Art. 27a - Additional provision regarding the Mitigation of risks for the freedom of expression and freedom and pluralism of the media

I. Digital platforms increasingly have become spaces of public discussion online and indispensable distribution channels for media service providers, e.g. the digital press. This is especially true for the so-called “gatekeeper platforms” which play an important role in shaping the public opinion.

- Against this background, it is crucial to ensure that the freedom and pluralism of the media is adequately protected online, just as it is the case offline.
- Very large online platforms shall not influence public discussion by arbitrarily interfering with media content without a prior consultation process.
- However, also in this context, platforms should not be deprived of the opportunity to act quickly and autonomously in dealing with suspected illegal content. Therefore, the proposed special regime for media content applies only in case of alleged incompatibility with the relevant terms and conditions.
- Flanking these procedural rules, it must be ensured that the freedom of expression and the freedom and pluralism of the media is adequately taken into account in the establishment and application of the platform’s terms and conditions.

II. Art. 27a could therefore read as follows:

(1) Very large online platforms ensure that the freedom of expression and the freedom and pluralism of the media is always adequately and effectively protected.

(2) Where a very large online platform that allows the dissemination of

(a) press publications within the meaning of Article 2(4) of Directive (EU) 2019/790 [DSMD],
(b) audiovisual media services within the meaning of Article 1(1) point (a) of Directive 2010/13/EU [AVMSD], or
(c) other editorial media,

decides, on the basis of an alleged incompatibility with their terms and conditions, to remove, disable access to or otherwise interfere with a service or content made available by a media service provider executing editorial responsibility in accordance with its national rules and regulations, the platform shall inform the media service provider of its intention, provide a clear and specific statement of reasons in compliance with Article 15(2) and hear the media service provider before implementing the decision.

(3) If a media service provider gives the very large online platform sufficient grounds to consider that the respective content or service is not incompatible with its terms and conditions, the platform may not implement its decision. If, after due consideration, the very large online platform still considers the respective service or content incompatible with its terms and conditions, it shall comply with the provisions of Art. 17(4) and (5).