

# Digital Services Act package: open public consultation

Fields marked with \* are mandatory.

## Introduction

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The Commission recently [announced](#) a Digital Services Act package with two main pillars:

- first, a proposal of new and revised rules to deepen the Single Market for Digital Services, by increasing and harmonising the responsibilities of online platforms and information service providers and reinforce the oversight over platforms' content policies in the EU;
- second, ex ante rules to ensure that markets characterised by large platforms with significant network effects acting as gatekeepers, remain fair and contestable for innovators, businesses, and new market entrants.

**T h i s**

**c o n s u l t a t i o n**

The Commission is initiating the present open public consultation as part of its evidence-gathering exercise, in order to identify issues that may require intervention through the Digital Services Act, as well as additional topics related to the environment of digital services and online platforms, which will be further analysed in view of possible upcoming initiatives, should the issues identified require a regulatory intervention.

The consultation contains 6 modules (you can respond to as many as you like):

1. **How to effectively keep users safer online?**
2. **Reviewing the liability regime of digital services acting as intermediaries?**
3. **What issues derive from the gatekeeper power of digital platforms?**
4. **Other emerging issues and opportunities, including online advertising and smart contracts**
5. **How to address challenges around the situation of self-employed individuals offering services through online platforms?**
6. **What governance for reinforcing the Single Market for digital services?**

**Digital services and other terms used in the questionnaire**



- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

\* 2 I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

\* 3 First name

Nathalie

\* 4 Surname

Bargues

\* 5 Email (this won't be published)

nathalie.bargues@euractiv.com

\* 7 Organisation name

*255 character(s) maximum*

Fondation EURACTIV Europe's Media Lab

\* 8 Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

9 What is the annual turnover of your company?

- <=€2m
- <=€10m
- <= €50m
- Over €50m

10 Are you self-employed and offering services through an online platform?

- Yes
- No

16 Does your organisation play a role in:

- Flagging illegal activities or information to online intermediaries for removal
- Fact checking and/or cooperating with online platforms for tackling harmful (but not illegal) behaviours
- Representing fundamental rights in the digital environment
- Representing consumer rights in the digital environment
- Representing rights of victims of illegal activities online
- Representing interests of providers of services intermediated by online platforms
- Other

17 Is your organisation a

- Law enforcement authority, in a Member State of the EU
- Government, administrative or other public authority, other than law enforcement, in a Member State of the EU
- Other, independent authority, in a Member State of the EU
- EU-level authority
- International level authority, other than at EU level
- Other

18 Is your business established in the EU?

- Yes
- No

19 Please select the EU Member States where your organisation is established or currently has a legal representative in:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland

- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden

## 20 Transparency register number

*255 character(s) maximum*

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

## \*21 Country of origin

Please add your country of origin, or that of your organisation.

- |   |  |  |  |
|---|--|--|--|
| <input type="radio"/> Afghanistan         | <input type="radio"/> Djibouti           | <input type="radio"/> Libya            | <input type="radio"/> Saint Martin                     |
| <input type="radio"/> Åland Islands       | <input type="radio"/> Dominica           | <input type="radio"/> Liechtenstein    | <input type="radio"/> Saint Pierre and Miquelon        |
| <input type="radio"/> Albania             | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania        | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria             | <input type="radio"/> Ecuador            | <input type="radio"/> Luxembourg       | <input type="radio"/> Samoa                            |
| <input type="radio"/> American Samoa      | <input type="radio"/> Egypt              | <input type="radio"/> Macau            | <input type="radio"/> San Marino                       |
| <input type="radio"/> Andorra             | <input type="radio"/> El Salvador        | <input type="radio"/> Madagascar       | <input type="radio"/> São Tomé and Príncipe            |
| <input type="radio"/> Angola              | <input type="radio"/> Equatorial Guinea  | <input type="radio"/> Malawi           | <input type="radio"/> Saudi Arabia                     |
| <input type="radio"/> Anguilla            | <input type="radio"/> Eritrea            | <input type="radio"/> Malaysia         | <input type="radio"/> Senegal                          |
| <input type="radio"/> Antarctica          | <input type="radio"/> Estonia            | <input type="radio"/> Maldives         | <input type="radio"/> Serbia                           |
| <input type="radio"/> Antigua and Barbuda | <input type="radio"/> Eswatini           | <input type="radio"/> Mali             | <input type="radio"/> Seychelles                       |
| <input type="radio"/> Argentina           | <input type="radio"/> Ethiopia           | <input type="radio"/> Malta            | <input type="radio"/> Sierra Leone                     |
| <input type="radio"/> Armenia             | <input type="radio"/> Falkland Islands   | <input type="radio"/> Marshall Islands | <input type="radio"/> Singapore                        |
| <input type="radio"/> Aruba               | <input type="radio"/> Faroe Islands      | <input type="radio"/> Martinique       | <input type="radio"/> Sint Maarten                     |
| <input type="radio"/> Australia           | <input type="radio"/> Fiji               | <input type="radio"/> Mauritania       | <input type="radio"/> Slovakia                         |

- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland
- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand
- The Gambia
- Timor-Leste
- Togo

- Burkina Faso
- Burundi
- Cambodia
- Cameroon
- Canada
- Cape Verde
- Cayman Islands
- Central African Republic
- Chad
- Chile
- China
- Christmas Island
- Clipperton
- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Tokelau
- Tonga
- Trinidad and Tobago
- Tunisia
- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu
- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara

- Cyprus
- Latvia
- Saint Barthélemy
- Yemen
- Czechia
- Lebanon
- Saint Helena Ascension and Tristan da Cunha
- Zambia
- Democratic Republic of the Congo
- Lesotho
- Saint Kitts and Nevis
- Zimbabwe
- Denmark
- Liberia
- Saint Lucia

## \* 22 Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

### **Anonymous**

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

### **Public**

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

## I. How to effectively keep users safer online?

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This module of the questionnaire is structured into several subsections:

**First**, it seeks evidence, experience, and data from the perspective of different stakeholders regarding illegal activities online, as defined by national and EU law. This includes the availability online of illegal goods (e.g. dangerous products, counterfeit goods, prohibited and restricted goods, protected wildlife, pet trafficking, illegal medicines, misleading offerings of food supplements), content (e.g. illegal hate speech, child sexual abuse material, content that infringes intellectual property rights), and services, or practices that infringe consumer law (such as scams, misleading advertising, exhortation to purchase made to children) online. It covers all types of illegal activities, both as regards criminal law and civil law.

It then asks you about other activities online that are not necessarily illegal but could cause harm to users, such as the spread of online disinformation or harmful content to minors.

It also seeks facts and informed views on the potential risks of erroneous removal of legitimate content. It also asks you about the transparency and accountability of measures taken by digital services and online

platforms in particular in intermediating users' access to their content and enabling oversight by third parties. Respondents might also be interested in related questions in the module of the consultation focusing on online advertising.

**Second**, it explores proportionate and appropriate responsibilities and obligations that could be required from online intermediaries, in particular online platforms, in addressing the set of issues discussed in the first sub-section.

This module does not address the liability regime for online intermediaries, which is further explored in the next module of the consultation.

## **1. Main issues and experiences**

### **A. Experiences and data on illegal activities online**

#### **Illegal goods**

1 Have you ever come across illegal goods on online platforms (e.g. a counterfeit product, prohibited and restricted goods, protected wildlife, pet trafficking, illegal medicines, misleading offerings of food supplements)?

- No, never
- Yes, once
- Yes, several times
- I don't know

3 Please specify.

*3000 character(s) maximum*

4 How easy was it for you to find information on where you could report the illegal good?

Please rate from 1 star (very difficult) to 5 stars (very easy)	
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5 How easy was it for you to report the illegal good?

Please rate from 1 star (very difficult) to 5 stars (very easy)	
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6 How satisfied were you with the procedure following your report?

Please rate from 1 star (very dissatisfied) to 5 stars (very satisfied)	
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7 Are you aware of the action taken following your report?

- Yes
- No

8 Please explain

*3000 character(s) maximum*

9 In your experience, were such goods more easily accessible online since the outbreak of COVID-19?

- No, I do not think so
- Yes, I came across illegal offerings more frequently
- I don't know

10 What good practices can you point to in handling the availability of illegal goods online since the start of the COVID-19 outbreak?

*5000 character(s) maximum*

### **Illegal content**

11 Did you ever come across illegal content online (for example illegal incitement to violence, hatred or discrimination on any protected grounds such as race, ethnicity, gender or sexual orientation; child sexual abuse material; terrorist propaganda; defamation; content that infringes intellectual property rights, consumer law infringements)?

- No, never
- Yes, once
- Yes, several times
- I don't know

18 How has the dissemination of illegal content changed since the outbreak of COVID-19? Please explain.

*3000 character(s) maximum*

19 What good practices can you point to in handling the dissemination of illegal content online since the outbreak of COVID-19?

*3000 character(s) maximum*

20 What actions do online platforms take to minimise risks for consumers to be exposed to scams and other unfair practices (e.g. misleading advertising, exhortation to purchase made to children)?

*3000 character(s) maximum*

21 Do you consider these measures appropriate?

- Yes
- No
- I don't know

22 Please explain.

*3000 character(s) maximum*

## **B. Transparency**

1 If your content or offering of goods and services was ever removed or blocked from an online platform, were you informed by the platform?

- Yes, I was informed before the action was taken
- Yes, I was informed afterwards
- Yes, but not on every occasion / not by all the platforms
- No, I was never informed
- I don't know

3 Please explain.

*3000 character(s) maximum*

4 If you provided a notice to a digital service asking for the removal or disabling of access to such content or offering of goods or services, were you informed about the follow-up to the request?

- Yes, I was informed
- Yes, but not on every occasion / not by all platforms
- No, I was never informed
- I don't know

5 When content is recommended to you - such as products to purchase on a platform, or videos to watch, articles to read, users to follow - are you able to obtain enough information on why such content has been recommended to you? Please explain.

*3000 character(s) maximum*

### C. Activities that could cause harm but are not, in themselves, illegal

1 In your experience, are children adequately protected online from harmful behaviour, such as grooming and bullying, or inappropriate content?

*3000 character(s) maximum*

2 To what extent do you agree with the following statements related to online disinformation?

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/ No reply
Online platforms can easily be manipulated by foreign governments or other coordinated groups to spread divisive messages	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To protect freedom of expression online, diverse voices should be heard	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disinformation is spread by manipulating algorithmic processes on online platforms	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Online platforms can be trusted that their internal practices sufficiently						

guarantee democratic integrity, pluralism, non-discrimination, tolerance, justice, solidarity and gender equality.

### 3 Please explain.

*3000 character(s) maximum*

Without the use of independent Trust Indicators, it can be hard for large online companies to ensure the quality of their content, e.g. using physical fact checkers: item by item evaluation by fact-checkers is relevant but too slow. One should assess sources, not negatively by censoring any, but positively: highlighting the most credible ones. Algorithms are good at generating loads of relevant advertising, they can also promote relevant content quality. Trust Indicators are not a blunt black or white certification, but rather '50 shades of credibility'. Combined with respect for the copyright rules, this could indirectly boost viewership and revenue of quality media. Trust Indicators are not new: they feature (in different ways) both in the work of the Expert Group on disinformation, and in the Code of Practice. However, they are not really in place, in the sense of independent, outside input into platforms' algorithms.

Another issue is that "private internet companies acting as intermediary (in the news sector) such as Facebook and Twitter are "not necessarily obliged to foster the diversity of their content. Rather, their filtering and sorting is best suited to the users in order to best serve the interests of their advertising customers. The guiding principle of social media logic is the generation of attention. This is measured by the frequency of interaction between users and content in the form of clicks, reactions, sharing, and comments". "Their main goal is to channel audience attention and affect access to and the diverse choices people make. As such, they affect not so much the diversity of supply (social media platforms do not produce content), but rather the diversity of media content individual members of the audience are eventually exposed to (exposure diversity) - affecting media pluralism"(https://algorithmwatch.org/wp-content/uploads/2020/05/Governing-Platforms-communications-study-Stark-May-2020-AlgorithmWatch.pdf). So far, these players value their own terms of use more than national/European legal framework.

Online platforms' business models incentivise clickbaits and sensationalist stories, which undermine quality news articles that trigger less engagement from readers and viewers. Trust indicators and transparency signals should be used to provide relevant and accurate information on the ownership and independence of the sources. Amplifying traffic is more relevant to platforms than diversifying it, and promoting quality content. Transparency Indicators, such as data about sources of advertising, are not enough.

### 4 In your personal experience, how has the spread of harmful (but not illegal) activities online changed since the outbreak of COVID-19? Please explain.

*3000 character(s) maximum*

We witnessed a significant increase of political misinformation campaigns exploiting Covid19 and citizens' fears, on sensitive issues such as health, and general disinformation campaigns undermining public health organisation's credibility and the trust of citizens in governments and democracy. "There seems to be barely an area left untouched by disinformation in relation to the COVID-19 crisis, ranging from the origin of the coronavirus, through to unproven prevention and 'cures', and encompassing responses by governments, companies, celebrities and others."

While freedom of opinion ensures that citizens can form their own free and informed opinions based on all available information, intact freedom of information is necessary for the formation of opinion to be realized. If freedom of information is hindered and citizens lack trustworthy information, the formation of opinion and thus

their political decision-making is hindered.(<https://bit.ly/2YzEuGK> )

Free and independent media are not only proved essential during the pandemic,they are an essential service (as stated in the communication on Disinformation: “Tackling COVID-19 disinformation: getting the facts right” - June 10th). However, the same crisis caused a severe economic loss in an ecosystem which was already weak, mainly due to a fall in advertising income.

Don't take the media sector for granted: the media sector was already fragile, due to the pace of technological change and the move of most advertising to US platforms. As we enter a recession, most of the remaining ad revenues are on hold. And as people can't meet, the press now loses its main profitable business: events.

Moreover, newspaper distribution has been suspended in some places. If independent media vanish, fake news will not be countered, making coronavirus an 'infodemic.' Public broadcasters play a major role, but private sector voices are needed, especially in times of reduced liberties. The health crisis could become a major confidence crisis, feeding all fears, radical nationalism and worse.

To avoid that, politicians need to think of who pays for the coverage. To help the media survive, and adapt, media sector strategies are needed, both from the public and private sector. The EU cannot do it alone – Member States and philanthropy have a key role, the Unions is preparing a better policy frame, and should now lead by example.

Small players, local and regional media outlets are the most vulnerable, and this crisis reflects on the entire EU media ecosystem and democracy. The recovery package needs to address this crisis in a strong way, providing economic support through liquidity and funding, via Creative Europe, InvestEU and the Horizon Europe Programme.

The Commission shall also continue to co-fund independent projects in the area of journalism, media freedom and pluralism, facilitating access to finance and funding opportunities for the media sector.

## 5 What good practices can you point to in tackling such harmful activities since the outbreak of COVID-19?

*3000 character(s) maximum*

Trust indicators and multiple fact-checking initiatives, media literacy programmes, promotion of reliable and institutional health information, labelling initiatives.

Sadly, most platform operators did little to seriously address the issue.

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Sadly, most platform operators did little to seriously address the issue.

### D. Experiences and data on erroneous removals

This section covers situation where content, goods or services offered online may be removed erroneously contrary to situations where such a removal may be justified due to for example illegal nature of such content, good or service (see sections of this questionnaire above).

1 Are you aware of evidence on the scale and impact of erroneous removals of content, goods, services, or banning of accounts online? Are there particular experiences you could share?

*5000 character(s) maximum*

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***The following questions are targeted at organisations.  
Individuals responding to the consultation are invited to go to section 2 here below on  
responsibilities for online platforms and other digital services***

3 What is your experience in flagging content, or offerings of goods or services you deemed illegal to online platforms and/or other types of online intermediary services? Please explain in what capacity and through what means you flag content.

*3000 character(s) maximum*

4 If applicable, what costs does your organisation incur in such activities?

*3000 character(s) maximum*

5 Have you encountered any issues, in particular, as regards illegal content or goods accessible from the EU but intermediated by services established in third countries? If yes, how have you dealt with these?

*3000 character(s) maximum*

6 If part of your activity is to send notifications or orders for removing illegal content or goods or services made available through online intermediary services, or taking other actions in relation to content, goods or services, please explain whether you report on your activities and their outcomes:

- Yes, through regular transparency reports
- Yes, through reports to a supervising authority
- Yes, upon requests to public information
- Yes, through other means. Please explain
- No , no such reporting is done

8 Does your organisation access any data or information from online platforms?

- Yes, data regularly reported by the platform, as requested by law
- Yes, specific data, requested as a competent authority
- Yes, through bilateral or special partnerships
- On the basis of a contractual agreement with the platform

- Yes, generally available transparency reports
- Yes, through generally available APIs (application programme interfaces)
- Yes, through web scraping or other independent web data extraction approaches
- Yes, because users made use of their right to port personal data
- Yes, other. Please specify in the text box below
- No

10 What sources do you use to obtain information about users of online platforms and other digital services – such as sellers of products online, service providers, website holders or providers of content online? For what purpose do you seek this information?

*3000 character(s) maximum*

11 Do you use WHOIS information about the registration of domain names and related information?

- Yes
- No
- I don't know

13 How valuable is this information for you?

Please rate from 1 star (not particularly important) to 5 (extremely important)	
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14 Do you use or are you aware of alternative sources of such data? Please explain.

*3000 character(s) maximum*

*The following questions are targeted at online intermediaries.*

## **A. Measures taken against illegal goods, services and content online shared by users**

1 What systems, if any, do you have in place for addressing illegal activities conducted by the users of your service (sale of illegal goods -e.g. a counterfeit product, an unsafe product, prohibited and restricted goods, wildlife and pet trafficking - dissemination of illegal content or illegal provision of services)?

- A notice-and-action system for users to report illegal activities
- A dedicated channel through which authorities report illegal activities
- Cooperation with trusted organisations who report illegal activities, following a fast-track assessment of the notification
- A system for the identification of professional users ('know your customer')
- A system for penalising users who are repeat offenders
- A system for informing consumers that they have purchased an illegal good, once you become aware of this
- Multi-lingual moderation teams
- Automated systems for detecting illegal activities. Please specify the detection system and the type of illegal content it is used for
- Other systems. Please specify in the text box below
- No system in place

2 Please explain.

*5000 character(s) maximum*

3 What issues have you encountered in operating these systems?

*5000 character(s) maximum*

4 On your marketplace (if applicable), do you have specific policies or measures for the identification of sellers established outside the European Union ?

- Yes
- No

5 Please quantify, to the extent possible, the costs of the measures related to 'notice-and-action' or other measures for the reporting and removal of different types of illegal goods, services and content, as relevant.

*5000 character(s) maximum*

6 Please provide information and figures on the amount of different types of illegal content, services and goods notified, detected, removed, reinstated and on the number or complaints received from users. Please explain and/or link to publicly reported information if you publish this in regular transparency reports.

*5000 character(s) maximum*

7 Do you have in place measures for detecting and reporting the incidence of suspicious behaviour (i.e. behaviour that could lead to criminal acts such as acquiring materials for such acts)?

*3000 character(s) maximum*

## **B. Measures against other types of activities that might be harmful but are not, in themselves, illegal**

1 Do your terms and conditions and/or terms of service ban activities such as:

- Spread of political disinformation in election periods?
- Other types of coordinated disinformation e.g. in health crisis?
- Harmful content for children?
- Online grooming, bullying?
- Harmful content for other vulnerable persons?
- Content which is harmful to women?
- Hatred, violence and insults (other than illegal hate speech)?
- Other activities which are not illegal per se but could be considered harmful?

2 Please explain your policy.

*5000 character(s) maximum*

3 Do you have a system in place for reporting such activities? What actions do they trigger?

*3000 character(s) maximum*

4 What other actions do you take? Please explain for each type of behaviour considered.

5000 character(s) maximum

5 Please quantify, to the extent possible, the costs related to such measures.

5000 character(s) maximum

6 Do you have specific policies in place to protect minors from harmful behaviours such as online grooming or bullying?

- Yes
- No

7 Please explain.

3000 character(s) maximum

### C. Measures for protecting legal content goods and services

1 Does your organisation maintain an internal complaint and redress mechanism to your users for instances where their content might be erroneously removed, or their accounts blocked?

- Yes
- No

2 What action do you take when a user disputes the removal of their goods or content or services, or restrictions on their account? Is the content/good reinstated?

5000 character(s) maximum

3 What are the quality standards and control mechanism you have in place for the automated detection or removal tools you are using for e.g. content, goods, services, user accounts or bots?

3000 character(s) maximum

4 Do you have an independent oversight mechanism in place for the enforcement of your content policies?

-

Yes

No

5 Please explain.

*5000 character(s) maximum*

#### **D. Transparency and cooperation**

1 Do you actively provide the following information:

- Information to users when their good or content is removed, blocked or demoted
- Information to notice providers about the follow-up on their report
- Information to buyers of a product which has then been removed as being illegal

2 Do you publish transparency reports on your content moderation policy?

- Yes
- No

3 Do the reports include information on:

- Number of takedowns and account suspensions following enforcement of your terms of service?
- Number of takedowns following a legality assessment?
- Notices received from third parties?
- Referrals from authorities for violations of your terms of service?
- Removal requests from authorities for illegal activities?
- Number of complaints against removal decisions?
- Number of reinstated content?
- Other, please specify in the text box below

4 Please explain.

*5000 character(s) maximum*

5 What information is available on the automated tools you use for identification of illegal content, goods or services and their performance, if applicable? Who has access to this information? In what formats?

*5000 character(s) maximum*

6 How can third parties access data related to your digital service and under what conditions?

- Contractual conditions
- Special partnerships
- Available APIs (application programming interfaces) for data access
- Reported, aggregated information through reports
- Portability at the request of users towards a different service
- At the direct request of a competent authority
- Regular reporting to a competent authority
- Other means. Please specify

7 Please explain or give references for the different cases of data sharing and explain your policy on the different purposes for which data is shared.

*5000 character(s) maximum*

*The following questions are open for all respondents.*

## **2. Clarifying responsibilities for online platforms and other digital services**

1 What responsibilities (i.e. legal obligations) should be imposed on online platforms and under what conditions?

Should such measures be taken, in your view, by all online platforms, or only by specific ones (e.g. depending on their size, capability, extent of risks of exposure to illegal activities conducted by their users)? If you consider that some measures should only be taken by large online platforms, please identify which would these measures be.

	Yes, by all online platforms, based on the activities	Yes, only by	Yes, only platforms at particular risk of	Such measures should not be
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	they intermediate (e.g. content hosting, selling goods or services)	larger online platforms	exposure to illegal activities by their users	required by law
Maintain an effective 'notice and action' system for reporting illegal goods or content	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintain a system for assessing the risk of exposure to illegal goods or content	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have content moderation teams, appropriately trained and resourced	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Systematically respond to requests from law enforcement authorities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperate with national authorities and law enforcement, in accordance with clear procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperate with trusted organisations with proven expertise that can report illegal activities for fast analysis ('trusted flaggers')	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Detect illegal content, goods or services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In particular where they intermediate sales of goods or services, inform their professional users about their obligations under EU law	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Request professional users to identify themselves clearly ('know your customer' policy)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Provide technical means allowing professional users to comply with their obligations (e.g. enable them to publish on the platform the pre-contractual information consumers need to receive in accordance with applicable consumer law)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Inform consumers when they become aware of product recalls or sales of illegal goods	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperate with other online platforms for exchanging best practices, sharing information or tools to tackle illegal activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

Be transparent about their content policies, measures and their effects	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintain an effective 'counter-notice' system for users whose goods or content is removed to dispute erroneous decisions	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other. Please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## 2 Please elaborate, if you wish to further explain your choices.

*5000 character(s) maximum*

A line should be drawn between platforms purely falling in the e-commerce domain and those which host, select and promote content (notably Google, Facebook, Twitter and their subsidiaries), ultimately acting as publishers. They are systemic to democracy like banks are systemic to the economy. For this reason, we think the platforms outlined above should be defined in a dedicated sub-category as "Systemic Publishing Platforms".

Past regulation has been influenced by the "broad brush" concept of level-playing field. Actually, the field is not level, for example between a giant platform and a local NGO, nor are the risks to democracy and fair trade.

Differentiated regulation according to size and impact on the market: The DSA should provide criteria for the main online sub-sectors, by setting thresholds below which simplified requirements apply. This is also essential to help SMEs in Europe. (Like with accounting and bookkeeping obligations).

## 3 What information would be, in your view, necessary and sufficient for users and third parties to send to an online platform in order to notify an illegal activity (sales of illegal goods, offering of services or sharing illegal content) conducted by a user of the service?

- Precise location: e.g. URL
- Precise reason why the activity is considered illegal
- Description of the activity
- Identity of the person or organisation sending the notification. Please explain under what conditions such information is necessary:
- Other, please specify

## 4 Please explain

*3000 character(s) maximum*

## 5 How should the reappearance of illegal content, goods or services be addressed, in your view? What approaches are effective and proportionate?

*5000 character(s) maximum*

Once content, goods or services are identified as being illegal, the service in question should have to make sure that such content, goods or services do not reappear. It should be up to the service to find the appropriate way to achieve this. There is no “one size fits all” as all services are (at least technically) different.

6 Where automated tools are used to detect illegal content, goods or services, what opportunities and risks does their use present as regards different types of illegal activities and the particularities of the different types of tools?

*3000 character(s) maximum*

Artificial Intelligence increases the added value of platforms, and can also be a semi-automated initial draft of media content: there is convergence of both types of content, and in the future convergence of the tools. Hence technology neutrality should apply. For example, algorithms (supervised by platforms) should not be less liable than journalists (publishers) for their decision.

7 How should the spread of illegal goods, services or content across multiple platforms and services be addressed? Are there specific provisions necessary for addressing risks brought by:

- a. Digital services established outside of the Union?
- b. Sellers established outside of the Union, who reach EU consumers through online platforms?

*3000 character(s) maximum*

The E-commerce directive doesn't currently apply to services established in third countries, therefore they are effectively unregulated. Also, no final judgement has been rendered by the Court of Justice of the EU as to which players actually fall under the E-commerce directive in the EU

8 What would be appropriate and proportionate measures for digital services acting as online intermediaries, other than online platforms, to take – e.g. other types of hosting services, such as web hosts, or services deeper in the internet stack, like cloud infrastructure services, content distribution services, DNS services, etc.?

*5000 character(s) maximum*

9 What should be the rights and responsibilities of other entities, such as authorities, or interested third-parties such as civil society organisations or equality bodies in contributing to tackle illegal activities online?

*5000 character(s) maximum*

Rights: information transparency and cooperation  
 Responsibilities: publicity, cooperation

10 What would be, in your view, appropriate and proportionate measures for online platforms to take in relation to activities or content which might cause harm but are not necessarily illegal?

5000 character(s) maximum

As for any other legitimate business. In principle, there is no reason to treat online platforms differently, and notably not to let them develop their own processes as exceptions to normal rules, under the guise of “self-regulation”. In addition, in some areas, specific obligations may be derived from them being “Systemic Publishing Platforms” In 2020 they are the most powerful players in the market.

11 In particular, are there specific measures you would find appropriate and proportionate for online platforms to take in relation to potentially harmful activities or content concerning minors? Please explain.

5000 character(s) maximum

12 Please rate the necessity of the following measures for addressing the spread of disinformation online. Please rate from 1 (not at all necessary) to 5 (essential) each option below.

	1 (not at all necessary)	2	3 (neutral)	4	5 (essential)	I don't know / No answer
Transparently inform consumers about political advertising and sponsored content, in particular during election periods	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Provide users with tools to flag disinformation online and establishing transparent procedures for dealing with user complaints	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tackle the use of fake-accounts, fake engagements, bots and inauthentic users behaviour aimed at amplifying false or misleading narratives	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Transparency tools and secure access to platform data for trusted researchers in order to monitor inappropriate behaviour and better understand the impact of	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

disinformation and the policies designed to counter it						
Transparency tools and secure access to platform data for authorities in order to monitor inappropriate behaviour and better understand the impact of disinformation and the policies designed to counter it	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Adapted risk assessments and mitigation strategies undertaken by online platforms	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure effective access and visibility of a variety of authentic and professional journalistic sources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Auditing systems for platform actions and risk assessments	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory oversight and auditing competence over platforms' actions and risk assessments, including on sufficient resources and staff, and responsible examination of metrics and capacities related to fake accounts and their impact on the manipulation and amplification of disinformation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

### 13 Please specify

*3000 character(s) maximum*

Trust indicators are not a blunt black or white certification, but rather '50 shades of credibility'. Combined with respect for the copyright directive, this could indirectly boost viewership and revenue of quality media. Trust Indicators are not new: they feature (in different ways) both in the work of the Expert Group on disinformation, and in the Code of Practice. However, they are not really in place, in the sense of independent, outside input into platforms' algorithms.

14 In special cases, where crises emerge and involve systemic threats to society, such as a health pandemic, and fast-spread of illegal and harmful activities online, what are, in your view, the appropriate cooperation mechanisms between digital services and authorities?

*3000 character(s) maximum*

Access to data, data transparency  
Promotion of quality content, to help "dilute" fake news

15 What would be effective measures service providers should take, in your view, for protecting the freedom of expression of their users? Please rate from 1 (not at all necessary) to 5 (essential).

	1 (not at all necessary)	2	3 (neutral)	4	5 (essential)	I don't know / No answer
High standards of transparency on their terms of service and removal decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Diligence in assessing the content notified to them for removal or blocking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Maintaining an effective complaint and redress mechanism	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Diligence in informing users whose content/goods/services was removed or blocked or whose accounts are threatened to be suspended	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
High accuracy and diligent control mechanisms, including human oversight, when automated tools are deployed for detecting, removing or demoting content or suspending users' accounts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Enabling third party insight – e.g. by academics – of main content moderation systems	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other. Please specify	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

### 16 Please explain.

*3000 character(s) maximum*

Trust indicators are not a blunt black or white certification, but rather '50 shades of credibility'. Combined with respect for the copyright directive, this could indirectly boost viewership and revenue of quality media. Trust Indicators are not new: they feature (in different ways) both in the work of the Expert Group on disinformation, and in the Code of Practice. However, they are not really in place, in the sense of independent, outside input into platforms' algorithms.

17 Are there other concerns and mechanisms to address risks to other fundamental rights such as freedom of assembly, non-discrimination, gender equality, freedom to conduct a business, or rights of the child? How could these be addressed?

*5000 character(s) maximum*

18 In your view, what information should online platforms make available in relation to their policy and measures taken with regard to content and goods offered by their users? Please elaborate, with regard to the identification of illegal content and goods, removal, blocking or demotion of content or goods offered, complaints mechanisms and reinstatement, the format and frequency of such information, and who can access the information.

*5000 character(s) maximum*

19 What type of information should be shared with users and/or competent authorities and other third parties such as trusted researchers with regard to the use of automated systems used by online platforms to detect, remove and/or block illegal content, goods, or user accounts?

*5000 character(s) maximum*

20 In your view, what measures are necessary with regard to algorithmic recommender systems used by online platforms?

*5000 character(s) maximum*

Trust Indicators feature both in the work of the High Level Expert Group on Disinformation and in the Code of Practice. There could be space for an open market of independent Trust Indicators. Algorithms are good at generating loads of relevant advertising, they can also promote relevant content quality (e.g. the new synthetic and manipulated media policy implemented by Twitter at the beginning of March 2020, in order to “reduce the visibility of the content on Twitter and/or prevent it from being recommended”). Algorithms are as good as they are programmed. Programming is still done by humans.

This concept needs not to be limited to publishing: in the real world, useful labels exist in many fields, including commerce and industrial standards (e.g. DIN TÜV, Veritas etc...)

21 In your view, is there a need for enhanced data sharing between online platforms and authorities, within the boundaries set by the General Data Protection Regulation? Please select the appropriate situations, in your view:

- For supervisory purposes concerning professional users of the platform - e.g. in the context of platform intermediated services such as accommodation or ride-hailing services, for the purpose of labour inspection, for the purpose of collecting tax or social security contributions
- For supervisory purposes of the platforms’ own obligations – e.g. with regard to content moderation obligations, transparency requirements, actions taken

in electoral contexts and against inauthentic behaviour and foreign interference

- Specific request of law enforcement authority or the judiciary
- On a voluntary and/or contractual basis in the public interest or for other purposes

22 Please explain. What would be the benefits? What would be concerns for companies, consumers or other third parties?

*5000 character(s) maximum*

"The combination of novel impacts, and a lack of transparency, create three distinct classes of threat to societies. Protecting against each threat requires access to specific data—most crucially the individual personalized results presented to users, the actions taken by intermediaries to change the flow of information, and the overall impact on the whole user population—that is currently unavailable. As illustrated by existing anti-trust cases against technology companies, it is possible that (for whatever reason) intermediaries fail to adhere to internal or external guidelines, resulting in detrimental treatment of users, advertisers, content providers, or other actors. In contrast to past well-documented legal disputes (e.g., in competition regulation), affected parties will have difficulties monitoring for, detecting, and collecting evidence of unfair treatment because (due to personalization and highly individual behavior) they do not have access to the recommendations that intermediaries produce for their users. Assessing (and proving) unfair bias in intermediaries would require access to a representative set of recommendations, so that differences in consumption could be clearly attributed. Consider, for example, a hypothetical search engine that systematically alters access to political cross-cutting information—displaying only conservative results to conservatives and only liberal results to liberals. Creating a legal case against such a platform would require access to a representative set of users (anecdotal evidence could always be discounted as spurious. Or chance findings). For each of those users, researchers should identify the political leaning, and then record the search results they obtained. Such data collection is typically unfeasible in practice for two reasons: (a) Platforms offer no way of accurately recording the output of an intermediary for a single user. Neither third parties, nor the users themselves, have access to technical interfaces that would show a comprehensive dataset of personalized recommendations, such as the personal news feed on Facebook. Even though users can access the feed visually in their browser, considerable effort would be required to extract it in an automated fashion (i.e., through web scraping). Furthermore, there is currently no company that provides such data, and researchers' capabilities to obtain them independently are increasingly limited by the locked nature of proprietary smartphones. The second factor that encumbers research is (b) the unavailability of a suitable sampling strategy. Intermediaries are, of course, cognizant of their entire population of users along with key socio-demographic data (which is required i.e., for selling personalized advertisement spaces). Researchers, on the other hand, usually have no way of creating random samples from a platform's population. Since the available information on the socio-demographic makeup of the user base is typically drawn from (moderately sized, i.e., N in the thousands) surveys, attempts to create samples which are representative, with regard to the intermediary's national users, offer somewhat limited precision. Intermediaries should provide trustworthy actors with a way to perform their own, independent attempts at large-scale detection of manipulation, including data that were already removed by in-house systems. The simplest strategy that would enable such attempts is simply making the raw public flow of information accessible through a technical interface (an API), as Twitter has done: it not only offers a true random sample of tweets, but includes information about which of them are removed later on. Furthermore, the company offers a growing list of datasets containing all content produced by bot networks and state-sponsored manipulation campaigns. Platforms with more restrictive privacy contexts such as Facebook (where much of the flow of information is not visible to the broader usership or public) could still allow

automated analyses, for example by offering to run researchers' models without providing access to the data itself."

If no clear names are used (and there should be no obligation to clear naming on platforms), platforms should make sure they can identify users in case of illegal/harmful activity.

**23 What types of sanctions would be effective, dissuasive and proportionate for online platforms which systematically fail to comply with their obligations (See also the last module of the consultation)?**

*5000 character(s) maximum*

Fines, as for any other business.

But very large businesses, ignore their size and also their impact on society and democracy.

And also personal responsibility for CEO's, management - as for any other business (under civil and penal law).

**24 Are there other points you would like to raise?**

*3000 character(s) maximum*

It is unacceptable in 2020, that online platforms, some of them the biggest and most powerful economic players, shall still benefit from exemption to liability and responsibility whilst all other players don't. It should be not only a level-playing field: larger players should be tackled by specific obligation, beyond the normal regime.

## **II. Reviewing the liability regime of digital services acting as intermediaries?**

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The liability of online intermediaries is a particularly important area of internet law in Europe and worldwide. The E-Commerce Directive harmonises the liability exemptions applicable to online intermediaries in the single market, with specific provisions for different services according to their role: from Internet access providers and messaging services to hosting service providers.

The previous section of the consultation explored obligations and responsibilities which online platforms and other services can be expected to take – i.e. processes they should put in place to address illegal activities which might be conducted by users abusing their service. In this section, the focus is on the legal architecture for the liability regime for service providers when it comes to illegal activities conducted by their users. The Commission seeks informed views on how the current liability exemption regime is working and the areas where an update might be necessary.

**2 The liability regime for online intermediaries is primarily established in the E-Commerce Directive, which distinguishes between different types of services: so called 'mere conduits', 'caching services', and 'hosting services'.**

**In your understanding, are these categories sufficiently clear and complete for characterising and regulating today's digital intermediary services? Please explain.**

*5000 character(s) maximum*

Depends on the upcoming judgement of the CJEU

For hosting services, the liability exemption for third parties' content or activities is conditioned by a

knowledge standard (i.e. when they get 'actual knowledge' of the illegal activities, they must 'act expeditiously' to remove it, otherwise they could be found liable).

For hosting services, the liability exemption for third parties' content or activities is conditioned by a knowledge standard (i.e. when they get 'actual knowledge' of the illegal activities, they must 'act expeditiously' to remove it, otherwise they could be found liable).

### 3 Are there aspects that require further legal clarification?

*5000 character(s) maximum*

Depends on the upcoming judgement of the CJEU

4 Does the current legal framework dis-incentivize service providers to take proactive measures against illegal activities? If yes, please provide your view on how disincentives could be corrected.

*5000 character(s) maximum*

Yes. The more proactive they are, the less neutral they become.

5 Do you think that the concept characterising intermediary service providers as playing a role of a 'mere technical, automatic and passive nature' in the transmission of information ([recital 42 of the E-Commerce Directive](#)) is sufficiently clear and still valid? Please explain.

*5000 character(s) maximum*

Depends on the upcoming judgement of the CJEU (Uploaded Case and Youtube case)

6 The E-commerce Directive also prohibits Member States from imposing on intermediary service providers general monitoring obligations or obligations to seek facts or circumstances of illegal activities conducted on their service by their users. In your view, is this approach, balancing risks to different rights and policy objectives, still appropriate today? Is there further clarity needed as to the parameters for 'general monitoring obligations'? Please explain.

*5000 character(s) maximum*

Intermediary service providers are already generally monitoring. An obligation is not imposed on them. However, lack of a binding framework leaves it up to the ISP to decide whether it monitors or not, i.e. general monitoring regarding advertising is done, regarding harmful or illegal content it isn't.

7 Do you see any other points where an upgrade may be needed for the liability regime of digital services acting as intermediaries?

*5000 character(s) maximum*

Having established a new category between telecommunication infrastructures and media publishers, EU legislators should establish that platforms have publisher-like liability for the content they spread, creating an obligation of results(... I (MS) think “best efforts” not enough anymore, should really be obligation of result; best efforts would be a loophole and would privilege dominant players/platforms again...). In implementation terms, this would also differentiate between illegal content (justifying an obligatory notice-and-take-down and stay-down regime for user-generated content) and disinformation (which is intentionally wrong, and needs to be slowed down, while avoiding censorship, e.g. through stricter transparency and Trust Indicators, as described above).

### III. What issues derive from the gatekeeper power of digital platforms?

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There is wide consensus concerning the benefits for consumers and innovation, and a wide-range of efficiencies, brought about by online platforms in the European Union’s Single Market. Online platforms facilitate cross-border trading within and outside the EU and open entirely new business opportunities to a variety of European businesses and traders by facilitating their expansion and access to new markets. At the same time, regulators and experts around the world consider that large online platforms are able to control increasingly important online platform ecosystems in the digital economy. Such large online platforms connect many businesses and consumers. In turn, this enables them to leverage their advantages – economies of scale, network effects and important data assets- in one area of their activity to improve or develop new services in adjacent areas. The concentration of economic power in then platform economy creates a small number of ‘winner-takes it all/most’ online platforms. The winner online platforms can also readily take over (potential) competitors and it is very difficult for an existing competitor or potential new entrant to overcome the winner’s competitive edge.

The Commission [announced](#) that it ‘will further explore, in the context of the Digital Services Act package, ex ante rules to ensure that markets characterised by large platforms with significant network effects acting as gatekeepers, remain fair and contestable for innovators, businesses, and new market entrants’.

This module of the consultation seeks informed views from all stakeholders on this framing, on the scope, the specific perceived problems, and the implications, definition and parameters for addressing possible issues deriving from the economic power of large, gatekeeper platforms.

[The Communication ‘Shaping Europe’s Digital Future’](#) also flagged that ‘competition policy alone cannot address all the systemic problems that may arise in the platform economy’. Stakeholders are invited to provide their views on potential new competition instruments through a separate, dedicated open public consultation that will be launched soon.

In parallel, the Commission is also engaged in a process of reviewing EU competition rules and ensuring they are fit for the modern economy and the digital age. As part of that process, the Commission has launched a consultation on the proposal for a New Competition Tool aimed at addressing the gaps identified in enforcing competition rules. The initiative intends to address as specific objectives the structural competition problems that prevent markets from functioning properly and that can tilt the level playing field in favour of only a few market players. This could cover certain digital or digitally-enabled markets, as identified in the report by the Special Advisers and other recent reports on the role of competition policy, and/or other sectors. As such, the work on a proposed new competition tool and the initiative at stake complement each other. The work on the two impact assessments will be conducted in parallel in order to ensure a coherent outcome. In this context, the Commission will take into consideration the feedback received from both consultations. We would therefore invite you, in preparing your responses to the questions below, to also consider your response to [the parallel consultation on a new competition tool](#)

# 1 To what extent do you agree with the following statements?

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/ No reply
Consumers have sufficient choices and alternatives to the offerings from online platforms.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is easy for consumers to switch between services provided by online platform companies and use same or similar services provider by other online platform companies ("multi-home").	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is easy for individuals to port their data in a useful manner to alternative service providers outside of an online platform.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is sufficient level of interoperability between services of different online platform companies.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is an asymmetry of information between the knowledge of online platforms about consumers, which enables them to target them with commercial offers, and the knowledge of consumers about market conditions.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is easy for innovative SME online platforms to expand or enter the market.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Traditional businesses are increasingly dependent on a limited number of very large online platforms.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
There are imbalances in the bargaining power between these online platforms and their business users.	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Businesses and consumers interacting with these online platforms are often asked to accept unfavourable conditions and clauses in the terms of use/contract with the online platforms.	<input checked="" type="radio"/>	<input type="radio"/>				
Certain large online platform companies create barriers to entry and expansion in the Single Market (gatekeepers).	<input checked="" type="radio"/>	<input type="radio"/>				
Large online platforms often leverage their assets from their primary activities (customer base, data, technological solutions, skills, financial capital) to expand into other activities.	<input checked="" type="radio"/>	<input type="radio"/>				
When large online platform companies expand into such new activities, this often poses a risk of reducing innovation and deterring competition from smaller innovative market operators.	<input checked="" type="radio"/>	<input type="radio"/>				

**Main features of gatekeeper online platform companies and the main criteria for assessing their economic power**

1 Which characteristics are relevant in determining the gatekeeper role of large online platform companies? Please rate each criterion identified below from 1 (not relevant) to 5 (very relevant):

Large user base	
Wide geographic coverage in the EU	
They capture a large share of total revenue of the market you are active/of a sector	
	

Impact on a certain sector	★
They build on and exploit strong network effects	★ ★ ★ ★ ★
They leverage their assets for entering new areas of activity	★ ★ ★ ★ ★
They raise barriers to entry for competitors	★ ★ ★ ★ ★
They accumulate valuable and diverse data and information	★ ★ ★ ★ ★
There are very few, if any, alternative services available on the market	★ ★ ★ ★ ★
Lock-in of users/consumers	★ ★ ★ ★ ★
Other	★ ★ ★ ★ ★

## 2 If you replied "other", please list

*3000 character(s) maximum*

A line should be drawn between platforms purely falling in the e-commerce domain and those which host, select and promote content (notably Google, Facebook, Twitter and their subsidiaries), ultimately acting as publishers. They are systemic to democracy like banks are systemic to the economy. For this reason, we think the platforms outlined above should be defined in a dedicated sub-category as "Systemic Publishing Platforms".

Past regulation has been influenced by the "broad brush" concept of level-playing field. Actually, the field is not level, for example between a giant platform and a local NGO, nor are the risks to democracy and fair trade.

Differentiated regulation according to size and impact on the market: The DSA should provide criteria for the main online sub-sectors, by setting thresholds below which simplified requirements apply. This is also essential to help start-ups in Europe.

## 3 Please explain your answer. How could different criteria be combined to accurately identify large online platform companies with gatekeeper role?

*3000 character(s) maximum*

4 Do you believe that the integration of any or all of the following activities within a single company can strengthen the gatekeeper role of large online platform companies ('conglomerate effect')? Please select the activities you consider to strengthen the gatekeeper role:

- online intermediation services (i.e. consumer-facing online platforms such as e-commerce marketplaces, social media, mobile app stores, etc., as per [Regulation \(EU\) 2019/1150](#) - see glossary)
- search engines
- operating systems for smart devices
- consumer reviews on large online platforms
- network and/or data infrastructure/cloud services
- digital identity services
- payment services (or other financial services)
- physical logistics such as product fulfilment services
- data management platforms
- online advertising intermediation services
- other. Please specify in the text box below.

5 Other - please list

*1000 character(s) maximum*

## **Emerging issues**

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***The following questions are targeted particularly at businesses and business users of large online platform companies.***

2 As a business user of large online platforms, do you encounter issues concerning trading conditions on large online platform companies?

- Yes
- No

3 Please specify which issues you encounter and please explain to what types of platform these are related to (e.g. e-commerce marketplaces, app stores, search engines, operating systems, social networks).

*5000 character(s) maximum*

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4 Have you been affected by unfair contractual terms or unfair practices of very large online platform companies? Please explain your answer in detail, pointing to the effects on your business, your consumers and possibly other stakeholders in the short, medium and long-term?

*5000 character(s) maximum*

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***The following questions are targeted particularly at consumers who are users of large online platform companies.***

6 Do you encounter issues concerning commercial terms and conditions when accessing services provided by large online platform companies? Please specify which issues you encounter and please explain to what types of platform these are related to (e.g. e-commerce marketplaces, app stores, search engines, operating systems, social networks).

*5000 character(s) maximum*

7 Have you considered any of the practices by large online platform companies as unfair? Please explain.

*3000 character(s) maximum*

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***The following questions are open to all respondents.***

9 Are there specific issues and unfair practices you perceive on large online platform companies?

*5000 character(s) maximum*

10 In your view, what practices related to the use and sharing of data in the platforms' environment are raising particular challenges?

*5000 character(s) maximum*

## 11 What impact would the identified unfair practices can have on innovation, competition and consumer choice in the single market?

*3000 character(s) maximum*

They could reduce innovation, because they do not allow SMEs into the innovative market as they are too small compared to large platforms, consequently impacting the consumer choices, which would be redacted due to the lack of competition.

A less commented aspect of behaviour by Systemic Publishing Platforms is the poaching of key HR reserves, from players on the other side of the negotiation table. While freedom of employment should be respected, in cases where platforms are engaged in cooperation with weaker organisation (e.g. media companies), and especially when they flag potential co-funding for cooperation (Google DNI, Facebook News Initiative, Google COVID-related ad “help”), then misuse of such contacts maybe part of an abuse of dominant position, or may be an alternative to predatory takeovers. Self-constraining by executives at stake is clearly not enough.

## 12 Do startups or scaleups depend on large online platform companies to access or expand? Do you observe any trend as regards the level of dependency in the last five years (i.e. increases; remains the same; decreases)? Which difficulties in your view do start-ups or scale-ups face when they depend on large online platform companies to access or expand on the markets?

*3000 character(s) maximum*

## 13 Which are possible positive and negative societal (e.g. on freedom of expression, consumer protection, media plurality) and economic (e.g. on market contestability, innovation) effects, if any, of the gatekeeper role that large online platform companies exercise over whole platform ecosystem?

*3000 character(s) maximum*

Media pluralism is affected by social media platforms and their gatekeeper roles. Online platforms are increasingly forcing news content as a separate business segment, thereby creating new competition in the field of journalism. Since 2015, Google’s “Digital News Initiative”, Facebook’s “Instant Articles”, “Twitter Moments”, “Apple News” and “Snap-chat Discover” are offering established media houses new distribution channels or financial project support in order to make journalistic content more easily findable and consumable on the internet and to develop new digital monetization strategies. However, the rules for this are dictated by dominant market players like Facebook or Google, and the conditions are set in their favor. In 2017, Emily Bell and Taylor Owen had already given a very negative assessment of the change processes in the news ecosystem. In their study, they examined the influence of platforms such as Facebook, Google, Snapchat and Twitter on journalism and the rapid takeover of the roles of traditional publishers by these companies: the structure and economic functioning of platforms favor the distribution of low-quality content: “Journalism with high civic value-journalism that investigates power, or reaches underserved and local communities-is discriminated against by a system that favors scale and shareability”. (<https://bit.ly/3dRjTEd>)

Positive effects on freedom of expression and media plurality could regard the potential amplification of audiences and media actors by easily accessing the platforms, of which some have audiences measurable in billions. Therefore, at least theoretically, citizens could have access to a very high number of voices, and at

the same time they are “free” to speak up their mind. However, the first problem is that, as the main purpose of platforms is to gain revenues by visibility and click on certain ads and contents, algorithms are not set to offer pluralism, but rather what it is supposed to lead to more “clicks” and views, based on the user preferences. The second problem is that citizens and media, in the exercise of their freedom of speech and expression, may contribute to misinformation or - worse option - consciously spread disinformation. Economic issues: less market contestability from SMEs and new entrants, setting out market access rules, unfair distribution of power and data. Large platforms in a gatekeeping position are those which have more power and resources, and tend to absorb all the programmes and initiatives available. As an entry point they also shift advertising from content provider sites to them, without investing in or paying for content. It is not rare for these platforms to fund initiatives from smaller entities. However, most of the innovations have to go through the same platforms’ scrutiny or they are developed by them. For a small organisation, it is therefore difficult to innovate and to remain an independent potential competitor. <https://bit.ly/30vOLX4>

14 Which issues specific to the media sector (if any) would, in your view, need to be addressed in light of the gatekeeper role of large online platforms? If available, please provide additional references, data and facts.

*3000 character(s) maximum*

Advertising revenue is captured by online platforms. This is an “economic threat to the financing model of traditional media, based on the joint sale of news and advertising, and it is a source of concern towards media plurality. The threat coming from the spread of self-generated content, and the impoverishment of the traditional media, may directly jeopardize the existence of a journalistic profession. E.g.: Google uses its market power to erode competition from publishers and content providers (news, local, etc.) in the supply of inventory for search advertising <https://bit.ly/2UyVpb5>-<https://bit.ly/2UyVqvF> The DSA should provide criteria for the main online sub-sectors, by setting thresholds below which simplified requirements apply. This is also essential to help start-ups in Europe. Past regulation has been influenced by the concept of a level-playing field. Actually, the field is not level, for example between a giant platform and a local NGO, nor are the risks to democracy and fair trade.

“Platforms act as “gatekeepers”. In the digital media environment, traditional gatekeeping is increasingly replaced by algorithmic curating: curating is understood as selecting, filtering and organizing. In their framework, key actors are not only professional journalists, strategic (political) communicators, individual media users (personal curators) and the social environment (social contacts), but also algorithms. Consequently, intermediaries are increasingly taking over the gatekeeping tasks of professional journalism”. <https://bit.ly/3cRuE88> So far, differentiated regulation applies based on who makes the decision rather than on the type of content. AI increases the added value of platforms, and can also be a semi-automated initial draft of media content: there is convergence of both types of content, and in the future convergence of the tools. Hence technology neutrality should apply. For example, algorithms (supervised by platforms) should not be less liable than journalists (publishers) for their decision. <https://bit.ly/3hodyT5>

EU legislators should establish that platforms have publisher-like liability for the content they spread, creating not an obligation of results, but an obligation of ‘best efforts’. Systemic Publishing Platforms (SysPPees) ‘is a new wording, building on previous concepts. Dominant in a number of markets, platforms are an ‘essential facility’, a ‘must’ gatekeeper for other actors and for users. They are critical to democracy, like media too. SysPPees are neither journalist-driven nor mere ‘pipes’. What we need is a ‘third category’, between infrastructure and professional journalism. Building on competition concepts for digital regulation makes sense: this is the spirit of the recent Regulation on Platform-to-business trading practices. This should be expanded to cover all SysPPees’ services and will help the media recover some of its lifeblood: advertising revenue.

## **Regulation of large online platform companies acting as gatekeepers**

1 Do you believe that in order to address any negative societal and economic effects of the gatekeeper role that large online platform companies exercise over whole platform ecosystems, there is a need to consider dedicated regulatory rules?

- I fully agree
- I agree to a certain extent
- I disagree to a certain extent
- I disagree
- I don't know

## 2 Please explain

*3000 character(s) maximum*

EX-ANTE competition rules

Alongside a reformed regulatory framework, the role and the synergies with existing competition rules should be made clearer. An overall European strategy for the (digital) media sector as enshrined in the DSA should include a 'smart policy mix' made of, notably, legislation, co-regulation (not just self-regulation) and interpretation of competition rules.

The DSA should be accompanied by a competition notice interpreting existing competition tools. This should not wait for the results of the expected sector inquiry.

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Also, the past years have proven that voluntary (self) regulation did not deliver the desired results. (see the inefficiency of the code of conduct on disinformation online)

3 Do you believe that such dedicated rules should prohibit certain practices by large online platform companies with gatekeeper role that are considered particularly harmful for users and consumers of these large online platforms?

- Yes
- No
- I don't know

4 Please explain your reply and, if possible, detail the types of prohibitions that should in your view be part of the regulatory toolbox.

*3000 character(s) maximum*

Consumers and users: how data are used to profile users and consumers to allow personalized ads. (The CMA reports that only a small minority of consumers—15%—are happy to share their data in order to get targeted ads, the principal reason being that an even smaller proportion of consumers—9%— report trusting social media networks.<https://bit.ly/2znA7WB>). Online platform practices lead to less pluralism, more concentration of power and less transparency.

5 Do you believe that such dedicated rules should include obligations on large online platform companies with gatekeeper role?

- Yes
- No
- I don't know

6 Please explain your reply and, if possible, detail the types of obligations that should in your view be part of the regulatory toolbox.

*3000 character(s) maximum*

Diversity, transparency, accountability

7 If you consider that there is a need for such dedicated rules setting prohibitions and obligations, as those referred to in your replies to questions 3 and 5 above, do you think there is a need for a specific regulatory authority to enforce these rules?

- Yes
- No
- I don't know

8 Please explain your reply.

*3000 character(s) maximum*

Enforcement should ultimately be done by the courts. However, as in other sensitive areas (i.e. audiovisual) dedicated regulatory authorities control and enforce. Either these existing authorities get additional tasks to regulate platforms or a dedicated authority has to be created.

9 Do you believe that such dedicated rules should enable regulatory intervention against specific large online platform companies, when necessary, with a case by case adapted remedies?

- Yes
- No
- I don't know

10 If yes, please explain your reply and, if possible, detail the types of case by case remedies.

*3000 character(s) maximum*

In any event it will always be on a case by case basis, be it large or small platforms.

11 If you consider that there is a need for such dedicated rules, as referred to in question 9 above, do you think there is a need for a specific regulatory authority to enforce these rules?

- Yes
- No

12 Please explain your reply

*3000 character(s) maximum*

Enforcement should ultimately be done by the courts. However, as in other sensitive areas (i.e. audiovisual) dedicated regulatory authorities control and enforce. Either these existing authorities get additional tasks to regulate platforms or a dedicated authority has to be created.

13 If you consider that there is a need for a specific regulatory authority to enforce dedicated rules referred to questions 3, 5 and 9 respectively, would in your view these rules need to be enforced by the same regulatory authority or could they be enforced by different regulatory authorities? Please explain your reply.

*3000 character(s) maximum*

Enforcement should ultimately be done by the courts. However, as in other sensitive areas (i.e. audiovisual) dedicated regulatory authorities control and enforce. Either these existing authorities get additional tasks to regulate platforms or a dedicated authority has to be created.

14 At what level should the regulatory oversight of platforms be organised?

- At national level
- At EU level
- Both at EU and national level.
- I don't know

15 If you consider such dedicated rules necessary, what should in your view be the relationship of such rules with the existing sector specific rules and/or any future sector specific rules?

*3000 character(s) maximum*

Alongside a reformed regulatory framework, the role and the synergies with existing competition rules should be made clearer. An overall European strategy for the (digital) media sector as enshrined in the DSA should include a 'smart policy mix' made of, notably, legislation, co-regulation (not just self-regulation) and interpretation of competition rules.

The DSA should be accompanied by a competition notice interpreting existing competition tools. This should

not wait for the results of the expected sector inquiry.

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16 Should such rules have an objective to tackle both negative societal and negative economic effects deriving from the gatekeeper role of these very large online platforms? Please explain your reply.

*3000 character(s) maximum*

A third category between telco and media is powerful: one could tailor 'differentiated regulations'. This means: no red tape for all, but checking chiefly Facebook and Google. Given dynamic competition, anticipating future dominant platforms, how to define them? One definition floated by stakeholders and MEPs is 'Systemic Publishing Platforms' (nickname: SysPPees). Systemic to democracy: dominant platforms are clearly so, like banks are systemic for the economy. Publishing: algorithms take content decisions, increasingly like journalists; regulation should be technology-neutral. Platforms are self-defined, also as 'social media'. Defining SysPPees tightly will not take years: weeks would suffice.

SysPPees need no bailouts. Co-regulation is required, not just self-regulation. And not only slow legislation like for privacy (not preventing Cambridge Analytica) and for copyright (in a French test case, Google bypassed the law). Trust Indicators, competition law, fair taxes: a balanced ecosystem for information is possible.

The media sector has much homework to do, to innovate and to overcoming its double fragmentation. First, most actors are relative dwarfs, with neither the market power nor the data to negotiate fees for their content. Second, it's representation losts most battles over the last decade. For example, the last EU mandate was dominated by the 'Digital Single Market': notably the platforms' agenda. Public authorities need to think of a framework for the democracy infrastructure. No, it's not about fortress Europe: information markets will remain fully open.

17 Specifically, what could be effective measures related to data held by very large online platform companies with a gatekeeper role beyond those laid down in the General Data Protection Regulation in order to promote competition and innovation as well as a high standard of personal data protection and consumer welfare?

*3000 character(s) maximum*

Data sharing and data transparency

18 What could be effective measures concerning large online platform companies with a gatekeeper role in order to promote media pluralism, while respecting the subsidiarity principle?

*3000 character(s) maximum*

Not only the DSA, but also the Media (and Audiovisual) Action Plan and the Democracy Action Plan are planned to be released in Q4 2020, too, as announced in the EU Digital Strategy. The online ecosystem is key to upholding democracy in the EU and its neighborhood: this should be taken into account. The news media sector (essentially private) has different needs from the broadcasting world (mixed economy). The Commission should make sure that there will be full policy coherence and coordination between these three instruments, anticipating the needs of the democracy infrastructure, and the impact of the media sector: this

is the essence of the industrial policy expected from the Media Action Plan (not only press freedom declarations and subsidized projects).

“How should the DSA help the media fight disinformation?” Item-by-item evaluation by fact-checkers is relevant but too slow. One should assess sources, not negatively by censoring any, but positively: highlighting the most credible ones. Algorithms are good at generating loads of relevant advertising, they can also promote relevant content quality.

Trust Indicators feature both in the work of the High Level Expert Group on Disinformation and in the Code of Practice. There could be space for an open market of independent Trust Indicators. Algorithms are good at generating loads of relevant advertising, they can also promote relevant content quality (e.g., see the new synthetic and manipulated media policy implemented by Twitter at the beginning of March 2020, in order to “reduce the visibility of the content on Twitter and/or prevent it from being recommended”).

This concept needs not to be limited to publishing: in the real world, useful labels exist in many fields, including commerce.

“How should the DSA further engage each sector, & prepare the Media Action Plan?” The fragmented media sector should come together and work on better convergence. Options are to be explored, such as a Commission-led structured dialogue (e.g., by setting up a European Media Forum) or more informal gatherings of the sector (e.g., off the record worksteps in the margins of key policy events). While this applies to other sectors, in the case of the media, this should cover DSA, the Media Action Plan and the Democracy Action Plan. A good starting point could be convening once the Press and the Broadcasting sub-groups of the High-Level Expert Group on Disinformation. We appreciate the industrial mindset of the New Industrial Strategy for Europe. Industry is to be understood in the English sense, as an economic sector and not only hard goods. Indeed, the new industrial strategy frequently points to digital activities. It is therefore surprising that the media sector, a pillar of democracy and sovereignty, is not mentioned as an example. We hope the DSA will provide both concepts and processes for the Media Action Plan. <https://bit.ly/2XSHrmM>  
Countering the dominance of big gatekeeping online platforms will be key

19 Which, if any, of the following characteristics are relevant when considering the requirements for a potential regulatory authority overseeing the large online platform companies with the gatekeeper role:

- Institutional cooperation with other authorities addressing related sectors – e. g. competition authorities, data protection authorities, financial services authorities, consumer protection authorities, cyber security, etc.
- Pan-EU scope
- Swift and effective cross-border cooperation and assistance across Member States
- Capacity building within Member States
- High level of technical capabilities including data processing, auditing capacities
- Cooperation with extra-EU jurisdictions
- Other

21 Please explain if these characteristics would need to be different depending on the type of ex ante rules (see questions 3, 5, 9 above) that the regulatory authority would be enforcing?

*3000 character(s) maximum*

Enforcement should ultimately be done by the courts. However, as in other sensitive areas (i.e. audiovisual) dedicated regulatory authorities control and enforce. Either these existing authorities get additional tasks to regulate platforms or a dedicated authority has to be created.

22 Which, if any, of the following requirements and tools could facilitate regulatory oversight over very large online platform companies (multiple answers possible):

- Reporting obligation on gatekeeping platforms to send a notification to a public authority announcing its intention to expand activities
- Monitoring powers for the public authority (such as regular reporting)
- Investigative powers for the public authority
- Other

24 Please explain if these requirements would need to be different depending on the type of ex ante rules (see questions 3, 5, 9 above) that the regulatory authority would be enforcing?

*3000 character(s) maximum*

25 Taking into consideration [the parallel consultation on a proposal for a New Competition Tool](#) focusing on addressing structural competition problems that prevent markets from functioning properly and tilt the level playing field in favour of only a few market players. Please rate the suitability of each option below to address market issues arising in online platforms ecosystems. Please rate the policy options below from 1 (not effective) to 5 (most effective).

	1 (not effective)	2 (somewhat effective)	3 (sufficiently effective)	4 (very effective)	5 (most effective)	Not applicable /No relevant experience or knowledge
1. Current competition rules are enough to address issues raised in digital markets	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. There is a need for an additional regulatory framework imposing obligations and prohibitions that are generally applicable to all large online platforms with gatekeeper power	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
3. There is a need for an additional regulatory framework allowing for the possibility to impose tailored remedies on individual large online platforms with gatekeeper power, on a case-by-case basis	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. There is a need for a New Competition Tool allowing to address structural risks and lack of competition in (digital) markets on a case-by-case basis.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
5. There is a need for combination of two or more of the options 2 to 4.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

26 Please explain which of the options, or combination of these, would be, in your view, suitable and sufficient to address the market issues arising in the online platforms ecosystems.

*3000 character(s) maximum*

-Alongside a reformed regulatory framework, the role and the synergies with existing competition rules should be made clearer. An overall European strategy for the (digital) media sector as enshrined in the DSA should include a 'smart policy mix' made of, notably, legislation, co-regulation (not just self-regulation) and interpretation of competition rules.

The DSA should be accompanied by a competition notice interpreting existing competition tools. This should not wait for the results of the expected sector inquiry.

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-There is a need for a combination of two or more of the options 2 to 4, "one size fits all" won't be sufficient.

27 Are there other points you would like to raise?

*3000 character(s) maximum*

#### IV. Other emerging issues and opportunities, including online advertising and smart contracts

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Online advertising has substantially evolved over the recent years and represents a major revenue source for many digital services, as well as other businesses present online, and opens unprecedented opportunities for content creators, publishers, etc. To a large extent, maximising revenue streams and optimising online advertising are major business incentives for the business users of the online platforms and for shaping the data policy of the platforms. At the same time, revenues from online advertising as well as increased visibility and audience reach are also a major incentive for potentially harmful intentions, e.g. in online disinformation campaigns.

Another emerging issue is linked to the conclusion of 'smart contracts' which represent an important innovation for digital and other services, but face some legal uncertainties.

This section of the open public consultation seeks to collect data, information on current practices, and informed views on potential issues emerging in the area of online advertising and smart contracts.

Respondents are invited to reflect on other areas where further measures may be needed to facilitate innovation in the single market. This module does not address privacy and data protection concerns; all aspects related to data sharing and data collection are to be afforded the highest standard of personal data protection.

#### Online advertising

1 When you see an online ad, is it clear to you who has placed it online?

- Yes, always
- Sometimes: but I can find the information when this is not immediately clear
-

Sometimes: but I cannot always find this information

- I don't know
- No

2 As a publisher online (e.g. owner of a website where ads are displayed), what types of advertising systems do you use for covering your advertising space? What is their relative importance?

	% of ad space	% of ad revenue
Intermediated programmatic advertising through real-time bidding		
Private marketplace auctions		
Programmatic advertising with guaranteed impressions (non-auction based)		
Behavioural advertising (micro-targeting)		
Contextual advertising		
Other		

3 What information is publicly available about ads displayed on an online platform that you use?

*3000 character(s) maximum*

4 As a publisher, what type of information do you have about the advertisement placed next to your content/on your website?

*3000 character(s) maximum*

5 To what extent do you find the quality and reliability of this information satisfactory for your purposes?

Please rate your level of satisfaction



6 As an advertiser or an agency acting on behalf of the advertiser (if applicable), what types of programmatic advertising do you use to place your ads? What is their relative importance in your ad inventory?

	% of ad inventory	% of ad expenditure
Intermediated programmatic advertising through real-time bidding		
Private marketplace auctions		
Programmatic advertising with guaranteed impressions (non-auction based)		
Behavioural advertising (micro-targeting)		
Contextual advertising		
Other		

7 As an advertiser or an agency acting on behalf of the advertiser (if applicable), what type of information do you have about the ads placed online on your behalf?

*3000 character(s) maximum*

8 To what extent do you find the quality and reliability of this information satisfactory for your purposes?

Please rate your level of satisfaction



---

***The following questions are targeted specifically at online platforms.***

10 As an online platform, what options do your users have with regards to the advertisements they are served and the grounds on which the ads are being served to them? Can users access your service through other conditions than viewing advertisements? Please explain.

*3000 character(s) maximum*

11 Do you publish or share with researchers, authorities or other third parties detailed data on ads published, their sponsors and viewership rates? Please explain.

*3000 character(s) maximum*

12 What systems do you have in place for detecting illicit offerings in the ads you intermediate?

*3000 character(s) maximum*

---

***The following questions are open to all respondents.***

14 Based on your experience, what actions and good practices can tackle the placement of ads next to illegal content or goods, and/or on websites that disseminate such illegal content or goods, and to remove such illegal content or goods when detected?

*3000 character(s) maximum*

15 From your perspective, what measures would lead to meaningful transparency in the ad placement process?

*3000 character(s) maximum*

16 What information about online ads should be made publicly available?

*3000 character(s) maximum*

17 Based on your expertise, which effective and proportionate auditing systems could bring meaningful accountability in the ad placement system?

*3000 character(s) maximum*

18 What is, from your perspective, a functional definition of 'political advertising'? Are you aware of any specific obligations attached to 'political advertising' at national level ?

*3000 character(s) maximum*

19 What information disclosure would meaningfully inform consumers in relation to political advertising? Are there other transparency standards and actions needed, in your opinion, for an accountable use of political advertising and political messaging?

*3000 character(s) maximum*

20 What impact would have, in your view, enhanced transparency and accountability in the online advertising value chain, on the gatekeeper power of major online platforms and other potential consequences such as media pluralism?

*3000 character(s) maximum*

21 Are there other emerging issues in the space of online advertising you would like to flag?

3000 character(s) maximum

## Smart contracts

1 Is there sufficient legal clarity in the EU for the provision and use of “smart contracts” – e.g. with regard to validity, applicable law and jurisdiction?

Please rate from 1 (lack of clarity) to 5 (sufficient clarity)



2 Please explain the difficulties you perceive.

3000 character(s) maximum

3 In which of the following areas do you find necessary further regulatory clarity?

- Mutual recognition of the validity of smart contracts in the EU as concluded in accordance with the national law
- Minimum standards for the validity of “smart contracts” in the EU
- Measures to ensure that legal obligations and rights flowing from a smart contract and the functioning of the smart contract are clear and unambiguous, in particular for consumers
- Allowing interruption of smart contracts
- Clarity on liability for damage caused in the operation of a smart contract
- Further clarity for payment and currency-related smart contracts.

4 Please explain.

3000 character(s) maximum

5 Are there other points you would like to raise?

3000 character(s) maximum

## V. How to address challenges around the situation of self-employed individuals offering services through online platforms?

Individuals providing services through platforms may have different legal status (workers or self-employed). This section aims at gathering first information and views on the situation of self-employed individuals

offering services through platforms (such as ride-hailing, food delivery, domestic work, design work, micro-tasks etc.). Furthermore, it seeks to gather first views on whether any detected problems are specific to the platform economy and what would be the perceived obstacles to the improvement of the situation of individuals providing services through platforms. This consultation is not intended to address the criteria by which persons providing services on such platforms are deemed to have one or the other legal status. The issues explored here do not refer to the selling of goods (e.g. online marketplaces) or the sharing of assets (e.g. sub-renting houses) through platforms.

*The following questions are targeting self-employed individuals offering services through online platforms.*

## Relationship with the platform and the final customer

1 What type of service do you offer through platforms?

- Food-delivery
- Ride-hailing
- Online translations, design, software development or micro-tasks
- On-demand cleaning, plumbing or DIY services
- Other, please specify

2 Please explain.

3 Which requirements were you asked to fulfill in order to be accepted by the platform(s) you offer services through, if any?

4 Do you have a contractual relationship with the final customer?

- Yes
- No

5 Do you receive any guidelines or directions by the platform on how to offer your services?

- Yes
- No

7 Under what conditions can you stop using the platform to provide your services, or can the platform ask you to stop doing so?

8 What is your role in setting the price paid by the customer and how is your remuneration established for the services you provide through the platform(s)?

9 What are the risks and responsibilities you bear in case of non-performance of the service or unsatisfactory performance of the service?

**Situation of self-employed individuals providing services through platforms**

10 What are the main advantages for you when providing services through platforms?

*3000 character(s) maximum*

11 What are the main issues or challenges you are facing when providing services through platforms? Is the platform taking any measures to improve these?

*3000 character(s) maximum*

12 Do you ever have problems getting paid for your service? Does/do the platform have any measures to support you in such situations?

*3000 character(s) maximum*

13 Do you consider yourself in a vulnerable or dependent situation in your work (economically or otherwise), and if yes, why?

14 Can you collectively negotiate vis-à-vis the platform(s) your remuneration or other contractual conditions?

- Yes
- No

15 Please explain.

---

*The following questions are targeting online platforms.*

### **Role of platforms**

17 What is the role of your platform in the provision of the service and the conclusion of the contract with the customer?

18 What are the risks and responsibilities borne by your platform for the non-performance of the service or unsatisfactory provision of the service?

19 What happens when the service is not paid for by the customer/client?

20 Does your platform own any of the assets used by the individual offering the services?

- Yes
- No

22 Out of the total number of service providers offering services through your platform, what is the percentage of self-employed individuals?

- Over 75%
- Between 50% and 75%
- Between 25% and 50%
- Less than 25%

### **Rights and obligations**

23 What is the contractual relationship between the platform and individuals offering services through it?

*3000 character(s) maximum*

24 Who sets the price paid by the customer for the service offered?

The platform

- The individual offering services through the platform
- Others, please specify

25 Please explain.

*3000 character(s) maximum*

26 How is the price paid by the customer shared between the platform and the individual offering the services through the platform?

*3000 character(s) maximum*

27 On average, how many hours per week do individuals spend offering services through your platform?

*3000 character(s) maximum*

28 Do you have measures in place to enable individuals providing services through your platform to contact each other and organise themselves collectively?

- Yes
- No

29 Please describe the means through which the individuals who provide services on your platform contact each other.

*3000 character(s) maximum*

30 What measures do you have in place for ensuring that individuals offering services through your platform work legally - e.g. comply with applicable rules on minimum working age, hold a work permit, where applicable - if any?

(If you replied to this question in your answers in the first module of the consultation, there is no need to repeat your answer here.)

*3000 character(s) maximum*

*The following questions are open to all respondents*

### Situation of self-employed individuals providing services through platforms

32 Are there areas in the situation of individuals providing services through platforms which would need further improvements? Please rate the following issues from 1 (no improvements needed) to 5 (substantial issues need to be addressed).

	1 (no improvements needed)	2	3	4	5 (substantial improvements needed)	I don't know / No answer
Earnings	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Flexibility of choosing when and /or where to provide services	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transparency on remuneration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Measures to tackle non-payment of remuneration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Transparency in online ratings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Ensuring that individuals providing services through platforms can contact each other and organise themselves for collective purposes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Tackling the issue of work carried out by individuals lacking legal permits	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prevention of discrimination of individuals providing services through platforms, for instance based on gender, racial or ethnic origin	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allocation of liability in case of damage	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

33 Please explain the issues that you encounter or perceive.

*3000 character(s) maximum*

34 Do you think individuals providing services in the 'offline/traditional' economy face similar issues as individuals offering services through platforms?

Yes

No

I don't know

35 Please explain and provide examples.

*3000 character(s) maximum*

36 In your view, what are the obstacles for improving the situation of individuals providing services

1. through platforms?
2. in the offline/traditional economy?

*3000 character(s) maximum*

37 To what extent could the possibility to negotiate collectively help improve the situation of individuals offering services:

through online platforms?	
in the offline/traditional economy?	

38 Which are the areas you would consider most important for you to enable such collective negotiations?

*3000 character(s) maximum*

39 In this regard, do you see any obstacles to such negotiations?

*3000 character(s) maximum*

40 Are there other points you would like to raise?

*3000 character(s) maximum*

**VI. What governance for reinforcing the Single Market for digital services?**

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The EU's Single Market offers a rich potential for digital services to scale up, including for innovative European companies. Today there is a certain degree of legal fragmentation in the Single Market . One of the main objectives for the Digital Services Act will be to improve opportunities for innovation and '[deepen the Single Market for Digital Services](#)'.

This section of the consultation seeks to collect evidence and views on the current state of the single market and steps for further improvements for a competitive and vibrant Single market for digital services. This module also inquires about the relative impact of the COVID-19 crisis on digital services in the Union. It then focuses on the appropriate governance and oversight over digital services across the EU and means to enhance the cooperation across authorities for an effective supervision of services and for the equal protection of all citizens across the single market. It also inquires about specific cooperation arrangements such as in the case of consumer protection authorities across the Single Market, or the regulatory oversight and cooperation mechanisms among media regulators. This section is not intended to focus on the enforcement of EU data protection rules (GDPR).

## **Main issues**

1 How important are - in your daily life or for your professional transactions - digital services such as accessing websites, social networks, downloading apps, reading news online, shopping online, selling products online?

Overall	
Those offered from outside of your Member State of establishment	

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***The following questions are targeted at digital service providers***

3 Approximately, what share of your EU turnover is generated by the provision of your service outside of your main country of establishment in the EU?

- Less than 10%
- Between 10% and 50%
- Over 50%
- I cannot compute this information

4 To what extent are the following obligations a burden for your company in providing its digital services, when expanding to one or more EU Member State(s)? Please rate the following obligations from 1 (not at all burdensome) to 5 (very burdensome).

	1 (not at all burdensome)	2	3 (neutral)	4	5 (very burdensome)	I don't know / No answer
Different processes and obligations imposed by Member States for notifying, detecting and removing illegal content/goods/services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirements to have a legal representative or an establishment in more than one Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Different procedures and points of contact for obligations to cooperate with authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other types of legal requirements. Please specify below	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6 Have your services been subject to enforcement measures by an EU Member State other than your country of establishment?

- Yes
- No
- I don't know

8 Were you requested to comply with any 'prior authorisation' or equivalent requirement for providing your digital service in an EU Member State?

- Yes
- No
- I don't know

10 Are there other issues you would consider necessary to facilitate the provision of cross-border digital services in the European Union?

*3000 character(s) maximum*

11 What has been the impact of COVID-19 outbreak and crisis management measures on your business' turnover

- Significant reduction of turnover
- Limited reduction of turnover
- No significant change
- Modest increase in turnover
- Significant increase of turnover
- Other

13 Do you consider that deepening of the Single Market for digital services could help the economic recovery of your business?

- Yes
- No
- I don't know

14 Please explain

*3000 character(s) maximum*

*The following questions are targeted at all respondents.*

## Governance of digital services and aspects of enforcement

The 'country of origin' principle is the cornerstone of the Single Market for digital services. It ensures that digital innovators, including start-ups and SMEs, have a single set of rules to follow (that of their home country), rather than 27 different rules.

This is an important precondition for services to be able to scale up quickly and offer their services across borders. In the aftermath of the COVID-19 outbreak and effective recovery strategy, more than ever, a strong Single Market is needed to boost the European economy and to restart economic activity in the EU.

At the same time, enforcement of rules is key; the protection of all EU citizens regardless of their place of residence, will be in the centre of the Digital Services Act.

The current system of cooperation between Member States foresees that the Member State where a provider of a digital service is established has the duty to supervise the services provided and to ensure that all EU citizens are protected. A cooperation mechanism for cross-border cases is established in the E-Commerce Directive.

**1 Based on your experience, how would you assess the cooperation in the Single Market between authorities entrusted to supervise digital services?**

*5000 character(s) maximum*

Of course, the country of origin principles applies within the EU - not across the channel or across the Atlantic, contrary to some failed attempts, notably in the area of data.

**2 What governance arrangements would lead to an effective system for supervising and enforcing rules on online platforms in the EU in particular as regards the intermediation of third party goods, services and content (See also Chapter 1 of the consultation)?**

Please rate each of the following aspects, on a scale of 1 (not at all important) to 5 (very important).

	1 (not at all important)	2	3 (neutral)	4	5 (very important)	I don't know / No answer
Clearly assigned competent national authorities or bodies as established by Member States for supervising the systems put in place by online platforms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation mechanism within Member States across different competent authorities responsible for the systematic supervision of online						

platforms and sectorial issues (e.g. consumer protection, market surveillance, data protection, media regulators, anti-discrimination agencies, equality bodies, law enforcement authorities etc.)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation mechanism with swift procedures and assistance across national competent authorities across Member States	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Coordination and technical assistance at EU level	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
An EU-level authority	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Cooperation schemes with third parties such as civil society organisations and academics for specific inquiries and oversight	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other: please specify in the text box below	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>

### 3 Please explain

*5000 character(s) maximum*

A stronger cooperation between relevant stakeholders and efficient enforcement mechanisms, with sanctions mechanisms, are required to support a robust regulation of online platforms and dilute disinformation with quality content (fact-based journalism). Clear responsibility at EU level and at national level as well as harmonized approach are vital.

### 4 What information should competent authorities make publicly available about their supervisory and enforcement activity?

*3000 character(s) maximum*

### 5 What capabilities – type of internal expertise, resources etc. - are needed within competent authorities, in order to effectively supervise online platforms?

*3000 character(s) maximum*

### 6 In your view, is there a need to ensure similar supervision of digital services established outside of the EU that provide their services to EU users?

- Yes, if they intermediate a certain volume of content, goods and services provided in the EU

- Yes, if they have a significant number of users in the EU
- No
- Other
- I don't know

## 7 Please explain

*3000 character(s) maximum*

If such services do not respect EU rules, they should not be authorised to access the (digital) single market.

## 8 How should the supervision of services established outside of the EU be set up in an efficient and coherent manner, in your view?

*3000 character(s) maximum*

## 9 In your view, what governance structure could ensure that multiple national authorities, in their respective areas of competence, supervise digital services coherently and consistently across borders?

*3000 character(s) maximum*

## 10 As regards specific areas of competence, such as on consumer protection or product safety, please share your experience related to the cross-border cooperation of the competent authorities in the different Member States.

*3000 character(s) maximum*

## 11 In the specific field of audiovisual, the Audiovisual Media Services Directive established a regulatory oversight and cooperation mechanism in cross border cases between media regulators, coordinated at EU level within European Regulators' Group for Audiovisual Media Services (ERGA). In your view is this sufficient to ensure that users remain protected against illegal and harmful audiovisual content (for instance if services are offered to users from a different Member State)? Please explain your answer and provide practical examples if you consider the arrangements may not suffice.

*3000 character(s) maximum*

ERGA and AVMS: "A content-neutral approach to online content regulation is also desirable from the perspective of ensuring a level-playing field within the single market. Irrespective of the forms of content they provide access to, most online services that provide access to content to inform, entertain or educate users

compete with one another and with audiovisual media services for the same audiences, in the same advertising market and have the same ability to influence public opinion and discourse.”

ERGA and liability: The premise that services play a ‘passive’ role in relation to the content they host –is no longer sustainable, particularly with respect to major online content platforms. In this context, ERGA notes that the revised AVMS Directive, as well as the Copyright Directive, acknowledge the key influence most major online content platforms have in the European media landscape. Both instruments have substantially enlarged the responsibilities of services that play an active role in the management and control of potentially illegal or harmful content. However, this can only be a first step in balancing the level playing field between online platforms and other stakeholders.

12 Would the current system need to be strengthened? If yes, which additional tasks be useful to ensure a more effective enforcement of audiovisual content rules?

Please assess from 1 (least beneficial) – 5 (most beneficial). You can assign the same number to the same actions should you consider them as being equally important.

Coordinating the handling of cross-border cases, including jurisdiction matters	
Agreeing on guidance for consistent implementation of rules under the AVMSD	
Ensuring consistency in cross-border application of the rules on the promotion of European works	
Facilitating coordination in the area of disinformation	
Other areas of cooperation	

13 Other areas of cooperation - (please, indicate which ones)

*3000 character(s) maximum*

14 Are there other points you would like to raise?

*3000 character(s) maximum*

## Final remarks

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If you wish to upload a position paper, article, report, or other evidence and data for the attention of the European Commission, please do so.

### 1 Upload file

The maximum file size is 1 MB

Only files of the type pdf,txt,doc,docx,odt,rtf are allowed

**65e1e6ee-72ae-4dc2-b721-45af880db204/Preliminary\_statement\_-\_Fondation\_EURACTIV\_EuropesMediaLab.pdf**

### 2 Other final comments

*3000 character(s) maximum*

Rebalancing Ecosystem: Rebalancing the ecosystem platforms/advertising/media has notably been left behind in the EU's Digital Strategy. It has horizontal dimensions like the DSA, and potentially some moves around journalism. Medium-term policy actions are necessary:

Boost media literacy; reimburse social security costs for bona fide journalists;

Recommend media funds to support quality news and fight disinformation: to be set-up where they do not exist yet. France's aides à la presse, for example, use objective criteria and respect media independence. At the EU level, have an independent media board assess open calls on fighting disinformation, related to coronavirus or future major issues. Spend on advertising: is a fast and respectful way to feed the media, channeling money through objective channels and contracts. Unlike some subsidies, it does not interfere with editorial freedom. Massive public information campaigns (not Google ads) would sustain public trust in politics, and journalism too. In Europe, Newspaper adv amounts to around 12 billion euros/year. If one assumes losing one third this year, the shortfall would be 4 billion euros; The Commission and Parliament could spend half of it, 2 billion euros, and encourage governments to spend as much. At EU level, that money could come from re-allocations, while at national level, it could be part of the economic recovery plan already decided. Trust events to media companies: There is a good trend to consult the public widely, online and at physical events. Participative democracy will be in demand after the frustrating lock-downs, and for the Conference on the Future of Europe. Media are good organisers and independent moderators: they should be a systematic part of the procurement 'tool box'. Strengthen media's Capital: equity from InvestEU and from private 'socially responsible investors' should be boosted. Preserving the media sector would also get a very small figure compared to Europe's budgets (total EU GDP 2019: 18 trillions €, total EU budget set for 2020 before the crisis: €169 billion, so each billion is only 0.6 % of the EU budget). In fact, total crisis media funding, mostly a 'one off', would be less than the special levy on platforms, currently pitched at around €5 billion per year. The money to support the media sector under Creative Europe in the MFF is not enough: Creative Europe's financial envelope will be EUR 1 642 million, only 7% more than in the original proposal. Horizon Europe is allocated €13.5 billion less than was last proposed by the European Commission, with €5 billion cut from the programme allocation in the MFF and €8.5 billion removed to pay towards the Next Generation EU recovery programme.

A number of these actions, accompanying policy development could be regarded under a NEWS programme, parallel to the MEDIA programme This was recommended by a number of MEPs chiefly from the CULT committee. NEWS could stand for News in Europe Working Sustainability.

## Useful links

[Digital Services Act package \(https://ec.europa.eu/digital-single-market/en/digital-services-act-package \)](https://ec.europa.eu/digital-single-market/en/digital-services-act-package)

## Background Documents

[\(BG\) Речник на термините](#)

[\(CS\) Glosř](#)

[\(DA\) Ordliste](#)

[\(DE\) Glossar](#)

[\(EL\) á](#)

[\(EN\) Glossary](#)

[\(ES\) Glosario](#)

[\(ET\) Snastik](#)

[\(FI\) Sanasto](#)

[\(FR\) Glossaire](#)

[\(HR\) Pojmovnik](#)

[\(HU\) Glosszrium](#)

[\(IT\) Glossario](#)

[\(LT\) Žodynėlis](#)

[\(LV\) Glosārijs](#)

[\(MT\) Glossarju](#)

[\(NL\) Verklarende woordenlijst](#)

[\(PL\) Słowniczek](#)

[\(PT\) Glossrio](#)

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