

# NEWS MEDIA EUROPE

## Response to the call for evidence on the Digital Services Act (May 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 call for evidence on the delegated act on Article 40 of the Digital Services Act. The data-sharing obligation for very large online platforms and search engines (VLOPs/VLOSEs) is a very important aspect for business users like news media companies. Relevant internet gateways for access to news media content include Bing, Google Search, Apple AppStore, Google Play, Facebook, Instagram, LinkedIn, Twitter, YouTube and Tik Tok (based on the list [published](#) by the European Commission).

### Recommendations

We understand that Article 40 of the DSA does not grant business users such as press publishers a right to information on how their content is treated, but rather trusts regulators and researchers with processing such information. We are fully supportive of their mission.

News media companies need more information about systemic risks relating to the protection of media freedom, access to information, the spread and monetisation of disinformation, and the availability of illegal (e.g. copyright infringing) content.

Therefore, we have high expectations from the data-sharing obligation, especially when it comes to:

### Data access needs

- Identifying the impact of the activities of social media, search engines, app stores and news aggregators on media freedom and pluralism;
- Understanding large platforms' content moderation practices on press content. This includes press articles, videos, audio, infographics, photographs etc.
- Getting a clear picture of how large platforms deal with newsrooms' notifications of illegal content, e.g. illegal copyright reproductions.
- Quantifying wrongful take-downs and account suspensions of news titles and journalists. The phenomenon is unknown precisely because platforms do not justify their arbitrary decisions, nor do they keep an actual database of content moderation practices. Research in this area should for instance help tech companies and the media to better communicate and make well-informed decisions under Article 17 of the European Media Freedom Act proposal.
- Limiting the spread of disinformation online and increasing the visibility of authoritative sources and professional journalistic content. The problem of disinformation partly comes from the algorithmic decision which makes sensationalist and extreme posts go viral on the internet. In this

# NEWS MEDIA EUROPE

regard, transparency of algorithms and recommender systems should contribute to reaching the KPIs of the voluntary Code of Practice on Disinformation.

- Understanding how unilateral changes in platforms' terms and conditions and algorithms affect the presentation and the visibility of news content, e.g. Facebook hyperlink policy, Google's snippet policy.

## Procedure & formats

- Our experience of the remuneration agreements shows that tech companies tend to drown business users in spreadsheets and non-convertible documents that do not serve the purpose of fair negotiations. We trust that researchers will be able to translate data and draw conclusions that speak to the general public. We would like to stress that the final communication of data must be plain, intelligible and accompanied by interpretation that will enlighten rightsholders about the use of their protected content and moderation practices.

## Safeguards interpretation

- While we support the protection of trade secrets and compliance with privacy laws, we believe it is crucial that the DSA fulfills its original purpose, namely to make very large online platforms more transparent and accountable to society. For instance, data protection laws should not be used as an excuse by social media to avoid sharing data that is crucial for the detailed understanding of the functioning of their algorithms.
- The interpretation of "publicly available data" should not be too restrictive either. Our experience shows that tech giants have extensive recourse to non-disclosure agreements to avoid having to share data on issues that are crucial for the enforcement of fair competition and the application of EU law (e.g. copyright directive). Hence, we ask Digital Services Coordinators to also take due consideration of competing interests, namely citizens and business users' right to information.

## Conclusion

The news industry feels very encouraged by the accountability and transparency requirements brought under the DSA, to enhance media freedom and pluralism online. This is the opportunity to shed light on content moderation practices, and ultimately to enhance citizens' access to reliable information and journalistic content. We strongly encourage vetted researchers and Digital Services Coordinators to present uncensored results of their findings to the public and organise follow up policy discussions with interested stakeholders, including European news media companies.

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