

# European Media Freedom Act: Content of media service providers on very large online platforms (Article 17)

## ARTICLE 19's concerns on Article 17

Article 17 creates a privileged process with regards to suspension or removal of content coming from media service providers. ARTICLE 19 believes that the right to freedom of expression should be equally guaranteed to all individuals. Therefore, we are concerned about carve-outs for media actors that come at the expense of, among others, citizen journalists who do not fulfil the exemption criteria, even though they may engage in vital journalistic activity, or more in general all individuals in society. In other words, we are concerned about carve-outs that lead to different standards in which the speech of some actors is more valued than others simply by virtue of who they are rather than what they say.

Moreover, the creation of an exemption almost inevitably creates a need to define and decide who falls within it. Article 17 uses vague and overbroad definitions, and relies on a self-declaration system to be used by media service providers to access the privileged process, which provides no guarantee against abuses or misuses. Worse, it grants the very large online platforms (VLOPs) the additional power to decide on those self-declarations.

Finally, we note that Article 17 does not constitute an adequate response to the problem it tries to fix. We recognise that, in the current media ecosystem, VLOPs have tremendous power over the information flow, and, in particular, over the visibility of certain content. We also acknowledge that this *status quo* raises complex challenges not only for democracy, but also for the sustainability of the media. Yet, we do not believe that to create exceptions that also grant additional power on VLOPs would make any change to the status quo nor solve the challenges at stake. As we repeatedly said in our advocacy, we believe that the solution goes rather in the direction of decentralising the power held by the VLOPs, and that this objective can be achieved with pro-competitive regulatory interventions that open the market to additional players (for more information on our proposal, please refer to our [Taming Big Tech policy<sup>1</sup>](#)).

## Our recommendations:

- Article 17 creates a privileged process with regards to the suspension or removal of content coming from self-declared media service providers, which is incompatible with international and European standards on the protection of the right to freedom of expression. As such, we call for the Article to be repealed.

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<sup>1</sup> See: ARTICLE 19, Taming Big Tech: A Pro-competitive Solution to Protect Free Expression, Policy Brief, 2021, available at: <https://www.article19.org/wp-content/uploads/2023/01/Taming-big-tech-UPDATE-Jan2023-P04b-Interactive-web.pdf>

