Fact-checkers and experts call on MEPS to reject a media exemption in the DSA

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The EU Parliament is currently debating a watershed piece of regulation on digital platforms, the Digital Services Act. However, a concerning eleventh-hour proposal from the Parliament's JURI Committee to include a media exemption clause threatens to be a step backwards on the status quo, reversing years of progress in the fights against hate speech and disinformation online. Journalists, fact-checkers, and disinformation researchers have drafted a letter urging MEPs to reject any proposal that would include a media exemption.

Dear IMCO Committee Members,

As you debate the European Parliament's position on the Digital Services Act, we urge you to reject the eleventh hour proposal from the JURI Committee to include a media exemption clause in the law.

A media exemption would reverse years of progress in the fight against hate speech and disinformation online, preventing very large online platforms from down ranking, deleting, or even labelling any content coming from a press publication — regardless of whether a given post is actively peddling hateful, patently false or otherwise harmful content. This would not only shield thousands of accounts claiming media privileges from the remit of the DSA, it would prevent or otherwise disincentivize platforms from taking voluntary remedial action themselves.

As journalists and disinformation experts, we are concerned about the broad and ambiguous definition of what constitutes a "press publication" and "audiovisual media service". The definition put forward by JURI definitely includes 'traditional' newspapers and magazines, and definitely excludes academic and scientific publications, but, as a previous study by the Committee put it, "[i]n between are a large number of online and offline entities that are not clearly within or outside the definition." A similar amendment in the CULT Committee also referred to "editorial content providers", an even less clear definition.

Research has consistently identified malicious or simply unreliable actors presenting their content as credible journalism whilst sharing false, hateful or misleading information, either intentionally or unintentionally. This includes yellow press and boulevard papers that are regularly reprimanded by national press councils and other

media watchdogs. It also includes disinformation operations which routinely rely on media accounts to spread content. Last year, EU DisinfoLab uncovered more than 750 media outlets in 116 countries operating as part of a major Indian disinformation operation. Facebook and Twitter also took action last year against a media outlet that was hiring legitimate American freelance journalists after discovering it was part of a Russian disinformation operation. Our experience as journalists and disinformation researchers tells us it is virtually impossible to meaningfully define who or what is a legitimate 'press publication' in the online environment.

We share the concern that platforms frequently act arbitrarily in their content moderation decisions. For example, Facebook whistleblowers Frances Haugen and Sophie Zhang have both exposed deep flaws in how the company prioritizes the geographies and individuals it focuses its content moderation efforts on. However, the solution is not to create a loophole for organisations claiming to be reliable media outlets. A better solution is to focus on strengthening the transparency, data scrutiny and enforcement provisions of the DSA. Audit powers in particular are vital to ensure that automated content moderation practices are made accountable. The audit provisions should be improved by allowing vetted civil society and investigative journalists — not just researchers — to access platform data to help identify and mitigate systemic risks. Equally, platforms should be prevented from citing security or trade secrets as an excuse not to grant access to data that is necessary to protect the public interest.

The DSA must reflect our need for media pluralism, cultural, linguistic diversity, and easy access to reliable news and information. However, by giving a free ride to the broadly defined "editorial content providers" and "media service providers" and exempting them from any moderation, we risk turning the DSA into a highway for hate speech and disinformation.

All of your political groups have made strong public statements about fighting hate speech and disinformation online. We believe it is now time to turn these words into action.

In light of the above, we urge you to reject any proposal in IMCO that would include a media exemption.

Signed,

Cathrin Schaer, Journalist at Wired

Anne-Sophie Novel, Independent Journalist

David Schraven, Publisher at CORRECTIV and Head of CORRECTIV.Fakt

Lorenzo Marini, Co-Director of Verificat

Tommaso Canetta, Vice-Director, Pagella Politica

Thedoros Daniilidis, Founder of Ellinika Hoaxes

Carlos Hernández-Echevarría, Head of Public Policy and Institutional Development at Maldita.es

Michał Pawela, Chief Analyst at FakeNews.Pl

Vytautas Benokraitis, CEO of Delfi Lithuania

Guillaume Kuster, Co-Founder and President, Check First OY

Guillermo Beltrà, Head of EU Digital Team at Open Society European Policy Institute (OSEPI)

Mária Bieliková, Director and Expert researcher at Kempelen Institute of Intelligent Technologies

Professor Kalina Bontcheva, University of Sheffield

Emerson T. Brooking, Resident Senior Fellow, Digital Forensic Research Lab of the Atlantic Council

Stéphane Duguin, CEO of CyberPeace Institute

Cooper Gatewood, Senior Manager of Digital Research at Institute for Strategic Dialogue

Dominika Hajdu, Head of the Centre for Democracy & Resilience, GLOBSEC

Pavel Havlicek, Research Fellow at AMO Research Centre Prague

Anna-Lena von Hodenberg, Director, Hate Aid

Julian Jaursch, Project Director, SNV

Torben Klausa, Journalist and PhD Researcher on Platform Regulation

Tomáš Kriššák, Information Security Expert at Gerulata Technologies

Xavier Brandao, President of Je Suis Là

Arber Kuci, Anti-Disinformation Researcher at Avaaz

Adam Lelonek, PhD, Independent Researcher

Professor Stephan Lewandowsky, University of Bristol

Gary Machado, Managing Director of EU Disinfo Lab

Tanya O'Carroll, Independent Expert on Technology and Human Rights

Nathalie Maréchal, PhD, Senior Policy & Partnerships Manager at Ranking Digital Rights

Lucina de Meco, Co-Founder at #ShePersisted Global

Clare Melford, Co-founder & Executive Director of The Global Disinformation Index

Prof. Trisha Meyer, Research Director of the Centre for Digitalisation, Democracy and Innovation at the Brussels School of Governance, Vrije Universiteit Brussel, (VUB)

Rosie Morgan-Stuart, Anti-Disinformation Researcher at Avaaz

Luca Nicotra, Campaign Director and Anti-Disinformation Researcher at Avaaz

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Hannah Richter, Campaign Manager, Dare to be Grey

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Kristína Šefčíková, Project Coordinator at Prague Security Studies Institute

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Nathan Sparkes, CEO of Hacked Off

Alice Stollmeyer, Executive Director at Defend Democracy

Georgios Terzis, Brussels School of Governance

Kristina Wilfore, Adjunct professor with The George Washington University's Elliott School of International Affairs

Nicolas Vanbremeersch, President of Renaissance Numérique

Tristan Mendès France, Maître de conférences associé à l'Université de Paris, responsible for the french Stop Hate for Money initiative

Romain Badouard, Associate professor, University Paris 2 Panthéon-Assas

Emma Llansó, Director of the Free Expression Project at the Center for Democracy & Technology

Naomi Hirst, Strategy Lead, Global Witness

Isabelle Schömann, ETUC confederal secretary

https://www.disinfo.eu/advocacy/fact-checkers-and-experts-call-on-meps-to-reject-a-media-exemption-in-the-dsa