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## Big Tech

### U.S. policymakers to reign in the power of tech giants?

Now the “techlash” has spread even to America. “Technology companies face a backlash in the United States and across the world, fueled by concerns among competitors, lawmakers and consumer groups that they have too much power and are harming users and business rivals”, [sums up](#) the news service Euractiv.

Much of the anger has focused on Facebook. Not only policymakers, media companies and civil society groups say that the company has become much too big and powerful. So too says Chris Hughes, a co-funder of Facebook, in a lengthy [essay](#) published in the New York Times in May.

“The most problematic aspect of Facebook’s power is Mark (Zuckerberg)’s unilateral control over speech. There is no precedent for his ability to monitor, organize and even censor the conversations of two billion people ...It’s time to break up Facebook”, wrote Hughes.

A few days later Kamala Harris – a top contender for the 2020 Democratic presidential nomination – jumped on the bandwagon, saying that U.S. officials should consider breaking up Facebook. Her rival Democratic contender Elizabeth Warren has also pushed for action to break up big tech companies.

Recently the U.S. Federal Trade Commission (FTC) and the Department of Justice – which both have jurisdiction to enforce antitrust laws – decided to investigate whether Google, Facebook, Apple and Amazon compete fairly.

Furthermore, the U.S. House of Representatives’ judiciary committee announced its own investigation into whether anti-trust rules need to evolve to meet the challenge of reigning in the big technology companies.

During hearings in Washinton in July lawmakers leveled stinging criticism and sharp questions at Big Tech executives, attacking Amazon, Apple, Facebook and Google for their market power, their perceived bias as gatekeepers of communication and Facebook’s ambitions to reshape the financial industry, [reported the New York Times](#).

Privacy issues have also attracted the attention of the U.S. Senate. In June [CNBC reported](#) that a bipartisan team of senators had introduced a bill to require social media companies to disclose more information about the data they collect and monetize from their consumers.

A month later the Federal Trade Commission (FTC) [slapped Facebook with a \\$5 billion fine](#) related to the Cambridge Analytica personal data scandal. Facebook will also be required to submit new products and services for a third-party privacy review and other oversights.

The company’s own users are taking legal action too. In August Facebook users sued the social media network over a 2018 data breach when hackers stole login codes that allowed them to access nearly 29 million accounts. They say Facebook failed to warn them about risks tied to its single sign-on tool, even though it protected its employees, [reports Reuters](#).

The attackers took profile details such as birth dates, employers, education history, religious preference, types of devices used, pages followed and recent searches and location check-ins from 14 million users. For the other 15 million users, the breach was restricted to name and contact details.

## **Google fined €1.49 billion for unfair advertising rules**

Google probably no longer answers the phone when the European Commission calls. In March EU's competition watchdog yet again imposed a massive fine on Google, this time for its practices with regard to advertising.

The company was fined €1.49 billion for breaching EU antitrust rules. "Google has abused its market dominance by imposing a number of restrictive clauses in contracts with third-party websites which prevented Google's rivals from placing their search adverts on these websites," [said](#) the Commission.

This latest case affects Google's AdSense service, which helps third-party websites to generate revenues by including ads, triggered by Google's search tool. Google retains a substantial part of the revenues created, [explains](#) the news service Euractiv.

In June 2017 the Commission fined Google €2.42 billion for abusing its dominance as a search engine by giving an illegal advantage to Google's own comparison shopping service. A year later Google was fined €4.34 billion for illegal practices regarding Android mobile devices to strengthen the dominance of its search engine.

"Europe's regulatory approach was once criticized as unfairly focusing on technology companies from the United States, but is now viewed as a potential global model as governments question the influence of Silicon Valley", [commented the New York Times](#) in an article on the latest case.

## **Media companies fight back against tech giants**

Media companies are joining the battle against the Silicon Valley giants. Some by legal means, others by banding together.

In March the Swedish music streaming service Spotify filed a complaint with EU antitrust regulators against Apple, saying the iPhone maker unfairly limits rivals to its own Apple Music streaming service.

Central to Spotify's complaint is a 30 per cent fee Apple charges content-based service providers to use Apple's in-app purchase system (IAP), [reports](#) the news service Euractiv.

Publishers, too, have suffered from the rise of the Silicon Valley giants which have sucked up much of their advertising income. But now they are starting to fight back.

In May Digiday, a trade magazine for online media, [reported](#) that four big German publishing groups – among them Axel Springer and the RTL Group – are now collaborating in order to fight the market power of tech platforms.

The publishers have formed an advertising alliance that sells the combined inventory of all four media groups in order to pull media agency and direct-advertiser investment from the platforms to the media groups' pots. "To German publishers, collaboration is critical to ensuring they can compete with the reach and ease of use of the platforms", explains Digiday.

## **Digital Tax: International rules by 2020?**

Will the tech giants ever pay more than peanuts in taxes? many wonder. It may take a while longer.

In March the attempts to introduce an EU tax scheme to make big tech firms pay a levy on their earnings in Europe were put on ice as some member states – including Ireland, Sweden, Finland and Denmark – opposed it.

Digital taxation should be dealt with at a global level was one of their main arguments, referring to ongoing discussions on this issue in the intergovernmental economic organisation OECD. In recent months there has been some progress in these talks.

At first there were a number of disagreements. Britain and France were among the most vocal proponents of proposals to make it more difficult to shift profits to low-tax jurisdictions. This put the two countries at loggerheads with the United States, which expressed concern that U.S. internet companies are being unfairly targeted, [reported](#) the news service Euractiv.

At the G-7 meeting in Paris in July, finance ministers from some of the world's largest economies managed to overcome some of their differences regarding the international rules. "The agreement represents a compromise between the French and American positions and a significant step toward an international digital tax", [wrote](#) the Wall Street Journal.

The new tax will be based on a digital—not just physical—presence. The reallocation of profits among nations will depend on how deeply involved a company is in a particular country. It won't, however, include a specific clause targeting big tech companies, an issue that has concerned U.S. officials.

The ministers also agreed there should be a minimum level of global taxation for multinational corporations, similar to a measure in the U.S. tax overhaul passed in 2017, something French negotiators had sought.

Ministers said they hoped to complete the tax under the aegis of the OECD by the end of 2020.

## **Disinformation**

### **EU elections: Much disinformation activity by Russian sources**

Before the EU elections in May fears about the spread of disinformation and

election meddling resulted in a flurry of attempts to try to contain the perceived threat. So how did it go?

In June the European Commission and the EU High Representative for Foreign Affairs and Security Policy published a first [report](#).

“It is clear that the actions taken by the EU – together with numerous journalists, fact-checkers, platforms, national authorities, researchers and civil society – have helped to deter attacks and expose attempts at interfering in our democratic processes”, they say.

Russia seems to have been involved in these attempts. “...the evidence collected revealed a continued and sustained disinformation activity by Russian sources aiming to suppress turnout and influence voter preferences,” says a [Factsheet](#) .

The tactics used by internal and external actors, in particular linked to Russian sources, are evolving as quickly as the measures adopted by states and online platforms, warns the EU Commission.

Online platforms have a particular responsibility for tackling disinformation, stresses the Commission pointing to the EU-brokered voluntary Code of Practice on this subject.

Since January all platforms have made progress on their commitments, for example by providing increased transparency of political advertising and public disclosure of such ads. But the internet companies should do more, says the Commission.

The era of self-regulation could soon be over. [A leaked Commission document](#) shows that officials are mulling a new law, a Digital Services Act, which would create European rules against online hate speech and disinformation (more on this below).

The Commission may find support for this in the Council and the European Parliament.

A representative of the Roumanian EU Presidency [told](#) the news service Euractiv in June that both the incoming Finnish Presidency of the Council (Jul-Dec 2019) and the Croatian (Jan-Jun 2020) seem interested in “a more structured approach” for countering disinformation across the EU.

In the European Parliament a number of newly elected members seem committed to fighting disinformation in the upcoming five-year term, [reports](#) Euractiv.

## **Digital platforms to become liable for user-posted content?**

The platforms often say “We’re just the postman”, shrugging off accusations of helping to spread mayhem on the internet. Not for much longer.

Soon online platforms may face not only political pressure but actual legal requirements to take responsibility for user-posted content on their services. According to current laws in Europe and the United States the liability of platform operators for the content on their networks is limited. Now policymakers are thinking of revising these laws.

In the EU the [E-Commerce directive](#) provides liability exemptions to hosting companies for content that users share on their networks. But since the directive's adoption nearly 20 years ago the nature of the internet has undergone a huge transformation; the amount of user-generated content has increased exponentially and the range of services that might or might not fall under liability exemptions has drastically changed.

In July netzpolitik.org, a German digital rights' platform, [published a leaked paper](#) written by EU Commission officials showing that the Commission is considering the creation of a new authority for the regulation of online services. Under the proposed scheme, the e-Commerce Directive is to be replaced by a new law, the Digital Services Act.

The new Act is supposed to create European rules against online hate speech and disinformation. It also means to address issues such as political advertising online and fairness in e-Commerce.

The law would affect "all digital services and in particular online platforms". The Commission note mentions social networks, cloud services, services such as Uber and Airbnb as well as internet service providers.

"At the core of the note is the Commission's wish for companies to take more responsibility for content on their platform. As one way to achieve this, the paper suggests changing liability rules", says Netzpolitik.

Similar thoughts are emerging in the U.S. Congress. In June Republican Senator Josh Hawley introduced legislation to remove the immunity Big Tech receives for user-posted content under Section 230 of the Communications Decency Act of 1996. The law protects online platforms from liability for the content users post.

During hearings in Congress with Silicon Valley executives in July, Republican Senator Ted Cruz – who oversees a subcommittee on the Constitution – brought up the same law and said Congress needed to rethink the legal immunity given to internet companies, [reports the New York Times](#).

## **Disinformation policy boosts platforms' gatekeeper role**

Social media must take more responsibility for the content on their platforms and put a stop to the disinformation they help to spread, seems to be policymakers' recipe to counteract fake news. Lately others have joined the chorus.

In June sixteen of the world's biggest advertisers joined together to push platforms such as Facebook, Twitter and Google's YouTube to do more to tackle dangerous and fake content online, [reported](#) Reuters.

The Global Alliance for Responsible Media will also include media buying agencies from the major ad groups as well as the platform owners, the group said in June at the advertising industry's annual gathering in Cannes.

Facebook seems ready to assume a more forceful gatekeeper role. Following EU accusations of Russian meddling in last month's European election campaign Facebook [said](#) it would help make "trustworthy" news more visible.

"We want to try to build a place on Facebook where news can actually live and be reflected, from trustworthy sources only", said Jesper Doub, Director of Media Partnerships at Facebook.

Such news sources will be "vetted" and required to "adhere to journalistic standards", he told the audience at the Global Editors Network (GEN) Summit in Athens in May.

Question is: do we really want Facebook to become our new super-editor and master censor?

The EU Commission seems to be aware of this dilemma. In the leaked internal note published in July the Commission acknowledges that when platform companies are pushed to take measures against potentially illegal *and* harmful content, their balancing of interests pushes them to over-block legal speech and monitor people's communications to prevent legal liability for user content.

## **Terrorist content online**

### **EU Parliament softens proposed terrorist rules**

How to deal with terrorist content online is a tricky issue. What's most important: to prevent terrorist attacks or protect freedom of expression?

In September 2018 the European Commission [proposed](#) an EU Regulation on preventing the dissemination of terrorist content online. Member states swiftly adopted their position on the plans in December but progress was slower in the European Parliament.

Many feared risks for freedom of expression, access to information and media pluralism, among them the EU's Fundamental Rights Agency as well as the European Parliament's Committees for Civil Liberties (LIBE) and Cultural Affairs (CULT). UN Special Rapporteurs were worried too.

The [text](#) adopted by the European Parliament in April follows suggestions given by these critics. MEPs seem to have withstood the calls for tough rules following the widely condemned, video-streamed terrorist massacre in New Zealand in March.

The Commission's original proposal sets a one-hour time limit to remove the offending content from the time of which it has been reported to the competent authorities. If in breach of the regulation, service providers could face fines of up to 4% of their global turnover.

MEPs back these rules but add that that internet companies hosting content should not be generally obliged to monitor the information they transmit or store, or actively seek facts indicating illegal activity. There should there be no obligation to monitor uploaded content or the use of automated tools.

The European Digital Rights organisation (EDRi) seems relieved by the MEPs vote in April. "The European Parliament has fixed most of the highest risks that the original proposal posed for fundamental rights online," said DiegoNaranjo, Senior Policy Advisor at EDRi, but added:

"We will follow closely next stage developments, since any change to today's Report could be a potential threat to freedom of expression under the disguise of unsubstantiated 'counter-terrorism' policies."

The next step in the process are interinstitutional negotiations between the EU Commission, the European Parliament and Member States. The talks are expected to start in September or October this autumn.

What concessions the negotiators from the newly elected European Parliament would accept remains to be seen. New Rapporteur for the controversial terrorist content file will be MEP Patryk Jaki from Poland's ruling national-conservative Law and Justice party.

## **International call for action against terrorist content**

Dismay over the terrorist massacre in Christchurch, New Zealand, in March – live-streamed on Facebook and shared on other social media – led to an international [call for action to eliminate terrorist and violent extremist content online](#), signed at a summit in Paris in May.

Convened by New Zealand Prime Minister, Jacinda Ardern, and French President, Emmanuel Macron, the summit brought together heads of state and government from 17 countries across the globe – as well as the European Commission – and leaders from Facebook, YouTube, Twitter, Google and other online service providers.

The participants adopted an action plan that commits government and tech companies to a range of measures, including developing tools to prevent the upload of terrorist and violent extremist content; countering the roots of violent extremism; increasing transparency around the removal and detection of content, and reviewing how companies' algorithms direct users to violent extremist content. [Read more.](#)

## **Media - general**

### **Fight over EU copyright rules to return?**

The controversial EU copyright directive has now been adopted. But the fight over these rules may not be over yet; the issue could resurface in the newly elected European Parliament.

Despite an intense campaign by human rights activists, Europe-wide protests and even a bomb threat to Axel Voss, – the MEP guiding the copyright directive through the EU Parliament – the new rules were approved by the Parliament on 26 March. Soon thereafter – on 15 April – the EU Council formally adopted the copyright reform.

The approval was in no way unanimous – neither in the Parliament, nor among the Member States. 274 MEPs voted against it (348 in favour) and in the Council the plans passed by a qualified majority of only 71,26%, just above the threshold of the required 65%.

Following the announcement of the adoption, Poland in particular, came out with some strong words, hitting out specifically at Articles 15 and 17, [reported](#) the news service Euractiv.

Article 17 – earlier called Article 13 – makes firms liable for content uploaded to their website, which could lead to the use of upload filters to vet content before it appears online. Article 15, meanwhile, provides that news publishers have the right to negotiate licenses with news aggregators.

Poland had been one of the member states which voted against the copyright plans, along with Italy, Finland, Luxembourg, the Netherlands, and Sweden.

Ahead of the vote these countries (except Sweden) said in a [joint statement](#) that the directive “does not strike the right balance between the protection of rights holders and the interests of EU citizens and companies.”

[The new directive](#) was published in the Official Journal of the EU on 17 May; after this date member states have 24 months to transpose the new rules into their national law.

Many will be keeping close tabs on the implementation of the reform. Among them new MEP Marina Kaljurand, former Estonia Foreign Minister and a politician widely tipped to become one of the most authoritative voices in the new European Parliament on tech issues.

Kaljurand [told Euractiv](#) that she believes that the reforms could still return to Parliament during the forthcoming term.

“We must now watch the implementation of the reforms closely,” she said. “But if it becomes clear that copyright damages internet freedoms, we should seek to reopen it in the European Parliament.”

Rights activists will also keep an eye on the national transposition of the new EU rules. “People need to pay special attention to the national-level implementation of the Directive in order to ensure that the voted text does not enable censorship tools that restrict our fundamental rights”, [wrote](#) the European Digital Rights organisation after the vote.

### **Council of Europe: Support local and quality journalism!**

Publishers have already agonized about it for years. Now the adverse impacts of the digital revolution on the financial viability of quality journalism, and on local and investigative reporting in particular, are beginning to capture the attention of governments, says a recent [Council of Europe report](#) on freedom of expression.

“This transformation calls for new approaches and policies aimed at ensuring the financial viability and diversity of a sector that is vital to democracy”, write the authors.

They point out that a number of states are already considering direct and indirect forms of state support, novel tax policies and new notions of corporate social responsibility. More details on what can be done were given in a [Declaration](#) adopted by the Council’s Committee of Ministers in February.

Here the Ministers encourage the Council of Europe's member states to introduce measures such as a "beneficial" tax regime for the production and distribution of journalistic content, as well as financial support schemes for regional, local, hyperlocal and not-for-profit community media.

They also suggest financing media and journalism development measures through a variety of funding schemes, including private-public ones.

Another idea is to make it possible for media outlets to operate as not-for-profit organisations and be able to receive donations from local, national and international philanthropic programmes.

## **EU Marshall Plan for the media sector?**

It should not only be up to individual states to help the traditional media in their current difficulties. The EU, too, should support the sustainability of the bloc's media sector, [said experts and MEPs](#) at an event in the European Parliament in June.

"A strong democracy can only thrive through an informed population having access to a healthy, free media sector", said outgoing MEP Nadja Hirsch.

Roman Imielski, international editor at Poland's Gazeta Wyborcza, emphasised the importance of supporting the media sector financially .

Expanding on the calls for media support Ricardo Gutierrez from the European Federation of Journalists said "the media sector needs a Marshall Plan."

So what has the EU done so far to help the media?

In an April 2018 [communication on tackling online disinformation](#) the European Commission wrote about the need to support high quality journalism and "rebalancing the relation between information creators and distributors".

The EU copyright reform would improve the position of publishers and ensure a fairer distribution of revenues between right holders and platforms, "helping in particular news media outlets and journalists to monetise their content", said the Commission.

Furthermore, it would "explore increased funding opportunities to support initiatives promoting media freedom and pluralism, quality news media and journalism, including skills, training for journalists, new technologies for newsrooms, and collaborative data-driven platforms".

Specific resources were included in the Commission's proposals for EU's Creative Europe and Horizon Europe programmes under the next Multiannual Financial Framework (2021-2027) which is under negotiation. [Read more](#)

These proposals are meant to support new tools for combating online disinformation and understanding the role of journalistic standards and user-generated content, but also to foster quality journalism and media pluralism.

The EU member States should do their bit too, said the Commission in its Communication. For example, by considering "horizontal aid schemes to address market failures hampering the sustainability of quality journalism".

The EU Ministers of Culture seem positive to such ideas. At least they said it was important to “foster quality journalism” during a debate on tackling disinformation at their EU Council meeting this past May.

## *Digital media inequalities*

### **Some more equal than others in the digital world**

In the wake of the wave of populism across the world awareness of various forms of inequalities has grown. Lately there has been growing concern about “digital gaps” between the rich and the poor. The more technology develops the greater these gaps seem to get.

Describing the rapid expansion of paywalls in the news media, the [Digital News Report](#) – published in May by the Reuters Institute for the Study of Journalism – cites critical comments the researchers received such as:

“The majority of the population probably cannot and will not be able to afford to pay for good reporting services. This is a major issue for democracy worldwide.”

Social differences were also observed with regard to people’s opinion of the news media. “...people with higher levels of formal education are more likely to evaluate the news media positively along every dimension than the rest of the population, suggesting that the news agenda is more geared towards the interests and needs of the more educated,” is one of the key findings of the Digital News Report.

Others focus more on gaps regarding access to technology and infrastructure. The issue was discussed during an EU Council debate in June on the main priorities and challenges for Europe’s future digital policy.

In their [Conclusions](#) the EU telecom ministers recognized “the need to bridge the digital divide and promote social and economic inclusiveness... and to connect, where needed, the less connected regions, industries, administrations and citizens, including the low-income and rural and outermost regions’ communities, while ensuring greater empowerment, inclusion and a higher take-up of advanced digital technologies by citizens, businesses, especially SME-s, and public authorities.”

In plain English, the telecom ministers want us all to be glued to a screen. This is also what the Silicon Valley giants want, according to an [article](#) in the New York Times.

“The poor and the middle class are told that screens are good and important for them and their children. There are fleets of psychologists and neuroscientists on staff at big tech companies working to hook eyes and minds to the screen as fast as possible and for as long as possible.”

In Silicon Valley, however, time on screens is increasingly seen as unhealthy. Here, the popular elementary school is the local Waldorf School, which promises a back-to-nature, nearly screen-free education.

"So as wealthy kids are growing up with less screen time, poor kids are growing up with more. How comfortable someone is with human engagement could become a new class marker", comments the newspaper.

What's more, the wealthy can afford to opt out of having their data and their attention sold as a product. The poor and middle class don't have the same kind of resources to make that happen.

## **Researchers explore digital media inequalities**

In a recently published Nordicom anthology researchers from across Europe explore new inequalities created by the digital transformation.

Edited by professor Josef Trappel, the book [Digital Media Inequalities. Policies Against Divides, Distrust and Discrimination](#) is a collective effort of the members of the [Euromedia Research Group](#) (EMRG).

"We decided to write a book about digital media inequalities because we consider digital communication as source of more inequalities and disinformation today, which in turn challenges contemporary democracies", explains Trappel.

In order to make media more equal, the editor says that we need to move away from the old way of thinking that digital communication is a global issue that we have no means to regulate. This needs to be replaced by more self-confident governance and policy paradigms. Some countries have started their own initiatives to address the occurring inequalities. But more is needed.

## ***Audiovisual***

### **EU Council: Encourage co-productions!**

Co-productions are a fun way to travel and meet interesting people. Also it is important to improve cross-border circulation of European audiovisual works, as said EU Ministers of Culture at their Council meeting in May when they called for more efforts to encourage co-productions.

Co-productions in the audiovisual sector are among the priorities of the Council's new Work Plan for Culture 2019-2022. A new expert group will focus on this area.

The Work Plan points out that European co-productions generate three times as many admissions as national films. "Co-productions help the European industry to scale up by strengthening its position in Europe and in key international markets."

In its [Conclusions](#) on this topic adopted at the May meeting the Council suggests various measures the Member States and the EU Commission should take.

The former should, for example, "consider implementing support schemes, including schemes for minority co-productions, to supplement private funding and European financial instruments."

The EU Commission, for its part, should explore ways of “further developing, promoting and simplifying funding opportunities for co-productions” under the MEDIA programme.

The Commission should also strengthen its cooperation and policy dialogue with European film agencies, the European Film Agency Directors (EFADs), as well as with the Council of Europe, in particular Eurimages and the European Audiovisual Observatory.

The Council points out that there is increasing interest in Europe in co-productions with key non-European countries. Besides involving talent from all over the world, “this has a high potential to increase the international circulation of co-produced European works”.

And give you a chance to travel to even more exotic places.

## **Tips on good gender practices**

Those looking for ideas on how to solve problems that women experience in the audiovisual industry may find inspiration in a [brochure](#) recently published by the EU Commission.

The booklet was issued at the first “Women on the Move Day” launched by the European Commission at the Cannes Film Festival in May.

It is the result of several exchanges with stakeholders organised to achieve greater gender balance in the sector. It features examples and ideas that can be replicated across Member States. “A first step to design a framework for gender equality and create the basis of future policy development”, explains the Commission.

The brochure proposes seven courses of action aimed at addressing existing gender imbalance issues, presenting potential solutions through various ongoing initiatives already implemented in Europe, as well as ideas for the future.

The actions focus on combatting stereotypes and sexism, equal pay, equality in decision making, balance between working life and personal life, access to financing, preventing violence and harassment, as well as data collection and policy making.

## **Data policy**

### **More public data made available for digital innovations**

The EU is dead set on becoming a leader in artificial intelligence and other advanced digital technologies. Such technologies being very hungry for data, EU lawmakers recently [adopted new rules](#) which will make data held by the public sector more easily available for reuse as raw material for various digital innovations.

“These rules are a real enabler for artificial intelligence and will help Europe become a world leader in this crucial area. They will bolster the EU digital industry, especially smaller companies and start-ups, which would not otherwise have access to all the data they need to innovate and expand”, explained Alexandru Petrescu, Romania's Minister for Communications and the Information Society, after the EU Council meeting in June.

[The new directive](#) extends the scope of the rules on the reuse of public sector information (PSI) beyond public sector bodies to include public undertakings in the transport and utilities sectors.

It also introduces the concept of high-value datasets which are to be made available free of charge through an application programming interface (API). These sets comprise data in areas such as earth observation and environment, meteorology, company ownership and mobility.

The rules will cover publicly funded research data that is already available in public repositories. It will also encourage the dissemination of dynamic data, such as real-time weather or transport data.

Overall, public sector data will be available either free of charge or at very low cost.

The reform also promotes the use of open data, i.e. data in open formats that can be freely used and shared for any purpose.

Member states will have two years in which to incorporate the directive's provisions into national law.

## **How to reconcile EU rules on privacy and free flow of data**

No wonder EU citizens – and companies in the union – are confused sometimes. First Brussels tells us to follow complicated rules to protect people's privacy, then they tell us that data must flow freely.

The European Commission realizes that this needs some sorting out. In May it therefore published a [“guidance”](#) on the interaction of free flow of data with the EU data protection rules.

The new Regulation on the free flow of non-personal data, which now applies throughout the European Union, will allow data to be stored and processed everywhere in the EU without unjustified restrictions.

The guidelines aim to help users – in particular small and medium-sized enterprises – understand the interaction between these new rules and the General Data Protection Regulation (GDPR) – especially when datasets are composed of both personal and non-personal data.

## **Council of Europe: Use of algorithms needs democratic oversight**

The proliferating use of algorithms worries the Council of Europe (CoE) whose aim is to protect democracy and human rights. In February the Committee of Ministers warned the Council's 47 member states of the "growing threat to the right of human beings to form opinions and take decisions independently of automated systems".

Particular attention should be paid to "the significant power that technological advancement confers to those – be they public entities or private actors – who may use such algorithmic tools without adequate democratic oversight or control", say the Ministers in their [Declaration](#).

Member States should initiate public debates on where to draw the line between forms of permissible persuasion and unacceptable manipulation, and take "appropriate and proportionate measures" to ensure that effective legal guarantees are in place against such forms of illegitimate interference.

Furthermore, the need for measures should be assessed to ensure "adequate and democratically legitimated oversight over the design, development, deployment and use of algorithmic tools".

Member States should also promote critical digital literacy skills and enhance public awareness of how much data is generated and processed by personal devices, networks, and platforms through algorithmic processes. People should also know that algorithmic tools are widely used for commercial purposes and political reasons.

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## ***European Media Policy***

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The Newsletter provides an up-date on policy developments at the European level. We concentrate on news from the European Union – current issues and trends in media policy, new proposals for legislation, debates in the European Parliament, recently taken or impending policy decisions and reactions among those concerned, new support programmes, EU studies in the field etc. There will also be some coverage of policy developments in the Council of Europe and at the international level. The newsletter is published three times a year.