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Digital Services Act consultation about guidelines on elections (March 2024)

The role of very large online platforms and search engines (VLOPs and VLOSEs) and their increasing influence on the democratic discourse should not be underestimated. The European Commission's guidance towards VLOPs and VLOSEs on the mitigation of systemic risks during elections is therefore much needed. The guidelines highlight some relevant measures, for instance to demonetise disinformation and foreign manipulation content, to ensure the integrity of platform services, to formulate rules against the creation of fake accounts, to work closely with researchers, and more.

Some of the measures more specifically touch upon the impact that VLOPs/VLOSEs have on media freedom and pluralism. This is a critical issue given the role of the media in times of elections. We are satisfied that the "crucial role" of the media and journalists in reporting independent information to the public is recognised (para. 24). Our recommendations focus on three main points.

First, while we support the idea of putting in place dedicated internal teams to build language capacity and knowledge about a certain region, we wish to point out that it is not for tech companies to "perform an analysis of the state of media freedom and pluralism" in the countries where they operate (para.12). They should rather rely on the analysis of independent institutions.

Second, we think that tech companies should facilitate the availability of high-quality journalistic content produced by media companies that contribute to the democratic discourse for European citizens. When it comes to obligations to mitigate risks on media freedom and pluralism (para. 21), the guidelines could go further and recommend, concretely:

- Ensuring the availability of a diversity of professional media and journalistic content to citizens on large distribution platforms, in line with Article 17 of the European Media Freedom Act. We believe that having access to a variety of news publications is one of the tools against echo chambers and polarization bubbles online.
- Ensuring that the DSA crisis mechanism (Article 36) is not used as a way to over-remove media content. Similarly, the carve-out provided in Article 17 of the EMFA should not be broadly interpreted.

To conclude, it is important that the DSA guidelines take into account the European Media Freedom Act that ensures citizens have access to reliable and trustworthy information online.

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Third, it is crucial that platforms do not fact-check or apply any “trust labels” on news organisations (para 16.c). Fact-checking labels risk increasing press publishers’ dependency on very large online platforms and eroding citizens’ trust in the media. Journalistic content is already subject to strict editorial codes and processes, including fact-checking methodologies under the supervision of a responsible editor-in-chief. Adding another layer of fact-checking from third-party organisations, paid by tech companies, would amount to regulating the editor’s work. This would undermine media freedom and undermine trust in professionally made news.

We thank the European Commission for the opportunity to contribute and remain available for any further information.

Contact:

Aurore Raoux (Policy Manager), aurore.raoux@newsmediaeurope.eu