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EU Copyright Reform

War on new copyright rules soon over?

On 13 February – after two and a half years of arduous political negotiations and fierce lobbying – the European Parliament and the Council struck a deal on the reform to make copyright fit for the digital era.

The text agreed by the negotiators is, however, controversial and still needs to be formally approved by the Parliament as a whole. The final vote – scheduled to take place at the upcoming plenary session on 25-28 March – looks like a veritable cliffhanger (more on this below).

But first a few words about the content of the deal. The agreement would mean that online platforms like Google or Facebook will have to negotiate licensing agreements with rights holders to re-publish their work. And videos posted on YouTube will have to be vetted to ensure copyright has not been infringed, [explains the news service Euractiv](#).

The two most contentious items in the copyright directive during the talks were Article 11 and Article 13.

According to the deal, article 13 obliges internet platforms to create filters that monitor user uploads to ensure copyright isn't breached. However platforms won't be held automatically liable for video copyright infringements should they be able to demonstrate that they have made their "best efforts" to prevent any violations taking place.

Article 11 obliges platforms that post snippets of information – such as Google News – to contract a license from the original publisher. Republishing more than "single words or very short extracts" will now require a license.

Uploading protected works for purposes of quotation, criticism, review, caricature, parody or pastiche has been protected, ensuring that memes and Gifs will continue to be available and shareable on online platforms, [says the Parliament](#).

The text also specifies that uploading works to online encyclopaedias, such as Wikipedia, or open source software platforms, such as GitHub, will automatically be excluded. Start-up platforms will be subject to lighter obligations than more established ones.

Authors and performers will be able to claim additional remuneration from the distributor exploiting their rights when the remuneration originally agreed is disproportionately low compared to the benefits derived by the distributor.

Text and data mining will be exempted from the copyright restrictions, "allowing scientists and academics to conduct their research on large data sets without fear of infringing copyright", [says the Parliament](#).

More details on the agreed text in the [EU Commission's Q&A on the deal](#)

Pending vote on copyright a cliffhanger

The EU Parliament's vote on the copyright deal at the plenary session 25-28 March promises to be a real thriller. Many are not happy with parts of the text agreed by the negotiators and are fighting it tooth and nail.

Even some of the lawmakers involved have expressed serious doubts about it. When the Council gave the agreed text its stamp of approval in February, the Netherlands, Luxembourg, Italy, Poland and Finland did not endorse it. "We regret that the directive does not strike the right balance between the protection of right holders and the interests of EU citizens and companies", they said [in a joint statement](#).

In the Parliament there are many critics too, led by MEP Julia Reda who is working hard to prevent the approval of the text. In particular she condemns Article 13 on the upload filters and Article 11 on the 'links tax'.

"This law will fundamentally change the internet as we know it – if it is adopted in the upcoming final vote. **But we can still prevent that!**" she [wrote](#) on her website after the deal, reminding readers that a thin majority of MEPs blocked the controversial bill from moving on to the next phase of negotiations last July.

The final plenary vote on the directive can "kill the bill or make changes", says Reda. In the latter case, it's up to the Council to decide whether to accept these or to shelve the project until after the EU elections in May, "which will reshuffle all the cards".

The vote will happen mere weeks before the EU elections, she points out. "Most MEPs – and certainly all parties – are going to be seeking re-election. Articles 11 and 13 will be defeated if enough voters make these issues relevant to the campaigns."

Reda is not the only one trying to mobilize MEPs to tweak the directive at the upcoming plenary vote. Several online campaigns – like [#SaveYourInternet](#) and [Pledge2019](#) – have been launched which oppose Article 13 and the upload filters and encourage people to try to convince MEP to vote for changes at the decisive plenary.

Two weeks before the final vote at the end of March one hundred MEPs had pledged to vote against Article 13 of the proposed copyright directive. On 23 March several rallies and demonstrations against Article 13 will be organised all around Europe.

A number of civil liberties and digital rights groups are engaged in these activities, notably the European Digital Rights organisation (EDRI), which even launched a travel grant for activists willing to travel to Strasbourg and Brussels in order to discuss with their representatives.

These groups seem to have UN human rights expert David Kaye on their side. Recently he [urged](#) the EU to bring its copyright directive into line with international standards on freedom of expression, saying:

"Article 13 of the proposed Directive appears destined to drive internet platforms toward monitoring and restriction of user-generated content even at the point of upload. Such sweeping pressure for pre-publication filtering is neither a necessary nor proportionate response to copyright infringement online."

Stakeholder reactions: Some love it, some hate it

Not surprisingly, copyright holders seem happy with the agreement and in a hurry to get it adopted.

On 11 March organisations representing authors, composers, writers, journalists, photographers and others working in all artistic fields, news agencies, book, press and music publishers, audiovisual and independent music producers issued [a joint statement](#) urging the European Parliament and the Council to “adopt the Directive quickly, as agreed in trilogue negotiations”.

“This Directive has been long sought to create a much-needed level playing field for all actors of the creative sector in the European Digital Single Market”, they stress.

The European Federation of Journalists (EFJ) – one of the signatories of the statement – however seems to have some concerns about the text, especially over the risk that journalists in some EU Member States may be deprived of their share of the revenue through buy-out contracts.

“We have to clarify provisions and proposals contained in article 11 and recital 35 of the text both in the final directive and in future national implementation of this directive in order to support authors in the press sector in obtaining fair and proportionate remuneration for the use of their work online”, [said the EFJ President, Mogens Blicher Bjerregård](#).

Needless to say, internet companies were not thrilled with the agreement on the EU copyright directive. “We fear the law could harm online innovation, scaleups, and restrict online freedoms in Europe”, [said](#) Christian Borggreen Vice President of the Computer & Communications Industry Association (CCIA) which counts Google, Facebook and Amazon among its members.

The European Digital Rights organisation, EDRI, was not happy either. “...the current proposal for the Directive text forces the implementation of upload filters and brings only minor improvements in other areas. In effect, the proposal could lead to unlawful restrictions on freedom of speech and reduce access to knowledge”, [commented the organisation](#) after the deal.

Disinformation

EU toughens up on disinformation in view of elections

With EU elections approaching fears about the spread of disinformation and election meddling are reaching frenzied levels in Europe. Some European countries are introducing tough new laws to try to control it and the EU institutions are pumping up the rhetoric.

Recently France adopted laws to fight manipulation of information outlining a number of obligations. Digital platforms will, for example, be required to provide users with information about those who pay the platform to promote information linked to “a debate of general public interest”.

Failure to respect these obligations can lead to a year's imprisonment and a 75 000 euro fine, reports the Council of Europe's [IRIS newsletter](#).

The EU institutions mostly resort to sabre rattling and "urging" others to do something about the problem. But they are beginning to sound pretty tough, at least the European Parliament.

In [a recent resolution on hostile propaganda](#) MEPs call for social media companies, messenger services and search engine providers to be regulated by law. Companies failing to speedily remove systemic fake news should be held to account.

MEPs "strongly condemn" third parties interfering in elections and referenda. Russia's disinformation campaigns constitutes the main source of disinformation in Europe, they say and urge the EU to expand its [East StratCom Task Force](#) to address Russia's hostile propaganda.

Member states, for their part, are requested to amend electoral laws that would enable them to proactively counteract threats stemming from disinformation campaigns, cyberattacks, cybercrimes and violations of freedom of expression when voting.

The EU Council of Ministers is concerned too. In February it [urged](#) the European Commission and the member states to take various measures to "secure free and fair European elections". They should, for example:

- set up a Rapid Alert System where national contact points in member states can share information rapidly on disinformation campaigns;
- facilitate the establishment of a network of multidisciplinary independent fact-checkers and academic researchers to detect and expose disinformation across different social networks and digital media;
- increase citizens' resilience by promoting and supporting media and digital literacy.

EU Commission: Platforms don't do enough to tackle disinformation

"Patchy, opaque and self-selecting" was the EU Commission's comment on the first reports submitted in January by Facebook, Google, Twitter, Mozilla and advertising associations to show what they have done to comply with the voluntary [Code of Practice on Disinformation](#) they signed last autumn.

The tech giants' second set of compliance reports a month later got bad reviews too. "We need to see more progress on the commitments made by online platforms to fight disinformation," commented the Commission, which is very concerned about this issue in view of the upcoming EU elections.

In the European Parliament there are a number of lawmakers who are now pushing for regulation to fight disinformation, [reports Euractiv](#).

After the platforms' most recent set of compliance reports the president of the Parliament's liberal group, Guy Verhofstadt, tweeted: "The integrity of upcoming European Elections and our democracies is at risk. We can't carry on like this. The case for regulation is overwhelming."

The EU's cybersecurity agency, ENISA, seems to share his view. Recently the agency [published an opinion paper](#) on EU-wide election cybersecurity in which it recommends that EU member states consider "introducing national legislation to tackle the challenges associated with online disinformation".

Facebook seems prepared for some kind of regulation and has offered to help policymakers "get it right". Requiring a change of the company's business model, which has been suggested by some critics, however, does not seem "right".

EP study: Regulating disinformation with AI not sufficient

A recent [study](#) published by the European Parliamentary Research Service warns against "technocentric optimism" as a solution to disinformation online.

"When AI is used, far more independent, transparent and effective appeal and oversight mechanisms are necessary in order to minimize inevitable inaccuracies", say the authors.

They advise against regulatory action that would encourage increased use of AI for content moderation purposes without strong human review and appeal processes.

"Disinformation is best tackled through media pluralism and literacy initiatives, as these allow diversity of expression and choice", they write.

Facebook revamp to weaken fight against disinformation?

Recently Mark Zuckerberg [announced](#) that Facebook would be evolving into a privacy-focused platform. This shift, which includes using end-to-end encryption, could, however, weaken the fight against disinformation [believes](#) the news service Politico's technology correspondent Mark Scott.

Scott points out that by shifting gears from a largely public social network to one centered on encrypted conversations, Zuckerberg will make it more difficult to track and remove the types of harmful content that policymakers from Brussels to Brasilia have decried as toxic.

His move risks undermining years of efforts by politicians to push Facebook into taking on greater legal responsibility for content shared on the global platform, writes Scott.

Top *Spiegel* journalist faked stories for years

Those who accuse the main stream media of delivering fake news must have been extatic last December when the prestigious German news magazine *Der Spiegel* revealed that one of its top reporters, Claas Relotius, had made up stories and invented protagonists in at least 14 out of 60 articles that appeared in its print and online editions.

Relotius – who won numerous awards for his investigative journalism, including Germany's prominent *Reporterpreis* four times – also wrote for many other well-

known publications, such as Die Welt, Süddeutsche Zeitung magazine and the Financial Times Deutschland.

Der Spiegel said it was shocked by the discovery and apologised to its readers and to anyone who may have been the subject of “fraudulent quotes, made-up personal details or invented scenes at fictitious places”.

“For Spiegel, which prides itself on having the best fact-checking department in the business, this is Armageddon”, [commented the news service Politico](#), but added that fact-checkers are humans, too, and so they will not insult the dignity and authority of the greats by doubting their words.

“We need these scandals, embarrassing and awful as they are. They teach journalists that their first responsibility is to facts and the truth,” said *Politico*.

Antonio Tajani, the President of the EU Parliament, has similar thoughts. “When I was a journalist ...the verification of sources and the accuracy of news were the foundations of the profession. I believe that today, more than ever, the exercise of that right and the duty to provide information, credibility and fairness, must be the pillars of your work,” [he said to EU media representatives](#) at a roundtable in February on the challenges of the digital revolution and information.

Freedom of Expression

First EU-wide rules to protect whistleblowers agreed

There were cheers when the EU Parliament, Commission and Council of Ministers recently [reached a provisional agreement](#) on the first EU-wide rules to protect whistleblowers against reprisals. Journalist organisations, however, were not overly happy with the deal.

When adopted, the law will provide legal guarantees to those who expose corruption, tax evasion and irregularities in many other areas, for example public procurement, financial services, money laundering and terrorist financing, product safety, protection of the environment, food safety, public health and animal welfare. EU member states are free to extend these rules to other areas too.

The new rules also define penalties for false or malicious reporting.

The European Federation of Journalists (EFJ) says the compromise is a major step forward for future whistleblowers but regrets “the intent of limiting protection for those reporting to the public, in particular through the media.”

From the very beginning the issue of the reporting channels has been the main point of discord during the negotiations, explains the EFJ. According to the agreed text, whistleblowers will have the choice between reporting within their organisation or turning to a competent authority (police, regulator, ombudsman, etc).

The disclosure to the wider public, by sharing information to a journalist for instance, will only be possible as a last resort, in an urgency or if the whistleblower, for example, believes the competent authority is in collusion with the perpetrator of the breach, or that evidence may be concealed or destroyed.

The final vote on the text is expected at the European Parliament's last plenary session before the elections, on 15-18 April.

After adoption, the EFJ will work closely with the European Trade Union Confederation (ETUC) to put together a guide for the transposition of the EU rules into national legislation to push member states to provide more protection to whistleblowers reporting publicly.

Campaign to support whistleblowing tech employees

People working for the tech giants have begun to publicly criticize what their companies are doing. This can of course be risky, but now they are getting some support.

In February the [Guardian reported](#) that Silicon Valley activists had launched a campaign to help workers organize against "unethical tech".

Fight for the Future, a digital advocacy group, started a website called [SpeakOut.Tech](#), which encourages workers to safely leak information and organize their colleagues.

Tech activism had a dramatic impact at Google last year when employees revealed that the company was planning to launch a censored version of its search engine in China, much to the dismay of human rights groups.

The workers also successfully organised global walkouts following revelations about the company's \$90m payout to an executive accused of sexual misconduct, which led to [some policy changes](#) at the company. Furthermore, Google chose not to renew a controversial military contract following worker backlash.

Media freedom in Europe very fragile

Press freedom in Europe is more fragile now than at any time since the end of the Cold War, say the authors of a recent report on this issue. In the EU, Italy and Hungary seem to be the worst offenders.

The [report](#), published by the partner organisations of the Council of Europe's Platform for the Protection of Journalism and Safety of Journalists – among them the European Federation of Journalists (EFJ), Reporters without Borders and the European Broadcasting Union (EBU) - shows the worsening environment for the media across Europe, and its underlying causes.

Italy seems to be a major offender. Here the number of violations reported to the Platform in 2018 more than tripled compared to the year before, leaving the country as the EU member state with the highest number of reported media freedom infractions.

Italy had the same the same number of alerts as Russia and almost as many as the top-ranked countries, Turkey and Ukraine.

Hungary is mainly criticized for the "very high concentration of media in the hands of pro-government oligarchs" with the government "exerting de facto control over most of the country's media".

The report shows that impunity routinely protects those responsible for violent crimes who deliberately target journalists for their work. Legal protections have been progressively weakened and denied.

The European Parliament is worried about this trend. [In a resolution on the situation of fundamental rights in the EU](#) adopted in January it denounces the increasing restrictions to freedom of speech and freedom of assembly in the EU and expresses its deep concern over the threats, pressures and risks journalists face in the Union.

Concern about proposed rules on terrorist content online

In September 2018 the European Commission [proposed](#) an EU Regulation on preventing the dissemination of terrorist content online. The dismay over the recent terrorist attack in New Zealand – live-streamed on Facebook and shared on other social media – may well speed up the adoption of these rules.

The Commission proposed that hosting service providers should remove terrorist content or disable access to it within one hour from receiving a removal order from authorities. If a hosting service provider fails to comply with removal orders, they may be liable to a penalty of up to a maximum of 4% of their global turnover for the previous year.

Platforms must also ensure they are not misused for the dissemination of terrorist content online.

The Commission's proposal has caused concern about its potential risks for freedom of expression and media pluralism. The EU Fundamental Rights Agency, for example, [wants](#) a clearer definition of terrorist content and demands that "the EU legislator ensure that forms of expression such as journalistic, academic and artistic expression are adequately protected."

In its [negotiating position](#) on the regulation – agreed in December 2018 – the EU Council of Ministers made some additions reflecting some of these concerns.

If the disseminated material is published under the editorial responsibility of the content provider, "any decision as to the removal of such content should take into account the journalistic standards established by press or media regulation consistent with the law of the Union and the right to freedom of expression and the right to freedom and pluralism of the media as enshrined in Article 11 of the Charter of Fundamental Rights.", says the Council.

The Committee for Civil Liberties (LIBE), which is responsible for presenting the European Parliament's position on the Regulation in a report, has also stressed the need to respect fundamental rights.

In its Opinion on the matter, the Committee of Cultural Affairs (CULT) more specifically calls for respect for the freedom of expression and access to information, as well as media pluralism. Similar demands have been made by the Committee on the Internal Market and Consumer Protection (IMCO).

On 21 March LIBE is to adopt its report and vote on the decision to enter into negotiations with the EU Council and Commission.

European Court: Media companies not liable for hyperlinks to defamatory content

In December 2018 the European Court of Human Rights (ECtHR) issued a landmark judgment on freedom of expression in the digital world, [reports](#) the European Audiovisual Observatory's newsletter on legal matters IRIS (2019-2).

In [the case of Magyar Jeti Zrt v. Hungary](#) the ECtHR made it clear that automatically holding media companies liable for defamatory content hyperlinked in their reports violates the right to freedom of expression under Article 10 of the European Convention on Human Rights (ECHR).

In its judgment the ECtHR emphasised that the very purpose of hyperlinks was to allow Internet users to navigate to and from online material and to contribute to the smooth operation of the Internet by rendering different pieces of information accessible by linking them to each other.

Accordingly, the ECtHR cannot accept the strict or objective liability of media platforms that embed, in their editorial content, a hyperlink to defamatory or other illegal content.

The ECtHR found that such a liability "may have foreseeable negative consequences on the flow of information on the Internet" and "have, directly or indirectly, a chilling effect on freedom of expression on the Internet".

But the ECtHR did not exclude that in certain cases the posting of a hyperlink could potentially engage the question of liability – for instance, where a journalist does not act in good faith and in accordance with the ethics of journalism and with the diligence expected in responsible journalism.

Audiovisual

EU's audiovisual support to be doubled?

European film and TV producers should be pleased. In February the EU Parliament's Culture Committee (CULT) [announced](#) that the 2021-2027 budget for the union's Creative Europe programme – which includes the MEDIA programme supporting the EU film and audiovisual industries – will be doubled.

Much of MEP Silvia Costa's report on the next Creative Europe programme focuses on promoting audiovisual works, especially taking into account the new digital environment.

MEPs insist on the importance of engaging with a young audience, especially to proactively use audiovisual works through legal channels. New media professionals should benefit from the programme too. Media literacy is also one of the programme's priorities.

The present Creative Europe programme is underfinanced said the CULT Committee demanding that the previous budget be doubled. For the period 2021-2017 it requests 2 806 million euro, much more than the 1 642 million initially proposed by the EU Commission.

The final vote on the Creative Europe programme is scheduled to take place at the Parliament's plenary session at the end of March. [Read more](#)

Better access to online TV and radio across borders

Ever been annoyed by a notice saying "This programme can only be seen in country X" when you're abroad and want to watch TV from your own country online? Well, soon this may be of the past. The EU is taking steps to make online TV and radio programmes more easily available throughout its territory.

In December 2018 the Council and the European Parliament reached a provisional agreement on a future directive which will facilitate the licensing of copyright-protected material in transmissions over the Internet (simulcasting) as well as programmes viewed or listened to later than the original broadcast (catch-up services).

The directive covers all radio programmes, TV news and current affairs programmes as well as TV programmes which are fully financed own productions of the broadcasting organisation. Existing contracts will remain unaffected for a period of four years from the entry into force of the directive.

The Commission will assess the need for extending this coverage to additional types of TV programmes six years after the entry into force of the directive. [Read more](#)

Originally the European Commission proposed these rules in the form of a Regulation but they will now be redrafted as a Directive, which gives the member states more flexibility in the transposition of the EU rules into national legislation.

The provisional agreement still needs to be endorsed by the European Parliament and the Council before it can be formally adopted. The final vote in the Parliament is expected to take place on at the end of March.

Big Tech/Data Economy

German competition watchdog hits Facebook

Many are calling for competition law to be used to reign in the power of the tech giants. In February the German competition authority did just that in a ruling which hits at the heart of Facebook's business model.

In a landmark decision, the Bundeskartellamt ruled that Facebook must curb its data collection practices in Germany. The world's largest social network abused its market dominance to gather information about users without their consent, was the justification for the ruling.

The antitrust watchdog objected in particular to how Facebook pools data on people from third-party apps – including its own WhatsApp and Instagram – as well as to its online tracking of persons who aren't even members through Facebook 'like' or 'share' buttons.

"The combination of data sources substantially contributed to the fact that Facebook was able to build a unique database for each individual user and thus to gain market power," [explained](#) Andreas Mundt, the federal cartel office's president to the BBC.

The ruling only applies to the firm's activities in Germany, but is likely to influence other regulators, comments the BBC.

If Facebook fails to comply with the ruling, the cartel office said it could impose fines of up to 10 percent of the company's annual global revenues, which grew by 37 percent to \$55.8 billion last year, [reports Euractiv](#).

Facebook's new business idea – privacy

Facebook CEO Mark Zuckerberg seems to have realized that not only regulators and policymakers have become increasingly concerned about privacy and data protection, so have many of his platform's users. So now he has decided to turn Facebook into a "privacy-focused platform".

[In his blog post](#) on 6 March announcing the U-turn Zuckerberg explains: "Today we already see that private messaging, ephemeral stories, and small groups are by far the fastest growing areas of online communication."

"I believe the future of communication will increasingly shift to private, encrypted services where people can be confident what they say to each other stays secure and their messages and content won't stick around forever. This is the future I hope we will help bring about."

The new Facebook would be built on private interactions with other users, encryption and secure data storage.

Critics of the company greeted Zuckerberg's suggestion that the product update is about privacy with instant skepticism, [reports the Guardian](#).

"...this move is entirely a strategic play to use privacy as a competitive advantage & further lock-in Facebook as the dominant messaging platform," [tweeted](#) Ashkan Soltani, a former chief technologist for the U.S. Federal Trade Commission. "While positioned as a privacy-friendly play, its timing suggests a competition play to head off any potential regulatory efforts to limit data sharing across services."

Zeynep Tufekci, a professor of information science in the U.S. specializing in these issues, wasn't impressed either. In an [article in the New York Times](#) she wrote:

"Will Facebook stop collecting data about people's browsing behaviour....? Will it stop purchasing information from data brokers who collect or 'scrape' vast amounts of data about billions of people...? Will it stop creating 'shadow profiles' – collections of data about people who aren't even on Facebook? And most important: Will it change its fundamental business model, which is based on charging advertisers to take advantage of this widespread surveillance to 'micro-target' consumers?"

"Until Mr. Zuckerberg gives us satisfying answers to those questions, any effort to make Facebook truly 'privacy-focused' is sure to disappoint."

No EU digital tax but progress in OECD

The EU Commission pushed it, the Parliament supported it and France tried to strong-arm it through – to no avail. At a Council meeting on 12 March the attempts to introduce an EU tax scheme to make big tech firms pay a levy on their earnings in Europe were finally put on ice.

Despite a Franco-German last-ditch effort to reach an agreement by limiting the scope of the tax to cover only online advertising revenue various Member States – such as Ireland, Sweden, Denmark – opposed it. So no consensus was achieved, a must in tax matters.

Those opposing the EU proposal keep repeating that digital taxation should be dealt with at a global level and point to ongoing discussions on this issue in the intergovernmental economic organisation OECD.

The EU Commission and other countries agree with this view but argue that OECD rules could take a long time to work out and until agreement is reached an interim European solution is needed.

Meanwhile things are beginning to move in the OECD, largely thanks to a recent French-German initiative proposing a minimum tax system. At the Council meeting in Brussels ministers from Luxembourg, Sweden and Denmark praised this initiative. The United States has shown interest in it too, pointed out the Danish minister.

At the international level it is also important to address the issue of tax evasion, said the French finance minister urging all EU countries to work together and speak with one voice in the OECD, which now expects a “consensus-based long-term solution” in 2020.

“If no international solution is found by then we should relaunch our European negotiations”, concluded Pierre Moscovici, EU Commissioner for Economic and Financial Affairs.

On the same day the OECD held a summit in Paris on [Going Digital](#) where these issues were discussed. Immediately following the summit it organized a [public consultation](#) there on “possible solutions to the tax challenges arising from the digitalisation of the economy.”

Data merchants in the spotlight

Facebook and Google are not the only ones making piles of money off all the personal data we happily give away in exchange for some convenience and fun. Data brokers have a central role in the rapidly growing data economy. Until recently their industry expanded in a virtual regulatory vacuum. But now European regulators are catching on.

Data brokers mine a treasure trove of personal, locational and transactional data to paint a picture of an individual’s life and sell the data to banks and insurers, retailers, telecoms, media companies and even governments, explains the *Financial Times* (FT) in an enlightening article on “The data merchants” published in January.

The European Commission forecasts that the data market in Europe could be worth as much as € 106.8 billion by 2020. While brokers never buy data directly from consumers, they are central to the data market. Even consumer data leaders such as Facebook, Google, Twitter and Snapchat have signed up to major brokers such as Acxiom, Oracle and Experian.

Despite the sensitive nature of the data that brokers gather, acquiring the information they compile can be surprisingly easy, writes the FT. Last year, for example, a Spanish researcher was able to buy the online dating profiles of one million people for €136 from a data broker.

In the wake of the Cambridge Analytica data-harvesting scandal, the introduction of the new EU data protection law (GDPR) and public opinion shifts on questions of privacy, regulators and policymakers in the UK, France and Ireland are now turning their attention to the data brokers, reports the FT.

"...certainly there is a dynamic tension between the way the businesses are conducted and the principles in the GDPR", says Elizabeth Denham, the UK's information commissioner.

CNIL, the French data protection authority, has carried out more than 50 inspections of data brokers and adtech companies in the past two years.

New economic order in the making

A wider take on the evolving data economy was discussed at the international Computers, Privacy & Data Protection Conference in Brussels in late January (CPDP 2019) when Harvard scholar Shoshana Zuboff [presented](#) her seminal book on 'The Age of Surveillance Capitalism'.

Surveillance capitalism is the new economic order which commodifies areas of our lives that so far have not been commodified – our intimacy and privacy, explained David Murakami Wood from Queens University in Canada.

Zuboff focused on the division of knowledge in this new economic order. "They know everything about us but we know very little about them. This produces an asymmetry of power," she pointed out.

How to protect and rethink democracy in this new era was a central issue discussed. Data should be controlled more by the citizens themselves, for instance through local, alternative infrastructures, as has been done in Barcelona it was suggested.

Barcelona takes part in [DECODE](#), an EU Commission funded project exploring and piloting new technologies that give people more control over how they store, manage and use personal data generated online.

Several participants stressed the increasingly important role of cities. "The city is now the polis," concluded Zuboff.

Users to share profits from personal data online?

Many suggest that Internet users should get part of the enormous profits tech companies are making off their personal data. Now policymakers on both sides of the Atlantic seem to want to do something about it.

“Our data is the real value on which the fortunes of large digital platforms is based... Systems should be put in place in the EU to allow Internet users to monetise their consent to the use of their data,” said European Parliament President Antonio Tajani at a roundtable with media representatives in Brussels in February.

If Tajani and other European policymakers are wondering how this can be done they might learn something from California’s Governor Gavin Newsom. In February he announced that he was working on a proposal for a “data dividend” that would let consumers share in the billions of dollars made by tech companies in his state (such as Google and Facebook).

“Companies that make billions of dollars collecting, curating and monetizing our personal data have a duty to protect it,” [the governor said](#) in his first State of the State speech. “California’s consumers should also be able to share in the wealth that is created from their data.”

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.

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