

European Media Policy



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Media Freedom / Protection of Journalists

EU for or against media freedom?

“Russia’s military aggression against Ukraine reminded us that media freedom and pluralism, which protect our democracies, cannot be taken for granted”, said EU Commissioner Thierry Breton on 3 May, World Press Freedom Day. ([Commission stands up for media freedom and pluralism](#))

What Breton probably had in mind was what the Russian government has been up to lately, such as blocking access to foreign media outlets and social media platforms, tightening its hold over independent media and introducing draconian censorship rules. But his statement cuts both ways: It could just as well apply to the EU’s own actions in the current information war with Russia.

On 2 March, the [EU imposed sanctions on state-owned outlets RT/Russia Today and Sputnik’s broadcasting in the EU](#), banning the broadcast and dissemination of their content within the Union.

This decision prompted some raised eyebrows, even within the Council. While the 27 EU governments unanimously backed the measure, three EU diplomats said the initiative had stirred some worries from a handful of countries, including the Netherlands, Germany and Denmark, reported Politico ([Dutch minister wants limits on RT, Sputnik ban to prevent precedent](#))

“Some member states raised concerns regarding media freedom or possible counter-measures against EU journalists working in Russia”, said one of the diplomats.

Journalists, MEPs and many others have raised questions about the legal and political impact of the unprecedented prohibition too.

“This act of censorship can have a totally counterproductive effect on the citizens who follow the banned media”, warned Ricardo Gutiérrez, the general secretary of the European Federation of Journalists (EFJ). ([Fighting disinformation with censorship is a mistake](#))

The EFJ also recalled the case law of the European Court of Human Rights, which states that banning a media outlet is a serious act which must be based on solid legal grounds and objective elements to avoid arbitrariness. “The challenge for democracies is to fight disinformation while preserving freedom of expression”, said Gutiérrez.

A more up-front critique from a different perspective was delivered in a newspaper in Malawi, *The Nation*.

Europeans and Americans have always, for centuries, claimed that they were God's chosen civilised and democratic people; that they considered freedom of expression and media an inalienable human right. This has been deafeningly drummed down our eardrums for decades. Aid, soft aid, has been cut from impoverished countries that thwart free expression and media. Today, the same patronising democrats have shut down Russian media, specifically *Russia Today* and *Sputnik*, from democratic Europe. What hypocrisy! ([Democratic Europe murders freedom of expression, media](#))

When somebody brought up the issue at the EU Parliament 's Internal Market Committee meeting on 16 March, Commissioner Breton defended the decision thus:

There was no intention whatsoever of questioning freedom of the media or of expression. But organized war propaganda does not come under the heading of freedom of expression. Our sanctions are targeting war propaganda, it is as simple as that!

On 3 June, the EU Council suspended the broadcasting activities in the EU of three more Russian state-owned outlets - Rossiya RTR/RTR Planeta, Rossiya 24 / Russia 24 and TV Centre International - as part of the sixth package of sanctions against Russia. ([EU adopts sixth package of sanctions](#))

Lawsuit against EU ban on Russian media

On 24 May, the main Dutch journalists' union [filed a lawsuit challenging the European Union's ban on Russian state-backed media outlets](#) as a violation of European citizens' own rights to freedom of information.

The Dutch lawsuit, filed at the EU's Court of Justice, did not endorse the content produced by the Russian organisations or say that European broadcasters should carry them. Rather, it said the ban was overly broad and that allowing politicians to enact censorship policies overnight is wrong in principle.

"In fact you're punishing the European people, by not treating them like adults and not giving them the possibility to access information", Thomas Bruning of the Nederlandse Vereniging van Journalisten (NVJ) [explained to Reuters](#).

Allowing the ban to go unchallenged could also set a precedent for banning other politicised news outlets. "We all feel that disinformation is a serious problem of our times. Censorship is an easy answer, but it's not the right answer", Bruning continued.

Alarming increase in attacks on journalists

In April, the Council of Europe (CoE) published [Defending Press Freedom in Times of Tension and Conflict](#), the latest annual report by the partner organisations of the Council of Europe Platform to Promote the Protection of Journalism and Safety of Journalists.

The report mainly covers alerts to the platform in 2021 – that is, before the war in Ukraine – but includes an update on the Russian invasion of Ukraine, summarising events with an impact on media freedom.

The report indicates that red lights were flashing already in 2021, when 282 alerts from 35 countries were submitted to the [CoE monitoring platform](#), compared with 200 in 2020, an increase of 41 per cent. Six journalists were killed in Europe in 2021 in the course of their work, including four who were deliberately targeted.

In terms of online abuse, the report states that a total of 110 alerts of harassment and intimidation of journalists were published on the platform in 2021, compared with 70 in 2020.

The report calls on governments and civil society stakeholders to ensure every alert is replied to and followed up with the necessary actions.

The Council of Europe partners also call for concrete action to protect journalists covering public events, to ensure public service media independence and to introduce measures against SLAPPs by offering adequate financial and legal resources to threatened media workers.

As for SLAPPs, their wish was soon fulfilled (see next item).

EU measures against lawsuits to silence journalists

On 27 April, the EU Commission presented its long-awaited measures against the rising use of manifestly unfounded or abusive court proceedings launched against journalists, NGOs or activists, so-called SLAPPs (Strategic Lawsuits Against Public Participation).

The aim of SLAPPs are “to harass, consume the resources and drain the morale of their targets. All this in order to restrict, prevent or punish them for speaking up to inform the public”, explained EU Commission Vice-President Vera Jourová, when presenting a [proposal for an EU Directive](#) and [a Commission Recommendation](#) to tackle this scourge.

The Directive offers safeguards against SLAPPs by enabling Courts to speedily dismiss claims which are manifestly unfounded and deter such practices by allowing Courts to impose dissuasive penalties on an abusive claimant.

The proposed Directive also includes protection for journalists and rights defenders in the EU against SLAPPs initiated in third countries.

The Recommendation, for its part, is designed to complement the Directive and to encourage member states to align their rules to cover domestic cases. “We want to ensure that decisive action is taken by Member States to address some of the root causes of SLAPP, which are in their competence, not in ours at the EU level”, explained Jourová.

The EU Commission urges governments to ensure that their penalties for defamation – the most frequent grounds on which SLAPPs are filed – are not excessive, encouraging, in particular, the removal of prison sentences for those found guilty and the treatment of these cases under civil or administrative, rather than criminal, law.

Furthermore, the Commission suggests that member states offer training for people working in the judiciary, media workers and human rights defenders. The European Judicial Training Network (EJTN) will be involved to ensure coordination and the dissemination of information in all member states.

Journalists seem cautiously positive about the measures. “The Commission’s proposed directive is an important step forward”, commented Julie Majerczak, Reporters Without Borders’ (RSF) representative to the EU. “However, it applies only to cases having a cross-border impact, which unfortunately limits its scope significantly”.

“To ensure real protection for journalists across the EU, it is essential that member states apply the same procedural safeguards to national cases”, Majerczak told Euractiv. ([EU Commission presents directive to tackle abusive lawsuits](#))

The proposed Directive will have to be negotiated and adopted by the Parliament and Council before it can become EU law. The Recommendation is directly applicable, and member states must report to the Commission about its implementation 18 months after the Recommendation was issued.

Press freedom: Greece now EU’s black sheep

Reporters Without Borders (RSF) recently published the 2022 edition of the [World Press Freedom Index](#). On the whole, it’s a rather depressing read. As for Europe, the analysis shows significant disparities between countries and that conditions on both extremes have evolved considerably.

Estonia (4th) and Lithuania (9th) – two former communist states – are now among the top ten of the Index, while the Netherlands (28th) no longer is. And Greece (108th) has replaced Bulgaria (91st) in last place in Europe.

In 2021, Bulgaria ranked 112th out of 180 countries surveyed, its worst ranking ever. This year, Bulgaria climbed to 91st place. Conversely, Greece fell from rank 70 in 2021 to 108, the worst ranking for an EU member.

The ranking is even below that of any candidate country from the Western Balkans, where the worst-ranked is Albania (103rd), points out Euractiv. ([Greece replaces Bulgaria as the EU press freedom black sheep](#))

According to RSF, press freedom in Greece suffered serious setbacks in 2021 and 2022, with journalists regularly prevented from covering issues, from migration to Covid-19. The police were also heavily criticised for regularly resorting to violence and arbitrary bans to hamper journalistic coverage of demonstrations and the refugee crisis.

EU Media Freedom Act: Not just a paper tiger?

Considering EU actions in the information war with Russia, it will be interesting to see how the Commission defines media freedom in the [European Media Freedom Act](#) (EMFA), which it plans to present in the third quarter of 2022.

Some seem to have sincere hopes that this initiative could improve the dismal outlook for press freedom in Europe. From January until late March, the EU Commission held a [public consultation on the Media Freedom Act](#). Among the many submissions was one from the European Federation of Journalists (EFJ).

The EFJ welcomed the EU Commission's initiative and supported several of their proposals, for example, the establishment of a pan-European registry to increase the transparency of media market transactions and EU-wide monitoring of state advertising allocated by the member states.

But the EFJ insisted that "media is not only a merchandise following strict internal market rules. Journalism is a public good that needs protecting in its own right".

The EFJ would like, for example, an EU fund for media pluralism to finance original and independent journalistic programmes and initiatives, strong safeguards for editorial independence of media and guarantees for the independence of public service media.

News Media Europe, an organisation that promotes the interests of the industry, has a more business-oriented take on the matter. The Media Freedom Act should "recognise the benefits of industry consolidation on media pluralism and financial viability", prohibit restrictive concentration rules and facilitate cross-border mergers. ([Media Freedom Act contributions](#))

Media Content

DSA: Platforms soon to face tough EU content rules

Champagne corks probably flew in Brussels on 23 April, when the EU Parliament and the member states reached an “historic” political agreement on a new rulebook to tackle the spread of illegal content online and protect people's fundamental rights in the digital sphere. ([Digital Services Act: Commission welcomes political agreement](#); see also [Council press release](#), [Parliament press release](#))

The Digital Services Act (DSA) establishes strict requirements for removing illegal content, whereas platforms should moderate harmful but legal content as per their terms and conditions, explains the news service Euractiv. (EU institutions reach agreement on Digital Services Act)

For illegal content, the DSA establishes the category of trusted flaggers, a group of experts nominated by the national authorities to which platforms should react promptly.

The new rules also include a series of transparency obligations for promoted content, which must be clearly labelled as such. Online platforms must also clearly explain how algorithms recommend content to users.

Companies will have to release detailed biannual reports of their moderation efforts, including the number of staff, expertise, languages spoken and the use of artificial intelligence to remove illegal content.

Targeted advertising based on minors' personal data as well as profiling based on sensitive data like political views and religious beliefs will be forbidden.

The DSA introduces stricter rules for platforms with more than 45 million users in the EU, due to their influence on our societies. These will be required to conduct regular assessments of systemic risks – such as disinformation, deceptive content, and revenge porn – and implement appropriate mitigation measures subject to independent audits.

Failing the audits could lead to fines of up to 6 per cent of worldwide turnover.

Euractiv also describes a controversial Crisis Response Mechanism (CRM) that was added midway through the negotiations to respond to emergencies like the war in Ukraine. This would enable the EU Commission to mandate very large online platforms to take specific actions in a crisis, such as taking down war propaganda.

As for enforcement of the rules, the negotiators agreed that national authorities will supervise smaller platforms, but the Commission will have exclusive competencies on very large online platforms.

Once adopted – after the EU Parliament and the Council have formally approved the agreement – the DSA will be applicable across the EU and will apply 15 months after its entry into force or on 1 January 2024, whichever is later. However, for very large online platforms, the DSA will apply earlier, four months after their designation.

DSA: Worries about certain parts of the deal

On the whole, consumers and digital rights groups seem quite positive towards the political agreement on the Digital Services Act (DSA). But they worry about certain aspects of the deal, not least the last-minute addition of the Crisis Response Mechanism (CRM) and the enforcement of the DSA rules.

The international digital rights organisation Access Now believes “the final deal on the DSA is a step in the right direction”, pointing, for example, to the ban on the use of sensitive personal data for the presentation of ads online.

However, the addition of a Crisis Response Mechanism is “incredibly alarming”, said Access Now. ([EU's political deal on the Digital Services Act step in the right direction](#))

Others worry about this addition too, among them Jan Penfrat, senior policy advisor at the Brussels-based digital rights group EDRI.

Facebook should not be making important decisions about the global information space alone, said Penfrat to *Wired*, “but at the same time, we don't want the European executive, which is a very political body under a lot of pressure from member states, especially in crisis situations, to be the sole institution to decide this either ([Ukraine War Prompts Europe's New Emergency Rules for the Internet](#))

There are also other concerns. “The hardest part for the DSA is likely ahead: its successful enforcement”, said Access Now. The European Consumer Organisation (BEUC) shares this concern.

In April, Politico reported that officials were also concerned about how this will play out. ([Politico Digital Bridge 28 April 2022](#))

To pay for about 150 new people to carry out the enforcement work, Brussels will impose a new levy of up to 0.05 per cent of the global revenues of the companies it will soon oversee. “That's likely to create a budget of roughly \$32 million a year — pocket change compared with the legal war chests available to Big Tech. It's unlikely 150 experts will be enough”, writes Politico.

Commission proposes controversial rules to fight child sex abuse online

The new Digital Services Act will evidently not be enough to fight the scourge of child pornography online.

On 11 May, the European Commission [proposed an EU Regulation to prevent and combat child sexual abuse online](#) to “complement the general framework to be established under the Digital Services Act with specific and targeted rules to prevent and tackle the dissemination and circulation of known child sexual abuse material”.

The proposal comes as child protection hotlines report a record amount of such content circulating online during the Covid-19 pandemic. Europe is a hot spot for hosting such content, with 62 per cent of the world’s illegal images located on European data servers in 2021, reports Politico.

The Commission said voluntary measures taken by some platforms has so far “proven insufficient”, a reason why Swedish EU Home Affairs Commissioner Ylva Johansson wanted to make detection of child sexual abuse mandatory.

Some of the rules in the Regulation immediately caused controversy, not least the one about scanning of content:

Providers of hosting services and providers of interpersonal communication services that have received a detection order shall execute it by installing and operating technologies to detect child sexual abuse material.

Tech platforms must also conduct risk assessments and “reasonable mitigation measures”.

The Regulation aims to reduce exposure to so-called grooming as well. The rules require app stores to ensure that children cannot download apps that may expose them to a high risk of such solicitation.

The Commission seems well aware of potential concerns about these rules. It stresses that there are “strong safeguards on detection”.

Companies having received a detection order will only be able to detect content using indicators of child sexual abuse verified and provided by a newly established EU Centre on Child Sexual Abuse (EUCSA), and the detection technologies used must be the least privacy-intrusive and limit the error rate of false positives to the maximum extent possible.

The Commission also points out that there are “solid oversight mechanisms and judicial redress”. For example, the EUCSA will verify reports of potential online child sexual abuse made by providers before sharing them with law enforcement authorities and Europol.

Read more in [Q&A: New rules to fight child sexual abuse](#)

It is now for the European Parliament and the Council to agree on the proposal. The Commission invites [feedback](#) on the proposed rules from members of the public until 27 July.

Child abuse rules: Concerns about encryption

The proposed EU Regulation to fight sexual abuse material online marks a victory for child protection advocates but a setback for privacy activists, sparking a controversy over how it will affect encryption.

The Commission places the protection of children online above all else, which worries privacy defenders who fear an indiscriminate and disproportionate intrusion into personal communications, explains Euractiv. ([Commission to force scanning of communications to combat child pornography](#))

Child protection organisations are of course happy about the proposed Regulation. For them, the law is strongly needed. Journalists and digital rights advocates are, however, critical.

“Despite several attempts at safeguards, the main risks of the proposal remain, putting journalists, whistleblowers, civil rights defenders, lawyers, doctors and others who need to maintain the confidentiality of their communications at risk”, said the European Digital Rights organisation, EDRI. ([European Commission’s online CSAM proposal fails to find right solutions to tackle child sexual abuse](#))

“At its core, the proposal attempts to find a quick technological fix to complex systemic and societal problems”, writes EDRI. What’s more, “the legislation lacks awareness of the inherent limitations of technology and the serious implications for society at large”.

Jesper Lund, chairman of EDRI member IT-Pol Denmark, gives an example:

The proposal includes a requirement for internet service providers to block access to specific pieces of content on websites under orders from national authorities. However, this type of blocking will be technically impossible with HTTPS, which is now used on almost every website.

Beyond worrying about the scanning of content, journalists and civil society groups are concerned that the EU executive could seek to create backdoors to end-to-end encrypted messaging services.

The EU Commission does not take any definite stance on this issue. In its proposal, it refuses to “incentivise or disincentivise” the use of any technology, including end-to-end encryption, as long as it meets the requirements of the Regulation.

The Commission also points out that end-to-end encryption is “an important tool to guarantee the security and confidentiality of the communications of users, including those of children”.

CoE recommends how to combat hate speech

Policy-makers in the EU are not the only ones concerned about hate speech. On 20 May, the Council of Europe’s Committee of Ministers adopted a [Recommendation on Combating Hate Speech](#).

The Council of Europe (CoE) – the continent’s leading human rights organisation – has 46 member states, of which 27 are members of the EU.

A specific section on hate speech online recalls important principles that should be applied, such as procedural requirements for removing hate speech, redress and appeal mechanisms, procedural safeguards regarding disclosure of user identity and cooperation with law enforcement and other relevant stakeholders. The need for transparency and reporting requirements is also stressed.

Furthermore, the Recommendation includes a section providing guidance on non-legal measures to address hate speech, for example, awareness-raising, education and training.

The CoE also calls on member states to put in place effective support mechanisms that help those targeted by hate speech.

Competition

DMA: Agreement on rules to reign in digital giants

Soon, Google searches may look quite different when gatekeeper companies can no longer rank their own products and services more favourably than those of competing providers. Apple users could install apps from outside the App Store, and WhatsApp users could message or video-call friends using Telegram, and vice versa.

These are a few of the changes that could come about when the Digital Markets Act (DMA) – intended to curb the power of Big Tech and bolster competition in online services – comes into force.

On 24 March, EU institutions reached a political agreement on the DMA. ([Digital Markets Act \(DMA\): agreement between the Council and the European Parliament](#))

A few weeks later, EU ambassadors rubber-stamped the [final text of the Digital Markets Act](#). The next step is Parliament's plenary vote set for 4 July. Once adopted, the DMA will be applicable across the EU and will apply six months after entry into force.

The DMA aims to ensure that no large online platform that acts as a gatekeeper abuses its position to the detriment of companies wishing to access such users. (The legislation will complement, not substitute, the enforcement of competition law at EU and national levels.)

The DMA only affects the digital giants. For a platform to qualify as a gatekeeper, it must either have had an annual turnover of at least EUR 7.5 billion within the EU in the past three years or have a market valuation of at least EUR 75 billion. It must also have at least 45 million monthly end users and at least 10,000 business users established in the EU.

The platform must also control one or more core platform services in at least three member states. These core platform services include marketplaces and app stores, search engines, social networking, cloud services, advertising services, voice assistants and web browsers.

The EU Commission will be the sole enforcer of the regulation. Member states will be able to empower national competition authorities to start investigations into possible infringements and transmit their findings to the Commission.

If a gatekeeper does not follow the rules, it risks a fine of up to 10 per cent of its total worldwide turnover. For a repeat offence, a fine of up to 20 per cent of its worldwide turnover may be imposed.

DMA deal: Publishers and consumer groups pleased

Big Tech companies like Google may not be overly enthusiastic about the Digital Markets Act (DMA) and its many restrictions on gatekeepers. Others have more reasons to be pleased.

For example, the European Publishers Council (EPC) especially welcomed the last-minute agreement that "not only app stores but search engines and social networks must also provide access to their business users including publishers on fair and reasonable terms". ([EPC welcomes finalization of triilogue negotiations on a Digital Markets Act](#))

The European Consumer Organisation (BEUC) seems pleased with the DMA deal too, but has also voiced some concerns.

"This is a big moment for consumers and businesses who have suffered from Big Tech's harmful practices. This legislation will rebalance digital markets, increase consumer choice and put an end to many of the worst practices that Big Tech has engaged in over

the years”, said Ursula Pahl, BEUC’s deputy director general, but she cautioned, “Member States must now also provide the Commission with the necessary enforcement resources to step in the moment there is foul play”.

In May, BEUC [wrote to EU competition chief Margrethe Vestager](#) that it fears the Commission will lack the resources and expertise to effectively enforce the DMA and its sister legislation, the Digital Services Act, and to ensure the compliance of Big Tech at a time when these companies are expanding their legal presence in Brussels.

In the initial proposal, the EU Commission anticipated up to 80 people working on DMA enforcement by 2025. In a letter in February, the Parliament’s lead negotiator Andreas Schwab called for at least 220 staff members for the DMA task force.

Publishers file competition case against Google

In February, the European Publishers Council (EPC) – representing, among others, the big Nordic media groups – filed an antitrust complaint against Google with the EU Commission in a bid “to break the ad tech stranglehold Google currently has over press publishers, and all other businesses in the ad tech ecosystem”.

Specifically, the EPC calls on the European Commission to hold Google accountable for its anticompetitive conduct and impose remedies to restore conditions of effective competition in the ad tech value chain.

The issue stems from Google’s acquisition of ad company DoubleClick in 2008 – [cleared by the EU Commission](#) – which allowed Google to achieve “end-to-end control of the ad tech value chain”, with “devastating” consequences for publisher revenue, says the EPC.

The publishers maintain that Google’s ad tech suite is rife with conflicts of interests, as Google represents the buyer and the seller in the same transaction, while also operating the auction house in the middle and selling its own inventory.

In response, Google argues that it competes with thousands of other providers when it comes to ad tech and that publishers receive an eightfold return on every euro spent on Google ads, reports Euractiv. ([European publishers launch competition case against Google](#))

Privacy / Surveillance

Many calls to stop surveillance of journalists

Though surveillance is objected to when, for example, China is involved, when linked with national security, Big Brother seems like quite a nice, helpful chap, even here in the West. Journalists and MEPs are among those who worry about this development.

At a plenary meeting in February, members of the European Parliament from across the political spectrum roundly condemned mounting evidence that the Pegasus spyware developed by the Israeli NSO Group has been used to spy on politicians, journalists and activists in the 27-member bloc, reported Politico. ([Brussels, EU governments on collision course over Pegasus spyware](#))

The MEPs' concern is shared by the European Data Protection Supervisor (EDPS) who, on the same day, called for a ban on Pegasus. ([EDPS Remarks on Modern Spyware](#))

In May, MEPs harshly criticised the lack of action by the EU Commission, which seems unwilling to do much about this matter.

“The silence in the ranks is deafening”, said Saskia Bricmont, a Green MEP and member of a new Parliament committee of inquiry tasked with shedding light on the use of the spyware (PEGA). The committee, which was launched in April, is due to complete its work within a year. ([Pegasus: MEPs lash out at EU Commission for inaction](#))

At the plenary meeting, EU Commissioner Johannes Hahn explained to lawmakers that this matter was not in the Commission's “competence” and that “the examination of these issues is the responsibility of each member state”, but he recalled that the interception of electronic communications was strictly regulated by European legislation, notably through the ePrivacy Directive.

Two days before this meeting, the International Federation of Journalists (IFJ) and all its affiliates urged governments across the world and international bodies to develop strict regulations that ban surveillance of journalists and recognise the inviolability of journalists' communications.

“Growing reporting revealing the breadth and extent of the use of spyware [...] reveals that surveillance of journalists is one of the main and most worrying threats to press freedom”, says the IFJ. ([IFJ calls for global solutions to combat journalists surveillance](#))

MEPs: AI paves the way for mass surveillance

On 3 May, the European Parliament adopted the final recommendations of its Special Committee on Artificial Intelligence in a Digital Age (AIDA).

The public debate on the use of artificial intelligence (AI) should focus on the technology's enormous potential to complement human labour, say the MEPs, but they also stress that AI technologies could pose important ethical and legal questions.

([Artificial intelligence: MEPs want the EU to be a global standard-setter](#))

Parliament points out that certain AI technologies enable the automation of information processing at an unprecedented scale, paving the way for potential mass surveillance and other unlawful interference in fundamental rights.

The EU should prioritise international cooperation with like-minded partners in order to safeguard fundamental rights and cooperate on minimising new technological threats.

These recommendations are meant to feed into the Parliament's work on the [Artificial Intelligence Act](#), proposed by the Commission in April 2021.

Ukraine uses controversial facial recognition technology

Ukraine's Defence Ministry is receiving free access to the facial recognition technology of controversial firm Clearview AI, reported Reuters in March. ([Ukraine has started using Clearview AI's facial recognition during war](#))

The company offered Ukraine the software to uncover Russian assailants, combat misinformation and identify the dead, as well as potentially identify people at checkpoints.

Some have warned, however, that the flaws which plague facial recognition systems in other circumstances, such as misidentification, could arise here too, potentially leading to civilian deaths or wrongful arrests.

Clearview, which primarily sells to American law enforcement, is fighting lawsuits in the US accusing it of violating privacy rights by taking images from the web. Several countries, including the UK and Australia, have already deemed its practices illegal.

The EU Parliament's Civil Liberties Committee has voiced concerns over the use of this technology in Europe after it emerged that certain police forces have been using it.

“Legitimate interests” not really legitimate

On 2 February, the Belgian data protection authority issued a decision that is bound to shake the very way the AdTech industry operates in the EU, reported Euractiv. ([Digital Brief: Data Act leaked, AdTech in the storm, the importance of standards](#))

The Transparency & Consent Framework (TCF) – the industry standard to manage user preferences in compliance with the General Data Protection Regulation (GDPR) – has ironically been deemed in breach of the GDPR.

The decision has many layers and potential implications. Among them it is a huge disruption for advertisers and the way they have been working until now, says Euractiv.

Although the authority did not throw out the TCF completely, it dismissed its interpretation of “legitimate interests” for putting non-essential cookies in place. With six months to bring the TCF in line with the decision, the industry will have to rethink the entire advertising ecosystem.

“The DPA [data protection authority] has made explicit what many observers have been saying for some time: that ‘legitimate interests’ is not a valid legal basis for processing personal data obtained via non-essential cookies”, Robert Bateman, research director at the GRC World Forums, told Euractiv. ([Europe’s most used consent system deemed incompatible with EU privacy rules](#))

Media Economy

EUR 8 million to cross-border journalism projects

Seven consortia of news organisations will receive EU support for cross-border projects that aim to strengthen the news media sector. ([EU supports cross-border journalism with €8 million](#))

“With the EU support of € 8 million announced today, we are fostering collaboration among journalists and media outlets to help them innovate, test new formats, build new skills and thus strengthen their resilience”, explained Thierry Breton, EU Commissioner for Internal Market, in April.

The projects have been selected following the first call for proposals for Journalism Partnerships in 2021, as part of the [NEWS initiative announced in the Media and Audiovisual Action Plan](#). The Commission wants to invest at least EUR 75 million in similar projects by 2027.

The first cross-border projects have started, including training and grants for local investigative journalists, grants for media innovation, news hubs in cities outside of national capitals and the use of Blockchain to help improve revenues for photojournalists.

A new [call for proposals for Journalism Partnerships](#) is now open, with a deadline of 7 September 2022 (for projects starting in early 2023).

New EU tool to stimulate private investment in AV sector

On 20 May, the EU Commission launched “MedialInvest”, a new financing tool to boost Europe's audiovisual industry.

"MedialInvest is a new investment tool designed to bridge the financial gap in the audiovisual sector. We need to stimulate more private investment to make our European media sector competitive at global level", explained Commission Executive Vice-President Margrethe Vestager.

Managed by the EU Commission and implemented by the European Investment Fund (EIF), its goal is to mobilise private investors and increase equity investment volumes.

With funds coming from InvestEU and the Creative Europe MEDIA programme, MedialInvest is expected to leverage EUR 400 million of investments for the period 2022–2027. ([Read more about MedialInvest](#))

Swiss public aid plan for media rejected

Western media are often fervent proponents of democracy. But direct democracy might be too much of a good thing, some may have concluded in February when Swiss voters in a referendum rejected a public aid plan to inject an additional CHF 151 million (EUR 144 million) into broadcast and print media.

Some 56 per cent of voters rejected the measure, public broadcaster SRF reported.

In June last year, the Swiss parliament approved a new government decision to more than double the financial support provided to private media organisations. This could secure the survival of many small, regional newspapers in peril and also assist with their costly digital transition, argued the government.

The move was widely welcomed by the media in Switzerland, which have come under significant financial pressure as advertising revenues have increasingly gone to large Internet platforms. It was also hailed by organisations such as Reporters Without Borders.

However, the decision was met with strong opposition from politicians and publishers on the right, who forced a referendum on the issue under Switzerland's direct democracy system.

Foes of the plan said the cash injection would waste taxpayer money and benefit big newspaper chains and the media moguls who run them – pointing out that big print-media groups together took in more than 300 million in profits in 2020, even during the Covid-19 crisis.

The plan would also hurt journalistic independence by making media outlets more dependent on state hand-outs, and thus less likely to criticise public officials, they said.

European Media Policy

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The Newsletter provides an update 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.