

Judit Bayer

# Digital Media Regulation within the European Union

A Framework for a New Media Order



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*To my family*



## Foreword

In this era of swift digital transformation, the interplay among media, democracy, and law is increasingly vital. This book, informed by extensive research, delves into the complexities of digital media regulation within the European Union – a region where legal frameworks adapt constantly to new challenges. Most recently, this has been manifested as a comprehensive legislative package finalised between 2020–2024. The book examines the changes induced by these new laws, and how they have laid out the grounds for a new digital information order. With regard to the interdisciplinary nature of the subject matter, the book intends to remain accessible also for non-legal audiences, and starts each chapter with a brief introduction. This is then followed by a more detailed discussion, analysis and assessment of the legal regulations from the perspective of the public discourse.

Part I, "The Media Order," explores the current democratic crisis and the critical role of the public sphere. It probes the essence of public discourse and its rationality, laying groundwork for understanding media freedom and pluralism in the digital age. This section not only defines media freedom from a new perspective, but also examines the effects of algorithmic content ranking, platform ownership, and journalism's role in shaping public opinion.

Part II, "European Initiatives for a New Democratic Media Order," shifts focus to the specific European policies. It examines the evolution of media pluralism policies, media regulation, and the Media Freedom Act's complexities. This segment reflects the interaction between audience rights, media provider responsibilities, and the European Union's role in promoting a democratic media environment. The discussion portrays the developing European media policy as a staggered process that was initiated several decades ago. It progressed through debates, political compromises, and the active formative role of the private media sector, as they shaped jurisprudence through their legal actions and complaints.

Part III addresses new regulatory frameworks for online platforms, focusing on the Digital Services Act, the Digital Markets Act, and the draft AI Act. It explores the significant impact of online platforms and AI on public discourse, including the ramifications of integrating ChatGPT into journalism. These examples emphasize the need for nuanced comprehension

of the digital media ecosystem. The reference to practical developments, notably Elon Musk's acquisition of Twitter, highlights the evolving power structures in the digital sphere. This part adeptly captures the intricate interplay between corporate ownership, individual influence, and their broader implications for the democratization of public discourse. This section is particularly pertinent to the new digital public discourse, due to these regulations' profound influence on public communication and digital platform function. The author's analysis is both informative and approachable, appealing to a broad audience, including those not versed in legal terminology.

The author, a noted expert in European media law and policy, offers deep insights into the complex interplay between digital platforms, information dissemination, market dynamics, and democratic principles. Affiliation with the University of Münster's Institute for Information, Telecommunication, and Media Law has enriched this work. The vibrant academic setting and collaboration with esteemed colleagues have resulted in a book that is both intellectually engaging and informative.

In summary, this book significantly contributes to scholarship in media law and the field of digital information policy. Through a comprehensive analysis of the European Union's media regulation initiatives, it sheds light on the complexities of contemporary democratic discourse, and clarifies their implications for future democratic discourse. For scholars, policymakers, and anyone interested in the intersection of law, media, and technology, this book is an essential resource.

Professor Bernd Holznagel,

Münster, 2024

## Table of Content

|  |    |
|--|----|
| Preface by the author and acknowledgements   | 15 |
| List of abbreviations  | 19 |
| Part one: The media order  | 21 |
| 1 Introduction   | 21 |
| 1.1 The crisis of democracy  | 23 |
| 1.2 The role of public sphere in democracies   | 27 |
| 1.2.1 How public is the public discourse?  | 30 |
| 1.2.2 How rational is the "rational discourse"? Rational versus ritual models of communication | 33 |
| 2 Media freedom and pluralism in the platform age  | 39 |
| 2.1 Defining media freedom   | 39 |
| 2.1.1 Elements of media freedom  | 39 |
| 2.1.2 Who are the right holders of media freedom?  | 42 |
| 2.1.3 The content of media freedom   | 45 |
| 2.1.4 Platforms in the context of media freedom  | 48 |
| 2.2 The effects of algorithmic content ranking   | 52 |
| 2.3 The value added by journalists and platforms' attempt for substituting them                | 56 |
| 2.4 Dimensions of Media Pluralism  | 58 |
| 2.4.1 Institutional independence   | 61 |
| 2.4.2 Resilience of market and society   | 63 |
| 2.4.3 Structural diversity   | 64 |
| 3 The state's obligation in building a democratic media order                                  | 67 |
| 3.1 Microscopical rights and Big Data  | 67 |
| 3.2 The right to receive information   | 71 |

## *Table of Content*

|           |  |     |
|-----------|--|-----|
| 3.3       | User autonomy and nudges   | 74  |
| 3.4       | The state's obligation to protect pluralism  | 77  |
| 3.5       | Why the EU?  | 82  |
| Part two: | European initiatives to develop a new democratic media order                                     | 87  |
| 4         | Initiatives in Media Pluralism   | 87  |
| 4.1       | The development of European policy in regard of media pluralism                                  | 87  |
| 4.1.1     | The tumultuous story of the media landscape in the new millennium                                | 90  |
| 4.1.2     | Competence issues and new impetus to the development   | 93  |
| 4.1.3     | Understanding the obstacles of the process   | 96  |
| 4.2       | European efforts to regulate the broadcast media   | 98  |
| 4.2.1     | Opening the box of Pandora: the transformation of broadcasting's interpretation in community law | 98  |
| 4.2.2     | TWF Directive: the Trojan Horse  | 100 |
| 4.2.3     | A new era for public service broadcasting  | 101 |
| 4.2.4     | The AVMSD today  | 104 |
| 5         | The Media Freedom Act  | 107 |
| 5.1       | Background   | 107 |
| 5.3       | The scope of EMFA  | 117 |
| 5.4       | Rights and duties  | 119 |
| 5.4.1     | Rights of the audience   | 119 |
| 5.4.2     | The rights of media service providers  | 121 |
| 5.5       | Safeguards for public service media  | 124 |
| 5.6       | Transparency of media service providers  | 126 |
| 5.6.1     | How useful is transparency?  | 127 |
| 5.6.2     | The conundrum of the ownership database  | 129 |
| 5.7       | The Board  | 133 |
| 5.7.1     | NRA Independence   | 134 |
| 5.7.2     | The Board and the Commission   | 139 |

|   |   |     |
|---|---|-----|
| 5.8   | EMFA's approach to the "Russia Today" problem                                     | 141 |
| 5.8.1   | The background of the ban   | 142 |
| 5.8.2   | Treatment of the problem by EMFA  | 146 |
| 5.9   | Media concentration   | 147 |
| 5.9.1   | New aspects to assess in media concentration                                      | 147 |
| 5.9.2   | The procedural rules on assessment of media concentration                         | 150 |
| 5.10  | State advertising   | 151 |
| 5.11  | Media content and online platforms  | 155 |
| 5.12  | Monitoring and evaluation   | 161 |
| 5.12.1  | From mutual distrust to mutual trust  | 162 |
| 5.12.2  | Possibilities: proposals for amendment  | 163 |
| 5.13  | Epilogue  | 166 |
| Part three: A regulatory framework for online platforms |   | 167 |
| 6   | The Digital Services Act and the Codes of Practices                               | 167 |
| 6.1   | Prologue to DSA: the legacy of the E-Commerce Directive                           | 167 |
| 6.2   | Aims, scope and structure of DSA: more than just services                         | 172 |
| 6.2.1   | Scope   | 174 |
| 6.2.1.1   | Quo Vadis, Platform?  | 174 |
| 6.2.1.2   | Who else are not platforms?   | 176 |
| 6.2.2   | Territorial scope   | 177 |
| 6.2.3   | The structure of DSA  | 179 |
| 6.3   | Regulating illegal content: transparency and fair procedure. A detailed scrutiny. | 181 |
| 6.3.1   | Liability and due diligence   | 181 |
| 6.3.2   | Immunity, as a constraint on liberty  | 183 |
| 6.3.3   | The liability framework   | 185 |
| 6.3.4   | Due diligence   | 188 |
| 6.3.4.1   | Platforms' terms of services  | 191 |
| 6.3.4.2   | Transparency reporting obligations  | 192 |
| 6.3.4.3   | Transparency reporting for online platforms                                       | 194 |
| 6.3.4.4   | Further obligations for very large online platforms                               | 194 |

## Table of Content

|         |   |     |
|---------|---|-----|
| 6.3.4.5 | Scrutiny of the shared data                                       | 196 |
| 6.3.5   | Rights of the users in the notice-and-takedown procedure          | 197 |
| 6.4     | Specific obligations for online platforms                         | 199 |
| 6.4.1   | Alternative dispute resolution                                    | 200 |
| 6.4.2   | Trusted flaggers  | 203 |
| 6.4.3   | Measures related to content governance                            | 205 |
| 6.5     | Very large online platforms' due diligence obligations            | 207 |
| 6.5.1   | The system of risk-management and co-regulation                   | 208 |
| 6.5.2   | The risk assessment in DSA  | 210 |
| 6.6     | Self- and co-regulation as part of the legal regime               | 213 |
| 6.6.1   | The hidden traps of auditing                                      | 215 |
| 6.6.2   | The incentives, execution and objectives of the codes under DSA   | 220 |
| 6.6.3   | The soft power of the codes                                       | 221 |
| 6.6.4   | The Strengthened Code of Practice on Disinformation               | 222 |
| 6.6.5   | The Code's content: Reordering the information landscape          | 224 |
| 6.6.6   | Interim summary on DSA and the Code of Practice on Disinformation | 230 |
| 6.7     | The Code of Conduct tackling illegal hate speech                  | 231 |
| 6.8     | Crisis protocols  | 233 |
| 6.9     | Summary on the DSA and its regulatory structure                   | 234 |
| 6.10    | The relationship of AVMSD, ECD and DSA                            | 236 |
| 7       | Regulation of the Digital Market                                  | 239 |
| 7.1     | The regulatory philosophy of the Digital Markets Act              | 239 |
| 7.2     | Comparing social and business platforms                           | 241 |
| 7.3     | Quo Vadis, Platforms? #2  | 244 |
| 7.4     | Obligations of gatekeepers  | 247 |
| 7.4.1   | A less unfair use of data   | 247 |
| 7.4.2   | Prohibition of paralysing contractual conditions                  | 252 |
| 7.4.3   | Advertising transparency  | 253 |

|         |  |     |
|---------|--|-----|
| 7.5     | Prohibition of self-preferencing   | 254 |
| 7.5.1   | No expropriation of personal data  | 254 |
| 7.5.2   | Equal treatment  | 256 |
| 7.5.3   | Non-discrimination and fairness in ranking?  | 258 |
| 7.6     | The pros and cons of interoperability  | 260 |
| 7.7     | Enforcement of DMA   | 263 |
| 7.8     | The impact of DMA – summary  | 265 |
| 8       | Political advertising  | 269 |
| 8.1     | Emerging frontiers in political advertising  | 269 |
| 8.2     | The pitfalls of personalized targeting   | 271 |
| 8.3     | The protection of political speech   | 273 |
| 8.4     | Why was self-regulation insufficient?  | 276 |
| 8.5     | The Regulation on political advertising (RPA)  | 278 |
| 8.5.1   | The concept of RPA   | 278 |
| 8.5.2   | The scope of the RPA   | 280 |
| 8.5.2.1 | The definition of a political actor  | 281 |
| 8.5.2.2 | The second condition: the impact of the message  | 282 |
| 8.5.2.3 | The payment element  | 283 |
| 8.5.2.4 | Explanatory features   | 285 |
| 8.5.3   | Non-discrimination and third countries   | 285 |
| 8.5.4   | Responsibilities of the actors   | 286 |
| 8.5.5   | Political advertising by VLOPs   | 287 |
| 8.5.6   | Rules on targeting   | 289 |
| 8.5.7   | Enforcement of RPA   | 291 |
| 8.6     | The interplay between the DSA and the Strengthened Code of Practice against Disinformation | 292 |
| 8.7     | Interim conclusion on RPA  | 293 |
| 9       | The wider technological environment: AI Act  | 295 |
| 9.1     | A literally disruptive technology  | 296 |
| 9.1.1   | The scope and subject matter of the AI Act   | 298 |
| 9.1.2   | The regulatory model   | 301 |

## *Table of Content*

|         |  |     |
|---------|--|-----|
| 9.1.3   | Prohibited AI practices                              | 302 |
| 9.1.3.1 | Manipulation   | 302 |
| 9.1.3.2 | Social scoring                                       | 304 |
| 9.1.3.3 | Biometric identification                             | 305 |
| 9.1     | High-risk AI systems                                 | 307 |
| 9.1.1   | The scope of high-risk AI systems                    | 307 |
| 9.1.2   | Updating the list of high-risk systems               | 309 |
| 9.1.3   | Requirements for high-risk AI systems                | 313 |
| 9.1.4   | Obligations of various actors within the value chain | 316 |
| 9.1.5   | Taking responsibility for algorithmic systems        | 317 |
| 9.2     | General purpose AI models (GPAI)                     | 318 |
| 9.2.1   | Media uses of AI                                     | 319 |
| 9.2.1.1 | Authorship and copyright: whose content?             | 321 |
| 9.2.1.2 | Liability for AI-generated content                   | 323 |
| 9.2.1.3 | Liability for AI-generated content in the media      | 324 |
| 9.2.2   | Deep fakes   | 327 |
| 9.2.3   | Legal concerns related to training data of GPAI      | 329 |
| 9.3     | The impact of AI and conclusion                      | 330 |
| 10      | Bird's Eye View: Concluding Thoughts                 | 333 |
| 10.1.   | The new transformation of the public discourse       | 333 |
| 10.2.   | The stake of the game: a historical shift            | 334 |
| 10.3.   | The role of media and the might of platforms         | 336 |
| 10.1.   | Trust in media, trust in politics                    | 338 |
| 10.2.   | Constructing a value-centred European order          | 339 |
| 11      | References   | 343 |