

# NEWS MEDIA EUROPE

## Response to the consultation on the Digital Services Act (June 2023)

*[News Media Europe](#) is the voice of the progressive news media industry in Europe, representing over 2,700 news brands in print, online, radio and TV, through national associations from sixteen countries. Together, we defend key principles which are vital to us: protecting the freedom of the press, championing the digital future of our industry, and ensuring that the value of content is properly protected.*

### Introduction

We thank the European Commission for the opportunity to respond to the consultation on the delegated act on **Article 37 of the Digital Services Act (DSA)**. The independent auditing of very large online platforms and search engines (VLOPs/VLOSEs) is a key part of the enforcement of the DSA. From a press publishers' perspective, we hope the DSA will bring more transparency on the conduct of very large online platforms that distribute and act as gateways to press content, e.g. Bing, Google Search, Apple AppStore, Google Play, Facebook, Instagram, LinkedIn, Twitter, YouTube and Tik Tok (based on the list [published](#) by the European Commission).

We understand that the present delegated act regulates the relation between the audited companies (VLOPs/VLOSEs) and the independent auditing organisations. Our members place high expectations on independent auditing to oblige large platforms to act in a more transparent, accountable and responsible manner towards citizens and their business users. In this regard, we are fully supportive of the mission of auditing companies.

We are particularly interested in **Articles 13 and 14** of the draft delegated act which provide for specific methods for identifying **systemic risks** and assessing compliance with **risk mitigation obligations** (referred to in Article 35 of the DSA). From our experience, the content moderation practices of VLOPs/VLOSEs can represent systemic risks on media freedom and pluralism whenever decisions are made in a discriminatory, arbitrary and opaque manner. This concretely translates into the wrongful take down of editorial content or suspension of press publishers and journalists' accounts. This is a concrete problem that the DSA tries to address, and we hope the audit reports will be instrumental in identifying problems and working towards practical solutions.

### Recommendation

Our recommendation is simple: we need to make sure that auditing companies take into account platforms' decisions vis a vis editorial content, including news content. This is crucial for the visibility of professional and journalistic content online and for protecting media content integrity.

- The audit reports should provide valuable information to understand how press content is treated by platforms such as social media, news aggregators, search engines and app stores, what decisions are made and on what grounds;
- Of particular relevance are the number of take-downs, suspensions of accounts, justifications, statement of reasons, communication with media companies, time frames etc;

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- Also, to consider how algorithmic decisions and recommender systems influence the visibility of news content online;
- For auditors to best perform their mission, it is important that they are granted access to all necessary information to assess compliance with the DSA. The interpretation of business confidentiality and privacy should not be at the detriment of the auditors' mission;
- The elaboration of templates as suggested by the European Commission is relevant to allow for the consistent data gathering and reporting of information. What also matters from our perspective is how results are presented to make sure that regulators, business users and citizens have access to clear, intelligible, and relevant information.
- Ultimately, we hope that the conclusions and recommendations of the audit reports will help for the exchange of best practices in the interest of enhancing media freedom and pluralism in the online environment.

## Contacts

Wout van Wijk (Executive Director): [wout.vanwijk@newsmediaeurope.eu](mailto:wout.vanwijk@newsmediaeurope.eu)

Aurore Raoux (EU Policy Manager): [aurore.raoux@newsmediaeurope.eu](mailto:aurore.raoux@newsmediaeurope.eu)