



## NEWS MEDIA EUROPE

### Media sector urges to vote in favor of Article 17 of the CULT report on the EMFA

Brussels, 26 September 2023

Dear Members of the European Parliament,

Next week in plenary, you will define the European Parliament's position for the trilogue negotiations on the European Media Freedom Act (EMFA). Ahead of the important vote, we - the undersigned European organizations, representing thousands of media outlets, journalists, and media workers - urge you to protect our editorial outputs from unjustified and arbitrary actions by platform operators and to **vote in favor of the compromise amendment on Article 17 as adopted by the CULT committee** on 7 September.

Media freedom and journalistic integrity have not only become the plaything of individual governments in the EU in recent years. Also, **very large online platforms (VLOPs)**, that have become key distribution channels for editorial content, **are increasingly exerting influence on the media landscape and restricting media freedom and pluralism**. Based on their algorithms and content moderation practices, VLOPs decide who gets to read, see, or hear what, when and where.

The European Commission has identified this situation as causing risks to the freedom of the media and proposed a procedural guarantee in Article 17 of the EMFA to recalibrate the relationship between media service providers and journalists on the one hand and VLOPs on the other.

In close cooperation with LIBE and IMCO, the CULT committee has improved this provision with important clarifications on which media service providers should benefit from the special protection and defining a solution-oriented conversation between the two sides (with the potential involvement of the regulatory bodies for the media). While VLOPs remain able to remove or restrict access to legal editorial content on the basis of their terms and conditions, the procedural safeguard laid down in **Article 17 of the CULT report at least affords media service providers, including journalists, basic guarantees that constitute an indispensable minimum standard of protection from arbitrary interference with editorial content by VLOPs**. The European Parliament must not settle for any less, neither in plenary nor in trilogue.

Considering the below arguments, we count on your support for a meaningful Article 17:

- **VLOPs should not have the final say in removing editorial content**

VLOPs have the power to remove or restrict access to any media service and journalistic output that they deem to violate their unilaterally set terms and conditions, without any prior notice, explanation, and regulatory or judicial oversight. These actions pose a serious threat to the editorial independence, integrity and autonomy of media providers and journalists.

- **Platform censorship is at odds with EU and national laws and journalistic standards**

The arbitrary and disproportionate censorship of media services is at odds with the specific rules that exist for the media in Europe. The EU has established a legal acquis for media service providers, including journalists, complementing the existing and oftentimes wide-ranging rules and journalistic standards at the national level, which are completely disrespected by the content moderation practices of VLOPs.

- **Commercial interests should not be the ultimate driver of what people see**

The platforms' own commercial interests and preferences have become the benchmark of what citizens can read, listen to, or watch online. The meddling with media services by VLOPs hence affects citizens' news consumption and exposure with implications for free, and independent opinion forming.

- **Article 17 will not undermine, but complement the DSA**

Article 17 of the EMFA is not a 'carte blanche' for media service providers to publish any content without any accountability or responsibility. Media service providers, including journalists, continue to be subject to national and EU law, co- and self-regulatory mechanisms and ethical codes. They are legally liable and editorially responsible for everything they publish. Article 17 establishes a fair and transparent process that respects the rule of law and the fundamental rights of already regulated media service providers. Article 17 is aligned with the obligations that VLOPs have under the DSA (Digital Services Act), including the fight against content that derives from systemic risks, such as disinformation. It will simply complement and further inform the requirements in the DSA for platform operators to respect the freedom and pluralism of the media.

- **Art. 17 will not lead to the spread of more disinformation and propaganda**

In order to benefit from the procedural protection of Art. 17, media service providers must meet a number of criteria, including falling within the definition of a media service provider under the EMFA, being editorially independent from governments and being subject to regulatory requirements in the EU. In case of doubts, this information may be checked and approved by the relevant regulatory body. The argument that Art. 17 would lead to a spread of propaganda and disinformation by rogue media operators is therefore unfounded. On the contrary, Article 17 would only protect European media services that comply with national and European rules and are editorially and legally accountable in the EU.

- **Healthy democratic discourse requires reliable and diverse information**

The most effective way to counter disinformation and enable a pluralistic democratic debate is to ensure citizens have access to a wide variety of content delivered with high editorial standards. Rather than working to ensure that citizens have access to professional news and information in a time when misinformation and disinformation content proliferate online, VLOPs hold regulated media service providers and journalists hostage. A recent study published by the European Commission<sup>1</sup> has proven that platform operators do not hold their promises in protecting European citizens from disinformation. The study goes as far as concluding that social media companies enabled the spread of disinformation – in this particular case by the Kremlin, despite the commitments they made under the Code of Practice on Disinformation, which will become an integral part of the DSA obligations. By protecting media services and journalism vis-à-vis platform operators' corporate censorship, EU policymakers have a unique opportunity to facilitate the flow of professional information and therefore contribute to the resilience of the online information environment.

Democracy cannot function with media censorship, be it by governments and political interests, or VLOPs and their commercial interests. That is why **the EMFA needs to provide strong safeguards to protect the freedom of the media, both offline and online.**

Yours sincerely,

**Association of European Radios (AER)**

**European Broadcasting Union (EBU)**

**European Federation of Journalists (EFJ)**

**Association of Television and Radio Sales Houses (egta)**

**European Magazine Media Association & European Newspaper Publishers' Association (EMMA/ENPA)**

**European Publishers Council (EPC)**

**News Media Europe (NME)**

**Media, Entertainment & Arts sector of UNI Europa (UNIMEI)**

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<sup>1</sup> European Commission, [Digital Services Act: Application of the Risk Management Framework to Russian disinformation campaigns](#), Publication Office of the European Union, 2023.