | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Video-on-demand services | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Radio broadcasting | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Online radio broadcasting | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Online press | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Online platforms | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

2) Are you aware of any specific issues or difficulties related to audience measurement in your Member State, or in the EU as a whole?

| | Your Member State | The EU as a whole |
|---|-----------------------|----------------------------------|
| Lack of data | <input type="radio"/> | <input type="radio"/> |
| Use of data for the purposes of influencing content programming | <input type="radio"/> | <input type="radio"/> |
| Negative impact on advertising revenues | <input type="radio"/> | <input type="radio"/> |
| Other issues | <input type="radio"/> | <input checked="" type="radio"/> |
| None | <input type="radio"/> | <input type="radio"/> |
| I don't know / no opinion | <input type="radio"/> | <input type="radio"/> |

Other issues, please specify:

3000 character(s) maximum

We are observing challenges related to (a) common understanding of concepts and terminology used across the industry, and (b) reaching full potential of cross-screen measurement. In both cases, the industry has taken steps to collectively address those challenges.

(a) To assess the fragmented language on measurement in the industry, IAB Europe released the IAB Europe Digital Advertising Effectiveness Framework (<https://iab europe.eu/wp-content/uploads/2020/05/IAB-Europe-Digital-Advertising-Effectiveness-Framework-overview-and-FAQs-v2.pdf>), providing a set of harmonised definitions, measures and metrics that include the area of Media Effectiveness.

The Framework is designed for any stakeholder in digital advertising who wants to gain a better understanding of the effectiveness measurement landscape and make informed decisions about what research to undertake. In addition, it includes a map of measurement suppliers that operate in the areas of effective measurement relevant depending on the areas and metrics. It was developed by IAB Europe's multi-stakeholder Research Committee and Effectiveness Measurement Task Force and in close collaboration with measurement companies. Further development of the framework is currently being consulted with the industry (https://iab europe.eu/wp-content/uploads/2022/02/IAB-Europe_Effectiveness-Measurement-Framework_phase-2-proposal_Feb-2022.pptx.pdf)

(b) Being able to measure cross-media and cross-device is key; both buy and sell-side stakeholders indicate that cross-media evaluation and a better understanding of how digital works in combination with other channels are essential to driving more digital brand advertising investment. IAB Europe's Report on Digital Brand Advertising and Measurement from 2018 (<https://iab europe.eu/research-thought-leadership/iab-europe-report-digital-brand-advertising-and-measurement-2018/>) already revealed that the fact that the top key performance indicators that stakeholders want to use for digital are those associated with traditional media, e.g. brand awareness and purchase intent, which accentuates an acute need for well-functioning cross-media measurement systems. There exist initiatives that are seeking to address this challenge, for instance, the Origin Media Measurement (<https://originmediameasurement.com/>), an advertiser-backed programme designed to create a blueprint for cross-media and cross-screen measurement.

3) In your view, would any of the following actions be useful at EU level to promote a transparent, objective and inclusive system of audience measurement for media content? (Choose all that apply)

- Provide a forum for discussion and exchange of best practices
- Set out principles to enhance transparency, objectivity and inclusiveness and of audience measurement
- Ensure independent auditing of audience measurement
- Introduce common EU standards for audience measurement
- Entrust an independent EU body with a competence to monitor the methodologies of audience measurement in Member States
- Other (please specify)
- No EU-level action is needed
- I don't know / no opinion

Other, please specify:

1000 character(s) maximum

Measurement is organised flexibly on the local level, in recognition of the intricacies of the local markets, but also to adhere to the needs of local players. The said flexibility helps measurement providers to continuously innovate and adapt their services to the needs of local publishers who in turn are able to attract capital from brand advertisers that look to invest in reliable media.

On the European level, the industry strives for common principles and joined understanding of relevant concepts, terminology and metrics. We would be open to having the EU further promote those industry-agreed approaches, in order to ensure the broad coverage.

3. Conditions for healthy media markets

3.1 Balanced and impartial media coverage

In a healthy media ecosystem at local, regional and national levels, audiences should benefit from a balanced and impartial media offer as well as from a diversity of views and reliable information sources, both offline and online.

In some Member States, there are already measures in place in this area, in particular for broadcasters, including specific rules applicable during elections (e.g. rules on parity of treatment of political candidates). Moreover, users are increasingly choosing to access media content through online platforms allowing the intermediation of third party content. Divergent or insufficient media plurality safeguards, offline or online, might raise compliance costs and result in uneven regulatory burden for players in the EU media market. For media companies operating in the internal market, consistent safeguards in this area may reduce risks of interference in their editorial decisions and ensure that all players comply with similar standards.

In view of the above, the following section aims to collect input about the challenges to ensure balance in media coverage or exposure to plurality of views (including during elections) and possible actions in this area.

1) What is your main source to access news/information?

- Directly from editorial media (newspapers, news websites, TV, radio)
- Through online platforms
- A combination of the above
- Other (please specify)
- None

2) According to your experience, have you encountered any issues in having access or being exposed to a diverse media offer?

- Yes
- No
- I don't know / no opinion

Please explain, including possible examples:

5000 character(s) maximum

3.2 Regulatory convergence and cooperation

Common understanding of key concepts of media regulation and their effective enforcement are essential for the proper functioning of the EU media market. It enhances legal certainty, in particular by eliminating implementation gaps, facilitates cross-border investment and ensures a level playing field. However, the internal media market is currently affected by diverging approaches to media regulation and its enforcement. This concerns in particular areas relevant for media pluralism such as prominence of content of general interest and balanced media coverage or exposure to plurality of views.

At the same time, while media regulators within ERGA are key actors in ensuring that media rules work well in practice, they may have limited cooperation channels for addressing different national regulatory approaches or dealing quickly and efficiently with cross border cases. This can result, for example, in situations where media companies spreading anti-democratic propaganda take advantage of the EU internal media market. While ERGA established informal mechanisms for cross-border cooperation under a Memorandum of Understanding ([MoU](#)), the initiative has a voluntary, non-binding character. As a result, the effectiveness of such mechanism may be diminished and media regulators may not fully benefit from the level of legal certainty of a formalised cooperation framework.

In view of the above, the objective of the following section is to gather input on whether and how greater regulatory cooperation and convergence could be ensured in the EU media market.

1) Based on your experience, how would you assess the current cooperation between the national regulatory authorities in the media sector, in particular in cross-border cases?

- Satisfactory
- Unsatisfactory (please explain)
- I don't know / no opinion

2) In your opinion, which of the following shortcomings, if any, apply to the current cooperation/coordination framework between national media regulators?

| | Fully agree | Somewhat agree | Neither agree nor disagree | Somewhat disagree | Fully disagree | I don't know / No opinion |
|---|-----------------------|-----------------------|----------------------------|-----------------------|-----------------------|---------------------------|
| Lack of legally binding cooperation procedures | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The scope of the current cooperation framework is limited to certain aspects of media regulation only | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Lack of resources of media regulators to work on cross-border issues | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Lack of common approaches in key areas of media regulation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

3) In your view, and according to your experience, in which areas do divergent regulatory approaches create challenges for media companies, including their ability to take business decisions and operate in the EU media market? (Choose all that apply)

- Prominence of content of general interest
- Balanced media coverage or exposure to plurality of views (including during election periods)
- Licensing (or administrative authorisation) of activities by third country providers that contravene European media standards
- Other (please specify)
- None
- I don't know / no opinion

4) In your view, would a strengthened cooperation/coordination between national media regulators help find common EU approaches to key concepts of media regulation?

- Yes
- No
- I don't know/ no opinion

5) In your view, what actions could be taken in order to ensure more regulatory convergence of the EU media market? (Choose all that apply)

- Common guidance/best practices exchange by independent media regulators on key areas of media regulation
- Legally binding framework for the cooperation of media regulators at EU level, to facilitate the enforcement of media rules, in particular across borders
- Harmonisation of key areas of media regulation relevant for media pluralism
- Other (please specify)
- I don't know / no opinion

3.3 Media self-regulation

Robust self-regulatory mechanisms are key components of a healthy media ecosystem. Depending on their effectiveness and coverage, self-regulatory measures can complement regulation, reduce discrepancy in the application of professional standards thereby contributing to the transparency of media reporting and availability of reliable and fact-checked information.

Self-regulation often relies on independent media/press councils. They uphold editorial integrity and protect journalists against undue influence from both economic and political interests. However, in some Member States, media/press councils are not yet established, and representatives of the media community lack incentives to develop them. Fragmentation in self-regulation standards also contributes to the fragmentation of the internal media market.

In this context, the objective of the following section is to gather input on existing media self-regulatory bodies and mechanisms in the Member States and on possible actions to foster coherent media self-regulation across the EU.

1) Are you aware of the existence of media self-regulatory bodies (e.g. media/press councils, media/press ombudspersons) in your Member State?

- Yes
- No

2) In your view, or according to your experience, what is the impact of media self-regulatory bodies on the functioning of the EU media market?

- Positive
- Neutral
- Negative
- I don't know / no opinion

Please explain:

5000 character(s) maximum

3) Are you aware of problems regarding the application of journalistic standards and ethics in the EU media market?

- Yes
- No

Please explain:

5000 character(s) maximum

4) In your view, would any of the following actions at EU level help to develop/foster media self-regulation and facilitate the cross-border cooperation of media self-regulatory bodies?

| | Fully agree | Somewhat agree | Neither agree nor disagree | Somewhat disagree | Fully disagree | I don't know / No reply |
|---|-----------------------|-----------------------|----------------------------|-----------------------|-----------------------|-------------------------|
| Support the creation and recognition of media self-regulatory bodies where they do not yet exist | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Foster independence of media self-regulatory bodies | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Monitor and report on the development and functioning of media self-regulation across the EU | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Set up an EU-level coordination network to exchange best practices for media self-regulatory bodies | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Other, please specify:

1000 character(s) maximum

3.4 Enabling environment for innovative media

A healthy media ecosystem should provide an enabling environment for innovative media players to grow. The EU media market should be a place where media companies embrace new technologies, creative formats, explore new business models and benefit from viable and sustainable funding models, in order to grow and improve the quality of their services, to the benefit of pluralistic and diverse information. Regulatory mechanisms may help achieving this objective. For instance, deployment of sandboxing schemes providing exemptions from certain regulatory obligations may encourage media actors to test innovative solutions while benefiting from temporary exemptions from certain regulatory obligations.

The Commission has presented its strategy for European media in the Media and Audiovisual Action Plan ([MAAP](#)). Published in December 2020, it covers a number of actions to promote media innovation in Europe during and in the aftermath of the Covid-19 pandemic, such as creating a media data space and opening Creative Innovation Labs to start-ups and scale-ups.

The following section aims to collect input on current trends and possible further actions that could be taken to support media innovation.

1) In your view, which recent technologies/processes will be most relevant for media innovation over the next five years? (Choose all that apply)

- Data spaces and analytics
- Artificial intelligence
- Cloud computing
- Extended reality
- Other (please specify)

Please specify – and provide examples of projects:

5000 character(s) maximum

2) If applicable, are the resources invested by your company in research and innovation

- Sufficient
- Insufficient
- I don't know / no opinion

3) What are the trends over the last five years regarding the financial health of European editorial media?

- Strengthening
- Weakening
- I don't know / no opinion

4) Would improved access to finance for editorial media, including through guarantees for debt financing and equity investments, be relevant to increasing the economic sustainability and resilience of media outlets?

- Yes
- No
- I don't know / no opinion

5) Do you think that sandboxing schemes would be useful in supporting innovation the media sector?

- Yes
- No
- I don't know / no opinion

Please explain your answer:

5000 character(s) maximum

6) Who should be in charge of deployment and management of potential media sandboxing schemes? (Choose all that apply)

- State authorities
- National media regulators
- EU network of media regulators
- Other relevant regulatory authority or body - please specify

4. Fair allocation of state resources in the media markets

4.1 Functioning of public service media

Public service media's mission is to provide everyone with reliable and diverse information. As recognised in the Protocol on the system of public broadcasting in the Member States ([Amsterdam Protocol](#)), public service media, both at national and sub-national level, are directly related to the democratic, social and

cultural needs of society and the need to preserve media pluralism.

However, public service media in the EU may be subject to risks of political interference, which may put in question the rationale for their special treatment under the internal market and state aid rules. In particular, if public funding is not used for the fulfilment of a public service remit benefitting all viewers but to serve partisan views, this may lead to a distortion of competition among market players and ultimately affect trading conditions in the EU internal market.

The following questions aim to gather views and experience about independent functioning of public service media, their editorial independence, potential impacts on competition in the internal market as well as possible EU actions in this area.

1) Are you aware of any instances of state interference in editorial decisions or management of public service media in any EU Member State?

- Yes
- No

2) In your opinion, does state interference in the editorial decisions or management of public service media affect competition in the EU media market?

- Yes, to a very large extent
- Yes, to a large extent
- Neutral
- Only to a limited extent
- Not at all

3) Are you aware of any cases where the appointment and/or dismissal procedures of public service media management have been used to undermine or interfere with the independent functioning of public service media?

- Yes
- No

4) In your view, would any of the following help at EU level to strengthen the independence of public service media, with a view of safeguarding fair competition?

- Rules on the absence of conflict of interest for public service media management
- Independence safeguards for the appointment procedures regarding public service media management
- Independence safeguards for the dismissal procedures regarding public service media management
-

Rules on fair and diverse societal representation in the management

- Monitoring mechanisms for the fulfillment of public service remit
- Other (please specify)
- I don't know / No opinion
- No EU-level action is needed

4.2. State advertising

State advertising refers to advertising expenditure by national, regional and local level governments, public institutions and state-owned companies and foundations on media (both editorial media and online platforms).

Lack of transparent, non-discriminatory, proportionate and clear rules in this regard may create risks of discrimination, favouritism and distortion of competition in the internal media market. It also results sometimes in interference with editorial independence of media outlets. While in some Member States public procurement frameworks are used for distribution of state advertising, they may not capture all state advertising expenditure.

The objective of this section is to gather views on national approaches and issues in the allocation of state advertising and potential actions in this area.

1) How do you assess the level of transparency of state advertising in your EU Member State and in the EU as a whole?

| | Sufficiently transparent | Insufficiently transparent | I don't know / no opinion |
|-------------------|--------------------------|----------------------------|---------------------------|
| Your Member State | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The EU as a whole | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

2) How do you assess the level of transparency in the following elements related to state advertising in your Member State?

| | Sufficient | Insufficient | I don't know / No opinion |
|--|-----------------------|-----------------------|---------------------------|
| Criteria for allocation of state advertising | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Amounts of state advertising | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Beneficiaries of state advertising | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

3) To what extent do you agree there is sufficient transparency on state advertising expenditure in the following media in your Member State?

| | Fully agree | Somewhat agree | Neither agree nor disagree | Somewhat disagree | Fully disagree | I don't know / No opinion |
|-----------------|-----------------------|-----------------------|----------------------------|-----------------------|-----------------------|---------------------------|
| TV broadcasting | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | | | |
|--------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Radio broadcasting | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Press | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Online platforms | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

4) Are you aware of any of the following limitations applying in your Member State?
(Choose all that apply)

- There are no limitations to access information on the allocation of state advertising
- Access to information on the allocation of state advertising is not free of charge
- Information on the allocation of state advertising is not available
- Information on the allocation of state advertising is not available online
- Information on the allocation of state advertising is not accessible before or after a given time period
- The categories of people who can access information on the allocation of state advertising are limited
- Certain advertising contracts are exempted from transparency rules
- There are no prior information or contract notices for state advertising
- I don't know / no opinion

5) Are you aware of any instances of discriminatory/preferential allocation of state advertising in any EU Member State?

- Yes
- No

6) In your view, do you consider that the following practices related to state advertising create distortion in the internal media market? Please rate from 1 (not at all) to 5 (to a very large extent).

| | 1 (not at all) | 2 (to a limited extent) | 3 (neutral) | 4 (to a large extent) | 5 (to a very large extent) | I don't know / No opinion |
|---|-----------------------|-------------------------|-----------------------|-----------------------|----------------------------|---------------------------|
| Non-transparent allocation of state advertising | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Absence of upper limits on the amounts of state advertising | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | | | | | | |

| | | | | | | |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Absence of clear criteria for the allocation of state advertising per media outlet or media type | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Discriminatory allocation of state advertising | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Heavy reliance of media companies on state advertising to finance their operations | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

7) In your view, would any of the following actions at EU level help enhance the transparency and fairness of allocation of state advertising? (Choose all that apply)

- Introduce reporting obligations for Member States with regard to the allocation of state advertising
- Establish an EU-wide monitoring of state advertising allocated by Member States
- Introduce general standards for Member States for allocation of state advertising
- Set out detailed criteria for allocation of state advertising by Member States
- No action at EU level is needed
- Other (please specify)
- I don't know / no opinion

5. Governance options

A consistent and effective regulatory framework is necessary to ensure a well functioning internal media market for media that also guarantees independent and pluralistic media. Such a framework may require an adequate institutional structure at the European level.

The AVMSD established the European Regulators' Group for Audiovisual Media Services ([ERGA](#)), which is composed of independent regulatory authorities or bodies in the field of audiovisual media services. Currently, ERGA acts as a Commission expert group and is tasked with providing technical expertise to the Commission primarily with regard to the implementation of the AVMSD. From an organisational perspective, ERGA with its status of a Commission expert group, relies on the administrative support provided by the Commission.

Against this background, the objective of the following section is to gather input regarding the current set-up of ERGA and possible options for institutional architecture of a possible new framework under EMFA.

1) In your view, how important is the role of the EU network of independent media regulators (ERGA) in ensuring a consistent and healthy regulatory framework for media across the EU?

- Very important
- Quite important
- Neutral
- Not very important
- Not important
- I don't know / no opinion

2) In your view, or according to your experience, is the current institutional set-up of ERGA, in particular as regards its status, available resources and administrative support, sufficient to enable national media regulators to effectively contribute to the proper functioning of the internal media market and safeguarding media pluralism?

- Yes
- No
- I don't know / no opinion

Please explain your answer (and provide practical examples, if possible):

5000 character(s) maximum

3) What governance arrangements would you consider most appropriate for the institutional architecture of the possible new EU framework for independent and pluralistic media?

| | Fully agree | Somewhat agree | Neither agree nor disagree | Somewhat disagree | Fully disagree | I don't know / No opinion |
|--|-----------------------|-----------------------|----------------------------|-----------------------|-----------------------|---------------------------|
| EU network of independent media regulators (ERGA in its current status) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| A reinforced ERGA with a secretariat provided by the Commission, strengthened in resources compared to the situation today | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| ERGA as an independent European body, assisted by an independent secretariat | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| | | | | | | |

| | | | | | | |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| A fully-fledged EU regulatory agency | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| European Commission with support of ERGA | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Please explain your answer:

5000 character(s) maximum

Closing section (and possibility to upload a position paper)

Please upload your file(s)

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

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Final comments:

Along with our responses to specific questions of the survey, we would like to submit a background note that provides further information on the topic of "measurement". Please find it attached.

Thank you for your contribution!

Contact

[Contact Form](#)