

# Policy Dialogue Concept Paper



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## Executive Summary

Impact Innovate Invest- i3 - is a Coordination and Support Action that addresses the topic of ICT19-2015 Technologies for creative industries on Convergence and Social Media. Following the European Council conclusion that stated "Europe needs an integrated approach from research and innovation to market deployment"<sup>1</sup>, i3 will support research results from lab to market, making innovation happen.

As stated in the Description of the Work (DoW), i3 will promote a closer relation between researchers and entrepreneurs, providing mentorship and tutorship support and providing access to business angels and investors. Furthermore, i3 will implement a systematic policy review and analysis applying methods that can be effectively used to solve policy issues in the domain addressed by the specific topic ICT19. A policy dialogue will be organised in order to develop new research agendas, issues for a regulatory framework and coordination policies in Convergence and Social Media.

In this regards, the aim of the deliverable is to start defining a policy dialogue that will allow addressing regulatory, normative and technical aspects within the Convergence and Social Media sector for the duration of the project. The deliverable defines the framework for this dialogue that will bring together policy makers, investors and relevant stakeholders in exchanging information in order to build consensus to influence and guide the legislative and normative process.

Chapter 1 is focused on the analysis of the state of the art of Media policy. Integrating official documents from European institutions with a review of academic findings, the chapter provides a general overview on the sector. Particularly, this Chapter is focused on the main topics that are currently under discussion in European bodies, highlighting related challenges and opportunities. In line with this, the last actions undertaken by the European Commission to engage relevant stakeholders in order to create a more comprehensive dialogue are also described.

Chapter 2 integrates results of the literature review and the desk analysis with the strategy that i3 plans for the definition of the policy dialogue. The first part of the chapter is dedicated to the description of the strategy in all its components and steps. Particularly, it explains that the strategy will be based on a careful selection of stakeholders and will then pursue the adoption of an evidence-based approach in order to derive clear and concrete policy recommendations. The second part of Chapter 2 is dedicated to the implementation of the first stage of the strategy, namely the definition of a map of project's stakeholders. It is based on the literature review and recent public consultations, leading to a first list of stakeholders, which will be used to finalise the stakeholders' map to be adopted in the next stage of

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<sup>1</sup>Available at:

[https://www.consilium.europa.eu/uedocs/cms\\_data/docs/pressdata/en/ec/139197.pdf](https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/139197.pdf)



stakeholder selection and engagement. The chapter ends then with a timeline for future actions.

Finally, the Conclusions reflect the state of the art of the policy and identify the main open issues of the strategy to be discussed in D5.2. In the next deliverable, indeed, the description of the final strategy to be adopted will be presented, together with specific protocols to drive the policy dialogue.

## Glossary

Abbreviation	Expression
AVMSD	Audiovisual Media Services Directive
CMPF	Centre for Media Pluralism and Media Freedom
DG	Directorate General
DoW	Description of Work
DSM	Digital Single Market
EBU	European Broadcasting Union
EC	European Commission
EP	European Parliament
EU	European Union
EYF	European Young Forum
FOSS	Free and Open Source Software
I3	Impact Innovate Invest
ICT	Information Communication Technologies
IPTV	Internet Protocol Television
ISP	Internet Service Provider
MPM	Media Pluralism Monitor
NGOs	Non-Governmental Organisations
OA	Open Access



OER	Open Educational Resources
OJS	Open Journal System
REFIT	Regulatory Fitness and Performance Program
SME	Small Medium Enterprise
TV	Television
UGC	User Generated Contents
UNESCO	United Nations Educational Scientific and Cultural Organisations
VOD	Video On Demand
WTO	World Trade Organisation

## Relation to other documents

This document is related to other i3 documents as follows:

Input:

- [ 1 ] Description of the Work
- [ 2 ] D3.1. Situational Analysis and Conceptual Framework
- [ 3 ] D3.2 Coordination and Engagement Plan

Outputs:

- [ 4 ] D5.2. Policy Dialogue Protocols
- [ 5 ] D5.3. Dialogue Intermediate Working Group Report
- [ 6 ] D5.4. Policy Dialogue and Final Report and Recommendation

## Introduction

The role of Information Communication Technologies (ICT) and its deployment is increasingly becoming crucial for current societies. The capacity to address and to develop new opportunities is clearly fundamental for national governments as well as for supranational organisations. This is the case of the European Union that currently is putting a lot of efforts in the improvement of a Digital Single Market in all its facets.

One of the most relevant points on the political agenda of the European Commission (EC) is the regulation of the Media sector. In addition to playing a key economic, social and cultural role in Europe for its relapse on the economy and on employment, the media sector is also faced itself with great and important transformations. Particularly, “new technologies and media services such as digital television, satellite radio, mobile content applications, video on demand, and new inter-net services are fundamentally transforming media environments and media use” (Klimkiewicz, 2010, p.xi). For this reason, the EC is actually working hard in terms of policies and regulations.

In line with this, one of the aims of the i3 project is to be engaged in such discussions, promoting and supporting a constructive policy dialogue among different actors. Indeed, by putting together a stakeholder community of policy makers, entrepreneurs, investors, and projects’ participants engaged in the field, we aim to build a consensus recommendation from both private and public parties, inspiring next policy initiatives launched by the European Commission.

To reach this aim and to address the topic in all its complexity, the current deliverable starts to identify the main issues in the field that dedicated European bodies are currently facing. Then it described the i3 strategy for a policy dialogue with a strong involvement of stakeholders, followed by a first mapping of the key actors that are involved in the policy-making process in the Convergence and Social Media sector.

On this basis, the deliverable should be seen as the first step towards both the description of the state of the art and the definition of drawing out a policy dialogue for the benefit of future policies.

# 1 Industrial policy: Convergence and Social Media initiatives at a glance

Markets develop more successfully with a specifically designed government policy, in particular in terms of economic efficiency and suitable distribution of income (Stiglitz, 2015).

The realisation that markets without a designed government policy may not lead to economic efficiency and suitable distribution of income, is a fact supported by evidences and data (Stiglitz, 2015). Hence, governments have a central role in defining industrial policies creating conditions to address market failures and providing guidelines reaching better outcomes.

Industrial policy, in this sense, should not be confused with practices directed to industrialisation but need to be considered, as stated by Stiglitz “any policy affecting the sectoral composition of the economy or the choice of technology. Thus, industrial policy in this sense should be also part of corporate governance, anti-trust and competition policy, and monetary policy and bankruptcy frameworks, as well as (more obviously) tax and expenditure policy” (Stiglitz, 2015, p. 1).

To create an effective industrial policy, scholars (Stiglitz and Weiss, 1981; Greenwald and Stiglitz, 1986) have identified elements that should be pursued. First, an industrial policy should focus on the reduction of liabilities of corporations and banks and with this limiting economic fluctuations and economic crises. Moreover, a policy should be focused on the evaluation of social costs related to a potential instability. Second, it is necessary that an industrial policy strongly aims at reducing inequality. This topic is not taken into account from the market *per se* and neither is taken into account in the promotion of innovation (Stiglitz and Greenwald, 2014). In both directions, governments have the task to play a role.

In the context of the current knowledge economy, all indications above should be addressed together with a learning approach (Stiglitz and Greenwald, 2014). In other words, “the only way to learn how to do industrial policies is to carry out industrial policies, to learn consciously from one’s success and failures” (Stiglitz, 2015, p.2). Particularly, for current societies it is crucial to promote policies in technological change using multiple instruments and trying to address the question “what should governments do to promote growth through learning (technological progress and innovation”. One possibility is to encourage localised learning (Atkinson and Stiglitz, 1969) that is “localised to particular technologies, but not necessarily to particular sectors” (Stiglitz, 2015, p.7).

In line with the need of industrial policies to steer technology and innovation in the direction of an equal and fair society the wide discussion about media policy from a European perspective will be introduced in the following.

Media policy can be defined as the middle ground between two main aspects of the media sector, from one side the cultural, social and democratic goals, from the other side the economic and industrial interests. According to scholars, among others Michalis (2014), the process to

determine which are the primary functions of the media sector has been, and still it is, one of the pillars of the EU media policy.

The process of defining a common media policy has followed a challenging path aimed at harmonising diversities in the media system in European countries (Michalis, 2014; Hallin and Mancini, 2004). Indeed, until the 1980s the media governance, defined “old order” (McQuail, 2007), was characterised by national monopoly or duopoly broadcasters and by only strict collaborations between countries in relation to technical or legal cross-border issues. First attempts of cooperation between Western European countries arose in relation to the founding of the European Broadcasting Union (EBU) in 1950 and through the work on the enhancement of media rights such as freedom of expression and information sustained by the Council of Europe. However, it was in the 1980s that a “new order” for the media sector emerged and the national approaches to the issue were substituted by a European feeling based on a need of an enlarged competition (Michalis, 2014). This feeling was confirmed in 1986 when the project of a single market became reality and the competition as a resource was finally affirmed and pursued by national states through the liberalisation and reforms of the media sector. In the following years, until today, the range of the European skills and power on the sector has increased dramatically and it is currently facing several challenges. Among them, new technologies and contents.

In this regard, as stated by the European Commission in the H2020 call ICT19-2015, “ubiquitous technology adoption, widespread use of mobile devices, broadband internet penetration and increasing computing power affect the consumption of content; high-quality content, new user experiences, anywhere, anytime, on any device. Consequently, developments related to content creation, access, retrieval and interaction offer a number of opportunities and challenges for the creative and media industries<sup>2</sup>”.

The European Commission is intensively working on several kinds of opportunities and challenges in the media sector with the aim to improve policies to support both economic actors and single citizens.

As argued by Stiglitz: “Successful countries have employed a portfolio of instruments, of interventions, in the market economy. The variety of approaches suggests that there is no one way; but the multiplicity of failures suggests that there are also many ways to fail. The difficulty of achieving a successful developmental transformation suggests that countries should not necessarily seek the optimal set of policies (whatever they might mean or entail), but rather, a politically acceptable strategy, involving a portfolio of instruments, which has a reasonable chance of success. These choices should be based on learning from the success and failures of others” (Stiglitz, 2015, p.11).

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<sup>2</sup> Available at:

<http://ec.europa.eu/research/participants/portal/desktop/en/opportunities/h2020/topics/912-ict-19-2015.html>

In line with this, the aim of this deliverable is to understand the current debate on the European media policy and support it along the project duration through a policy dialogue creation adopting a learning perspective that could enhance policy for the field.

In particular, the next sections underline the main topics of discussion that need to be taken into account before structuring a constructive and fruitful dialogue with all relevant actors.

## 1.1 State of the art of the policies: the importance of a Digital Single Market

The internet and digital technologies are transforming the world, in particular social relations and economic structures.

In line with this, the European Union (EU), through its institutions, is facing challenges and opportunities emerging from new technologies and the ways to use them. One of the major points that the European Commission has identified to enhance opportunities within the European market is the completion of the Digital Single Market (DSM). This point was presented as one of the ten priorities listed in its political agenda adopted on the 6 May 2015. However, the DSM is also a key priority for the European Council and the European Parliament, as highlighted in the Annual Growth Survey 2015<sup>3</sup>.

The creation of a Digital Single Market, it is not a totally new field of work for the European Commission. In fact already in the 1980s the Commission worked on a plan for the creation of an internal market for broadcasting. Then, in the 1990s policy makers further pushed the work in the field. Indeed, in 1994 the “Bangemann Report on Europe and the Global Information Society<sup>4</sup>” was then adopted by the European Council as a plan for procedures and actions on the topic.

Even if it was difficult to put the plan into practice in those years, the topic has recently gained new attention and the field is on turmoil. Indeed, the chance to create a Digital Single Market is now a crucial point of the Agenda of President Juncker and the Commissioner for Digital Economy and Society, Oettinger<sup>5</sup>.

As stated in the official document delivered by the European Commission on the topic: “A Digital Single Market is one in which the free movement of goods, persons, services and capital is ensured and where citizens, individuals and businesses can seamlessly access and exercise online activities under conditions of fair competition, and a high level of consumer and personal data protection, irrespective of their nationality or place of residence. Achieving a Digital Single Market will ensure that Europe maintains its position as a world leader in the digital economy helping European companies to grow globally. A fully functioning DSM will present European businesses, particularly small and medium-sized enterprises (SMEs), with a potential customer

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<sup>3</sup> SWD (2015) 100 final

<sup>4</sup> Available at: <http://www.cyber-rights.org/documents/bangemann.htm>

<sup>5</sup> [http://ec.europa.eu/priorities/digital-single-market\\_en](http://ec.europa.eu/priorities/digital-single-market_en)

base of more than 500 million people, enabling companies to make full use of ICT to scale up for productivity gains, creating growth along the way<sup>6</sup>.

A digital single market, indeed, will allow to reduce barriers and with this opening up opportunities that dramatically impact the socio-economic structure of the European Union through a direct relapse on the everyday life of its citizens. As argued, among others, by Anttiroiko (2003), a better use of technologies and a major release to citizens of digital competencies, can directly improve their life and rights, providing easy access to information and culture, but also affecting the relation between citizens and their governments. In this sense, technologies can promote open exchanges with institutions, more transparency and, as a consequence, equality and non-discrimination. As recently seen in different political experiences around Europe, technologies and its use from citizens can lead to a wider participation in the democratic life of their countries through a better engagement of citizens on national questions as well as on cross-border issues.

On the other side, following evidences provided by the EC, the negative impact of barriers is clear. As stated by the EC “existing barriers online mean citizens miss out on goods and services, internet companies and start-ups have their horizons limited, and businesses and governments cannot fully benefit from digital tools. It's time to make the EU's single market fit for the digital age – tearing down regulatory walls and moving from 28 national markets to a single one. This could contribute €415 billion per year to our economy and create hundreds of thousands of new jobs”<sup>7</sup>.

Benefits related to a market without barriers for contents on the internet, deleting copyright issues from country to country, is a realistic and a concrete economic opportunity from the EC perspective. As also stated by Stiglitz (2015), intellectual property rights (IPR) produce huge costs with the effect to “impedes the use of information and gives rise to monopoly power”. In addition to costs, IPRs also affect the opportunities for innovation and learning, limiting the circulation and access to knowledge.

However, opposite interests are visible in the debate. In addition to a clear position from scholars and from the EC, conflicting positions emerge from other players.

Indeed, other stakeholders engaged in the industry are interested in the debate, supporting different positions. In particular, companies working in the industry raise several questions about their economic sustainability.

As argued by Schooneknaep and Donders (2016) the actual system based on national licences prevents the access to contents that are not available in the geographical areas in which rights have not been sold through geo-blocking. To avoid the current practice of geo-blocking the plan is to delete copyrights, allowing users to access television contents from all Europe. This has several impacts on the media industry, above all, simplifying it to some extent, in regard to the size of the stakeholder. Local stakeholders, e.g. small public broadcasters, often producing high-quality contents, are particularly worried of a competition with European and international players due to the fact that their services are not ready for a wider competition. Indeed, for this group

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<sup>6</sup> <https://ec.europa.eu/digital-single-market/digital-single-market>

<sup>7</sup> [https://ec.europa.eu/priorities/digital-single-market\\_en](https://ec.europa.eu/priorities/digital-single-market_en)

the question is more about if in a wider market without barriers regulated by multi-territorial licensing they can survive. The point is that changing the market structure, currently successful business models will be dramatically impacted. So, it is unsure if adopting new business models small players will be able to survive within a larger competition.

Then, stakeholders with a strategy that could actually cover a European market, e.g. as broadcasters working in more countries or small European studios, are more open to a middle ground option. This could be something like portability services. This strategy is mainly shared and required by actors such as BBC, Arte, or Sky.

On the opposite side there are stakeholders which already have an international strategy, for example US's companies or big corporations as HBO, Hollywood Studios or Netflix. These players completely agree with the abolition of the copyrights' system and approve a free flow market.

To solve this conflict, the EC is strongly working to find the best solution for European stakeholders and for the European market. In order to find best ways to regulate the industry and to enhance competitiveness, the EC has identified three main areas on which it is important to act: access, environment, economy and society. The first aim is to provide "better access for consumers and businesses to digital goods and services across Europe, making sure the Internal Market is ready for the digital age with rapid actions, and helping to ensure a "single" digital market by removing barriers that hold back cross-border e-commerce". About the environment, the goal is to create "the right conditions and a level playing field for digital networks and innovative services to flourish (actions to create the right conditions for infrastructure investment, ensuring a level playing field between market players and improving the European basis for the digital economy)". Finally, for economy and society, the idea is to "maximising the growth potential of the digital economy (actions with far-reaching effects on European industrial competitiveness, investment in ICT infrastructures and technologies such as Cloud computing and Big Data, research and innovation as well as inclusiveness and skills)".

All the three pillars are certainly connected and linked to the most innovative technological solutions and their potential for the digital economy. Indeed, as reported by the EC "Information and communication technologies (ICTs) are revolutionising the development and distribution of information today, giving a unique chance to better create and market European content"<sup>8</sup>.

However, all debates pushed by European institutions on DSM, innovations in the ICT field, and technologies in general, particularly affect another closely related sector of interest of the European Commission: the Media Sector. In this sense, the concept of Social Media and its convergence is becoming more and more important for institutions as well as for business parties.

Indeed, the Media Sector is one of the key elements related to cultural, economic and social life of the European Union. It can count on relevant numbers in terms of revenues and jobs creation but is also a key component in the European background for its culture and values. For this

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<sup>8</sup> <https://ec.europa.eu/digital-single-market/en/content-and-media>



reason, a great effort of the EC and other parties is also addressed to the improvement of the media field.

## 1.2 The role of European Media policies

European Media policy is a relevant and complex field. It is sustained at the European level, in collaboration with the member states, by mainly three actors: the European Council, the EC and the European Parliament (EP). The boundaries of the field are difficult to define and the topic is very broad. Therefore, according to several scholars, it is more accurate to talk of European policies instead of European policy (Donders et al., 2014).

The topic is gaining a relevant space of discussion as one of the pillars in the European context, influencing all the main dimensions of citizens' life from the economy to cultural values.

As stated by the EC on the website<sup>9</sup>, and as written by Donders et al., (2014): "European media policy is implemented by the EC in four ways. First, there is the harmonization of rules applicable to audiovisual media services. These rules are part of the Audiovisual Media Services Directive (a 2007 amended version of the 1989 Television without Frontiers Directive), which is transposed into over 28 national and subnational jurisdictions. Their main objective is to achieve an internal market in audiovisual media services while protecting the interests of minors and enforcing public interest objectives, such as diversity and quality. Technical standardization also falls under these objectives of creating an internal market for communication and information technologies, infrastructure and devices. Second, there are media-specific programs to stimulate the production and distribution of audiovisual media services. The industrial support program MEDIA, which is designed to add to the professionalization of the film and television industries, is the most important support program. Third, the EC formulates policies on media literacy and media pluralism. For these topics the axis of policy lies with the member states, however. Fourth, there is an external dimension to European media policy when the EC defends European cultural and economic interests in, for example, the World Trade Organization (WTO) and, on occasion, the United Nations Educational Scientific and Cultural Organisation (UNESCO)".

The Media sector is facing a great transformation thanks to a wide range of technologies and opportunities. These are affecting traditional broadcast services as well as the internet as a whole. This might be the reason why the sector is recently so much engaged in multiple and complex discussions.

The most relevant transformation that the sector is facing is related to "the proliferation of connected devices and the wide availability of faster broadband connections are affecting existing business models and consumer habits and creating new challenges and opportunities for the creative industries"<sup>10</sup>.

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<sup>9</sup> Available at: [http://ec.europa.eu/archives/information\\_society/avpolicy/index\\_en.htm](http://ec.europa.eu/archives/information_society/avpolicy/index_en.htm)

<sup>10</sup> <https://ec.europa.eu/digital-single-market/en/media-policies>

The massive need for connection between devices is also linked to the fact that digitalisation has affected the audiovisual distribution, disrupting the services based on structured planning and timing television, to encourage video-on-demand services<sup>11</sup>.

The Media sector is also facing another strong change due to the shift from the user in user-generated contents. The revolution of Web 2.0, indeed, has produced a shift in the way media contents are produced and consumed (Jenkins 2006). “Audiences, empowered by these new technologies, occupying a space at the intersection between old and new media, are demanding the right to participate within the culture” (Jenkins, 2006). The result is a participatory culture which increasingly demands room for ordinary citizens to wield media technologies – technologies that were once the privilege of capital intensive industries – to express themselves and distribute those creations as they seem to fit. When ‘old media’ still reigned, media recipients had little direct power to shape media content and faced enormous barriers to enter the marketplace, whereas ‘the new digital environment expands the scope and reach of consumer activities’ (Jenkins, 2006) through the activity of User Generated Content (UGC). UGC is usually used to describe the various forms of media content that are publicly available and created by end-users (Kaplan and Haenlein, 2010) and this is particularly relevant when describing the role of Social Media as new media.

Social media are seen as “tools to engage different stakeholders and above all to communicate directly with them bypassing the traditional role of mass media” (Sederviciute and Valentini, 2011).

As defined by Kaplan and Haenlein (2010), Social media are definitely new forms of media and can be described as a “group of internet-based applications that build on the ideological and technological foundations of Web 2.0 and that allow the creation and exchange of UGC”. For this reason there are several types of new media and parts of them are referring to opportunities for users to create content simultaneously (as Wikipedia) or to share their life and opinions, as it happens on blogs. Moreover, new media are also the ones that allow sharing contents between users creating communities for different types of media contents (e.g., Flickr, YouTube, Slideshare). In addition also social networking sites, the sphere of the virtual game worlds as well as the virtual social worlds have to be mentioned.

An empirical study provided by Sederviciute and Valentini (2011) shows that it is possible to trace that “social media evolution suggests there has been a tremendous global growth in social media usage: 82.9% of all internet users watch videos; 72.8% read blogs; 63% share photos; 57% are active in social media (Universal McCann, 2009). Latest findings (Global Web Index, 2011) indicate that social media have become more globally utilized than ever before. Specifically, even the least engaged markets depict nearly 50% of consumer’s participation in some form of social contribution (writing a blog, etc.)”.

Due to the relevance of Social media in the current frame and in addition to the theoretical approach investigating cultural impacts on Europe, the EC is also facing practical issues in

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<sup>11</sup> Available at: <https://www.opendemocracy.net/ourbeeb/ilse-schooneknaep-karendonders/what-is-digital-single-market>

relation to user generated contents. One of the main issues is about the fact that also contents generated by users are covered by some form of licensing by rights holders. However, rights are shared with platforms where contents are stored. As a matter of fact, in these cases licences are not very transparent to the end user and sometime they prevent users from legal certainty. In order to clarify the regulation on licences and uses of contents a dedicated working group under the supervision of the EC is currently working to make the sector more transparent<sup>12</sup>.

In other words, the media sector has to manage the transition from traditional concepts to new media services requiring a convergence among different and several digital devices. From the EC perspective, convergence of media services and devices could dramatically benefit from the creation of a Digital Single Market.

Such transformation is mainly related to two media policies currently pushed by the EC:

- Audiovisual and media;
- Media freedom and pluralism.

Both policies will be faced and discussed in the next sections, together with reflections on a topic that is crucial for media sector, the convergence.

### 1.2.1 Audiovisual and media

In the European Union the audiovisual sector is a very relevant one, employing over one million people. Other than for the economic side, audiovisual is also fundamental for other aspects, such as culture and technology. On one hand, indeed, audiovisual contents are directly linked to the cultural diversity of the EU. On the other hand, audiovisual contents are influenced by interoperability and cross-border exchanges within European countries.

All these aspects make the sector very relevant and they raise a lot of issues to enlarge the capacity of the sector itself. In this sense, the European Commission is taking care of this trying to build a Digital Single Market, deleting barriers and enlarging the access to contents and experiences, but also creating optimal condition for a single European market for audiovisual media services. The reasons for a single TV market are twofold. TV is the most widespread form of information, and TV is also a central field producing jobs for over one million people.

Indeed, as stated by the European Commission “audiovisual media content has arrived to non-TV screens and internet content is arriving to the traditional TV screen. The proliferation of connected devices and the wide availability of faster broadband connections are affecting existing business models and consumer habits and creating new challenges and opportunities for the creative industries. This phenomenon empowers European citizens to seamless and interactive experiences, letting them access any content while being agnostic as to the device or geographic locations from which they interact<sup>13</sup>”.

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<sup>12</sup> <https://ec.europa.eu/licences-for-europe-dialogue/en/content/user-generated-content-working-group-wg2>

<sup>13</sup> <https://ec.europa.eu/digital-single-market/en/media-policies>

To reach the aim of a single European market for audiovisual media services, the EC is working on the Directive 2010/13/EU called the Audiovisual Media Services Directive (AVMSD) that is currently under review. The final goal of the Directive is to strengthen the competitiveness of the European audiovisual industry and improving cultural diversity and heritage.

Looking from a closer perspective, the main goals that EC intends to achieve are the following:

- providing rules to shape technological developments;
- creating a level playing field for emerging audiovisual media;
- preserving cultural diversity;
- protecting children and consumers;
- safeguarding media pluralism;
- combating racial and religious hatred;
- guaranteeing the independence of national media regulators.

To reach all these goals, the AVMSD Directive is driven by a series of general principles that covers “all services with audiovisual content irrespective of the technology used to deliver the content. The rules apply whether you watch news or other audiovisual content on TV, on the internet, on cable or on your mobile device. Taking into account the degree of choice and user control over services, the AVMSD makes a distinction between linear (television broadcasts) and non-linear (on-demand) services<sup>14</sup>”.

As stated by Brogi and Gori (2013) the AVMSD directive “defines a common set of rules for all the audiovisual services, the AVMS directive also extends the European quota rule and the right to short reporting, promoting media freedom and media pluralism. Acknowledging that audiovisual media services are as much cultural services as they are economic services, the directive aims at creating a level playing-field and a true European market for audiovisual media services, stimulating economic growth and investment, and guaranteeing conditions of fair competition without prejudice to the public interest role to be discharged by the audiovisual media services (AVMS Directive 2010, Recitals 2, 5, 10 and 14). The Directive therefore enshrines basic principles of the internal market, such as free competition and equal treatment, to ensure transparency and predictability in markets for audiovisual media services and to achieve low barriers to entry (AVMS Directive Recital 10). At the same time, it lays down harmonised rules to safeguard certain public interests, such as cultural diversity, the right to information, media pluralism, the protection of minors, and consumer protection, and to enhance public awareness and media literacy (which are considered to be core principles of European regulatory audiovisual policy; AVMS Directive, Recital 12). The latter rules are considered to be justified in the light of the growing importance of audiovisual media services for society, democracy - in particular, by ensuring freedom of information, diversity of opinion and media pluralism - education and culture (AVMS Directive, Recital 5)”.

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<sup>14</sup> <https://ec.europa.eu/digital-single-market/node/131>

However, it is important to notice that before the of the work on the Directive AVMSD in the latter form, the EC launched a public consultation<sup>15</sup> in order to get feedback from different actors about how the audiovisual sector could be prepared for future challenges. The process was open from July to September 2015. Stakeholders involved in the consultation were: national regulators, broadcasters, producers, content providers, telecom service providers, civil society organisations, academia and citizens. Results from the public consultation are particularly interesting from the i3 perspective due to the fact that these will be somehow used to model the policy dialogue within the project. This issue will be described in chapter 1.3.

To conclude, another important part of the directive is linked, even if in a not explicit way, to media pluralism (Barzanti 2012). This second policy line is faced and described in the next paragraph.

## 1.2.2 Media freedom and pluralism

The importance of media freedom and media pluralism is a central topic for democratic societies based on a pluralistic political system (Calderaro and Dobрева, 2013). Indeed, a society can be defined totally free, in relation to information and communication, when citizens are informed and they can participate in open discussions (Barber 1989). Such combination of pluralistic political parties and media freedom and pluralism are the backbone of democratic institutions.

Therefore, these constitute also two of the main pillars of the European Union. Indeed, article 11 of the Charter of Fundamental Rights, as well as the provision of Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, guarantees the respect of freedom of expression as one of the fundamental rights in the European Union<sup>16</sup>. Moreover, the same article stipulates also the right to a pluralistic media environment. Through to this legal provision, article 11 is also one of the pillars of the media sector that need to be protected from any sort of violations, promoting transparency.

However, as stated in the report on European Union "Competencies in Respect of Media Pluralism and Media Freedom" (2013): "The crucial role of media in the political processes and overall democratic system requires that the market regulation of media enterprises be led beyond the pure principles of business-as-usual. Nonetheless, media freedom and pluralism regulations are still, and need to be in balance with the demands of all other fundamental human rights, the necessities of the social and political systems, and general market sustainability. The measurement of media freedom and media pluralism in the EU member states is of crucial importance for both the understanding of and the commitment to these high principles at European Union level. However, their application across the Union calls for an understanding of media systems that goes beyond the cultural, political, historical and social differences among member states and points to the definition of a common standard".

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<sup>15</sup> <https://ec.europa.eu/digital-single-market/en/news/public-consultation-directive-201013eu-audiovisual-media-services-avmsd-media-framework-21st>

<sup>16</sup> <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

As argued by Klimkiewicz (2009), the protection of media pluralism and freedom has been deeply stressed in political discussions involving European institutions, interest groups, professional institutions and civil society. One of the central points stressed out by Brogi and Gori (2012) is the need “to combat processes of media concentration and to foster the right of citizens to receive information from diverse and independent sources, to re-affirm the role of PSBs, to stress the need to avoid the unequal representation of minorities in the media and the pressure from advertisers, and also to foster journalistic autonomy against political influence”.

Particularly, in 2013, the Council of the European Union and the representatives of the Governments of the member states derived conclusions on media freedom and pluralism in the digital environment inviting the European Commission to act in order to:

- Continue to support projects that aim at enhancing the protection of journalists and media practitioners;
- Continue to support the independent monitoring tool for assessing risks to media pluralism in the EU (MPM);
- Strengthen cooperation between member states' audiovisual regulatory authorities and promote best practice as regards the transparency of media ownership;
- Assess the effectiveness of these measures in order to consider any further steps.

Following the indications received by the Council, the EC is addressing the issues through multiple actions<sup>17</sup>. First of all, the EC selected four projects in early 2014, run by NGOs and academic institutions, with the aim to address violations of media freedom and pluralism in the EU and candidate Countries. Two projects were selected in 2015 in a second call. New projects selected further to a third call will start in 2016.

A second action is about a Pilot implementation of the Media pluralism Monitor (MPM). The European Commission awarded grants for the Centre for Media Pluralism and Media Freedom (CMPF) to further develop the MPM and to conduct Pilot implementations. Nine countries were selected in 2014, the nineteen others were covered in 2015. The 2016 exercise covers all 28 member states, as well as two candidate countries<sup>18</sup>.

### 1.2.3 Convergence in the media sector as a European need

The transformation of old and new media telecommunications industries is directly linked to the emerging digital technology as well as to deregulation policy (Chon et al., 2003). These phenomena has permitted that the media and content sector is nowadays driven by the use of technology, creating new business models, new ways of interaction as well as consumption which are further modifying the sector. This huge transformation is defined as convergence (Chon et al., 2003).

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<sup>17</sup> <https://ec.europa.eu/digital-single-market/node/115>

<sup>18</sup> <https://ec.europa.eu/digital-single-market/en/about-media-freedom-pluralism>

The term convergence has been widely used in literature over time in several disciplines, from social sciences to natural sciences. For this reason it has different interpretations and multiple descriptions (Latzer 2013). In line with this, the concept has been described several times as one of the most known buzzwords of the 1990s, defining processes and objectives in an unclear and misleading way (Latzer, 2014). Narrowing the scope of the investigation to the contents of this report, there are mainly two relevant definitions of convergence made by experts in Media. On one side, convergence is defined as the destruction of regulatory boundaries between sectors of an economy. On the other side, scholars define convergence as the process of technological integration (Danowski and Choi, 1998).

For both definitions, the revolution of the Web 2.0 and further transformations such as social media, digital television and wireless communication, directed the term convergence to gain a high attention, improving the level of detail of the meaning and narrowing the boundaries of the definition.

In line with the definition of convergence as destruction of regulatory bodies, with the European framework, the process was mainly reached through a process faced by European institutions in several steps started in the 1980s. The first was aimed at liberalising the European communications sector and harmonize European regulations. Then, in the 1990s, the second phase started and the main focus of institutions was on reforms to integrate policies, allowing the integration of a common communication policy. The process ended successfully with the identification of convergence as one of the main points on the communication policy agenda through the adoption of Green Paper on Convergence on Telecommunication.

Among other results and achievements, the Green Paper provided also a definition of convergence as the “the ability of different network platforms to carry similar kinds of services, or coming together of consumer devices such as telephone, television and personal computer” (European Commission, 1997, p. 1). Furthermore, the aim declared by the EC about convergence in the document “Strategy i2010: European Information Society 2010” was to leave the strict separation between telecommunication and media policies in order to adopt an integrated communication policy. Following this perspective, the aim was also to transform and integrate control structures by creating a supranational body that could take care and regulate issues on media and communication. At the current stage no common authority has been built but the DG of Competition seems to cover the role as European regulator for both communication and mass media (Streel, 2008). In addition, a further request by stakeholders involved in the process was to enlarge the concept by into account the link between policy-making and technology to compete in a digital economy world.

However, the scope of this document is to keep the attention on the definition of convergence that best fits with the interest of the EC, namely the technological definition.

As said, adopting a technological perspective convergence can be defined as the progressive merger of traditional and new broadcast services and internet. As written by the EC on its website “Internet content has entered the traditional TV screen which at the same time lost its role as unique possibility to consume audiovisual content at home. Viewing possibilities today extend

from TV sets with added internet connectivity, through set-top boxes delivering video content 'over-the-top', to audiovisual media services provided via computers, tablets and other mobile devices"<sup>19</sup>.

As argued by Chon et al. (2003): "The integration among telecommunications, publishing, broadcasting, cable, film, and computer software and data processing service industries has been conceptualized under the umbrella of a new business sector, the information industries. The information industries refer to businesses that are engaged in one of the following three processes: (a) producing and distributing information and cultural products, (b) providing the means to transmit or distribute these products as well as data or communications, and (c) processing data. More specifically, the information industries may be grouped into three interrelated clusters of business sectors: (a) content production-related services (e.g., publishing, film, and broadcasting); (b) content delivery-related services (e.g., telephony and cable); and (c) data processing services (e.g., software and programming)".

As stated by Montpetit (2016) "Technological convergence gave us wired and wireless network integration and the explosion of cellular communication. It created the fixed/mobile integration that lead to ubiquitous internet connectivity. This in turn produced convergence in devices, the results of which are smartphones, connected televisions and tablets, amongst others. The convergence in our means of communications changed the way we consume content at home, at work and on the road. It redefined how we communicate with one another: not by phone only but via a web of interconnected service and social network applications".

These new opportunities for converged technologies and services were possible through disruptive innovations such as the personal computer, internet, mobile networks, cell phones, WIFI, social networks and particularly thanks to wireless networks and the wireless internet. All these transformations led to the possibility to have diversified "converged solutions that can include cloud-based computing and application, content-centric networking and big data, and adding social networking and crowdsourcing to traditional content production to produce novel methods of acquisition and dissemination of content" (Montpetit, 2016).

As a matter of fact, concrete relapses are visible on the society and on the economy, in particular on sectors such as broadcasting, journalism and publishing.

One concrete example is how internet contents are constantly entering traditional TV screens. As stated by the EC "attention is no longer focused on one screen only. In parallel to watching TV, viewers use tablets or smartphones which can provide more information about the content watched, allow interaction with friends or with the TV programme itself through social networks. "Second screen" applications on these devices offer the prospect of "social TV" which delivers a more interactive experience for the consumer and also new revenue streams for the content provider. Many of today's devices not only facilitate consumption but give consumers an easy option to create their own content"<sup>20</sup>.

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<sup>19</sup> <https://ec.europa.eu/digital-single-market/en/media-convergence>

<sup>20</sup> <https://ec.europa.eu/digital-single-market/en/media-convergence>



Indeed, in the past, the only screen was the one associated to the TV, while now there are several devices that can be used in contemporarily, among others laptops, tablets and smartphone and other sharing similar user interfaces. Through this development, the TV is not seen anymore as a device but more as a service that provides a choice of multiple applications.

This transition had a dramatic effect on television contents provision that is now recognised as a powerful innovation area. As argued by Montpetit (2016) “the commoditization of the TV set is a consequence of device convergence but the internet has allowed innovation in creation, distribution and consumption of TV concept. Not content to just deliver content some OTT providers have started creating it with Netflix leading the way. With more and more platforms available for content consumption, wireless (IP) distribution and the plurality of content sources, TV is becoming a personal video delivery system, available everywhere and curated by the users themselves. The TV set of the 50s has cut its cords and antennas and moved to cyberspace. This move in turn is spearheading a content convergence: a combination of realtime, on-demand and user-generated content of many forms including context and location specific information for museums, tourist sites, smart-city and art projects”.

Such transformation has also to be read together with the growth of Social Networks that has also transformed TV in a Social TV, connecting TV contents with users’ interactions.

Social networks, indeed, are the results of the growing relevance of collective participation of the audience through the use of several web services and platforms. As described by Jensen (2010) what makes social networks so disruptive is, firstly, the shift from media to communication and secondly, the fact that communication is not based anymore on one-to-one exchange but is about one-to-many and many-to-many (Villi et al., 2016). This new way of communication has allowed the affirmation of social networks through the use of social media features and platforms, expanding the number of contents, the channels of dissemination and also the number of users engaged in the communication that can now create real communities.

In line with this, social networks, social blogs and online platforms to create and share contents have dramatically innovated the way in which communication happens, promoting the circulation and distribution of contents.

In addition to the discussions on the TV sector and social networks, it is also important to consider the effect that Web 2.0 (O’Reilly, 2007; O’Reilly, 2009) and related technologies have had on journalism, disrupting it, and the publishing sector (Spyridou and Veglis, 2016; Pavlick, 2004). Journalism and technology, indeed, are strictly linked (Preston, 2009) and the most relevant effects on the sector are related to technologies, economics and regulation (Spyridou and Veglis, 2016). Indeed, the so called “convergence effects” can be traced in several areas of the sector, influencing media labour, the structure of newsrooms, professional values and norms as well as form and diversity of the produced content (Pavlick, 2004; Quandt and Singer, 2009). Furthermore, it is possible to see an impact both from an economic and professional perspective. The results is a panorama based on online journalism that creates new skills and competencies that are currently produced and transmitted in new spaces creating, at the same time, new forms of revenue and advertising (Spyridou and Veglis, 2016).

Transformations in journalism’s practices have dramatically affected also the way in which final

products are disseminated to the public, impacting the traditional publishing industry (Fetscherin and Knolmayer, 2004). In this regard, the introduction of cross-media publishing has created new opportunities for companies but also new challenges (Veglis et al., 2016). The definition of cross-media is referred to the production of any content for more than one media platform/channel within the same media organisation (Veglis, 2005). In the case of the publishing sector it is possible to talk about cross-media publishing, leading to overcome the specialisation of media companies based on products and contents and creating a world where the number of channels of disseminating contents is dramatically extended. An important example of these changes are represented by the Open Journal Systemd (OJS), (Ebner et al., 2016) that have created new way to access information adopting new business models.

Hence, all new opportunities opened up by convergence are particularly interesting from a European perspective. Indeed, the impact of convergence on citizens and business becomes more and more evident and the role of the EC is actually to encourage and to regulate convergence for the audiovisual services. Due to the relevance of stakeholders points of views, also in this case - as for audiovisual and media as well for pluralism and freedom - the EC has invited stakeholders to share their views on the changing media landscape and borderless internet in particular on market conditions, interoperability and infrastructure, and implications for EU rules. Results collected in the green paper will be further discussed in the next section.

Besides public consultations, the EC is also financing projects in the field. In this regard, the i3 project is directly linked to the action that the EC is undertaking in order to properly support convergence. Indeed, the EC is currently funding 27 projects on media convergence and social media.

The main focus of the 27 funded projects is “the use of intuitive and innovative ways of interacting with networked multimedia devices and with other services and applications. Anytime, anywhere and on any device. The projects support the increasing convergence between broadband and broadcasting and the interplay of content from various sources. The funding amounts to 98 million euros and aims to sustain the development of digital media, and to accelerate innovation. The objective of the projects is to develop a new generation of media and internet-based products and services. Projects aim at creating an immersive, interactive and high quality user experience, while the increasing amount of content online requires new forms of accessing and creating content as well as new ways of interacting across different networks, devices and distribution channels. Technology also offers new possibilities for licensing content. The Commission supports projects facilitating the licensing of copyright protected works, such as music, videos or e-books. These projects aim particularly at creating infrastructures allowing for the exchange of standardised information on rights ownership”<sup>21</sup>

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<sup>21</sup> <https://ec.europa.eu/digital-single-market/en/node/72984>

In this regard, projects engaged in convergence and social media, and their technological solutions, will be actively engaged in the I3 policy dialogue oriented activities, in order to derive also from them relevant points of discussions to actively influence the policy making process.

## 1.3 Addressing main issues

Summarising the state of the art in the media sector, it is fair to say that the field is very wide, complex and includes a broad range of actors with different interests.

In order to have a clear picture of what stakeholders think about the main decisions taken at European level, the EC is often promoting public consultations, gathering perspectives and views from different actors. In this regard, consultations are used as an important tool to improve the policy dialogue, maintaining windows of discussions with group of interests. The EC has recently launched several public consultations in order to support policies in the media sector.

This section reports the main issues gathered from public consultations, describing how the EC is facing with the issue in relation to social media<sup>22</sup> and particularly to audiovisual and media, pluralism and media freedom and convergence.

### 1.3.1 Consultation on Audiovisual Media Services

The first public consultation that needs to be addressed in this section is on the Directive 2010/13/EU on Audiovisual Media Services (AVMSD), part of the Regulatory Fitness and Performance Program (REFIT), that took place from 06/07/2015 to 30/09/2015. The main objective was to gather evidences and views on the effectiveness of the AVMSD and its revision in 2016, as announced in the EU Digital Single Market strategy, mainly focused on fostering unhindered cross-border transmission of audiovisual media services within Europe. The EC has also opened this consultation in order to collect evidences on the future media services policy in the form of an impact assessment.

The consultation was based on a structured questionnaire. Particularly 372 respondents have participated to the survey as organisations and other 62 as individuals.

The main categories of participants were individuals and Research bodies/academia, public bodies (National and Regional administrations, Regulatory Bodies), European-level representative platforms or associations, national representative associations, companies (Public service broadcasters; Free and pay VOD operators; IPTV, ISPs, cable operators including Telcos; Small or medium-sized business; others), non-governmental organizations and also other organizations. The nationality of responders was taken into account and balanced according to the number of participants involved. Finally, the survey has allowed the collection of 434 replies. Aggregating replies, the EC has identified the following arguments:

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<sup>22</sup> <https://ec.europa.eu/digital-single-market/en/public-consultations-media-issues>

- The need for possible changes of the rules on the scope of application of the Directive as well as on the independence of national regulators;
- No clear consensus on commercial communications, protection of minors and promotion of European works<sup>23</sup>.

Furthermore, what emerged from the consultation about the actual context, as the EC reports, is that “At the end of 2013, about 23% of TV channels established in the EU targeted foreign markets (either EU or extra EU). The traditional TV set is now only one of the means to watch audiovisual content as Connected TV, set-top boxes, but also PCs, laptops, tablets and smartphones are increasingly used. Globally, consumer internet video traffic will be 80 percent of all consumer internet traffic in 2019. Internet advertising is also progressively outpacing TV. Video viewing is one of the earliest internet activities carried out by young children<sup>24</sup>”.

The public consultation also asked on the impact of the AVMSD and on policy options for its future. This is part of the assessment of the Directive under the Regulatory Fitness (REFIT), within the Commission’s Better Regulation Framework. The consultation evaluated some aspects such as the added value of EU strategy in the field and how successful the current framework has been so far. The main fields that emerged are described in the following.

Regarding the scope of application of the Directive, the AVMSD applies to television broadcasters and on-demand services (such as Netflix) but not to internet services hosting user-generated content (like Youtube, Vimeo). The aim of the consultation was directed to understand if the current system is appropriate or if it should be updated with new services (by the Directive or via self/co-regulation).

Then, about the rules that regulate the sector (e.g. the prohibition of inciting to hatred or the necessity for the services to be gradually accessible to people with disabilities), for broadcast services such rules are more stringent than for on-demand services. The issue is to understand if the system should stay as it is, particularly with regard to advertising and programs potentially harmful to children.

Assessing the approach of the directive, it has been analysed if the functioning of this approach should be improved.

Summarising, the main issues identified at the current stage of the writing are:

- The good functioning of the current audiovisual framework and how it should be improved;
- Roles and responsibilities of market players (like TV broadcasters, on-demand service providers, internet services, telecom operators, etc.);
- How to protect viewers (such as children), and promote access to information and regulate advertising.

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<sup>23</sup> <https://ec.europa.eu/digital-single-market/en/news/contributions-and-preliminary-trends-public-consultation-audiovisual-media-services-avmsd>

<sup>24</sup> <https://ec.europa.eu/digital-single-market/en/news/commission-seeks-views-europes-audiovisual-media-rules>

However, the Commission is currently analysing in detail all answers received during the consultation and will soon publish a report that will be used to support the legislative process during 2016.

In parallel it is important to stress that at the moment of the writing the European Union, within the revision of the directive on audiovisual and media services and for the creation of a SDM, is actively working to impose new rules on internet Platforms. Specifically, the EC has proposed a document to insert some legal changes that could force Netflix and other online video providers to somehow fund European-made films. Commissioner Oettinger has stated that one of the priorities for the EU "is to ensure a level-playing field, responsible behaviour, trust and fairness in the online platform environment" and for this reason changes have been proposed. In particular, the EC is asking for the introduction of a normative provision that oblige Netflix and similar platforms for video providers to insert in their catalogues at least 20% of European production movies. In addition, also some limits to advertisements and major restriction for minors have been proposed.

### 1.3.2 Consultation on Media freedom and Pluralism

The second framework in which a public consultation was launched is the field of media freedom and pluralism. As already described, transparency, freedom and diversity are highly important values in Europe's media landscape. This is also confirmed by the number of actions undertaken by European institutions.

In November 2013, the Council of the European Union, after adopting conclusions on media freedom and pluralism in the digital environment, invited the EC to follow specific lines of action. Firstly, to continue the provision in supporting projects oriented to protect journalists and media practitioners. Secondly, to support an independent monitoring tool for assessing risks to media pluralism in the EU and strengthen cooperation between member states' audiovisual regulatory authorities. Finally, to promote the transparency of media ownership. In addition to these recommendations, several actions were promoted in order to sustain the previous points<sup>25</sup>. Among these two public consultations were organised in the same year: the first one on the independence of the audiovisual regulatory bodies and the second on the Independent Report from the High Level Group on Media Freedom and Pluralism.

The first consultation was launched with the aim to collect views "on the issue of independence of regulatory bodies competent for audiovisual media services when acting within the scope of Directive 2010/13/EU on audiovisual media services and on possible options for strengthening their independence, including a possible revision of Article 30 of the AVMSD". The scope of the consultation was particularly interesting for the discussion on regulatory bodies but it is not very

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<sup>25</sup> <https://ec.europa.eu/digital-single-market/en/about-media-freedom-pluralism>

much related with the current topic of discussion presented in this report<sup>26</sup>.

The second public consultation was on the Independent Report written by the High Level Group on Media Freedom and Pluralism and it was called “A free and pluralistic media to sustain European democracy”. The aim of the consultation was to gather opinions on the report provided by the working group. The latter was made in order to provide some recommendations for the implementation of pluralism and freedom of the media in Europe. The report contains 30 recommendations and collects the opinions of independent experts on matters such as:

- The limitations to media freedom arising from political interference (whether from state intervention or from national legislation);
- The limitations to media independence related to private or commercial interests;
- The concentration of media ownership and its consequences for media freedom/pluralism and on the independence of journalists;
- Existing or potential legal threats to the protection of journalists' rights or to their profession in member states;
- The role and independence of regulatory authorities;
- Existing or potential measures in favour of quality journalism, ethics and media accountability, within the respective competences of regional, national, EU and international authorities<sup>27</sup>.

The consultation on the report took place from 22/03/2013 to 14/06/2013 in a form of a structured questionnaire. Involved actors were asked to write some observations on the recommendations. These observations have been subsequently analysed and aggregated into two possible results: supporting the recommendation or not<sup>28</sup>.

The targeted stakeholders were: citizens, organisations and public authorities. At the end of the process, the EC received 450 replies. Among these, 363 were submitted as a personal entity (307 of which were Polish). The remaining responses were submitted by organisations (20 trade associations, 17 NGO's and 13 representatives of industry). In addition, public authorities from

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<sup>26</sup> Further information are available at: <https://ec.europa.eu/digital-single-market/en/news/public-consultation-independence-audiovisual-regulatory-bodies-read-contributions>

<sup>27</sup> Public consultation on the Independent Report from the HLG on Media Freedom and Pluralism – Available on: <https://ec.europa.eu/digital-single-market/en/news/public-consultation-independent-report-hlg-media-freedom-and-pluralism-%E2%80%93-read-contributions>

<sup>28</sup> It is possible to find the “Summary of the replies to the public consultation on the independent report of the High Level Group on Media Freedom and Pluralism” with the text of the recommendations and the overall assessment here: <https://ec.europa.eu/digital-single-market/en/news/summary-replies-public-consultation-independent-report-high-level-group-media-freedom-and>

13 member states and regulatory authorities from 9 member states, 4 research bodies and 1 political party submitted feedback.

Aggregating responses, it has been possible to register a quite high percentage of agreement in almost all recommendations.

Particularly, recommendations number 9 on a free and pluralist media environment as a precondition for EU membership, and number 10 about the issue of journalistic freedom in all international forums where human rights and democracy are discussed, have registered 100% of agreement. In line with this, recommendations on the possibility for the internet user to turn off personalization for search results or newsfeed assurance for protection of journalistic sources, and about the possibility that the access to public sources and events should depend on objective, non-discriminatory and transparent criteria registered also very high levels of agreement, around 97%.

On the contrary, just recommendation number 3 about an EU independent monitoring center, and number 4 on EU independent media councils and nominations and their functioning have registered the lowest percentage of agreement respectively 45% and 44% of disagreements.

Finally, as explored in paragraph 1, a recent turmoil has characterised the convergence of media services and the way in which these services are provided.

In this framework, market players need to create new business models and new types of content. It was also noted that convergence would probably influence European Law, particularly with regard to protection of users and vulnerable users (such as children).

### 1.3.3 Consultation on Convergence

Recognising the importance of this issue and being aware of how market players (by increasing innovation) and politicians (by offering adequate answers on public policy) need to adapt to this context, the European Commission launched a public consultation on the topic of convergence from 24/04/2013 to 30/09/2013.

During this period, stakeholders such as broadcasters, advertisers, network operators, cinema, film and TV producers, publishers, the digital industry, regulators, researchers and also other categories engaged in the protection of minors, consumers, viewers and citizens and accessibility were asked to reply to 27 questions.

Two main questions have been posed on the consultation:

- How to transform the process of convergence in a larger European market into economic growth and business innovation in Europe?
- What are the implications of convergence for values such as media pluralism, cultural diversity, and the protection of consumers, including specific groups such as minors?

Results of the consultation were presented on April 2013, through the publication of a Green Paper “Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values” with the intention to create a wider debate on the implication of media convergence and discussing the suitability of the AVMSD. The Green Paper focused mainly on gathering stakeholders’ views on the changing media landscape and borderless internet, in particular on market conditions, interoperability and infrastructure, and implications for EU rules. Moreover, the aim of the Paper was to start the creation of long-term solutions to these issues, bridging the Commission’s initiatives and self-regulatory initiatives of market players and Members States through a debate. All interested parties were invited to comment on the ideas raised in this Green Paper.

Some main results are:

- About opinions on market considerations, some factors have been detected affecting the availability of premium contents, such as exclusivity and holdback clauses, exploitation windows, imbalances between international and national players and competition concerns as holding back premium content;
- Regarding the access to platforms some obstacles, which require regulatory actions, have been identified. In line with this, some public bodies call on the Commission to widen the scope of regulation;
- Between promoting public policy objectives and enhanced competition: many actors think that AVMSD requirements provide the best way to promote the creation, distribution, availability and market appeal of European works, but others see that it does no longer fit for the purpose that is mainly about detrimental to quality, commercial attractiveness, cross-border character, editorial or entrepreneurial freedom;
- One of the main points concerning the need for more EU action regarding interoperability highlighted that some actors encourage EU action to overcome actual or potential fragmentation and ensure interoperability across borders. On the other side, others (some public bodies, manufacturers, network operators and one representative from the broadcasting sector) do not see the need for EU intervention, either to impose or promote a European standard;
- Regarding the validity of the scope of the AVMSD in times of convergence, it is clear that media convergence is an ongoing reality. However, some stakeholders would like a broader scope for the AVMSD to enhance fair competition while others feel that this would impede innovation;
- Finally, several public bodies and private sector stakeholders see self-and co-regulation as alternatives/complements to legislation. Some public bodies prefer co-regulation. In particular, many public bodies, broadcasters, network operators, producers, distributors, and publishers think that convergence makes it necessary to examine whether self- and co-regulatory models would be a more appropriate way of regulating audiovisual media services not covered by the AVMSD.



Despite these proposals, on January 2014 the European Parliament made a report on the Paper. It claimed to agree with the issues posed by the Commission but at the same time it regretted a lack of completeness, stating that: “The Commission’s green paper is heavily based on market considerations and, in particular, on targets related to economic growth and technical aspects; it neglects the significance of the media for cultural diversity and identity in Europe. This own-initiative report on the green paper therefore reacts explicitly to the dual nature of audiovisual media as cultural and economic assets as well as the role of dual broadcasting for a culturally diverse range of content and services in the converged media world”<sup>29</sup>.

The state of the art of the recent consultation highlights the high importance to address the decried issues with open consultations with all involved parties. Results are expected to be better when the target group is wide enough to cover the large scope of the section. In line with this, i3 has developed a strategy for policy dialogue, as described in the following chapter.

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<sup>29</sup> European Parliament - Report on Preparing for a Fully Converged Audiovisual World – Available here: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2014-0057+0+DOC+XML+V0//EN>

## 2 i3 policy dialogue: how to proceed to fill the gap

Based on the literature review and the analysis of current discussions by European institutions, it has been possible to start a description of the big picture of the area Convergence and Social Media.

At the current stage, main topics of the discussions, methods used to address these topics and stakeholders involved in the process have been identified. However, the basis was mainly created through the analysis of academic sources, official documents and public reports from institutions. What is still missing is the comparison of the main identified topics with the opinion of relevant actors in the field. In other words, looking at the analysis in the previous chapter from an EC perspective, a few major topics emerged very clearly. How these are supported also by other relevant stakeholders is not evident yet.

To fill this gap, i3 has developed a policy dialogue strategy that intends to create a recognised forum discussion where stakeholders can exchange ideas, debate topics and finally develop structured recommendations which will support the next steps of the agenda for media and convergence.

This process will be implemented with the use of proper tools that will allow covering different kind of interactions. On one side, several face-to-face meetings are scheduled, using dedicated facilitation methodology. On the other side, an on-line platform will be launched in order to promote a wide discussion in parallel with all other project activities.

The strategy planned by i3 is described in details in the following chapters.

### 2.1 Overall strategy

The creation of a policy dialogue that can realistically support and strengthen the link between research and market in the media sector is one of the focal points of the i3 project. This aim is defined in line with the framework of the so-called “Responsible innovation”, relevant both for research and for innovation practices (Stilgoe et al., 2013) and therefore specifically linked to the aim of the i3 project.

Von Schomberg (2011) has defined responsible innovation as the activity of “taking care of the future through collective stewardship of science and innovation in the present.” In other words, the goal is to reflect societal concern and interest in research and innovation, considering innovation a collective phenomenon.

As argued by Stilgoe et al. (2013) “Emerging technologies typically fall into what Hajer (2003) calls an ‘institutional void’. There are few agreed structures or rules that govern them. They are therefore emblematic of the move from old models of governing to more decentralised and open-ended governance, which takes place in new places – markets, networks and partnerships as well as conventional policy and politics (Hajer and Wagenaar, 2003). A number of multi-level, non-regulatory forms of science and innovation governance have taken this forward-looking view

of responsibility highlighting the social and political choices that stabilise particular innovations (Williams and Edge, 1996; Pinch and Bijker, 1984; Winner, 1986)”.

What is particularly relevant in the analysis provided by Stilgoe et al. (2013) is that thanks to emerging innovation new models of governance based on the need and on the will of an increasing responsibility emerged. Some example are provided by Real-Time and other forms of technology assessment (Rip et al., 1995; Guston and Sarewitz, 2002; Grin and Grunwald, 2000), upstream engagement (Wynne, 2002; Wilsdon and Willis, 2004), value-sensitive design (Friedman, 1996; van den Hoven et al., 2012) and socio-technical integration (Fisher et al., 2006; Schuurbiers, 2011).

In addition to such models policy instruments have also been developed (e.g., standards, certifications, etc.) to improve ethical reflections on innovation processes, enhancing the possibility to receive inputs though space of discussions, in other words though the construction of a public policy dialogue (Irwin, 2006).

The dimensions that need to be considered in order to enhance a comprehensive dialogue that could lead to a greater responsibility level of the innovation are essentially four:

- Anticipation;
- Reflexivity;
- Inclusion;
- Responsiveness.

The first dimension identified by scholars is related to the need to improve *anticipation* in governance. Both political parties as well as scholars highlighted the necessity to anticipate changes. It is fair to say that often implications about a new technology are not (or cannot be) foreseen or are under estimated (European Environment Agency, 2013). An increasing capacity to anticipate the understanding of future innovation will allow being more resilient and able to follow the change when it occurs.

The second dimension is about the *reflexivity*. Despite multiple meanings that the word has gained, it is possible to summarise it as the need of each actor to think about ethical and social effect of the actions.

The third dimension is the *inclusion* and it is particularly important for this chapter due to the fact that this is directly related to the need to include also new voices in governance and policy discussions. The inclusion has been promoted over time through the establishment of new deliberative forums, in other terms, though enlarged spaces for policy dialogues. Examples of new forums of discussion summarised by Stilgoe (2013) are “consensus conferences, citizens’ juries, deliberative mapping, deliberative polling and focus groups (see Chilvers, 2010). Additionally, we can point to the use of multi-stakeholder partnerships, the inclusion of lay members on scientific advisory committees, and other hybrid mechanisms that attempt to diversify the inputs to and delivery of governance (Callon et al., 2009; Bäckstrand, 2006; Brown, 2002).” It is not uncommon that such actions have been implemented under quasi-governmental institutions.

The last dimension is the *responsiveness*. This dimension is related to the phase in which results from stakeholders are combined. In other words, a governance acting responsible should modify its plan according to what emerged from interactions with stakeholders and actors.

Dimensions and indications described by the quoted authors are an inspiration for the methods to be applied in the i3 strategy. Indeed, according the framework provided in the literature (Stilgoe et al., 2013) and inspired by best practices already experimented abroad (Wacsi, 2007; European Youth Forum, 2012), i3 intends to be part of the discussion on how to shape policy, following past experiences and literature and then developing its own approach for the intended policy dialogue.

Two main issues emerged looking at some experiences of policy dialogues: first, they provided wide recommendations, but those have been poorly integrated in reality. Second, often the stakeholder audience is not selected based on criteria of diversity.

Hence, i3 intends to be the connection between stakeholders, defined accordingly to a diversity criteria, and policy makers, enhancing in a proper and concrete way discussions on media and finally delivering recommendations that could really influence the policy making process.

To avoid the identification of recommendations which will afterwards not be integrated in policy processes, the strategy put a focus on stakeholders' priorities, narrowing the scope of the dialogue and discussing in deep just some major issues. In detail, the scope is to keep a high attention on the main focus that can drive the policy making process in the next years. The diversity of stakeholders will be an important selection criteria in order to ensure a wide range of opinions.

The methods and criteria that will be applied are described below.

Finally, the literature analysing showed a lot of effort for the development of criteria to assess the quality of the dialogue. The main criteria that have been identified (Callon et al., 2009) are: intensity, openness and quality.

*Intensity* means how stakeholders are consulted and how much care is given to the composition of the group; *openness* is linked to the degree of diversity of the stakeholders; and *quality* is more about the seriousness and continuity of the discussion.

The i3 strategy will try to apply these criteria and will provide a self assessment at the end of the project based on related indicators in order to evaluate the level of success of the policy dialogue.

## 2.2 I3 policy dialogue: steps, methods and criteria

As argued by Stilgoe et al. (2013) “the proliferation of participatory approaches activities has led to arguments for greater clarity about the methods of participation, the purposes for which they are used and the criteria against which they might be evaluated”. In line with this assumption, the next part is aimed at clarifying steps, methods and criteria that drive the i3 strategy for policy dialogue.

The i3 strategy for policy dialogue will be developed through the following five defined steps (see Figure 1).



*Figure 1. Policy Dialogue Process*

#### *Step 1: Stakeholder Identification (M5-9)*

The first step is based on the definition of stakeholders to be engaged in the policy dialogue, planned for Months 5 to 9 of the project. A stakeholder analysis will be implemented, considering as one important criterion the diversity of the group. As argued by scholars, among them Stilgoe et al. (2013) and Stirling (2007), diversity is a fundamental sign of a responsive innovation systems but this diversity has to be promoted. In this regard, I3 intends to sustain diversity starting from the selection of the stakeholders. Particularly, the idea is to identify actors involved in the sector, matching stakeholders already identified in the literature, the ones that have participated to the public consultations launched by the EC and the ones that are of interest for the i3 project and are not represented in the two previous groups. The stakeholder analysis is further described in the next chapter and will be refined during the project's implementation, if needed.

#### *Step 2: Definition of the topics for policy dialogue (M10)*

The second step is related to the identification of topics to discuss during the policy dialogue. It will be conducted in Month 10. A first meeting with all the selected relevant actors will be organised. The meeting will have a very strict scope: the definition of two or three main topics relevant for the stakeholders on which the policy dialogue will be based. This activity will be conducted through dedicated exercises. Indeed, different groups of stakeholders will be engaged in dedicated sessions to discuss major issues for the sector in relation to the topics they think should be discussed.

After the meeting a qualitative analysis of the interactions between the stakeholders will be conducted with the aim to create a matrix of priorities. Starting from this, two or three main topics for the policy dialogue will be selected.

Moreover, results of the matrix will be matched with the current European lines of discussion in the media sector. The aim is to clarify how close the stakeholders' interests are to the European Commission activities. When the final discussion topics will be defined, institutional actors, European institution, regulatory bodies and representative organizations will be engaged in further discussion sessions.

Looking at the experience provided by the West Africa Civil Society Institute (WACSI)<sup>30</sup> about the policy research methodology, this second stage can be defined as the need to identify the research questions. In order to trace the main research questions that will be addressed in the next steps, the goal will be to reply to these issues: why, what, how and when. To reply to these questions it is needed to identify methods and then make sense out of data. A methodology for data analysis can be qualitative or quantitative, depending on the topic. At the moment the i3 strategy is based on a qualitative analysis and on the analysis of the emerging coding frame for actors' discussions.

*Step 3: Data gathering and analysis of first results (M10-12)*

Once concluded the first meeting with all stakeholders, Step 3 will start and will run from Month 10 to Month 12. During this phase, the i3 Consortium will start the important phase of data gathering about the topics that have been defined as the relevant ones during Step 2. The stakeholders involved during Step 1 will be requested to help the consortium to get access to the most relevant sources of information for the data gathering, for example providing knowledge about national experiences. As methodological baseline for a first analysis of the collected data, the evidence based approach will be used for this step. It allows to proceed in a structured way, reaching better outcomes through a rigorous and systematic methodological approach. One of the starting points of the evidence based policy is that policy decisions should be based on the best research and sources of available information. Through the use of relevant sources, the evidence based approach identifies what works, highlights gaps where evidence of program effectiveness is lacking and enables policymakers to use evidence to take better decisions.

*Step 4: Policy dialogue through forum of discussions and open platform (M12-M24)*

Step 4 is the implementation of the policy dialogue, discussing the defined topics through the organization of three Forum discussions, foreseen at Months 12, 18 and 24. Step 4 will run from Month 12 to 24.

The policy dialogue will be conducted using dedicated methods, based on an analysis of previous experiences in the field. Methods to implement policy consultations (European Youth Forum, 2012) are, among others:

- Online surveys/e-questionnaires;
- Face-to-face consultations: seminars, workshops, focus groups, world cafes, and interviews with young people;
- Local, regional and/or national meetings/discussions;

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<sup>30</sup> WACSI is a spin-off of the Open Society Initiative for West Africa and the George Soros Foundation. WACSI is a civil society resource centre engaged in training, research, documentation, and policy dialogue for civil society organisations (CSOs) in West Africa. The focus of the Institute is to create strategic opportunities for dialogue and to strengthen the operational structures of CSOs. The Institute's activities provide a forum for exchanging ideas, sharing experiences and bridging differences between policy makers and CSOs.

- Debate events;
- Round-table/meetings of the National Working Group;
- Call for contributions from member organisations,
- Expert Groups and panel discussions,
- Independent projects/activities organised at local, regional and/or national level;
- Contest;
- Guest lectures;
- Results of findings of research;
- Position Papers from organisations.

An online questionnaire was identified as the most used tools to reach a wide audience. This tool was indeed particularly useful to reach young people, as described by the experience of the European Youth Forum in 2012<sup>31</sup>. It is possible to identify some examples of good practices in the construction of a policy dialogue in relation to online questionnaires. For example, in Germany a new and specific online tool was developed, providing high transparency and dividing dialogue in two stages. In a first stage, participants used this tool to communicate their opinions and suggestions. In a second stage the participants voted online for the inputs they considered most important. Another instrument that is particularly suitable to attract people is to support consultation with prizes. In Estonia, for example, participants were motivated to participate by offering prizes and this led to receive questionnaire from 800 young people over 20 days with an overall quality of the answers above average.

In addition to questionnaires, also the face-to-face consultations are the most widely used method. This seems to be the best solution to gather comprehensive and quality inputs. Moreover, it helps in receiving responsiveness and depth of answers.

Face to face consultations can also take the form of guest lectures on structured Dialogue topics. This case is particularly effective if the topic is too difficult for actors to engage immediately, so it could be useful engage guest lecturers who explain and introduce the topic. This method was used notably in the Netherlands. It provides very good results to be used as input for the structured dialogue process, but it should be combined with other consultation methods.

Another way to organize face-to-face meetings is through discussions with decision-makers. In this case, the outcomes of the consultation are positive because talking directly with politicians

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<sup>31</sup> As reported in the document “Methodology and good practices”: “National Working Groups held consultations in all the 27 EU Member States. In two-thirds of the states, consultations were organised at regional and/or local level in addition to national level. Moreover, 5 International Non-Governmental Youth Organisations submitted contributions for this phase of consultations. According to the consultation results, 18.500 young people participated in the overall consultation. This is a considerable increase since the last phase. The number of young people represented in the results of consultations is much higher, reaching up to five million, due to the involvement of numerous representative of youth organisations.”

creates confidence and trust, with the result of taking a more active stance in the democratic life as well as being useful for consultations purposes.

In line with this, i3 will organise face-to-face consultations but at the same time it will organise an online survey.

Indeed, as argued in the literature and as written by Stilgoe et al. (2013) “User-driven (von Hippel, 2005), open source (Raymond, 1999), participatory (Buur and Matthews, 2008) and networked innovation (Powell et al., 1996) all suggest the possibility of including new voices in discussions”.

Following this line, the policy dialogue will also be conducted through the use of a dedicated platform that will simplify the interaction among stakeholders organising topics of discussions, debating ideas and gathering data. Indeed, taking inspiration from several experiences (e.g. World Bank, Global Forum on Agriculture Research) it is evident that the use of dedicated platforms can enhance the dialogue dramatically. As stated by the UNESCO “through the technical possibilities made available by the increased sophistication of ICTs and user oriented social media, the traditional Free and Open Source software (FOSS) models of effective collaboration and innovative sustainability have now expanded and include highly diverse realms of public domain activity. Open Access (OA), Open Data and crowdsourcing platforms, Open Educational Resources (OER) enable information to be freely and legally shared, providing strategic cross-cutting opportunities to improve the quality of decision-making as well as facilitate policy dialogue, knowledge sharing and capacity building<sup>32</sup>”.

In addition to this, as also reported by the European Young Forum (EYF, 2012), increasing the visibility of the dialogue is an important way to reach out to more diverse actors to raise awareness on the outcomes of the process. To support visibility, to disseminate the online surveys on several websites is a good opportunity to extend the stakeholders to engage. For example, as reported by the EYF (2012) “In Poland, hyperlinks to the survey were also made available on the Education Ministry’s webpage and on specific portals for NGOs and schools. Most of National Youth Councils and International Youth NGOs participating in the process promoted the online consultations among their member organisations via e-mails and web-banners. The Czech Youth Council appealed to national youth information channels too. Facebook proved to be a successful means to promote structured dialogue to young people”. Following such experiences, i3 will try to promote the online platform for policy dialogue through several sources of information and websites.

Summarizing, results derived from lessons learned show that “the more and diverse channels used for consultations, the more representative and higher quality the results prove. The good practice stemming from this example is to combine online consultations with local/regional discussions, to involve partners and organize common international discussions” (EYF, 2012). Such discussions are important to include other relevant inputs and allow for a final discussion for stakeholders and institutions representatives to jointly agree on results.

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<sup>32</sup> Available at <http://en.unesco.org/themes/open-solutions>



Summarising, this Step of the i3 strategy is based on the above-described good practices. As explained, different methodologies for the policy dialogue will be merged. Face-to-face meetings with selected stakeholders will be accompanied by an online survey to extend the net. The face-to-face meeting will be conducted through facilitation exercises allowing for a joint reflection on major results.

#### *Step 5: Producing policy recommendation (M24-30)*

The final step of the policy dialogue is focusing on the production of policy recommendations and will start at Month 24 and run until the end of the project. Following the line already discussed in previous Steps results from the policy dialogue meetings and interactions will be analysed and investigated through dedicated qualitative methodologies. Then the major outcomes from the analysis will be finally used to provide concrete and focused information. The aim is trying to address and influence European actions in supporting policy that can effectively enhance the link between research and business opportunities in the media sector. In detail, the scope will be to identify how current policies can be modified with the aim to estimate the impact that such modifications will have on the media sector by improving the capacity of transferring innovation from research to business oriented opportunities and with this enlarging the media industry. Another goal is to drive the development of new research agendas.

In this regard, a final event will be organised in Month 28 with all previously involved stakeholders, discussing together the results, and gathering final feedback to be integrated in the policy recommendation.

Following the indications provided also by the WACSI, policy recommendations should be written in a way that respect the main elements of policy research:

- Focus on a contemporary public/social phenomenon;
- Tailor according to the needs of policy makers; a policy process does not happen in a vacuum;
- Fast-paced, little time, needs quick thinking, quick action;
- Pragmatic, actionable, doable, practical recommendations;
- Aim to resolve, alleviate;
- Bridge the gap between research and policy- theory, policy and practice.

## **2.3 Stakeholders engagement**

### **2.3.1 Analysing European media stakeholders**

As described in the previous section, the first step of the i3 strategy in order to start a fruitful and positive policy dialogue is the identification of the stakeholders to engage. Obviously, the identification cannot be done without taking a step back and analyse stakeholders and actors

that have been engaged in the field and that are part of the current decisional process, influencing regulations and policy making.

As reported by Van den Bulck and Donders (2014) “Although rarely identified as such, much of the work dealing with EU media policy is in fact a form of stakeholder analysis (...). Stakeholder analysis considers a policy decision [the] result of a process characterized by formulation of views and interests, expressed by actors or stakeholders that adhere to a certain logic and that engage in debate and work towards a policy decision on relevant forums. Understanding the media policy process by means of stakeholder analysis involves a number of analytical steps (see Van den Bulck, 2012). It starts from a broad understanding of the main structures and processes of and policy venues involved in decision-making, in this case in the EU. It next requires the identification of all relevant stakeholders – that is, individuals, groups, organizations and institutions with a vested interest in a particular policy issue or its outcome”. Besides being a fundamental step, stakeholder analysis is also a complex task due to the fact that not necessarily the analysis allows to trace and identify the complete picture of stakeholders involved (Donders et., al, 2014).

Following this approach and the same analytical steps, the current paragraph is aimed to provide a picture of the stakeholders landscape.

The analysis has been conducted in two steps, a literature review and matching results from the literature review with concrete examples of stakeholders engaged in public consultations of European institutions.

### 2.2.1.1 Discovering stakeholders starting from literature review

Retracing the path of the media sector, it is quite clear that the structure of involved stakeholders has dramatically changed over the time, following European transformations. Analysing the active actors in the sector until the 1980s at a European level, the list of stakeholders was quite strict. Indeed, according to the monopoly or duopoly that characterised the sector, stakeholders were principally national governments, a couple of public service broadcasters and a pair of newspapers (Michalis, 2014).

Nevertheless, the broadcasting market reform promoted by European countries, among others Italy, the UK, and France, opened up business opportunities and the number of stakeholders increased considerably.

Recently, the list of stakeholders that literature has identified as crucial within the media policy discussion is wide. What emerged is that the analysis of stakeholders often can be surprising and parties that initially are not seen as relevant, become crucial, even if these do not completely fit with the classic definition of policy actors.

According to the literature, the list of stakeholders active in the media sector can be defined as a “complex maze of actors” (Donders et al., 2014). To make the list easier, it can be divided in formal and informal stakeholders.

This distinction is possible, asserting that for a certain category of stakeholders their interests as well as their participation in the policy process are evident. On the other hand some actors can

influence the process even if they are not automatically related to the scope and for this reason they are here defined informal.

The formal list of stakeholders includes the actors that are clearly involved in a decision making and policy making process both for the political and economic side and are mainly high level institutions or big and famous group of interests. Within this list, certainly, the most relevant actors active at European level are transnational bodies such as the Council of the European Union, the European Commission, and the European parliament (EP).

The Council of European Union, indeed, has a long history of supporting media policy through its major role as policy coordinator and as the meeting place from competent ministers, Media Ministers in this case. Furthermore, there are several clear cases of the work done on media harmonisation such as the adoption of directive Television without frontiers (Katsirea, 2014) or the Audiovisual Media Services.

The European Commission, as known, is the crucial body for the application of laws and policies. In addition to the particular interest of the EC for the Media sector, as explicitly asserted by its President, several of the 33 Directorate Generals (DGs) are strongly engaged in the Media framework. For European media policy, the following DGs are important:

- DG Communications Networks, Content and Technology;
- DG Competition;
- DG Education and Culture;
- DG Enterprise and Industry
- DG Internal Market and Services;
- DG Trade and DG Research and Innovation.

As sustained (Donders et. al., 2014), it is not surprising that DGs more related to economic interests have somehow pushed European media policy.

Finally, the European Parliament as one of the co-legislator is obviously crucial for policy making and, consequently, also in the media sector. Above all, what seems to emerge is that the EP, probably balancing the economic orientation of the EC, seems more focused on the cultural relapse of the media sector (Harcourt, 2005), supporting actions in this sense.

In addition to the three main institutions, also other bodies deserve to be mentioned among main stakeholders in the media sector and these are: The Court of Justice, the Court of Auditors, the Economic and Social Committee, the Committee of Regions, the European Central Bank and the Ombudsman.

Besides the institutional European actors, following the categorisation, also the following categories fall under the list of formal stakeholders (Michalis, 2014):

- National institutions (government, parliament, regional entities etc.);
- Politicians (e.g. the former Belgian prime minister, Dehaene, and the former German chancellor, Kohl, pushing for the adoption of the Amsterdam Protocol in 1997 or more recently President Juncker that is strongly working for a Digital Single Market);
- Regulatory institutions (European courts, media regulators and national competition authorities);
- Media interest groups (e.g. the Association of Commercial Television, the European Broadcasting Union and the European Publishers Council);
- Media companies (e.g. multinationals and smaller undertakings).

Looking at a greater level of detail, among the above mentioned categories, it is possible to find: “public and private broadcasters, radio operators, film producers and distributors, newspaper publishers, advertisers, cable and satellite operations, telecom companies and their respective sectoral organizations, trade unions, and etc.” (Van den Bulck and Donders, 2014). To be added to this list are stakeholders very much engaged in using new technologies such as Cloud companies or gamification startups.

Then, it is also important to stress the role of stakeholders mainly related to one of the main disruptive innovations of our times: new medias. There are various types of new media, among them we have selected the more relevant stakeholders in terms of social presence, media richness, social interactions and technology level (Kaplan and Haenlein, 2010):

- Blogs;
- Collaborative projects (e.g., Wikipedia);
- Social Networking Sites (e.g., Facebook);
- Virtual social worlds (e.g., Social Life);
- Content communities (e.g., YouTube);
- Virtual game worlds (e.g., World of Warcraft).

Table 1. Formal stakeholders derived from literature review Table 1 summarises the main formal stakeholders emerged from literature review.

Formal stakeholders		
European institutions	Council of European	
	European Commission	DG Communications Networks, Content and Technology DG Competition DG Education and Culture DG Enterprise and Industry DG Internal Market and Services

		DG Trade and DG Research and Innovation
	European Parliament	
	Economic and Social Committee	
	Committee of Regions	
	European Central Bank	
	Ombudsman	
Regulatory institutions	European courts	Court of Justice Court of Auditors
	Media regulators	
National Level		
	Member States	Government, Parliament, Ministries, Regional entities etc.
	National competition authorities	
	Public broadcaster	
	Public telecom services	
Media interest groups	Association of Commercial Television	
	European Broadcasting Union	
	European Publishers Council	
Media companies	Multinationals	
	SMEs	
		Private broadcaster Radio operators film producers Film distributors, Newspaper publishers Advertisers Cable and satellite operations Telecom companies Software companies Digital Marketing agencies

		Recommender system vendors Developer and Service Provider Cloud companies Gamification startups
Website/ Podcasting	Blogs	
	Collaborative Projects	
	Social Networking sites	
	Virtual social worlds	
	Content communities	
	Virtual game worlds	
Politicians		

*Table 1. Formal stakeholders derived from literature review*

The informal stakeholders, see Table 2, belong to the wide list of actors that can influence the media policy process in several ways, even if they are not predefined. Principle informal stakeholders emerging from the analysis are (Van den Bulck, 2008; Donders & Pauwels, 2010):

- Individuals, citizens (among them crowdfunders, bloggers and all people that are users of new Social Media);
- Representatives of the civil society (e.g. religious group or cultural institutes),
- Academics, experts and research institutes.

Informal stakeholders	
Civil society	Citizens/individuals: Crowdfunders Bloggers Freelance journalists Program Makers App Developers Massively Multiplayer Online Games Players
Representatives of civil society	Religious group
	Cultural institutes
Academia and research	Universities
	Academics or experts
	Research centres

*Table 2. Informal stakeholders derived from literature review*

### 2.2.1.2 Matching the literature review with examples of stakeholders' engagement

As stated at the beginning of the chapter, the analysis of stakeholder is a complex activity that can also lead to have a picture that does not include a complete list of all stakeholders. To avoid leaving out relevant stakeholders, the first step is based on the analysis of stakeholders through a literature review.

Indeed, what emerged during the literature review is that, while it is much easier to identify actors from institutions or public authorities, it is more complex to understand who really care about the media and so who are the subjects that really take part to the dialogue. To fill this gap, the investigation of actors that have replied to or were engaged in public consultations was an opportunity to somehow close the circle.

Hence, having in mind the figures emerged in the literature review, the stakeholders that have taken part to the recent public consultations launched by the EC (as already discussed in the first chapter of this deliverable) are mentioned in the following lines. The final aim is to understand if stakeholders described in the literature review really match with the ones that are actually participating to the on-going policy process.

In relation to the public consultation on Directive 2010/13/EU on Audiovisual Media Services (AVMSD), the target of stakeholders that was asked to participate to the survey, as stated on the official page of the EC, foresees: National regulators, broadcasters, producers, content

providers, telecom service providers, civil society organizations, academia and citizens.

Looking at the list of participants of the consultation on the Independence of the audiovisual regulatory bodies, what emerges is that the EC requested to participate to: organisations, citizens and public authorities. The wide range of stakeholders invited to participate is indeed confirmed by the multiplicity of actors that took part in the survey<sup>33</sup>. Among them, other than national parties, as member states (e.g. France has participated to the survey as well as the Netherlands through its Ministry of Education), public authorities, regulatory body, industry and trade association also private citizens and non-governmental organizations (NGOs) have replied to the consultation. In line with this, also for the consultation on the Independent report from the High Level Group on Media Freedom and Pluralism target groups were: stakeholders organisations, citizens and public authorities. Grouping stakeholders, it is possible to derive the following list:

- Public Authorities;
- Regulatory Authorities;
- Research Bodies;
- Researchers;
- Other entities (e.g. Association of European Journalists);
- Citizens;
- NGOs (e.g. Amarc Europe);
- Party Groups (Hungarian Socialist Party);
- Trade Associations;
- Industry.

Finally, looking also at the list of participants for the consultation on the Green Paper "Preparing for a Fully Converged Audiovisual World: Growth, Creation and Values", the list of stakeholders divided in groups is the following, providing also an additional level of detail:

- Individual;
- Entities with focus on citizens;
- Broadcasters (and related);
- Advertising (and related);
- Network operators;
- Cinema, film and TV - producers, distributors et alia;
- Sport Related Entities;
- Entities with focus on protection of minors or rating systems;
- Entities with focus on accessibility;
- Print and Publishers;

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<sup>33</sup> List of participants is available here: <https://ec.europa.eu/digital-single-market/en/news/public-consultation-independence-audiovisual-regulatory-bodies-read-contributions>



- Manufacturers;
- Digital, Internet et alia - Private companies;
- Digital, Internet et alia – Associations;
- EU Public authorities - ministries and parliaments;
- Non-EU institutions;
- EU Regulatory Authorities;
- Research and related bodies.

Also in this latter case the list reflects a mix of public and private sector in addition to public authorities and commercial parties interested by the discussion on convergence.

Summarising all the stakeholders gathered from consultations it is possible to derive the following Table 3 for formal and Table 4 for informal stakeholders.

Formal stakeholders		
EU Public authorities		
EU Regulatory Authorities		
National Public Authorities	Ministries, Parliaments, etc	
National regulatory Authorities		
Industry	Telecom service providers	
	Broadcasters	
	Advertising	
	Digital, Internet et alia Private companies	Network operators Content providers Cinema, film and TV - producers, distributors et alia Sport Related Entities Print and Publishers Manufacturers
Trade Associations		

*Table 3. Formal stakeholders from public consultations*

Informal stakeholder		
Civil society	Citizens	
	Civil society organizations	
Non-EU institutions	To define	
Academy	Researchers	
	Research Bodies	
Other entities	Party group	Hungarian Socialist Party
	NGOs	Amarc Europe
	Entities with focus on citizens	
	Entities with focus on protection of minors or rating systems	
	Entities with focus on accessibility	
	Digital, Internet et alia – Associations	

*Table 4. Informal stakeholders from public consultations*

To conclude the review of main stakeholders, comparing the tables previously provided, it is possible to assert that the overview emerging from the literature analysis is quite completely reflected in the list of stakeholders engaged in the public consultations that have been investigated so far.

Indeed, it is possible to trace the same main categories divided, among others, in:

- Public authorities;
- Regulatory bodies;
- Industry ;
- Research oriented bodies.

All these examples fit with the categorisation previously defined under formal stakeholders, namely the ones that are expected to be part of the process.

Furthermore, what can be added through this last step is the relevance of the defined informal stakeholders within the process. Indeed, as demonstrated in the public consultations, an important role from stakeholders emerges that at a glance could be seen as marginal in a policy dialogue. In other words, the active participation of individuals to the debate, the consistent support from NGOs and from entities dedicated to the protection of rights, support the thesis for which the analysis of stakeholders is complex and results can be unexpected.

Finally, in order to support a concrete and comprehensive policy dialogue, the strategy envisaged by i3 will carefully define the stakeholders and engage them according to the project's purpose, having in mind that the list needs to address a very wide range of actors.

### 2.3.2 Defining stakeholders: whom to engage and why

As stated in the previous sections, the picture of stakeholders engaged in the media sector is complex and can be defined as a maze. Table 5 summarises all stakeholders emerging from the previous analysis.

Stakeholders overview		
European institutions	The Council of European	
	European Commission	DG Communications Networks, Content and Technology DG Competition DG Education and Culture DG Enterprise and Industry DG Internal Market and Services DG Trade and DG Research and Innovation
	European Parliament	
	Economic and Social Committee	
	Committee of Regions	
	European Central Bank	
	Ombudsman	
Regulatory institutions	European courts	Court of Justice Court of Auditors
	Media regulators	

National Level	Member States	Government, Parliament, Ministries, regional entities etc.
	National competent authorities	
	Public broadcaster	
	Public telecom services	
Media interest groups	Association of Commercial Television	
	European Broadcasting Union	
	European Publishers Council	
	Association of European Journalists	
Trade associations		
Media companies	Multinationals	
	SMEs	
		Private broadcaster Broadcasters of live event Advertising Radio operators film producers Film distributors, Newspaper publishers On-line newspapers Network operators Content providers Cinema, film and TV - producers, distributors et alia Sport Related Entities Print and Publishers Manufacturers

		Cable and satellite operations Telecom companies Software companies Digital Marketing agencies Recommender system vendors Developer and Service Provider Cloud companies Gamification startups
Website/ Podcasting	Blogs	
	Collaborative Projects	
	Social Networking sites	
	Virtual social worlds	
	Content communities	
	Virtual game worlds	
Politicians		
Informal stakeholders		
Civil society	Citizens/individuals	
	Crowdfunders	
	Bloggers	
	Freelance journalists	
	Program Makers	
	App Developers	
	Massively Multiplayer Online Games Players	
Representatives of civil society	Religious group	

	Special Interest Groups	
	Cultural institutes	
Academia and research	Universities	
	Academics or experts	
	Research centres	
Other entities	NGOs	
	Party groups	
	Entities with focus on citizens	
	Entities with focus on protection of minors or rating systems	
	Entities with focus on accessibility	
	Digital, Internet et alia – Associations	

*Table 5. Complete stakeholders overview*

The picture is wide and complex. Therefore one scope of i3 is to support the selection of the stakeholders to be engaged in order to have a more focused discussion with a reduced number of actors.

Indeed, the i3 project, as stated in the DoW, aims to both engage policy makers, entrepreneurs and citizens to address regulatory, normative and technical aspects and linking research and market in a closer way. In this regard, representatives from all these categories will be engaged to work together on the scope.

Particularly, main actors that certainly will be required to participate to the first stage of identification of main issues are: European institutions, national bodies and interest groups directly linked to media. Besides this, the participation of the industry, both multinational companies and SMEs, will be necessary. At the same time also other relevant subjects, such as NGOs, Academia and citizens will be part of the consultation. In addition to these categories also a selection of projects financed under the call ICT 15-2016 in the field of Social media and Convergence will be integrated as relevant parties. Table 6 provides a detailed list of stakeholders that i3 plans to engage even if, at the current stage, it is still too early to define the

exact names of subjects or companies. This step will be addressed in the coming months based also on the other progresses made by the project.

Stakeholders to engage		
European institutions		
	European Commission	To select DGs: DG Communications Networks, Content and Technology DG Competition DG Education and Culture DG Enterprise and Industry DG Internal Market and Services DG Trade and DG Research and Innovation
	European Parliament	
National authorities		
	Member States	
	National competent authorities	To select: Government, Parliament, Ministries, regional entities etc.
	Public broadcaster	
Regulatory institutions		
	Media regulators	
Media interest groups		
	To decide	
Media companies		
	Multinationals	Private broadcaster



	SMEs	Advertising Radio operators film producers Film distributors, Newspaper publishers Network operators Content providers Cinema, film and TV - producers, distributors Sport Related Entities Print and Publishers Manufacturers Cable and satellite operations Telecom companies
Website/ Podcasting	To decide: Blogs Collaborative Projects Social Networking sites Virtual social worlds Content communities Virtual game worlds	
Academia and research		
	Academics or experts	
Other entities		
	European projects financed under the call ICT 19-2015	
	Associations on Digital, Internet et alia	
	NGOs	
Citizens	Crowdfunders	
	Bloggers	
	Program Makers	

*Table 6. List of stakeholders to engage in the i3 policy dialogue*

Actually, the list here provided aims at defining an overview of stakeholders that could be involved and could participate to the topic from a political, economic and social perspective. A final list with a detailed plan of whom to engage will be specified in D5.2 (M9).

Indeed, policy makers at European level as well at national levels will provide insights from a policy point of view. This vision will be faced with the economic interests pointed out by the industry. All these together will be discussed with the social perspective coming from academic, citizens and other parties. At the same time research projects financed by the call ICT19 will be engaged to provide insights on how to move from research to market in relation to the current policies.

Bringing together all actors, the i3 project will be able to provide concrete argumentations to influence the creation of the upcoming agenda for Media and Convergence.

## 2.4 Work-plan of the meetings and forum design

As stated in the DoW, the policy dialogue will be conducted organising meetings that will support information exchange. In addition to face-to-face meetings an on-going discussion will be deployed in a dedicated platform for policy dialogue once that topics under discussions will be defined.

In this regards, meetings will be scheduled, approximately, according to the following timeline:

A first meeting with all stakeholders identified as relevant will be organised in M10, October 2016. This event will be particularly important for i3 because it plans the participation of all stakeholders in order to define the three major issues that need to be addressed during the project duration. Then, according to results from the first meeting topics will be identified to be discussed in the following meetings and how to organise them.

At the moment, the envisaged strategy is to organise intermediary meetings in M12 (December 2016) - M18 (June 2017) - M24 (December 2017).

The idea to organise meetings related to a selected topic will allow focusing the attention of attendees reaching a deeper level of discussion. Moreover, this will also allow to properly select the target audience. Indeed, this strategy allows inviting to the meetings just the relevant stakeholders for the topic that need to be addressed.

In parallel, after the first meeting, an online platform for policy dialogue will be opened and shared with the stakeholders. The three selected topics will be investigated through the tool and results will be integrated and discussed during the face-to-face meetings.

Finally, a final meeting is planned at M28 (April 2018). This will involve all stakeholders that have attended previous meetings or that have somehow participated at the policy dialogue on the platform. All parties will be invited to participate at a final workshop where recommendations will be presented to the audience. In the same occasion feedback from attendees will be gathered and integrated in the final report that will be delivered at the end of the project, M30 (June 2018).



The work-plan presented above will be finalised, integrating also the i3 overall strategy for investors meetings, workshops and master-classes and, if needed, it will be modified by M9 and finally presented in D5.2.

### 3 Conclusion

The social and technological transformations that are interesting the Social Media and Convergence sector require a constant and careful work of policy definition that European Institutions, and the European Commission in particular, are strongly promoting and supporting. However, this is not an easy task and the main challenge of European bodies is the creation of policies that respond to multiple interests and needs.

Analysing the recent work of the EC, a great effort in reaching an European Single Digital market is evident. In addition to this major aim other fields are gaining attention such as the work on audiovisual, media freedom and pluralism and the convergence. To work on such issues, the EC has been available to continuously engage stakeholders, gathering feedback and points of view.

As said, and as stressed in the literature, it is a quite complex task to address all interests, due to the variety of stakeholders that are engaged in the sector. Indeed, summarising stakeholders in the media sector is difficult due to the wide range of people that could be involved, and the definition of their interests is even more complicated. Simplifying to some extent, stakeholders cover both the private and the public sector, transnational bodies as well as national bodies, organisations but also private citizens, public authorities as well as NGOs, etc.

Consequently, scholars state that the definition of a policy dialogue necessarily needs to start with a stakeholders analysis. Following this, the i3 strategy for the creation of a policy dialogue in Media and Convergence will take this as its starting point and a first attempt was presented in the current report.

The main effort of i3 is intending to create a policy dialogue which is focusing on the creation of a policy that will link more strictly research and business opportunities.

From a strategic point of view, the idea is to define some major topics that could influence the policy making process. To do that, i3 intends to follow a defined strategy based on several steps, as presented before, starting from a careful selection of stakeholders to engage, then adopting an evidence based approach for data analysis and matching results from stakeholders with the policy lines promoted by the EC. Then, the policy dialogue will continue with frequent interactions with and among stakeholders through dedicated face-to-face forums of discussion as well as a dedicated on-line platform for a continuous dialogue.

Following these steps, the i3 strategy for policy dialogue intends to pursue a realistic aim to arrive at the end of the project with concrete policy recommendations, supporting the EC to elaborate the new agenda for the sector.

In order to follow the plan here discussed, protocols for policy dialogue will be finalised and inserted in the next deliverable D5.2 together with an updated timeline for meetings.

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