



# ***POLICY STATEMENT ON ARTICLE 17 OF THE PROPOSED EUROPEAN MEDIA FREEDOM ACT***

The undersigned civil society organisations are deeply concerned about Article 17 of the European Media Freedom Act (EMFA), which puts forward the so-called proposal for “media privilege”. In this vein, we ask the EU co-legislators to **reject Article 17 in its current form altogether**.

We understand the need to counterbalance the current asymmetry of power between media service providers (MSP) and very large online platforms (VLOPs). It is important to address how algorithmic content governance policies are changing the public role of media. Healthy newsfeeds on social media are a precondition to get access to reliable information and VLOPs are responsible for their algorithms as well as their content curation and content moderation policies. Furthermore, online platforms’ business models should consider the public interest of quality journalism.

Article 17 of the EMFA suggests a mechanism whereby the identification of an MSP is based on self-declaration (Article 17 (1)). The system of proposed ex-ante notification to self-declared media establishes de facto fast-track, non-transparent procedures to certain privileged actors that will have a major negative impact on the right to freedom of expression and information, even opening the door to rogue actors intent on distorting democratic public discourse. The Digital Services Act already requires mitigation measures against systemic risks imposed by VLOPs’ operations. Thus,

the fast-track procedure in Article 17 jeopardises the effectiveness of the Digital Services Act by fragmenting horizontal rules and over-loading with new procedures.

Media actors should as a matter of principle not be granted special treatment when it comes to the moderation of their content shared on very large online platforms. In addition, in some EU member states, such as Hungary or Poland, public service broadcasting is captured by the ruling political parties and turned into a propaganda machine. Under the current wording of Article 17, these media actors would qualify for privileged treatment. Moreover, the fact that Article 17 entrusts VLOPs with a discretionary power to assess the integrity and reliability of media service providers' self-declaration would grant them even more power to shape the public sphere.

Article 17 focuses primarily on content moderation, referring to restricting or suspending the provision of VLOPs' services concerning content provided by the MSP. However, algorithmic-driven content curation optimised for profit as well as the monopolisation of the global digital advertising markets by VLOPs constitute a much more serious threat to media pluralism and content diversity. MSPs and their publishers face financial difficulties due to a drop in the visibility and traffic of their content. They are vulnerable to algorithmic content curation by VLOPs that dictate conditions for the curation of all online content, including editorial media and news content. Measures proposed in Article 17 providing privileged treatment to media content will not provide an adequate response to the main issue at stake: VLOPs have changed the very structure and balance of the media market and, thereby, directly impact the pluralistic public sphere.

Therefore, efforts should focus on DSA enforcement, particularly on mitigating systemic risks linked to freedom of expression and information, disinformation, algorithmic amplification and content delivery, and reject Article 17 in the EMFA.

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- Access Now
- Article 19
- Association for Technology and Internet (ApTI)
- Civil Liberties Union for Europe (Liberties)
- Creative Commons
- Communia
- Državljan D / Citizen D
- EU Disinfo Lab
- European Digital Rights (EDRi)
- Electronic Frontier Foundation
- Electronic Frontier Norway
- IT-Politisk Forening
- European Partnership for Democracy (EPD)
- Panoptykon Foundation
- Vrijschrift
- Wikimedia Deutschland