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## Digital rights organisations call to dismiss the media exemption in the European Media Freedom Act

Dear Executive Vice-President Vestager,  
Dear Vice-President Jourová,  
Dear Commissioner Breton,

We are writing to you to share our concern about the attempts to include a so-called "media exemption" in the European Media Freedom Act (EMFA). As we already expressed during the Digital Services Act (DSA) discussions, the addition of a "media exemption" whether in the DSA or in the EMFA would have very negative consequences for freedom of expression online, notably in the spread of disinformation by media outlets.

Co-legislators already rejected<sup>1</sup> unanimously similar attempts that would have shielded "editorial content" from content moderation rules. Therefore, we strongly believe that it is important to ensure that the EMFA does not become the next piece of legislation where media corporations try to secure preferential treatment and special protection for their content in order to secure their privileged position.

On the one hand, a "media exemption" would allow certain private publishers to push through their content without scrutiny by fact-checkers or independent audits. Researchers have been clear: this would undo much of what has been achieved in the fight against disinformation.

On the other hand, very large online platforms (VLOPs) would not be able to downrank, delete, or even label any content coming from a press publication. Both situations would open the door for more disinformation, illegal content, and, in the current times we are living in, the spread of the propaganda of war<sup>2</sup>. Furthermore, a broad definition of media actors in such a "media exemption" could lead to media with strong ties to governments or companies benefiting from the same protections as truly independent, public interest media outlets. A crystal-clear example of this is media outlets such as RT, Sputnik, and China Central Television (CCTV). The prohibition on interference would also prevent general information banners, such as the vaccine information banners, that platform providers may voluntarily decide to display alongside user-generated content.

The DSA already provides a range of better avenues to ensure the proper treatment of editorial content by platform providers; for example, the user redress mechanism and out of court dispute

<sup>1</sup> <https://www.euractiv.com/section/digital/news/media-exception-ruled-out-in-dsa-negotiations-but-could-return/>

<sup>2</sup> <https://www.politico.eu/article/russia-war-narrative-hungary-disinformation/>

settlement would ensure that in cases where online platforms make mistakes in their content moderation efforts, media have several well defined processes to challenge these decisions. The EMFA should thus not serve to circumvent what is about to be signed off in the horizontal framework presented by the DSA.

We remain at your disposal for any questions you may have.

Yours sincerely,

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