

## EBU Position Paper on the proposed EU Digital Services Act



For members of the European Broadcasting Union (EBU)<sup>1</sup> – public service media organizations in Europe – **establishing a strong and consistent rulebook for global online platforms is crucial.** We support the objective of the DSA to create a safer and more accountable online environment. However, **we ask EU decision-makers to make the proposed DSA stronger.** It must reflect the significant influence of online platforms on access to content and information and on opinion-making. **Citizens need a stronger DSA to continue to engage online with the media they most trust and value.**

Online platforms have become important ways to reach audiences. Citizens use social networks, news aggregators or search engines to access news, information and other media content. Beyond their own digital channels and services, public service media offer their diverse content and information on online platforms and use the innovative opportunities the platforms provide to reach and interact with their audiences. But today the platforms determine who sees what and when - based on their algorithms, content recommendation systems, community standards and terms and conditions. And contrary to independent media, platforms remain largely unaccountable to the public.

The DSA promises to create a safer, more accountable online environment through obligations for platforms to act against illegal content and by empowering platform users in offering them more transparency, traceability and better reporting systems. We support these important objectives and welcome strengthening the proposed obligations (e.g. extension of the ‘know your business user’ obligation to all online platforms). However, for the DSA to enable all citizens to have continued access to the trusted news, information and the rich plurality of views that media offers, EU policy makers must act on the following areas.

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<sup>1</sup> The European Broadcasting Union is the world’s leading alliance of public service media. The EBU has 115 member organizations in 56 countries who operate nearly 2,000 television, radio and online channels and services and reach an audience of more than one billion people in 160 languages.

## ➤ **Protect editorial media content and services from interference by online platforms**

Media service providers abide by strict EU and national media laws, are guided by professional editorial standards and are subject to specific regulatory oversight - no matter where or how their content and services are consumed. However, lawful media content regularly gets removed and apps and accounts blocked by online platforms without any prior warning (e.g. children's' content and applications, satirical content, current affairs and news programmes).

To ensure the effectiveness of European and national media rules as well as the editorial independence of media in Europe, platform operators should not be allowed to exercise any control over programmes from media service providers or otherwise interfere with them once they are available on these platforms. The DSA should ensure that media organisations remain solely responsible for the content and services they produce. As media service providers maintain full editorial responsibility over their content, platform operators should neither be responsible nor liable for the content offered by media service providers on their platforms.

This is key to balance out the freedom to conduct business of platform operators on the one hand and media service providers on the other. It will ultimately serve to foster public trust in journalism and media online.

## ➤ **Ensure proper brand attribution of editorial media content**

When audiences access media content through social networks, news aggregators, or search engines, they need to be able to easily identify who bears the editorial responsibility over it. Failure by platforms to attribute content to its source or incorrect attribution of logos and branding deprives audiences of an essential element to judge the information they see and hear. The DSA should oblige platforms to ensure that the identity of media organisations, alike other business users, is clearly visible (e.g. logos/branding).

## ➤ **Secure the application of sector-specific EU and national laws**

The DSA sets harmonized and horizontal standards for a wide range of online platforms. This could result in overlaps with certain sector-specific EU and national laws and limit Member States' competence to regulate cultural issues in relation to intermediary service providers. It should therefore be clarified that the DSA applies without affecting existing and future sectorial measures as well as those which serve to promote cultural diversity as well as media freedom and pluralism online.

## ➔ **Enhance the transparency of platforms' content recommendations**

The DSA must set high transparency standards on all online platforms regarding algorithmic decision-making processes and content recommendation. It is essential for media organizations and media users to better understand how platforms' recommender systems affect the visibility, accessibility and availability of content and services online and to be able to tailor their services accordingly. As recommender systems are commonly used by all types of platforms, enhanced transparency rules should apply to all platforms and not be limited to very large platforms.

## ➔ **Ensure proper enforcement and oversight**

National regulatory authorities for the media play a vital role to ensure media pluralism and safeguard freedom of expression and information. Member States should therefore make sure that the national regulatory authorities and bodies for the media are adequately involved in enforcement and oversight of the DSA.

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