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REGULATING THE DISTRIBUTION OF STATE ADVERTISING TO PRIVATE NEWS MEDIA ORGANIZATIONS: A CROSS-COUNTRY COMPARATIVE ANALYSIS

REGULACIÓN DEL REPARTO DE PUBLICIDAD ESTATAL A GRUPOS DE MEDIOS DE INFORMACIÓN PRIVADOS: UN ANÁLISIS COMPARADO ENTRE PAÍSES

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Summary

In this paper we examine the institutional mechanisms, legislative and regulatory procedures for the allocation of State advertising to private news media organizations in France, Germany and the United Kingdom. Based on an extensive literature review, this research aims to fill in the gaps in prior research by applying a qualitative framework developed using indicators derived from scholarly work on political science and political communication. The parameters selected for analysis come from prior interdisciplinary research and focus on the legal and regulatory frameworks, competent authorities involved in the process of tender preparation and awarding of advertising contracts, monitoring and transparency mechanisms. The central research issue is: what are the rules, laws or regulations governing public spending on State advertising in the countries chosen? Data were collected from multiple publicly available national sources,

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including central government information and ministerial data, national and regional media regulatory authorities, as well as reports published by various stakeholders.

Results show cross-country variations. This work adds to current research as it provides an in-depth analysis of the French, German and British cases, enhancing our understanding of the available frameworks for regulating State advertising. Secondly, it maps out institutional and media governance arrangements, complementing previous research on media governance across different European countries.

Resumen

En el presente artículo se examinan los mecanismos institucionales y los procedimientos legislativos y reglamentarios para la asignación de publicidad estatal a los medios de comunicación privados en Francia, Alemania y el Reino Unido. A partir de una amplia revisión bibliográfica, este estudio pretende colmar las lagunas de la investigación anterior aplicando un marco cualitativo desarrollado a partir de indicadores derivados de trabajos académicos sobre la ciencia y la comunicación políticas. Las variables seleccionadas para el análisis proceden de investigaciones interdisciplinarias anteriores y se centran en los marcos jurídicos y reglamentarios, las autoridades competentes que intervienen en el proceso de preparación de las licitaciones y la adjudicación de los contratos de publicidad y en los mecanismos de control y transparencia. La pregunta central de la investigación es: ¿cuáles son las normas, leyes o reglamentos relativos al gasto público en publicidad estatal en los países seleccionados? Los datos se recopilaron a partir de múltiples fuentes nacionales de acceso público, como la información del gobierno central y los datos ministeriales, las autoridades reguladoras de los medios de comunicación nacionales y regionales, así como los informes publicados por diversas partes interesadas.

Los resultados muestran variaciones entre países. Este trabajo se suma a la investigación actual, ya que proporciona un análisis en profundidad de los casos francés, alemán y británico, con lo que mejora nuestra comprensión de los marcos disponibles para regular la publicidad estatal. En segundo lugar, se describen los acuerdos institucionales y de gobernanza de los medios de comunicación, de modo que complementa la investigación anterior sobre la gobernanza de los medios de comunicación en diferentes países europeos.

Palabras clave: Publicidad estatal. Francia. Alemania. Reino Unido. Diseño de investigación comparativa.

Keywords: State advertising. France. Germany. The United Kingdom. Comparative research design.

1.Introduction

Historically, financial State support schemes for media organizations have been viewed either as remarkable sources to help guarantee news pluralism and sustain media businesses, or as means of government control over the media. Depending on the configuration of the media systems and the political and administrative traditions (Mutu, 2018; Martori, 2015), the distribution of State resources and support as a way of direct and indirect cash injections to private media outlets can be understood as regulatory tools that may correct market failures (Pickard, 2013). In some countries, there are extensive patchworks of direct and indirect support schemes (Holtz-Batcha 1994) for the media (for instance, in France), while in others, they are considered to be jeopardizing the independence of the sector (in the United States).

Traditionally, a historical distinction has been made between the various types of subsidies, as follows: indirect subsidies are aimed at making structural improvements to the media sector, while direct subsidies are directly granted to a specific media outlet. The most common ways of indirect subsidies in Europe are application of reduced VAT rates, zero-rated professional tax for several groups of newspaper employees, reduced rate for postal services and lower taxes for advertising in certain types of media. Direct subsidies are aids offered to non-leading publications or those with minimal advertising resources, subsidies for improving editorial quality and other subsidies linked to dissemination. Depending on the country and configuration of its media and political systems, variations on interventionist government schemes can be found. The United Kingdom, Germany, Ireland and Switzerland have opted for indirect subsidies, whereas other countries such as France, Belgium and Portugal have supplemented such subsidies with direct ones.

In the past few decades, the importance of finding alternative ways to fund media and allocate State resources has produced heated scholarly and policy discussions on the rationale of government intervention into private media ecosystems (Fernández Alonso et al., 2006; Fernández Alonso et al. 2021). The transparent allocation of state advertising, the rationale of public information campaigns and the rules on distributing state resources to private media outlets are among the key issues that have attracted scholarly attention. State advertising is considered to be an important source of support to media, and it is crucial to ensure that fair and transparent rules on the distribution of State resources are in place and effectively implemented.

Depending on the jurisdiction, a plethora of interchangeable concepts are used to refer to State advertising, including institutional advertising, institutional communication, marketing communications, public government advertising, State assistance for the media, government-sponsored advertising and government communications. Scholars define institutional advertising as government-mandated advertising commissioned for institutions such as ministries and government agencies and aimed at facilitating campaigns that public authorities carry out to provide citizens with information about their rights and obligations, the functioning of public institutions and the services they provide (Kantchev and Ognyanova, 2013). Howlett (2009) emphasises that classifying government communication tools is necessary to understand the government’s ability to influence public opinion and consumer behaviour. The author defines government communication policy instruments as *those policy techniques or mechanisms which rely on the use of information to directly and indirectly affect the behavior of those involved in the production, consumption, and distribution of different kinds of goods and services in society* (Howlett, 2009: 25). Governmental communication can be considered as a process of dissemination of messages from the executive power and ministerial institutions. Best known government communication tools include the mass media and targeted information campaigns aimed at *mass level and uses mass-media delivery mechanisms (commercials, broadcasts, newspaper advertisements and the like)”* (op. cit. 29).

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Academic works on the legal frameworks, allocation, distribution and practices of State advertising are quite scarce and there are gaps in prior research due to the lack of available data (see Schweizer et al., 2014; Murchetz, 2013; Sanders et al., 2011*; Media Pluralism Report*, 2021).

The few extant studies on institutional advertising practices focus on indicators such as legal and regulatory frameworks, competent authorities that are involved in the process, tender preparation and awarding (which includes the design, planning and assignment of campaigns), monitoring and enforcement mechanisms and levels of transparency and reporting obligations (Johansson and Raunio, 2019; Picard and Grönlund, 2003; Sparks, 1992; Murschetz, 1998).

One of the most important cross-country research projects focusing on the topic of the distribution of State advertising to private media organizations is the yearly *Media Pluralism Reports (MPM)* published by the Center for Media Pluralism and Media Freedom at the European University Institute. The *MPM* is a tool that assesses risks for media pluralism across various European countries. Of particular interest is the indicator *State regulation of resources and support to the media sector*, which includes the various direct and indirect aids to media organizations. Results included in the 2019 Report show that:

> In 24 out of 28 EU countries, the existing legislation does not provide fair and transparent rules on the distribution of state advertising to media outlets. In 15 countries, actual practice shows a low transparency in relation to the distribution criteria, the amounts and the beneficiaries. High risks regarding state advertising continue to be present to a greater extent in new democracies (Central and Eastern Europe) than in the other members of the EU (Factsheet MPM, 2019).

As the authors of the report show, the lack of transparency on the distribution of State advertising to media represents:

> one of the most problematic areas for media pluralism and media freedom. State advertising is understood as any advertising paid for by governments (national, regional, local) and state-owned institutions and companies to the media. In a situation where media organisations face economic difficulties that are caused by recent economic crisis and ongoing technological disruption, financial support from the state can be crucial, especially for non-profit, community media and other less commercial forms of journalism. It is therefore of particular importance that fair and transparent rules on the distribution of state resources and support are in place, as well as their being effectively implemented. A lack of clear and transparent rules may facilitate favoritism and the channeling of money to specific media outlets" (op. cit.).

To illustrate with an example, the Report shows that Germany has been assessed as *No Data as there are no data on the actual distribution of state advertising, but also no evidence for preferential treatment or misconduct*.

The yearly *European Commission's Rule of Law Reports*, which draw on the Media Pluralism Monitor implemented by the Centre for Media Pluralism and Media Freedom at the European University Institute since 2013/2014 consistently , focus on the key pillars of media freedom and pluralism. The latter are: independence of the national media regulatory authorities, transparency of media ownership, and State advertising.

As mentioned earlier, the gaps in prior research are related to the scarcity of comparative studies on the topic and the lack of available data that could facilitate cross-country measurements. The complexity of studying the regulatory frameworks for the distribution of State advertising is also influenced by the variety of conceptual frameworks and assessments from scholars coming from different disciplines. Based on this background, in this paper we examine: 1) the extant institutional mechanisms; 2) legislative and regulatory procedures for allocating State advertising to private news media organizations in France, Germany and the United Kingdom; and 3) applying a qualitative framework developed using indicators derived from scholarly literature on political science and political communication. The parameters chosen for analysis come from prior interdisciplinary research and focus on the legal and regulatory frameworks, competent authorities involved in the process of tender preparation and awarding of advertising contracts, monitoring and transparency mechanisms. The key research issue is: what are the rules, laws or regulations on public spending on institutional advertising campaigns in the three Western European countries selected?

The contribution of this work is twofold. First, as an exploratory qualitative comparative case study, it provides an in-depth analysis of the French, German and British cases, enhancing our understanding of the available frameworks for regulating State advertising. Second, it maps out institutional and media governance arrangements, identifying the key actors involved in the process, complementing previous research on the media governance policies across different European countries.

2.Literature review

State advertising is defined as *any advertising that is paid for by governments (national, regional, local) and state-owned institutions and companies, to the media* (*The Media Pluralism Monitor*, 2020). State aid to the media can be understood as a form of incentive-based regulation (Puppis, 2013: 101). In the past decade various European Union Member States have adopted a broad array of support measures targeted at the media sector (Ehlermann, 1994). The interaction of Member States' support policies with EU law is discussed in relation to the role of the press in the diffusion of news and information in Portugal, Spain, Finland, Slovakia and Slovenia, fostering the discussion on matters of public interest. By exploring the assessment practice of the European Commission, Psychogiopoulou (2013) identifies the considerations that guide the EC in enforcing EU State aid rules towards the media and examines the effects of EU competition law on Member States' policies aimed at ensuring a sustainable press and pluralism of information. The analysis shows that by verifying the compliance of national support measures with EU law, the EC seeks:

> to ensure effective management of state aid control through a complex balancing of different policy goals: preventing undue distortion of competition and intra-EU trade resulting from the selective grant of state funds to specific undertakings and safeguarding the public interest objectives that Member States, in principle, purport to achieve through the granting of public resources (Psychogiopoulou 2013: 86).

In Western democracies, the role of the State and interventions in media markets are discussed in comparative perspective:

> In the United States or in England, freedom of expression is considered the natural sequel to "laissez faire", which means that the market rules the world of information, that any regulatory infringement is considered as intolerable (…). In France, with the tradition of Roman law, the press asks for the law to guarantee its freedom in the name of the necessary protection of pluralism against the eventual excesses of the powers of money: the media cannot be treated as ordinary products or goods for the simple reason that they perform a public service. (...) While certain State subsidies are, for us, considered as a natural contribution of the collectivity to safeguard the press' pluralism, they are across the Channel – and even more so, across the Atlantic – considered as a softcore form of corruption of the paper's independence (Albert 1994 as cited in Lardeau and Le Floch, 2014: 203).

Other scholars have provided arguments to support these cross-country differences:

> In contrast to the liberal Anglo-saxon approach to press regulation which largely rejects the interventionist approach to providing cash injections to newspapers in need, corporatist-style government authorities in mainland Europe have long adhered to a public policy of granting financial subsidies to their press, according to which their democratic and political function – to guarantee that citizens have access to information, are accurately informed and actively take part in the democratic political process – is promoted (Murschetz 2014: 3).

Regarding the current framework of the allocation of State advertisement, the *2020 European Commission´s Rule of Law Report* offers flashy insights. The monitoring in the Rule of Law Report focuses on the importance of fair and transparent rules on the distribution of State advertising, as the lack of such rules increases the risk of public money being allocated to specific media outlets in a biased manner. Such risks can be mitigated by general public procurement rules and by making the contracts between the State and the private media sector publicly available and registered in the central register of contracts. The Report reveals that in many Member States, including Hungary, Austria and Slovakia, there is no specific legislation to ensure fair and transparent rules on the distribution of State advertising to media outlets, which in turn determines a low degree of transparency in relation to the distribution criteria, the amounts allocated and the beneficiaries. In Hungary and Austria, State advertising was channeled to pro-government outlets which raised concerns over the government's indirect political influence over the media. In Bulgaria, the absence of an official State subsidy scheme has fostered the malpractice of institutional advertising as a main source of revenue for major media (Kantchev and Ognyanova, 2013: 164). The authors show that by 2011, Bulgaria has allocated 153 million EUR for information campaigns and other media activities related to various public projects through various operational programs financed by the European Union:

> Since the media is a main actor in such campaigns, this, in itself, is an obvious form of indirect financing of government-friendly newspapers (and other types of media) with public funds. Here, the ministries and government agencies are effectively becoming major suppliers of public funds to private media. All in all, since the new government came in power in 2009, the state has directed more than 28 million Leva (15 million EUR) into private media by effectively placing advertisements and launching information campaigns in them (Kantchev and Ognyanova, 2013: 171).

In Greece, *the state acts as a hidden agent in advertising and may place respectable quantities of advertising from various ministries, state bureaucracies and state-owned enterprises in the print media* (Papathanassopoulos, 2013: 247).

The *Meeting Report* of the Committee of Experts on Media Pluralism and Transparency of Media Ownership (MSI-MED, 2017: 13) stresses the importance of effective governance of subsidy schemes for the media and includes various recommendations as follows:

> 10. States should conceive, for the purpose of endorsing media pluralism, development strategies aimed at supporting professional news media and quality journalism (…). Measures of support adopted to this end should be interpreted broadly and can include various forms of non-financial and financial support including advertising and subsidies. (…)
>
> 12. Support measures should have clearly defined purposes. They should be based on predetermined, clear, precise, equitable, objective and transparent criteria. This principle does not exclude positive measures ensuring adequate quantity and quality of media coverage of issues relating and relevant to groups which are underrepresented in the media. Support measures should be administered in a non-

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> discriminatory and transparent manner by a body enjoying functional and operational autonomy such as an independent media regulatory authority.
>
> 13. An effective monitoring system should be introduced to supervise that the support measures serve the purpose for which they are intended, and in particular to prevent further media consolidation and to maintain competition and pluralism in the face of technological and economic changes in media markets.

Regarding the transparency of media ownership, organization and financing, the *Meeting Report* (MSI-MED, 2017: 15–16) includes various obligations for European Member States to adopt and implement legislation that sets out enforceable disclosure/transparency obligations as follows:

> information on the nature and extent of the share-holdings or voting rights of the above legal and/or natural persons in other media, media-related or advertising undertakings which could lead to decision-making influence over those undertakings, or positions held in political parties; information on the sources of the media outlet's income, including income generated by State and other funding measures and (State) advertising; the existence of structural relationships or contractual cooperation with other media or advertising companies or the State, including in respect of State advertising.

The regulation of government advertising as a form of indirect support to the media depends on country-specific administrative characteristics. In Germany, for instance, there are legal obligations requiring the disclosure of media ownership and any type of involvement in media entities by political parties in accordance with the Political Parties Act of 1967. In France, the allocation of State advertising is regulated by the Public Procurement Law and the Law on the Government Information Service. The legal frameworks must include the eligibility criteria for awarding the contracts (including ownership, quality, purpose, number of employees, audience reach, track record), the size of the funding schemes, the duration, monitoring and enforcing mechanisms. Proposals for clear criteria were put forward in the literature (Foster and Bunting, 2019: 11): an independent body should oversee the scheme(s); the objectives of the campaigns should be clearly stated; the eligibility for funding and for allocation of funds must be transparent; and periodic reviews of funding and evaluation of its impact must be enforced.

Based on this extensive literature review, in this research we aim to fill in the gaps in prior research and provide a qualitative assessment of the institutional advertising regulatory framework in three Western countries including France, Germany and the United Kingdom. The main indicators for the analysis are the current national legal and regulatory framework, the competent authority, whether the existing regulations impose control mechanisms and the transparency requirements in preparing and adjudicating offers in institutional advertising campaigns.

3.Methodology

In this research we present a qualitative cross-country case study analysis focused on the current legal and regulatory frameworks for allocating and distributing State advertising in three European countries. To reduce the selection bias regarding the country-specific and instrument-specific characteristics of the State advertising practices, the main indicators used for this research were identified in prior research (see the yearly *Media Pluralism Reports* published by the Centre for Media Pluralism and Media Freedom at the European University Institute in Florence). The analysis covered the current legal and regulatory frameworks, competent authorities involved in the process, the tender preparation and awarding, the checks and balances and transparency mechanisms. A few research issues were raised: What are the rules, laws or regulations on public spending on the allocation of State advertising in the chosen countries? Do current regulations provide guidelines to fairly and transparently allocate them amongst private news media organisations? Who are the main authorities involved in the process? Do State administrations have the obligation to disclose detailed information on institutional advertising campaigns under specific regional legislation or institutional transparency law? Data were collected from multiple publicly available national sources, including central government information and ministerial data, national and regional media regulatory authorities, as well as the reports published by various stakeholders. Extensive desk research included examining various legal texts, even the European Commission's Rule of Law Reports, Public Procurement Laws, national laws on the Government Information Service and scholarly work.

4.Analysis of the main findings

France is included in the Polarised-Pluralism media system category (Hallin and Mancini 2004) and *possesses a generally robust legal framework safeguarding media pluralism and freedom* (see the 2021 *Rule of Law Report of the European Commission on the French Constitution safeguards, freedom of expression and information, pluralism and independence of the media*).

4.1.France

France has an extensive patchwork of direct and indirect State support schemes for media organizations, which has led to the view that the State plays a hyperactive and interventionist role (see Foster and Bunting Report, 2019: 40). Direct subsidies are offered for the printed press, distribution facilities, newspapers with a low advertising base, modernising the production plant and investment in new technology. Indirect subsidies for media organisations include VAT exemption, zero-rated professional tax for several groups of newspaper employees and a reduced rate for postal services. In 2010, more than one billion EUR was invested in State subsidies, 400 million in indirect aid and 615 million in direct subsidies (Lardeau and Le Floc, 2014: 209).

In 2020, 106 million EUR were allocated by the French Government as short-term financial support for media outlets to mitigate the economic impact of the COVID-19 pandemic. According to *the 2021 Rule of Law Report of the European Commission* (2021: 11), this aid was intended to *guarantee the continuity of press distribution and support the most affected media actors – newsagents, overseas titles and publishers. All media workers, including freelancers, were eligible to short-time work compensation too*. It is estimated that the long-term recovery

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plan that envisages a 377-million-euro injection *over the next two years to support the digital and ecological transitions of the media sector. This also includes a fund of 18 million EUR to support the journalists in the most precarious situation, such as freelancers, photojournalists and cartoonists*. Changes to the framework of financial support regarding the application conditions and methods of financial aid calculation are expected to be put in place in the upcoming years. According to the information published on the website of the French Ministry of Culture, this aid is financed from the State budget within the framework of the *Press and media* programme. The aid is a direct subsidy aimed at modernising broadcasters who wish to renovate their sales space or optimize their management of press products. The aid calculation methods are published and for each subsidized modernisation project presented by an eligible broadcaster, the subsidy represents 70% of the total amount, excluding tax, of the expenses within the limits of each grant type. For each eligible IT modernization project submitted by a newsstand operator, the grant represents 80% of the total amount, excluding tax, of the expenses within the limits of each grant type.

Regarding French government spendings on advertising in the past decades, it is worth noting that, according to the available data published by various media outlets,[1] it appears that between 100 and 145 million EUR were spent for 105 campaigns in 2009. Sponsored campaigns included themes such as the social cause of violence against women (2010), sexual education (the National Institute for Prevention and Health Education developed a campaign devoted to promoting contraception methods), sustainability (in 2009, the Environment and Energy Management Agency developed a seven million-euro campaign aimed at reducing energy consumption), raising awareness on breast cancer (campaign developed by the National Cancer Institute in 2007), road safety and active solidarity income campaigns (the latter had a three million-euro budget). During Nicolas Sarkozy's mandate, the daily newspapers captured 30% of the purchase of advertising space. All biddings must follow the public procurement procedure.

In 2016 the French Government spent more than 100 million EUR on ad campaigns promoting reforms and programs of national interest. In 2021, the French Government sponsored campaigns for France Télévision intended to promote the recovery plan *France Relance*. To advertise the benefits of this government roadmap, FranceTV Publicité, in collaboration with the Government Information Service and its partner Dentsu Public, disseminated six videos that highlight companies, communities or individuals who have benefited from State aid to revitalize their activities.

In the past few years, various government campaigns were promoted across different mediums and the themes were related, among others, to the national public health initiatives undertaken by the French Minister of Solidarity and Health. In 2021, the Publicis Group and the Babel Agency shared the budget for public communication as disclosed by the French Government Information Service.[2]

Generally, it is considered that the allocation and distribution of State support to media companies is done in a fair and transparent manner:

> Several rules and exceptions are taken into account in the final calculation of specific subsidies to the press, which is divided into three categories: 1) Direct payments (206.8 million EUR in 2020); 2) The indirect

> aids (tax and social security reduction, preferential rates with the post office, etc.; 220.5 million EUR) 3) Social aids (114.1 million EUR). The transparency of the policy is based on the budget information annexed to the Finance Bill, which clarifies the calculation method (Media Pluralism Monitor 2020: 14).

As for investments in advertising spaces by the State, *the MPM Country Report for France* (2020: 14) states that these:

> (…) are regulated and spread over all media (…). The Internet has become the first media in which the State invests. The Direction of purchases of the State keeps watching over the performance of the public contracts that it has concluded on its behalf. The media agency market is highly concentrated, led by the five global communication groups (Publicis Media, Havas Media, WPP, Omnicom, Dentsu Aegis Media and Interpublic Group). With the digital transformation, many small agencies specialised in the digital environment and GAFA (Google, Amazon, Facebook, Apple) have also appeared in this market.

The allocation of State advertising is regulated by the Public Procurement Law and the Law on the Government Information Service (Ordinance 2018-1074 of 26th of November 2018 and Decree 2000-1027 of 18th of October 2000). The Public Procurement Law was published in the Official Journal of the French Republic on 5th of December 2018, and its rule derives from Directive 2014/24/EU and Directive 2014/25/EU of the European Parliament and of the Council of Europe of 26th of February 2014.

The Procurement Law states various measures and provisions related to public project contracting, subcontracting and terms of payment. The underlying principles of the public procurement legislation include (Code, Art.L.3) equal treatment for all bidders, open access to public procurement, meaning that the contracting public authorities must publish tendering documentation, transparency during the bidding process and full disclosure of rules applicable to the tendering process, streamlining of public procurement and a proper use of public funds. The Procurement Law provides specific methods used to calculate the estimated value of the contract and to identify the appropriate bidding procedure. In addition, rules on automatic and optional ineligibility criteria exist, in case the operator has been subjected to convictions for non-compliance with tax obligations, or in case of breaches of their obligations in the performance of previous contracts (Code, Art.L.2141-1 *et seq*.; Code, Art.L.2141-7 *et seq*.). Rules on evaluation of tenders are in place and cannot be subject to modifications during the awarding process. The selection criteria include, among others, the price/cost, quality of the team that delivers the work and deadlines. Unsuccessful bidders are informed on the outcome of the process.

Under the Public Procurement Law, the conditions under which procurement must be performed are determined by several thresholds.

> For tenders below 15,000 EUR, contracts can be awarded without publication of a contract notice or the application of competition rules. Contracting authorities subject to the Public Procurement Code are free to choose the methods of publication between 15,000 and 90,000 EUR. Moreover, contracting authorities can freely determine the procurement procedures governing service and supply contracts below 130,000 EUR for the State and its administrative public bodies, and 200,000 EUR for local governments and public health-care institutions, and works contracts below five million EUR (European Commission, Public Procurement Report, France Country profile, 2016: 77).

According to the *EC Report,* France has the highest number of procurement procedures per year and the large majority of these contracts are carried out at the local and regional levels.

Apart from the Procurement Law, contracting authorities must comply with other national laws including government transparency rules, labour laws, sustainable development legislation and Law No 75-1334 of December 1975 governing the relationships between public contract holders, subcontractors and contracting authorities. Government transparency rules are codified in the French Code of Relations between the Public and Administrations and offer clear explanations on the awarding procedure of contracts.

A very high number and wide range of contracting and oversight institutions are involved in the public procurement procedures due to the country's size and semi-decentralized political structure (European Commission, Public Procurement Report, France Country profile 2016: 76). Various institutional actors are involved in the process, including the Ministry of Economy and Finance (Minefi) who has primary responsibility for the conditions governing the public procurement system. The Department of Legal Affairs (DAJ) oversees regulations regarding public contracts and collects data on procurement through the Public Procurement Economic Observatory (OEAP). The central purchasing body, Union for Grouping Procurements (UGAP) and the State Purchasing Body (SAE) are responsible for awarding framework agreements and procurement contracts for common purchases of central administrations.

> *At the local and regional levels, small and medium-sized local authorities often appoint non-specialist civil servants to be responsible for public procurement, while larger bodies typically have dedicated procurement departments. The Directorate General for Public Accounting (DGCP), part of the Budget Ministry, is charged with providing advice to local authorities on procurement*" (European Commission, Public Procurement Report, France Country profile, 2016: 77).

The National Court of Audits (CC) and its 27 regional courts (CRC) are the main oversight bodies, along with the central comptrollers that are verifying organizations that have benefited from financial assistance.

Relevant to the discussion is the French anti-corruption Sapin Law of 29th of January 1993, introduced for traditional media as a response to the various abuse practices such as double invoicing, fictitious invoicing and over-invoicing which were negatively affecting the French media market of the early 90s (Kadar et al., 2017). These abuses were possible given that:

> media agencies could act as a wholesaler by purchasing advertising space on their own behalf and re-selling it to advertisers. (…) The advertisers did not receive any invoices from the media owners and therefore often were neither aware of the real price of advertising space paid by the media agency, nor aware of any potential discounts granted to it. In order to prevent such abusive practices and to eradicate corruption in the relationship between advertisers and media agencies, the French Sapin law established the principle of transparency by imposing on the media agency the status of an "agent" under French law (Kadar et al. 2017).

The principle of transparency established by the Sapin Law was implemented as follows: *Under the Sapin Law, media-buying agencies are not allowed to work as both the buyer and the seller of advertising for their client. (…) The law requires that an agency can only be paid by the advertiser, meaning they cannot receive rebates from a publisher or a media owner*" (Smartt, 2019: 503). The Sapin Law enforces *billing practices that correspond to services actually rendered and objectivity in the choice among competing media*, requiring that *all companies or persons who act as media planners must inform clients (…) of the financial ties that they or their group have to media-brokers (…) or to owners of media* (Mesnooh, 1994: 228). Direct payments or benefits from the media owners to the media agencies are prohibited, while

> *media agencies must disclose in their general terms of sale any financial ties with media owners. Media agencies must provide the advertisers (i) with reports on the media diffusion, within one month following such diffusion, and (ii) with detailed invoices relating to the purchase of advertising space, specifying every advantage granted by the media owners* (Kadar et al. 2017).

The French Parliament decided to extend the scope of the Sapin Law to digital media following large-scale sector-specific investigations led by the French Competition Authority,

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uncovering abusive practices in the digital advertising sector. On the 1st of January 2018, the Sapin Decree on digital advertising services came into force, adapting the rules of the Sapin Law of the 29th January 1993 to digital media. Smartt (2019: 503) argues that the *Sapin Law extends the French legistator's fight against the opaque pricing practices to the various intermediaries providing online advertising services. Sapin constitutes a clear step forward in terms of transparency in the statutory regulation of the digital advertising sector*. Sellers of advertising space:

> are now subject to a reporting obligation toward advertisers on the global campaign price and on the unitary price of each advertising space (…). The Sapin requirement includes any previously undisclosed rebates or incentives received by media buying agencies that have previously not been disclosed to advertisers. Sapin's impact has been particularly felt in the interpretation and enforcement of audit clauses in advertiser/media agency agreements requiring transparency across all media platforms. In addition, in the case of digital advertising campaigns that rely on real-time services purchasing methods, the sellers of advertising space are required to provide advertisers with information on the actual implementation and the quality of their advertising services, as well as on the ways and means used in order to provide adequate protection of the image of the advertiser.

According to the *Media Pluralism Monitor* published by the European University Institute (MPM) 2020, the allocation of State advertising is split throughout different types of media and the corresponding risk indicator on State regulation of resources and support to the private media sector shows minimal risk. The corresponding indicator is the *state regulation of resources and support to the media sector* and includes direct and indirect aids. The low risk for political control over public or private media in France is due to the well-established legal framework that safeguards the independence of the media and the presence of a plurality of players that minimize risks for political control over the media (*Media Pluralism Monitor*, 2020). To illustrate with examples, there are various legal provisions related to the declaration of conflict of interest for public officials and related safety mechanisms within the national media regulator, Conseil supérieur de l'audiovisuel (CSA). According to the *2021 Rule of Law Report of the European Commission* (2021: 10), the CSA will undergo institutional changes given that the Government has presented a proposal allowing the merger of the Conseil supérieur de l'audiovisuel **(**CSA) with the Haute Autorité pour la Diffusion des Œuvres et la Protection des Droits sur Internet (HADOPI), the intellectual property protection authority, in order to create a single body in charge of audiovisual and digital communication (ARCOM). The institutional change is taking place in the context of the transposition of the revised Audiovisual Media Services Directive into French national law and would result in attributing to ARCOM a set of competencies related to minors' protection online, disinformation, hate speech and online piracy. Regarding the independence of the national media regulator, as in 2020, the *2021 Media Pluralism Monitor*

(MPM Country report for France, p. 12) assessed the risks to the French media regulator's independence and effectiveness to be at a low level.

4.2.Germany

Germany is included in the Democratic-corporatist media systems typology (Hallin and Mancini 2004), being a non-interventionist State with no tradition of direct intervention in the commercial media sector (Foster and Bunting, 2019). There are no direct grants or subsidies for the private media sector. The most widely used schemes are based on indirect support for traditional media, in the form of sales tax or value-added-tax relief, postal subsidies for newspapers delivered to the door, postal, telecoms and transport subsidies. The tax law establishes a reduced VAT rate of seven per cent (instead of 19 per cent) for press products. Kolo and Weichert (2013) estimate that the German State waives approximately 0.5 billion EUR per year in tax revenues, given that total consumer spending for newspapers stands at an annual 4.37 billion EUR (as of 2010). Recently, the federal parliament decided to support the home delivery of subscription newspapers and advertising magazines with 40 million EUR (Deutschlandradio 2019).

Germany has no tradition of direct intervention in the commercial media sector, public financial subsidies having no support among the key players in news media. *As the reluctance to any kind of state interference is strongly rooted in Germany's political tradition, and is attributable to the problematic role the press played in the years before and during the Nazi regime, Germany is not at all a best practice example for financial press subsidies* (Kolo and Weichert, 2013). Germany represents an interesting case for cross-country comparisons, mostly because public authorities are not required by law to report or disclose data on spending for institutional advertising. There is no reporting obligation on advertising expenditure by the public sector (*Media Pluralism Monitor 2021*). Therefore, no data is available for the distribution of State subsidies and State advertising to media outlets (*Media Pluralism Monitor,* 2017).

The current academic literature and policy research focuses on various types of State aid to the German media in general. The research on institutional advertising is quite scarce. Therefore, for international research purposes, the lack of available data represents a methodological limitation. One useful work published by Sanders and María José Canel (2013) reveals comparative data on government communication in 15 countries. The authors develop an assessment framework for government communication and show that, in the case of Germany, in 2012, 470 employees worked in the Federal Press and Information Office, while the Ministry of Communication integrated 370 employees in Berlin and 90 in Bonn. In 2010, the Federal Press and Information Office budget was 26.6 million USD for public relations. By Court Decisions in 1977 and 1983, the Government has the right to undertake active public relations, but communication must not be used for electoral purposes. Specific legislation, policy or conventions regarding the functions of government communication are in place in Germany. Government communication functions include informing the public and the media about the political activities and objectives of the government, providing information about Germany to other countries and monitoring public opinion as a basis for government decisions. Regarding the impartiality of government communication, Germany has developed extensive policy and/ or guidance regarding the requirement for non-partisanship in government communication. Systematic statistics, covering government advertising campaigns and staff costs were found in Germany.

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According to the *European Commission 2021 Rule of Law Report* (2021: 1), Germany *has a well-functioning regulatory framework on media freedom and pluralism*, while the *degree of independence of the media and the relevant regulatory authorities remains high. German law guarantees a good level of transparency of media ownership*. *The European Commission 2020 Rule of Law Report*, which draws on the data published by the *Media Pluralism Monitor 2020* (European University Institute, Florence), offers additional insights on the media regulatory landscape in Germany. According to the Report (2020: 9), German law provides for transparency rules requiring the disclosure of ownership in the news media sector and the disclosure of any involvement in media entities by political parties:

> Commercial broadcasters must report ownership information in order to apply for and hold a broadcasting license and they must report on plans affecting the shareholders' structure. Online media entities have to make their ownership information transparent via its imprint information on their websites. For the press, these transparency obligations for imprints are stipulated in the respective state press laws. Political parties must disclose their involvement in media entities in accordance with the Political Parties Act of 1967.

Advertising of a political, ideological or religious nature in radio, television and video-on-demand services are prohibited by the Interstate Treaty on Broadcasting and Telemedia.

> Political advertising is only allowed during election periods, where airtime must be given to all parties participating in the election according to the principle of equal opportunities. Airtime for political adverts is free of charge and no additional airtime can be purchased. The distribution of online political advertising (beyond video-on-demand-services) is currently not regulated. However, the new Interstate Treaty on Media will include a transparency provision on political advertising. Politicians and parties commonly do not report on their spending for advertising on online platforms (2020 Rule of Law Report: 9).

Content-related media regulation, compliance with advertising rules and provisions on youth protection go under the mandate of the 14 State regulatory authorities (Medienanstalten), who are also entrusted with responsibilities including granting licenses, allocating frequencies and supervising private radio and television broadcasters. The media authorities are public agencies, with a legal guarantee of independence from political and commercial interference.

Regarding State advertising, defined as any form of advertising that is paid for by governments and State-owned institutions to the media companies, according to the *Media*

Pluralism Monitor 2021 (page 14), the indicator on State regulation of resources and support to the media sector shows a medium risk (17%). In an attempt to mitigate the pandemic effects, as noted in the *MPM Country Report* (2021: 13), for the first time in German history, State aid for the press – a support package of around 200 million EUR to press publishers – has been approved, although the project was at the point of being withdrawn: *Public financial support for private media came from different sources. North Rhine-Westphalia, for example, supported local radio stations with 700,000 EUR, and the federal government initially launched an aid package for private radios with 20 million EUR*. The support package to press publishers was considered a “remarkable” initiative given that, for the first time in history, the German State would have directly supported commercial media (*MPM Country Report Germany,* 2021: 14). Earlier, in 2017, the *Media Pluralism Monitor* showed that the indicator on State regulation of resources and support of the media sector was relatively higher than in 2021, scoring 33%. The low risk for governmental influence is due to the fact that

> *the Federal Government and the states are cautious with providing media subsidies, since any financing of media by public authorities could bear risks for the diversity of opinions. (…) For private broadcasters, there are regulations regarding the financing of production and distribution technology infrastructure*” (MPM 2017: 10).

An interesting grant allocation is worth examining. In 2017, the Federal Government’s Press and Information Office (BPA) announced its media budget of around 100 million EUR. The agencies involved in the selection process were the media agency Carat, winning the tender for purchase, while the budget for cross-media planning was set to be allocated to the Omnicom agency PHD Media. The media agency Carat had previously (since 2007) been responsible for the overall media budget and is now solely responsible for purchasing. Data was scarcely published by a media outlet.

4.3.The United Kingdom

For over 65 years, government communications in the UK were coordinated by the Central Office of Information (COI), which acted as a client on behalf of governmental departments *to coordinate large-scale marketing initiatives and liaise with advertising agencies* (Adbrands, 2020). In the late 1990s and the early 2000s, advertising expenditure increased under the Labour government. In 2012, the conservatives announced the shutting down of the COI in a public cost-saving context. As a result, a smaller procurement organisation substituted the previous office. It was initially called the Government Communication Network, and in 2014 it was given its current name: the Government Communication Service (GCS). This is an arm of the Cabinet Office. According to Sanders (2013), departments collaborate on strategic objectives for government communications, with mechanisms to consider cross-departmental communication issues.

Marketing is one of the ways to refer to institutional advertising, but also public service announcements or government campaigns are concepts used to name these practices, according to the GCS website. Official documentation mentions the Government’s marketing, advertising and communications, *publicity advertising media* and *marketing and media – advertising*. In the literature, the concept *marketing* is used in reference to these practices.

Sanders (2013) mentioned the terms *government communication*, as well as *advertising companies* or *government communication campaigns*. Yeung (2006) mentioned *direct marketing* and *advertising/publicity campaigns* to refer to institutional advertising in the UK. One type of institutional advertisers is called *fillers*, a term coined by commercial TV and radio stations.

Government marketing is the activity that *helps fulfil operational and policy objectives by effectively understanding and meeting the needs of citizens as well as changing their behaviour for personal and societal benefit*, according to the Government Communication Office.[3] Campaigns include research into citizen's behaviour or strategic planning for communication programmes across channels, using data and insights to determine habits or preferences to make communications relevant. These practices are part of the government actions to communicate public information to citizens. Differences in advertising and marketing campaigns lie in the specific set of actions undertaken by the government.

On its website, the GCS refers to the goals of government campaigns: changing behaviour by encouraging people to lead healthy, safer lives; ensuring operational effectiveness of government by informing people about public services; enhancing and maintaining the reputation of the UK and responding in times of crisis, including promoting interests internationally; explaining government policies and programmes to clarify legal or statutory requirements. The GCS brings together over 4,000 professionals across 25 ministerial departments, 20 non-ministerial departments and over 400 agencies and public bodies (Government Communication Plan 2019/20). Government departments are required to select agencies approved for assignments. The list, valid from 2017 until 2021, contains 276 agencies for major campaigns (worth 100,000 GBP or more) and 67 agencies for smaller campaigns. There is the GCS Fillers Marketing team that works with government departments to *develop cost-effective public service announcement TV and radio, and partner with media owners to negotiate donated airtime* (Government Communication Service). Another team is in charge of cross-government campaigns, formed of experts in different communications disciplines, delivering campaigns *on issues of priority for the Prime Minister or where a cross-government effort is essential to success*.

Agencies have passed a selection process to ensure quality standards. In both cases, the validity period for the agencies started on 16/12/2016 and was scheduled to finish on 15/12/2020, but due to the Coronavirus, official documentation specifies that the agreement is extended for 12 months. This system is open to all public sectors, including local governments, although it is only mandatory for the central government. The agency Design102 is working across government (not exclusively) to offer design services, and government departments are able to avoid running competition.

When the campaign requires buying an advertising space, there is an agreement "*to enable government and wider public sector organisations to buy media channels from a single supplier, Manning Gottlieb OMD (a division of OMD Group Ltd), who have set up a government media team to buy across all off and online channels on the taxpeyer´s behalf in the UK and overseas*. This agreement is valid for four years, starting on 22/05/2018 and finishing on 21/05/2022. Buying media has two cost elements: the price of the media plus a commission fee, which is fixed at 6.4%. The buying prices have been submitted to GCS and evaluated as part of the tender, although differ depending on media type, time of year that media is bought and so on. Price Waterhouse Cooper (PwC), an independent organisation, undertakes the price evaluation of bidders' pricing. To use the agreement, every budget must be internally approved, and if the Central Government intends to spend over 100,000 GBP, an approval from the Professional Assurance Group is needed.

Concerning the regulatory affairs, under the Communications Act 2003, Ofcom is the statutory regulator with overall responsibility for the regulation of all advertising on television, radio and on-demand programme services. It has entered into co-regulatory arrangements with the Broadcast Committee of Advertising Practice (BCAP) and the Advertising Standards Authority (ASA). Section 321 of the Act prohibits political advertising on television and radio, as reflected in Section 7 of the BCAP Code. ASA establishes general rules of the Advertising codes, for all advertising including the institutional one. Self-regulatory mechanisms also exist. The document *Guidance on the Government's marketing, advertising and communications spending controls for research programmes* collects the general principles that should guide the institutional advertising practices in the UK, which includes ensuring that campaigns are run in the most cost-effective way.

Regarding institutional advertising practices, some campaigns of institutional advertising in the UK are about smokefree environments and sugar obesity (Public Health England), drink-driving, countryside road safety and not using your phone while driving (Department for Transport). The total amount invested in institutional advertising for the period 2010–2020 is 299,956,724.45 GBP. Examining the data year by year, one can calculate that there is a progressive increase in these expenses every year (the only exception being 2017). 2019 and 2020 were the years analysed in which the budget invested in government advertising campaigns was highest, due to Brexit and Covid-19 (as appears in the description of the activities), requiring more communication campaigns by the government, which intensified its efforts in communicating institutional messages to citizens.

5.Discussion

This research paper presents an analysis of State advertising as a form of government support for private media organizations in three Western European countries, each one representing a different media system, as follows: the Polarised-pluralist media system is represented by France, the Democratic-corporatist media system is represented by Germany, while the United Kingdom is included in the Liberal media system framework.

Firstly, it is worth noting the plethora of concepts and definitions used to refer to State advertising, including institutional advertising, institutional communication, marketing communications, public government advertising, State assistance for the media, government-sponsored advertising and government communications, and which are influenced by the national jurisdictional characteristics. There are gaps in prior research due to the lack of available data, with most of the studies focusing on institutional advertising practices, on indicators such as legal and regulatory frameworks, competent authorities that are involved in the process, tender preparation and awarding, monitoring and enforcement mechanisms and levels of transparency and reporting obligations.

In line with prior research findings on the topic, results show cross-country variations. The most common forms of support for the media are indirect and direct subsidisation. Government-sponsored advertising is included in the category of indirect support (see Urbán, 2013). The author argues that government spending on advertising, including spending by State-owned companies, ministries and local municipalities, plays an outstanding role in the media markets. In many European countries, current regulations do not provide guidelines for a fair and transparent allocation of State advertising to private media outlets. The *2020 Media Pluralism Monitor* shows that out of the 28 countries surveyed, only Italy, Germany and Belgium have evaluated State advertising as low risk for media pluralism and media freedom.

Regarding the case of Germany, most of the available research focuses on State aid for the media in general and the data on public expenditure on advertisement is very scarce. Public financial subsidies have no support among the key players in the German media market. Reluctance to any kind of State interference is strongly rooted in Germany's political tradition. As shown previously, there are no direct grants or subsidies for the private media sector. The most widely used schemes are based on indirect support for traditional media, in the form of sales tax or value-added-tax relief, postal subsidies for newspapers delivered to the door, postal, telecoms and transport subsidies. Specific legislation, policy or conventions regarding the functions of government communication are in place in Germany, as discussed earlier. Government communication functions include informing the public and the media about the political activities and objectives of the government, providing information about Germany to other countries and monitoring public opinion as a basis for government decisions.

France, on the other hand, is a highly interventionist State with various means of direct and indirect support schemes for the media. The allocation of State advertising is regulated by the Public Procurement Law and the Law on the Government Information Service. The Procurement Law imposes various measures and provisions related to public project contracting, subcontracting and terms of payment, including equal treatment for all bidders, open access to public procurement, meaning that the contracting public authorities must publish tendering documentation, transparency during the bidding process and full disclosure of rules applicable to the tendering process, streamlining of public procurement and a proper use of public funds. The Procurement Law provides specific methods used to calculate the estimated value of the contract and to identify the appropriate bidding procedure. Apart from the Procurement Law, contracting authorities must comply with other national laws including government transparency rules, labour laws, sustainable development legislation and laws governing the relationships between public contract holders, subcontractors and contracting authorities. Transparency of public project contracting, subcontracting, or terms of payment is based on budget information attached to the Finance Bill, which clarifies the method of calculation for the State funds. The State Purchasing Directorate coordinates the execution of public contracts and investments in advertising space.

In the United Kingdom, State advertising is defined as marketing communications, public service announcements or government campaigns, or it is labeled as *publicity advertising media* and *marketing and media – advertising*. In the literature, the concept *marketing* is used in reference to these practices. Government departments are required to select approved agencies for assignments and the selection process for bids aims to ensure quality standards. Government campaigns focus on changing behaviour; ensuring operational effectiveness of government by informing people about public services; enhancing and maintaining the reputation of the United Kingdom and responding in times of crisis. Some campaigns of institutional advertising are about smokefree environments and sugar obesity, drink-driving, countryside road safety and not using your phone while driving. It is shown there is a progressive increase in these expenses every year, and that 2019 and 2020 were the years analyzed in which the budget invested in government advertising campaigns was highest, due to Brexit and Covid-19.

CONCLUSION

As shown in the previous sections, we have investigated the institutional mechanisms, legislative and regulatory procedures for the allocation of State advertising to private news media organizations building upon an extensive literature review. The main indicators selected for analysis focus on the legal and regulatory frameworks, competent authorities involved in the process of tender preparation and awarding of advertising contracts, monitoring and transparency mechanisms. The paper responds to the main central research issue that is what rules , laws or regulations are governing public spending on State advertising in the three countries selected.

This work contributes to current research as it provides an in-depth analysis of the French, German and British cases, enhancing our understanding of the available frameworks for regulating State advertising. Secondly, the study maps out institutional arrangements complementing previous research on media governance policies. Further research avenues could address the designing of future support schemes, considering the structure of the European digital market and variations in an audience´s consumption habits of news information.

[1] See https://www.nouvelobs.com/rue89/rue89-economie/20100416.RUE6086/combien-coutent-les-campagnes-de-pub-du-gouvernement.html (read on the 29th of Sept. 2022)

[2] See https://lareclame.fr/dossier-communication-gouvernementale-marque-251891 (read on the 29th of Sept. 2022)

[3] https://gcs.civilservice.gov.uk/guidance/marketing/ (read on the 29th of Sept. 2022)

REFERENCES

COUNCIL OF EUROPE. (2017). *The Meeting Report of the Committee of Experts on Media Pluralism and Transparency of Media Ownership (MSI-MED 2017).* Available at https://rm.coe.int/report-3rd-meeting-of-msi-med-29-30-march-2017-/1680712350 (consultado el 30 de septiembre de 2022)

EHLERMANN, C.-D. (1994). "State Aid Control in the European Union: Success or Failure?" *Fordham International Law Journal.* 18 (4), pp. 1212-1229.

EUROPEAN COMMISSION. (2016). *Public Procurement Report, France Country profile.* Available at https://ec.europa.eu/regional_policy/sources/policy/how/improving-investment/public-procurement/study/country_profile/fr.pdf (consultado el 30 de septiembre de 2022)

EUROPEAN COMMISSION. (2020). *Rule of law report.* Available at https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-mechanism/2020-rule-law-report_en (consultado el 30 de septiembre de 2022)

EUROPEAN COMMISSION. (2021). Rule of law report. *France.* Available at https://ec.europa.eu/info/sites/default/files/fr-input.pdf (consultado el 30 de septiembre de 2022)

EUROPEAN COMMISSION. (2021). *Rule of law report. Germany.* Available at https://ec.europa.eu/info/sites/default/files/de-input.pdf (consultado el 30 de septiembre de 2022)

EUROPEAN COMMISSION, DIRECTORATE-GENERAL FOR REGIONAL AND URBAN POLICY. (2016). *Stock-taking of administrative capacity, systems and practices across the EU to ensure the compliance and quality of public procurement involving European Structural and Investment (ESI) Funds: final report,* Publications Office. Available at https://data.europa.eu/doi/10.2776/311087 (consultado el 30 de septiembre de 2022)

FERNÁNDEZ ALONSO, I. & BADIA MASONI, Q. (2021)."Políticas de medios y clientelismo: beneficiarios de las campañas de publicidad institucional de la Generalitat de Cataluña (2007-2018)". *Revista de Estudios Políticos*, 191, pp. 325-346.

FERNÁNDEZ ALONSO, I. , de MORAGAS, M. , BLASCO, J. J. & ALMIRON, N. (eds.). (2006). *Press Subsidies in Europe*. Barcelona: Generalitat de Catalunya.

FOSTER, R. & BUNTING, M. (2019). *Public funding of high-quality journalism*. Available at https://www.accc.gov.au/system/files/ACCC%20commissioned%20report%20-%20Public%20funding%20of%20high-quality%20journalism%20-%20phase%201,%20Communications%20Chambers.PDF (consultado el 30 de septiembre de 2022)

GARCÍA GRAÑA, G., GRASSLER, M. & VEDEL, T. (2020). "Monitoring Media Pluralism in the Digital Era. Country report: France". Centre for Media Pluralism and Media Freedom Robert Schuman Centre for Advanced Studies, pp. 1-22.

HALLIN, D. & MANCINI, P. (2004). *Comparing Media Systems: Three Models of Media and Politics.* Cambridge: Cambridge University Press.

HOLTZ-BACHA, C. (1994). "Presseförderung im westeuropäischen Vergleich". En BRUCK, P.A. (Ed.), *Medienmanager Staat. Von den Versuchen des Staates, Medienvielfalt zu ermöglichen. Medienpolitik im internationalen Vergleich.* München: Reinhard Fischer, pp. 443-567.

HOLZNAGEL, B. & KALBHENN, J. C. (2021). "Monitoring media pluralism in the digital era. Application of the media pluralism monitor in the European Union, Albania, Montenegro, The Republic of North Macedonia, Serbia & Turkey in the year 2020. Country report: Germany". Centre for Media Pluralism and Media Freedom (CMPF). Available at http://hdl.handle.net/1814/74690 (consultado el 30 de septiembre de 2022)

HOWLETT, M. (2009). "Government communication as a policy tool: a framework for analysis". *The Canadian Political Science Review*, 3(2), pp. 23-37.

JOHANSSON, K. M., & RAUNIO, T. (2019). "Government communication in a comparative perspective". In JOHANSSON, K.M. & NYGREN, G. (Eds.). *Close and Distant: Political Executive-Media Relations in Four Countries.* Gothenburg: Nordicom, pp 127-148.

KADAR, D., WOOD, D. J. & SHALIT, R. (2017). *Digital media are now caught by French regulation and in particular by stringent transparency requirements.* Available at https://www.lexology.com/library/detail.aspx?g=cf58f8eb-37e7-491f-85b4-50a454a6d45d (consultado el 30 de septiembre de 2022)

KANTCHEV, G. & OGNYANOVA, N. (2013). "Bulgaria: Press Subsidies in the Shadows". In MURSCHETZ, P. (ed.). *State Aid for Newspapers Theories, Cases, Actions*. New York, London: Springer, pp. 163-178.

KOLO, C. y WEICHERT, S. (2013). "Germany: Evaluating Alternatives to Finance Quality Journalism". In Paul Murschetz (ed.). *State Aid for Newspapers Theories, Cases, Actions.* New York, London: Springer, pp. 215-235.

LARDEAU, M., & LE FLOCH, P. (2014). "France: Press subsidies – inefficient but enduring". In Murschetz, P. (ed.). *State Aid for Newspapers: Theories, Cases, Actions,* pp. 195-214.

MARTORI, A. (2015). "News decentralization in the Scottish television model". *Quaderns del CAC*, (41), 67-75.

MESNOOH, C. J. (1994). *Law and Business in France: A Guide to French Commercial and Corporate Law.* Martinus Nijhoff Publishers.

MURSCHETZ, P. (1998). "State Support for the Daily Press in Europe: A Critical Appraisal. Austria, France, Norway and Sweden Compared". *European Journal of Communication*, 13 (3), pp. 291-313.

MURSCHETZ, P. (2014). *State Aid for Newspapers — Theories, Cases, Actions*. Springer-Verlag Berlin Heidelberg.

MUTU, A. (2018). “The Regulatory Independence of Audiovisual Media Regulators: A Cross-National Comparative Analysis”. *European Journal of Communication*. Vol. 33(6), pp. 619–638.

PAPATHANASSOPOULOS, S. (2013). “Greece: Press Subsidies in Turmoil”. In MURSCHETZ, P. (ed.). *State Aid for Newspapers Theories, Cases, Actions.* New York, London: Springer, pp. 237-252.

PICARD, R. G., & GRÖNLUND, M. (2003). “Development and Effect of Finnish Press Subsidies”. *Journalism Studies*, 4(1), pp. 105- 119.

PICKARD, V. (2013). “The United States of America: Unfounded fears of press subsidies”. In MURSCHETZ, P. (ed.). *State Aid for Newspapers, Media Business and Innovation.* New York, London: Springer, pp. 357-372.

PSYCHOGIOPOULOU, E. (2013). “State Aid to the Press in the EU: Legal Issues and Trends”. In MURSCHETZ, P. (ed.). *State Aid for Newspapers Theories, Cases, Actions*. New York, London: Springer, pp. 85-97.

PUPPIS, M. (2013). “Press Governance: A New Concept for Analyzing Press Regulation”. In MURSCHETZ, P. (ed.). *State Aid for Newspapers, Theories, Cases, Actions*. New York, London: Springer, pp. 99-111.

SANDERS, K. (2013). “The strategic shift of UK government communication”. In SANDERS, K., & CANEL, M. J. (Eds.). *Government communication: Cases and challenges.* New York: Bloomsbury Academic.

SANDERS, K., CANEL CRESPO, M. J., & HOLTZ-BACHA, C. (2011). “Communicating Governments: A Three Country Comparison of How Governments Communicate with Citizens”. The International Journal of Press/Politics, 16(4), pp. 523–547.

SCHREOEDER, H.-D. & DANKERT, K. (2017). “Media pluralism monitor 2016: monitoring risks for media pluralism in EU and beyond: country report: Germany”. Centre for Media Pluralism and Media Freedom (CMPF). Available at http://hdl.handle.net/1814/46797

SCHWEIZER, C., PUPPIS, M., KÜNZLER, M.& STUDER, S. (2014*): Public funding of private media in Europe and overseas. LSE Media Policy Brief.* London: Department of Media and Communication LSE.

SMARTT, U. (2019). *Media Entertainment & Law.* London: Routledge.

SPARKS, C. (1992). “The Press, the Market, and Democracy”. *Journal of Communication*, 42(1), pp. 36-51.

URBÁN, A. (2013): “Hungary: The State as Strong Media Governor”. In Murschetz, P. (ed). *State Aid for Newspapers. Theories, Cases, Actions.* Berlin: Springer, pp. 253-269.

YEUNG, K. (2006). “Regulating government communications”. *The Cambridge Law Journal,* 65(1), pp. 53-91.