

Digital Services Act package: open public consultation

Fields marked with * are mandatory.

Introduction

The Commission recently [announced](#) a Digital Services Act package with two main pillars:

- first, a proposal of new and revised rules to deepen the Single Market for Digital Services, by increasing and harmonising the responsibilities of online platforms and information service providers and reinforce the oversight over platforms' content policies in the EU;
- second, ex ante rules to ensure that markets characterised by large platforms with significant network effects acting as gatekeepers, remain fair and contestable for innovators, businesses, and new market entrants.

T h i s

c o n s u l t a t i o n

The Commission is initiating the present open public consultation as part of its evidence-gathering exercise, in order to identify issues that may require intervention through the Digital Services Act, as well as additional topics related to the environment of digital services and online platforms, which will be further analysed in view of possible upcoming initiatives, should the issues identified require a regulatory intervention.

The consultation contains 6 modules (you can respond to as many as you like):

1. **How to effectively keep users safer online?**
2. **Reviewing the liability regime of digital services acting as intermediaries?**
3. **What issues derive from the gatekeeper power of digital platforms?**
4. **Other emerging issues and opportunities, including online advertising and smart contracts**
5. **How to address challenges around the situation of self-employed individuals offering services through online platforms?**
6. **What governance for reinforcing the Single Market for digital services?**

Digital services and other terms used in the questionnaire

- French
- Gaelic
- German
- Greek
- Hungarian
- Italian
- Latvian
- Lithuanian
- Maltese
- Polish
- Portuguese
- Romanian
- Slovak
- Slovenian
- Spanish
- Swedish

* 2 I am giving my contribution as

- Academic/research institution
- Business association
- Company/business organisation
- Consumer organisation
- EU citizen
- Environmental organisation
- Non-EU citizen
- Non-governmental organisation (NGO)
- Public authority
- Trade union
- Other

* 3 First name

Charlotte

* 4 Surname

Niklasson

* 5 Email (this won't be published)

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* 7 Organisation name

255 character(s) maximum

NORDVISION

* 8 Organisation size

- Micro (1 to 9 employees)
- Small (10 to 49 employees)
- Medium (50 to 249 employees)
- Large (250 or more)

9 What is the annual turnover of your company?

- <=€2m
- <=€10m
- <= €50m
- Over €50m

10 Are you self-employed and offering services through an online platform?

- Yes
- No

11 Would you describe your company as :

- a startup?
- a scaleup?
- a conglomerate offering a wide range of services online?

12 Is your organisation:

- an online intermediary
- an association representing the interests of online intermediaries
- a digital service provider, other than an online intermediary
- an association representing the interests of such digital services
- a different type of business than the options above
- an association representing the interest of such businesses

- other

16 Does your organisation play a role in:

- Flagging illegal activities or information to online intermediaries for removal
- Fact checking and/or cooperating with online platforms for tackling harmful (but not illegal) behaviours
- Representing fundamental rights in the digital environment
- Representing consumer rights in the digital environment
- Representing rights of victims of illegal activities online
- Representing interests of providers of services intermediated by online platforms
- Other

17 Is your organisation a

- Law enforcement authority, in a Member State of the EU
- Government, administrative or other public authority, other than law enforcement, in a Member State of the EU
- Other, independent authority, in a Member State of the EU
- EU-level authority
- International level authority, other than at EU level
- Other

18 Is your business established in the EU?

- Yes
- No

19 Please select the EU Member States where your organisation is established or currently has a legal representative in:

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia

- Finland
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Poland
- Portugal
- Romania
- Slovak Republic
- Slovenia
- Spain
- Sweden

20 Transparency register number

255 character(s) maximum

Check if your organisation is on the [transparency register](#). It's a voluntary database for organisations seeking to influence EU decision-making.

2296515955-67

* 21 Country of origin

Please add your country of origin, or that of your organisation.

- | | | | |
|--------------------------------------|--|-------------------------------------|--|
| <input type="radio"/> Afghanistan | <input type="radio"/> Djibouti | <input type="radio"/> Libya | <input type="radio"/> Saint Martin |
| <input type="radio"/> Åland Islands | <input type="radio"/> Dominica | <input type="radio"/> Liechtenstein | <input type="radio"/> Saint Pierre and Miquelon |
| <input type="radio"/> Albania | <input type="radio"/> Dominican Republic | <input type="radio"/> Lithuania | <input type="radio"/> Saint Vincent and the Grenadines |
| <input type="radio"/> Algeria | <input type="radio"/> Ecuador | <input type="radio"/> Luxembourg | <input type="radio"/> Samoa |
| <input type="radio"/> American Samoa | <input type="radio"/> Egypt | <input type="radio"/> Macau | <input type="radio"/> San Marino |

- Andorra
- Angola
- Anguilla
- Antarctica
- Antigua and Barbuda
- Argentina
- Armenia
- Aruba
- Australia
- Austria
- Azerbaijan
- Bahamas
- Bahrain
- Bangladesh
- Barbados
- Belarus
- Belgium
- Belize
- Benin
- Bermuda
- Bhutan
- Bolivia
- Bonaire Saint Eustatius and Saba
- El Salvador
- Equatorial Guinea
- Eritrea
- Estonia
- Eswatini
- Ethiopia
- Falkland Islands
- Faroe Islands
- Fiji
- Finland
- France
- French Guiana
- French Polynesia
- French Southern and Antarctic Lands
- Gabon
- Georgia
- Germany
- Ghana
- Gibraltar
- Greece
- Greenland
- Grenada
- Guadeloupe
- Madagascar
- Malawi
- Malaysia
- Maldives
- Mali
- Malta
- Marshall Islands
- Martinique
- Mauritania
- Mauritius
- Mayotte
- Mexico
- Micronesia
- Moldova
- Monaco
- Mongolia
- Montenegro
- Montserrat
- Morocco
- Mozambique
- Myanmar /Burma
- Namibia
- Nauru
- São Tomé and Príncipe
- Saudi Arabia
- Senegal
- Serbia
- Seychelles
- Sierra Leone
- Singapore
- Sint Maarten
- Slovakia
- Slovenia
- Solomon Islands
- Somalia
- South Africa
- South Georgia and the South Sandwich Islands
- South Korea
- South Sudan
- Spain
- Sri Lanka
- Sudan
- Suriname
- Svalbard and Jan Mayen
- Sweden
- Switzerland

- Bosnia and Herzegovina
- Botswana
- Bouvet Island
- Brazil
- British Indian Ocean Territory
- British Virgin Islands
- Brunei
- Bulgaria

- Burkina Faso
- Burundi

- Cambodia

- Cameroon

- Canada
- Cape Verde
- Cayman Islands

- Central African Republic
- Chad
- Chile
- China

- Christmas Island
- Clipperton

- Guam
- Guatemala
- Guernsey
- Guinea
- Guinea-Bissau
- Guyana
- Haiti
- Heard Island and McDonald Islands
- Honduras
- Hong Kong
- Hungary
- Iceland
- India
- Indonesia
- Iran
- Iraq
- Ireland
- Isle of Man
- Israel
- Italy
- Jamaica

- Nepal
- Netherlands
- New Caledonia
- New Zealand
- Nicaragua
- Niger
- Nigeria
- Niue

- Norfolk Island
- Northern Mariana Islands
- North Korea
- North Macedonia
- Norway
- Oman
- Pakistan
- Palau
- Palestine
- Panama
- Papua New Guinea
- Paraguay
- Peru

- Syria
- Taiwan
- Tajikistan
- Tanzania
- Thailand

- The Gambia
- Timor-Leste
- Togo

- Tokelau
- Tonga

- Trinidad and Tobago
- Tunisia

- Turkey
- Turkmenistan
- Turks and Caicos Islands
- Tuvalu

- Uganda
- Ukraine
- United Arab Emirates
- United Kingdom
- United States

- Cocos (Keeling) Islands
- Colombia
- Comoros
- Congo
- Cook Islands
- Costa Rica
- Côte d'Ivoire
- Croatia
- Cuba
- Curaçao
- Cyprus
- Czechia
- Democratic Republic of the Congo
- Denmark
- Japan
- Jersey
- Jordan
- Kazakhstan
- Kenya
- Kiribati
- Kosovo
- Kuwait
- Kyrgyzstan
- Laos
- Latvia
- Lebanon
- Lesotho
- Liberia
- Philippines
- Pitcairn Islands
- Poland
- Portugal
- Puerto Rico
- Qatar
- Réunion
- Romania
- Russia
- Rwanda
- Saint Barthélemy
- Saint Helena Ascension and Tristan da Cunha
- Saint Kitts and Nevis
- Saint Lucia
- United States Minor Outlying Islands
- Uruguay
- US Virgin Islands
- Uzbekistan
- Vanuatu
- Vatican City
- Venezuela
- Vietnam
- Wallis and Futuna
- Western Sahara
- Yemen
- Zambia
- Zimbabwe

* 22 Publication privacy settings

The Commission will publish the responses to this public consultation. You can choose whether you would like your details to be made public or to remain anonymous.

Anonymous

Only your type of respondent, country of origin and contribution will be published. All other personal details (name, organisation name and size, transparency register number) will not be published.

Public

Your personal details (name, organisation name and size, transparency register number, country of origin) will be published with your contribution.

I agree with the [personal data protection provisions](#)

I. How to effectively keep users safer online?

This module of the questionnaire is structured into several subsections:

First, it seeks evidence, experience, and data from the perspective of different stakeholders regarding illegal activities online, as defined by national and EU law. This includes the availability online of illegal goods (e.g. dangerous products, counterfeit goods, prohibited and restricted goods, protected wildlife, pet trafficking, illegal medicines, misleading offerings of food supplements), content (e.g. illegal hate speech, child sexual abuse material, content that infringes intellectual property rights), and services, or practices that infringe consumer law (such as scams, misleading advertising, exhortation to purchase made to children) online. It covers all types of illegal activities, both as regards criminal law and civil law.

It then asks you about other activities online that are not necessarily illegal but could cause harm to users, such as the spread of online disinformation or harmful content to minors.

It also seeks facts and informed views on the potential risks of erroneous removal of legitimate content. It also asks you about the transparency and accountability of measures taken by digital services and online platforms in particular in intermediating users' access to their content and enabling oversight by third parties. Respondents might also be interested in related questions in the module of the consultation focusing on online advertising.

Second, it explores proportionate and appropriate responsibilities and obligations that could be required from online intermediaries, in particular online platforms, in addressing the set of issues discussed in the first sub-section.

This module does not address the liability regime for online intermediaries, which is further explored in the next module of the consultation.

1. Main issues and experiences

A. Experiences and data on illegal activities online

Illegal goods

1 Have you ever come across illegal goods on online platforms (e.g. a counterfeit product, prohibited and restricted goods, protected wildlife, pet trafficking, illegal medicines, misleading offerings of food supplements)?

- No, never
- Yes, once
- Yes, several times
- I don't know

2 What measure did you take?

- I sent the product back to the seller

- I reported it to the platform via its existing reporting procedure
- I contacted the platform through other means
- I notified a public authority
- I notified a consumer organisation
- I did not take any action
- Other. Please specify in the text box below

3 Please specify.

3000 character(s) maximum

4 How easy was it for you to find information on where you could report the illegal good?

Please rate from 1 star (very difficult) to 5 stars (very easy)	<input checked="" type="radio"/> <input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/>
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5 How easy was it for you to report the illegal good?

Please rate from 1 star (very difficult) to 5 stars (very easy)	<input checked="" type="radio"/> <input checked="" type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
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6 How satisfied were you with the procedure following your report?

Please rate from 1 star (very dissatisfied) to 5 stars (very satisfied)	<input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/> <input type="radio"/>
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7 Are you aware of the action taken following your report?

- Yes
- No

8 Please explain

3000 character(s) maximum

9 In your experience, were such goods more easily accessible online since the outbreak of COVID-19?

- No, I do not think so
- Yes, I came across illegal offerings more frequently
- I don't know

10 What good practices can you point to in handling the availability of illegal goods online since the start of the COVID-19 outbreak?

5000 character(s) maximum

Illegal content

11 Did you ever come across illegal content online (for example illegal incitement to violence, hatred or discrimination on any protected grounds such as race, ethnicity, gender or sexual orientation; child sexual abuse material; terrorist propaganda; defamation; content that infringes intellectual property rights, consumer law infringements)?

- No, never
- Yes, once
- Yes, several times
- I don't know

12 What measure did you take?

- I reported it to the platform via its existing reporting procedure
- I contacted the online platform by other means to report the illegal content
- I contacted a national authority
- I contacted a consumer organisation
- I did not take any action
- I took a different action. Please specify in the text box below

13 Please specify

3000 character(s) maximum

As media organisations operating frequently on third party platforms, we come across illegal content. When this relates to journalists and their activities, measures are taken to report this. Regular infringement of content intellectual property rights is duly reported but will not be considered for this response.

We have noticed a growth in using extracts of content, with their meaning changed or inserting images (e.g. faces of journalists) within third party content. From time to time, program hosts and other “celebrities” tied to member organisations are used in ads for bitcoins, beauty-products etc. Such ads are not seldom created by bogus or scam companies using programmatic or other automated advertising setups.

As a general experience so far, content flagged as illegal by us, relating to own editorial content, is adhered to and addressed/taken down by platforms. However, this varies between platforms and levels of established /functional business relations and national contact structures in place. In cases of automated systems however, new ads do not seldom reappear shortly after initial removal.

Procedures could be improved and better harmonized by ensuring functional business relations, including national points of contacts, and a harmonized approach across platforms.

14 How easy was it for you to find information on where you could report the illegal content/activity?

Please rate from 1 star (very difficult) to 5 stars (very easy)



15 How easy was it for you to report the illegal content/activity?

Please rate from 1 star (very difficult) to 5 stars (very easy)



16 How satisfied were you with the procedure following your report?

Please rate from 1 star (very dissatisfied) to 5 stars (very satisfied)



17 Are you aware of the action taken following your report?

- Yes
- No

18 How has the dissemination of illegal content changed since the outbreak of COVID-19? Please explain.

3000 character(s) maximum

19 What good practices can you point to in handling the dissemination of illegal content online since the outbreak of COVID-19?

3000 character(s) maximum

20 What actions do online platforms take to minimise risks for consumers to be exposed to scams and other unfair practices (e.g. misleading advertising, exhortation to purchase made to children)?

3000 character(s) maximum

21 Do you consider these measures appropriate?

- Yes
- No
- I don't know

22 Please explain.

3000 character(s) maximum

B. Transparency

1 If your content or offering of goods and services was ever removed or blocked from an online platform, were you informed by the platform?

- Yes, I was informed before the action was taken
- Yes, I was informed afterwards
- Yes, but not on every occasion / not by all the platforms
- No, I was never informed
- I don't know

2 Were you able to follow-up on the information?

- Yes, I complained to the platform
- Yes, I escalated to an out-of-court dispute mechanism
- No, but it was useful to learn about the platform's policy
- No
- Other. Please specify in the text box below

3 Please explain.

3000 character(s) maximum

For further examples, please see attached annex.

We have examples of takedowns and contact issues with online platforms and app stores. When content is denied, we have generally, but not always received a standardized answer with a short and general explanation. When requesting clarifications, limited additional info was provided, with reference to the general rejection. Below follow recent examples:

- A Google Play rejection of an update of the DR Ramasjang-app with content made for 4-8-year olds. Content on the app was explained to violate Google's family policy's definition of content suitable for the age group. As reason for the rejection of the update Google referenced a loading-screen picture of a child with a traditional Danish candy shaped as a 'pipe'.
- As the examples described in the annex show, DR and Google have had several issues but Google escalated the situation by taking down the Ramasjang app from their Play Store. DR was not informed by Google's decision and it was only brought to DR's attention by user complaints. Google claimed it was due to GDPR issues that the app was removed. After DR showed written documentation of other issues, Google changed reasoning to the difficulty of country specific regulations, instead adhering to the IARC, PEGI and their own age criteria. When the case went public, political pressure built against Google, who reversed their decision in and reinstated the app in the Google Play Store, without any changes made by DR.
- The Instagram account for SR's youth-oriented satirical show Tankesmedjan was removed from Facebook-owned Instagram with no warning or explanation, just an alert that an individual post had violated the ToC. SR contacted Facebook and after two weeks the account was reinstated. SR has still not received a full explanation for the temporary removal.

As these examples show and as further expanded on in the annex, platform decisions can negatively impact cultural pluralism, freedom of expression and editorial independence, underlining the need to limit third party influence over independent editorial decisions. Google's decision to take down DR's app and subsequently reinstate it exemplifies how a lack of clarity creates an unsustainable relationship between platforms and content producers.

- Stronger safeguards for independence of editorial content is needed on all platforms. Content by a provider with editorial responsibility should not be taken down, removed or modified, if doing so could negatively affect their independence or trustworthiness.
- If platform operators are about to modify or remove content belonging to editorially responsible media companies, they should immediately provide a contact/case handler and a full transparent explanation relating to problems with the case. The process and discussion must be swift. If the modification or removal cannot be reasonably justified, the content should be reinstated immediately.

4 If you provided a notice to a digital service asking for the removal or disabling of access to such content or offering of goods or services, were you informed about the follow-up to the request?

- Yes, I was informed
- Yes, but not on every occasion / not by all platforms
- No, I was never informed
- I don't know

5 When content is recommended to you - such as products to purchase on a platform, or videos to watch, articles to read, users to follow - are you able to obtain enough information on why such content has been recommended to you? Please explain.

3000 character(s) maximum

For both consumers and businesses, it is sometimes difficult to understand why certain content has been recommended. The P2B regulation is a useful step in the direction of improving sustainable and transparent business relations between platforms and business users. Nonetheless, on areas as categorization, recommendation, ranking, data gathering and selection of content by platforms, further measures may be required to improve transparency and ensure pluralism.

Trade secrets should not generally be considered or used as an argument to escape or limit transparency obligations. On the contrary platforms can improve transparency obligations without revealing trade secrets, and by doing so improve the conditions for business users to plan and operate on platforms. In the same way, personal data information and protection of personal data should not regularly be used as an argument to circumvent transparency obligations.

C. Activities that could cause harm but are not, in themselves, illegal

1 In your experience, are children adequately protected online from harmful behaviour, such as grooming and bullying, or inappropriate content?

3000 character(s) maximum

On the internet, children can come across many types of harmful content. But there are also safe online spaces. The Nordic public service media organisations are doing their utmost to offer relevant and appropriate content for children in a range of age groups, on our own offers, often in safe online spaces separated from the general online services.

In addition, we also use third party platforms and social networks for creating awareness about our content and services, not least among groups that are otherwise hard to reach. we are sometimes challenged to reach fully on our own platforms. A clear example of this is our ambition to always make content and news available to younger audiences and children. In relation to each individual platform, a pre-assessment is made of whether, and if so in what way, the platform should be used and for what content. The pre-assessment is made up by many different factors that together confirms if the platform is offering added value to ways of reaching our audiences.

Regardless of platform and guided by the strict regulation applicable to av-content, our editorial policy and principles are the same in all cases should the content be transmitted on television, radio or online. Ensuring the public are able to trust content from Nordic PSM is as important for younger audience groups and children as it is for adults. It is therefore just as much about empowerment and education as protection. It is therefore of utmost importance that the editorial integrity of our content is fully independent, regardless of how and where it is consumed, and that platforms do not exercise or make second editorial decisions on such content, e.g. take-downs, removal or modification.

The protection and empowerment of children and youth online is of fundamental importance for the way we will continue to operate to reach our audiences on online platforms. Important factors here are further improved business relations and increased transparency between content providers and the respective platform, as well as national contact points and functional reporting mechanism implemented by platforms on national markets. By promoting independent and trustworthy content among children, and ensuring that

content and services that are suitable and trustworthy can easily be found online by children, platforms can do more to improve conditions for children online.

2 To what extent do you agree with the following statements related to online disinformation?

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/ No reply
Online platforms can easily be manipulated by foreign governments or other coordinated groups to spread divisive messages	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
To protect freedom of expression online, diverse voices should be heard	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Disinformation is spread by manipulating algorithmic processes on online platforms	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Online platforms can be trusted that their internal practices sufficiently guarantee democratic integrity, pluralism, non-discrimination, tolerance, justice, solidarity and gender equality.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>

3 Please explain.

3000 character(s) maximum

Media operate in an era of increased online disinformation. This can have far-reaching consequences for the democratic debate and freedom of expression. A robust framework of how to prevent and reduce the spread, visibility, and monetization of disinformation and to protect quality journalism is needed. Any new legislation at EU level must be consistent with, and respect fundamental rights and support pluralism. While disinformation as such should not be regulated, measures to emphasise the importance of secure access to content of societal general interest, pluralism, cultural diversity and equality are called for.

1. Findability and accessibility of content of societal general interest.

With increased polarisation of societies and increasing levels of online disinformation, the role played by trustworthy independent media is becoming more important than ever. Independent media can help increase levels of political knowledge, understanding and even participation. To do so, the audience needs to be able to find and engage with the content offered. When platforms control if and how content is discovered, through for example community standards, notice-and-action procedures, ranking and recommendation algorithms, it can have far-reaching consequences for the exercise of freedom of expression and pluralism.

Easy access to, and findability of, independent unedited media content of societal general interest must be guaranteed on digital services and platforms.

2. One essential mean of fighting disinformation is to ensure effective prominence of independent content of societal general interest, as recognized by the AVMSD.

A vital part of such prominence is that clear attribution is given to the source as it is important for the audience's ability to identify independence and trustworthiness of sources, and support the objective of informed citizens.

3. Safeguarding the editorial freedom and independence of media providers is key to safeguard public trust. Guided by strict regulations, the cornerstone of independent media is their right and obligation to exercise full editorial responsibility over its content. Public trust is built on maintaining this. It is crucial that any provisions on platforms' liability do not lead to platforms exercising editorial control, take-downs, removal or modification, over content made available by independent PSM.

4. In an ever-changing media landscape, media and information literacy (MIL) competencies are crucial. It is a great and determining factor for being able to decode, evaluate information. The ability to search for information and critically and responsibly analyse and evaluate it, is a prerequisite for democracy, as is the ability to use media for self-expression and dialogue. Media- and information literacy are essential means of increasing Independent and trustworthy media can be a strong counterweight to false information, unsubstantiated rumors and manipulation.

4 In your personal experience, how has the spread of harmful (but not illegal) activities online changed since the outbreak of COVID-19? Please explain.

3000 character(s) maximum

5 What good practices can you point to in tackling such harmful activities since the outbreak of COVID-19?

3000 character(s) maximum

The Nordic public service media companies have responded to the COVID-19 crisis by substantially increasing their volume of news programming in order to keep citizens informed about developments related to the crisis. Programs have been introduced where audience questions were posed to experts. The development of covid-19 and central concepts such as social distancing have been visualized through data graphics. Nordic PSMs' channels and services have been updating the audience on an ongoing basis. We provide regular "flash-broadcasts" to cover unfolding events. Important press conferences are broadcast live. We have produced special news editions and call-in programmes for children, and for audiences using different languages. In order to ensure that everyone in society can access this crucial information, the amount of sign language has increased significantly.

Digital skills, media and information literacy are essential means of tackling disinformation. Public service media help to increase levels of societal knowledge and participation and play a key role in strengthening societal resistance to manipulation, rumours and disinformation.

DR: Recent numbers show that 91 % of DR's audience thinks that the coverage of the Covid-19 crisis has proven valuable for them and 93 percent of the Danish population used DR's news content and services every week during the crisis.

SVT: Peoples 'perception how SVT provides great societal value increased by 10 percent to 79 % compared to 2019. The weekly reach increased from 82 % 2019 to 86 % in the first 4 months of 2020.

UR: Services and content has worked to support education and literacy in times where schools partly closed in many countries. The Educational Broadcaster of Sweden has more than doubled their traffic online during the last months.

SR: Swedish Radio has played a unique role in providing news about Corona in ten different languages, to which the public health authorities provide links. Listening to content in non-Swedish languages is up by around 400 percent.

YLE: Yle is regarded as a most trustworthy news source in Finland. According to a recent survey by the University of Helsinki 90 percent of respondents said they trust Yle fairly or very much as a source of corona-related information.

RÚV: News coverage has had ratings reaching over 50% and daily live press conferences at 14.00 being viewed by 25-35% of the total population on an average day. One of the biggest changes has been the interest from young audiences (12-24), with an increase of 70% compared to same time last year.

NRK: 2019 was NRK's best year ever, with growth on all platforms and 89 % of the population using these services daily.

D. Experiences and data on erroneous removals

This section covers situation where content, goods or services offered online may be removed erroneously contrary to situations where such a removal may be justified due to for example illegal nature of such content, good or service (see sections of this questionnaire above).

1 Are you aware of evidence on the scale and impact of erroneous removals of content, goods, services, or banning of accounts online? Are there particular experiences you could share?

5000 character(s) maximum

Earlier on in our response (part A, question 3), we listed a range of examples where platforms claimed that legal content from content providers infringed the platforms' community standards even though the content is culturally acceptable, age appropriate lawful and sometimes even considered educational in the EU and/or national context. Erroneous removals of content are numerous, and this has a direct impact on media pluralism and on the freedom of information.

Guided by strict national and European rules as well as journalistic and editorial principles, the cornerstone of independent public service media is exercising full editorial responsibility over content. Public trust is built on maintaining this independence. That is why, when digital platforms and social networks are used to make such content of societal general interest available to audiences, it should never be subject to any undue form of secondary control, be taken down, removed or modified.

The examples of removals are often a consequence of the platform's own terms and conditions and community standards. Terms and conditions and community standards are unilaterally imposed with no possibility to negotiate the terms, or to differentiate between private or business users. Terms and community standards have different criteria than the law/regulations in the EU or in individual Member States. This has significant negative consequences as it restricts the editorial independence in cases where content providers use third party platforms to reach their audience. As such terms and conditions regularly are more restrictive than applicable law or regulations in the Member States it causes unnecessary and unwarranted removal of content.

The situation where global online platform operators ban and/or erroneously remove services and content from providers of legal content for conflicting with platform's community standards needs to be further scrutinized and addressed at EU level. Media in Europe abide by national and European legal standards. Allowing individual community standards, that are adjudicated with less than full transparency, to take precedence is a serious threat to editorial freedom, freedom of expression, cultural diversity and media pluralism in Europe.

In addition, illegal/harmful content is not uniformly defined at EU level and Member States have different

rules and cultural norms. As an example of this, Google recently claimed a “policy violation” had been found in NRK’s educational TV content about puberty. The program was considered to be “sexually offensive or violent content”. The same content is well received and regarded as educational content in Norway by both Norwegian audience and regulatory authorities. These examples show how content of general societal interest produced under independent editorial control is facing secondary control by international platforms and how content producers lack leverage and safeguards of their independence when publishing their content on platforms where parts of their users are active.

Defining illegal and harmful content and related enforcement should therefore always be within the competence of individual EU members states in respect of culture, legislation and fundamental EU values. In addition, European digital regulation must safeguard freedom of expression and freedom of the press. It is crucial that any provisions on platforms’ liability do not lead to platforms exercising editorial control over content made available by independent PSM (i.e. take-down or modification). The DSA should establish safeguards which prevent platforms from applying additional or secondary control over such content. This should include removal or modification based on platforms’ community standards.

If platform operators for some reason acts to modify or remove content (or considers doing so) belonging to a media company with editorial responsibility, they should immediately provide a full explanation and a contact person for handling the case. If the modification or removal cannot be reasonably justified, the content should be reinstated immediately in unmodified form.

The following questions are targeted at organisations.

Individuals responding to the consultation are invited to go to section 2 here below on responsibilities for online platforms and other digital services

3 What is your experience in flagging content, or offerings of goods or services you deemed illegal to online platforms and/or other types of online intermediary services? Please explain in what capacity and through what means you flag content.

3000 character(s) maximum

4 If applicable, what costs does your organisation incur in such activities?

3000 character(s) maximum

5 Have you encountered any issues, in particular, as regards illegal content or goods accessible from the EU but intermediated by services established in third countries? If yes, how have you dealt with these?

3000 character(s) maximum

For this question, we refer to our answer in question 1 D above.

6 If part of your activity is to send notifications or orders for removing illegal content or goods or services made available through online intermediary services, or taking

other actions in relation to content, goods or services, please explain whether you report on your activities and their outcomes:

- Yes, through regular transparency reports
- Yes, through reports to a supervising authority
- Yes, upon requests to public information
- Yes, through other means. Please explain
- No , no such reporting is done

8 Does your organisation access any data or information from online platforms?

- Yes, data regularly reported by the platform, as requested by law
- Yes, specific data, requested as a competent authority
- Yes, through bilateral or special partnerships
- On the basis of a contractual agreement with the platform
- Yes, generally available transparency reports
- Yes, through generally available APIs (application programme interfaces)
- Yes, through web scraping or other independent web data extraction approaches
- Yes, because users made use of their right to port personal data
- Yes, other. Please specify in the text box below
- No

9 Please indicate which one(s). What data is shared and for what purpose, and are there any constraints that limit these initiatives?

3000 character(s) maximum

We further refer to our answer to q. 10 in part 3 on gatekeeper.

Data has an enormous value for media development and for this we need access and full return to non-privacy data in a usable form that are generated by or related to making our content available on third party platforms, in line with data protection and privacy rules. This ensures further innovation, and improved ability to understand audiences and enhancement of services for the long-term benefit of services.

Transparency and sustainable communication around what data the platforms gather and what content providers can access is therefore increasingly important to continue development of services in the future. This must be done within the framework of the obligations of the platforms and corporate users respecting the GDPR.

10 What sources do you use to obtain information about users of online platforms and other digital services – such as sellers of products online, service providers, website holders or providers of content online? For what purpose do you seek this information?

3000 character(s) maximum

11 Do you use WHOIS information about the registration of domain names and related information?

- Yes
- No
- I don't know

12 Please specify for what specific purpose and if the information available to you sufficient, in your opinion?

3000 character(s) maximum

13 How valuable is this information for you?

Please rate from 1 star (not particularly important) to 5 (extremely important)	
---	--

14 Do you use or are you aware of alternative sources of such data? Please explain.

3000 character(s) maximum

The following questions are targeted at online intermediaries.

A. Measures taken against illegal goods, services and content online shared by users

1 What systems, if any, do you have in place for addressing illegal activities conducted by the users of your service (sale of illegal goods -e.g. a counterfeit product, an unsafe product, prohibited and restricted goods, wildlife and pet trafficking - dissemination of illegal content or illegal provision of services)?

- A notice-and-action system for users to report illegal activities
- A dedicated channel through which authorities report illegal activities
- Cooperation with trusted organisations who report illegal activities, following a fast-track assessment of the notification
- A system for the identification of professional users ('know your customer')
- A system for penalising users who are repeat offenders
-

A system for informing consumers that they have purchased an illegal good, once you become aware of this

- Multi-lingual moderation teams
- Automated systems for detecting illegal activities. Please specify the detection system and the type of illegal content it is used for
- Other systems. Please specify in the text box below
- No system in place

2 Please explain.

5000 character(s) maximum

3 What issues have you encountered in operating these systems?

5000 character(s) maximum

4 On your marketplace (if applicable), do you have specific policies or measures for the identification of sellers established outside the European Union ?

- Yes
- No

5 Please quantify, to the extent possible, the costs of the measures related to 'notice-and-action' or other measures for the reporting and removal of different types of illegal goods, services and content, as relevant.

5000 character(s) maximum

6 Please provide information and figures on the amount of different types of illegal content, services and goods notified, detected, removed, reinstated and on the number or complaints received from users. Please explain and/or link to publicly reported information if you publish this in regular transparency reports.

5000 character(s) maximum

7 Do you have in place measures for detecting and reporting the incidence of suspicious behaviour (i.e. behaviour that could lead to criminal acts such as acquiring materials for such acts)?

3000 character(s) maximum

B. Measures against other types of activities that might be harmful but are not, in themselves, illegal

1 Do your terms and conditions and/or terms of service ban activities such as:

- Spread of political disinformation in election periods?
- Other types of coordinated disinformation e.g. in health crisis?
- Harmful content for children?
- Online grooming, bullying?
- Harmful content for other vulnerable persons?
- Content which is harmful to women?
- Hatred, violence and insults (other than illegal hate speech)?
- Other activities which are not illegal per se but could be considered harmful?

2 Please explain your policy.

5000 character(s) maximum

3 Do you have a system in place for reporting such activities? What actions do they trigger?

3000 character(s) maximum

4 What other actions do you take? Please explain for each type of behaviour considered.

5000 character(s) maximum

5 Please quantify, to the extent possible, the costs related to such measures.

5000 character(s) maximum

6 Do you have specific policies in place to protect minors from harmful behaviours such as online grooming or bullying?

- Yes

No

7 Please explain.

3000 character(s) maximum

C. Measures for protecting legal content goods and services

1 Does your organisation maintain an internal complaint and redress mechanism to your users for instances where their content might be erroneously removed, or their accounts blocked?

Yes

No

2 What action do you take when a user disputes the removal of their goods or content or services, or restrictions on their account? Is the content/good reinstated?

5000 character(s) maximum

3 What are the quality standards and control mechanism you have in place for the automated detection or removal tools you are using for e.g. content, goods, services, user accounts or bots?

3000 character(s) maximum

4 Do you have an independent oversight mechanism in place for the enforcement of your content policies?

Yes

No

5 Please explain.

5000 character(s) maximum

D. Transparency and cooperation

1 Do you actively provide the following information:

Information to users when their good or content is removed, blocked or demoted

- Information to notice providers about the follow-up on their report
- Information to buyers of a product which has then been removed as being illegal

2 Do you publish transparency reports on your content moderation policy?

- Yes
- No

3 Do the reports include information on:

- Number of takedowns and account suspensions following enforcement of your terms of service?
- Number of takedowns following a legality assessment?
- Notices received from third parties?
- Referrals from authorities for violations of your terms of service?
- Removal requests from authorities for illegal activities?
- Number of complaints against removal decisions?
- Number of reinstated content?
- Other, please specify in the text box below

4 Please explain.

5000 character(s) maximum

5 What information is available on the automated tools you use for identification of illegal content, goods or services and their performance, if applicable? Who has access to this information? In what formats?

5000 character(s) maximum

6 How can third parties access data related to your digital service and under what conditions?

- Contractual conditions
- Special partnerships
- Available APIs (application programming interfaces) for data access
-

Reported, aggregated information through reports

- Portability at the request of users towards a different service
- At the direct request of a competent authority
- Regular reporting to a competent authority
- Other means. Please specify

7 Please explain or give references for the different cases of data sharing and explain your policy on the different purposes for which data is shared.

5000 character(s) maximum

The following questions are open for all respondents.

2. Clarifying responsibilities for online platforms and other digital services

1 What responsibilities (i.e. legal obligations) should be imposed on online platforms and under what conditions?

Should such measures be taken, in your view, by all online platforms, or only by specific ones (e.g. depending on their size, capability, extent of risks of exposure to illegal activities conducted by their users)? If you consider that some measures should only be taken by large online platforms, please identify which would these measures be.

	Yes, by all online platforms, based on the activities they intermediate (e.g. content hosting, selling goods or services)	Yes, only by larger online platforms	Yes, only platforms at particular risk of exposure to illegal activities by their users	Such measures should not be required by law
Maintain an effective 'notice and action' system for reporting illegal goods or content	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintain a system for assessing the risk of exposure to illegal goods or content	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have content moderation teams, appropriately trained and resourced	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Systematically respond to requests from law enforcement authorities	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperate with national authorities and law enforcement, in accordance with clear procedures	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperate with trusted organisations with proven expertise that can report illegal activities for fast analysis ('trusted flaggers')	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Detect illegal content, goods or services	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
In particular where they intermediate sales of goods or services, inform their professional users about their obligations under EU law	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Request professional users to identify themselves clearly ('know your customer' policy)	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Provide technical means allowing professional users to comply with their obligations (e.g. enable them to publish on the platform the pre-contractual information consumers need to receive in accordance with applicable consumer law)	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Inform consumers when they become aware of product recalls or sales of illegal goods	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperate with other online platforms for exchanging best practices, sharing information or tools to tackle illegal activities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Be transparent about their content policies, measures and their effects	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Maintain an effective 'counter-notice' system for users whose goods or content is removed to dispute erroneous decisions	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other. Please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

2 Please elaborate, if you wish to further explain your choices.

5000 character(s) maximum

Guided by strict national and European rules as well as journalistic and editorial principles, the cornerstone of independent public service media is exercising full editorial responsibility over content. Public trust is built

on maintaining this independence. That is why, when digital platforms and social networks are used to make such content of societal general interest available to audiences, it should never be subject to any undue form of secondary control, be taken down, removed or modified.

Examples of removals mentioned in the questions above, are often a consequence of the platform's own terms and conditions and community standards. Terms and conditions and community standards are unilaterally imposed with no possibility to negotiate the terms, or to differentiate between private or business users. They often have different criteria than the law/regulations in the EU or in individual Member States. This has significant negative consequences as it restricts the editorial independence in cases where content providers use third party platforms to reach their audience.

In this regard, we urge the Commission to take into consideration any national sector-specific liability schemes and sector-specific rules applying to e.g. (PSM) broadcasters as content providers on platforms.

As for Denmark, the Danish Media Liability Act provides for sector-specific liability rules and states that content and conduct of the mass media shall be in conformity with sound press ethics. The Act provides for detailed rules on criminal liability as well as liability for damages to the effect that either the author, the editor and/or – in certain cases – the publisher may be held responsible for the content.

Besides domestic periodical publications and audiovisual programs transmitted by broadcasters registered within Denmark (including DR), the Act also applies to some electronic mass media (e.g. a publisher's website or site/account on Facebook, Instagram etc.) on the condition that the electronic media is registered with the Danish Press Council or that the media receives certain media subsidies from the Danish government. As regards DR, the sites/accounts on Facebook, Instagram, Snapchat and Twitter are all registered with the Danish Press Council meaning e.g. (i) that special liability rules apply (in order to ensure that there is always someone to be held liable for the content, both as regards criminal liability and damages) and (ii) that both content and conduct shall be in conformity with sound press ethics.

The Act also establishes the Danish Press Council which rules in cases concerning alleged violation of the sound press ethics and whether the media shall publish a reply on behalf of the complainant.

Therefore, European digital regulation must safeguard freedom of expression, freedom of the press and pluralism. It is crucial that any provisions on platforms' responsibilities and liability do not lead to platforms exercising editorial control over content made available by independent PSM (i.e. take-down or modification). The DSA should establish safeguards which prevent platforms from applying additional or secondary control over such content. This should include removal or modification based on platforms' community standards.

If platform operators for some reason acts to modify or remove content (or considers doing so) belonging to a media company with editorial responsibility, they should immediately provide a full explanation and a contact person for handling the case. If the modification or removal cannot be reasonably justified, the content should be reinstated immediately in unmodified form.

Important factors here are further improved business relations and increased transparency between content providers and the respective platform, as well as national contact points and functional reporting mechanism implemented by platforms on national markets.

3 What information would be, in your view, necessary and sufficient for users and third parties to send to an online platform in order to notify an illegal activity (sales of illegal goods, offering of services or sharing illegal content) conducted by a user of the service?

- Precise location: e.g. URL
- Precise reason why the activity is considered illegal
- Description of the activity
- Identity of the person or organisation sending the notification. Please explain under what conditions such information is necessary:
- Other, please specify

4 Please explain

3000 character(s) maximum

5 How should the reappearance of illegal content, goods or services be addressed, in your view? What approaches are effective and proportionate?

5000 character(s) maximum

See also question 6 below.

Without human supervision, the use of automated tools for content moderation risks leading to over-removal of content from online platforms and in turn to a chilling effect on freedom of expression.

If automated or algorithmic tools are used to detect and prevent the reappearance of content previously found to be illegal, the tools should be accompanied by substantial and appropriate human oversight (see also Q 6 below). Of outmost importance, effective and user-friendly redress mechanisms should be provided to allow content providers to quickly contest online platforms' content-related decisions. The ongoing challenge is that online platforms processes takes too long and are run by automatic moderators. It is therefore essential that online platforms provide a clear communication line for the national market to clarify for example, the nature of the content and adapt necessary action (e.g. suspension, removal or reinstatement of content). Moreover, such mechanisms should be harmonized across all online platforms and be clear and transparent in order to raise online platforms' level of accountability.

Content from editorial media of general societal interest should never be removed without human oversight and prior consultation (or simultaneous notification) with the content-provider. We refer further here to our answer to question Q2 (consideration national sector-specific rules on content and liability).

6 Where automated tools are used to detect illegal content, goods or services, what opportunities and risks does their use present as regards different types of illegal activities and the particularities of the different types of tools?

3000 character(s) maximum

Without human supervision, the use of automated tools for content moderation risks leading to over-removal of content from online platforms and in turn to a chilling effect on freedom of expression.

Given the size, scale and volume of illegal content on online platforms, automated tools can be a necessary and complimentary method to swiftly and rapidly detect illegal content.

As all automated systems, a clear danger would be that such systems not correctly recognize or understand e.g. a statement in a specific context or the precise meaning of it. Lawful content and speech may thus be blocked. The over-removal of lawful content may have a chilling and even censoring effect, devastating for freedom of expression and speech.

The cornerstone of independent public service media is exercising full editorial responsibility over content guided by strict national and European rules as well as journalistic and editorial principles. When online platforms are used to make content of societal general interest available to audiences, such content should never be subject to any undue form of secondary control or removal. Content by a provider with editorial responsibility should not be removed or modified, if doing so this could have severer negative affect their independence and trustworthiness.

For such systems to be used, they need to be combined with appropriate human oversight (see Q 5 above) and a "know your costumer" approach by platforms. Such human component should include a specific point of contact within a given Member State. For national content providers, it is vital to have such a point of contact specifically dedicated to the national market, to clarify questions regarding the classification of content as illegal.

Any future digital legislation in this regard need to fully balance the risk for possible over regulation and securing freedom of speech at the fullest level. It should also ensure to limit the possibilities for the use of automated tools by possible state repression of freedom of speech and influence of media.

7 How should the spread of illegal goods, services or content across multiple platforms and services be addressed? Are there specific provisions necessary for addressing risks brought by:

- a. Digital services established outside of the Union?
- b. Sellers established outside of the Union, who reach EU consumers through online platforms?

3000 character(s) maximum

8 What would be appropriate and proportionate measures for digital services acting as online intermediaries, other than online platforms, to take – e.g. other types of hosting services, such as web hosts, or services deeper in the internet stack, like cloud infrastructure services, content distribution services, DNS services, etc.?

5000 character(s) maximum

9 What should be the rights and responsibilities of other entities, such as authorities, or interested third-parties such as civil society organisations or equality bodies in contributing to tackle illegal activities online?

5000 character(s) maximum

10 What would be, in your view, appropriate and proportionate measures for online platforms to take in relation to activities or content which might cause harm but are not necessarily illegal?

5000 character(s) maximum

Without human supervision, the use of automated tools for content moderation risks leading to over-removal of content from online platforms and in turn to a chilling effect on freedom of expression.

Given the size, scale and volume of illegal content on online platforms, automated tools can be a necessary and complimentary method to swiftly and rapidly detect illegal content.

As all automated systems, a clear danger would be that such systems not correctly recognize or understand e.g. a statement in a specific context or the precise meaning of it. Lawful content and speech may thus be blocked. The over-removal of lawful content may have a chilling and even censoring effect, devastating for freedom of expression and speech.

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For such systems to be used, they need to be combined with appropriate human oversight (see Q 5 above) and a "know your costumer" approach by platforms. Such human component should include a specific point of contact within a given Member State. For national content providers, it is vital to have such a point of contact specifically dedicated to the national market, to clarify questions regarding the classification of content as illegal.

Any future digital legislation in this regard need to fully balance the risk for possible over regulation and securing freedom of speech at the fullest level. It should also ensure to limit the possibilities for the use of automated tools by possible state repression of freedom of speech and influence of media.

11 In particular, are there specific measures you would find appropriate and proportionate for online platforms to take in relation to potentially harmful activities or content concerning minors? Please explain.

5000 character(s) maximum

In addition, se answer to questions B.3 and C.1.

Our goal as PSM companies is to ensure that content of public value remains widely available, is easily accessed and enjoyed by audiences. Empowering and protecting vulnerable audiences and offering dedicated content and services is a fundamental part of our national remits. Apart from on our own online services, content and services for children and youth are provided on third party online platforms such as VSPs, intermediaries and social media networks. On these platforms, viewing environment differs from linear tv, as well as from own online services TV.

According to the EU Audiovisual Media Services Directive (AVMSD), users are well protected when

watching a broadcast or consume content on-demand. The AVMSD applies a harms-based approach, requiring avms providers to ensure that minors do not normally hear or see harmful content (Art. 6a AVMSD). The level of protection is further enhanced in relation to extremely harmful content, such as pornographic or excessively violent content. AVMS providers need to ensure that children cannot access the most harmful content, for example, by encrypting relevant programmes/services. The revised AVMSD also intends to empower audiences by requiring avms providers to provide enough information about the harm associated with a particular programme.

Although the revised AVMSD introduces new rules for video-sharing platform services (VSPs), including adherence to certain advertising rules (Art. 28b AVMSD), regulatory asymmetries persist between heavily regulated avms providers and lightly regulated VSP providers.

While PSM do their utmost to provide dedicated and suitable content and services for children in online spaces (often going beyond the AVMSD's legal requirements), the viewing environment on online platforms is less regulated and provides less protection. Current, and continuing, consumption patterns among children and youth point to the need to address the question of regulatory irregularity in relation to possible harm.

In an ever-changing media landscape, media and information literacy (MIL) competencies have become crucial for being able to empower children and younger audiences on ways to consume and evaluate content information. Independent media can help to increase levels of knowledge, understanding and societal participation. To do so, however, audiences need to be able to find and engage with the content offered. Findability measures and prominence of content of societal general interest for children and younger audiences can play a large role in this regard.

12 Please rate the necessity of the following measures for addressing the spread of disinformation online. Please rate from 1 (not at all necessary) to 5 (essential) each option below.

	1 (not at all necessary)	2	3 (neutral)	4	5 (essential)	I don't know / No answer
Transparently inform consumers about political advertising and sponsored content, in particular during election periods	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Provide users with tools to flag disinformation online and establishing transparent procedures for dealing with user complaints	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tackle the use of fake-accounts, fake engagements, bots and inauthentic users behaviour aimed at amplifying false or misleading narratives	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Transparency tools and secure access to platform data for trusted researchers in order to monitor inappropriate behaviour and better understand the impact of	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>

disinformation and the policies designed to counter it						
Transparency tools and secure access to platform data for authorities in order to monitor inappropriate behaviour and better understand the impact of disinformation and the policies designed to counter it	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Adapted risk assessments and mitigation strategies undertaken by online platforms	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensure effective access and visibility of a variety of authentic and professional journalistic sources	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Auditing systems for platform actions and risk assessments	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Regulatory oversight and auditing competence over platforms' actions and risk assessments, including on sufficient resources and staff, and responsible examination of metrics and capacities related to fake accounts and their impact on the manipulation and amplification of disinformation.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other (please specify)	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

13 Please specify

3000 character(s) maximum

14 In special cases, where crises emerge and involve systemic threats to society, such as a health pandemic, and fast-spread of illegal and harmful activities online, what are, in your view, the appropriate cooperation mechanisms between digital services and authorities?

3000 character(s) maximum

The Nordic PSM organisations play a central role in the public's ability to handle different types of crisis and disinformation. This builds on a number of factors – not least their impartial, trustworthy journalism and presence across the Nordic region which ensures they are able to continue to keep the public informed about important incidents regardless of where they occur. This points to the important role platforms can play in helping the public easily find and identify such content, not least when access to sources of reliable, independent and trustworthy news and information can be an essential part of society's ability to handle crises.

15 What would be effective measures service providers should take, in your view, for protecting the freedom of expression of their users? Please rate from 1 (not at all necessary) to 5 (essential).

	1 (not at all necessary)	2	3 (neutral)	4	5 (essential)	I don't know / No answer
High standards of transparency on their terms of service and removal decisions	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
Diligence in assessing the content notified to them for removal or blocking	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Maintaining an effective complaint and redress mechanism	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Diligence in informing users whose content/goods/services was removed or blocked or whose accounts are threatened to be suspended	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
High accuracy and diligent control mechanisms, including human oversight, when automated tools are deployed for detecting, removing or demoting content or suspending users' accounts	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Enabling third party insight – e.g. by academics – of main content moderation systems	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
Other. Please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

16 Please explain.

3000 character(s) maximum

Independent media can help to increase levels of political knowledge, understanding and even participation. For this, however, the audience needs to be able to find and engage with the content offered. When platforms control if and how content is discovered, through for example community standards, notice-and-action procedures, ranking and recommendation algorithms, it can have far-reaching consequences for the exercise of freedom of expression and pluralism.

PSM organisations in Europe bear full editorial responsibility for their content and are held liable for it under national laws. They are regulated by law and subject to independent oversight. Any additional control or liability over their content by platforms would clearly interfere with fundamental rights on freedom of expression and information. It is crucial that any future provisions on platforms' liability do not lead to platforms exercising editorial control over content made available by independent PSM (i.e. take-down or modification). Safeguards should be established which prevent platforms from applying additional or secondary control over such content. This includes removal or modification based on platforms' community

standards. Decisions on removal or takedown of content should be left to independent national judicial authorities. When content is taken down or suspended, effective complaint, remedy and redress mechanisms should be available to content providers. For national content providers, it is vital to have such a point of contact specifically dedicated to the national market, to clarify questions regarding the classification of content as illegal.

Platforms' algorithms used for ranking content have far-reaching consequences on users' right to freedom of expression and access to a pluralism of views. To promote a flourishing online space where free speech is possible within acceptable limits, algorithmic transparency needs to be enhanced further. To reach audiences through online platforms and understand why which content item appears in the ranking or news feed, PSM and other content providers need to understand platforms' content policies (including ranking) and be duly informed ahead of modifications to adjust services and offers accordingly.

Media freedom and pluralism are at the heart of European democracy. Any new legislation at European level must be consistent with, and respect the principles of media freedom, freedom of speech and support pluralism in Europe.

17 Are there other concerns and mechanisms to address risks to other fundamental rights such as freedom of assembly, non-discrimination, gender equality, freedom to conduct a business, or rights of the child? How could these be addressed?

5000 character(s) maximum

18 In your view, what information should online platforms make available in relation to their policy and measures taken with regard to content and goods offered by their users? Please elaborate, with regard to the identification of illegal content and goods, removal, blocking or demotion of content or goods offered, complaints mechanisms and reinstatement, the format and frequency of such information, and who can access the information.

5000 character(s) maximum

19 What type of information should be shared with users and/or competent authorities and other third parties such as trusted researchers with regard to the use of automated systems used by online platforms to detect, remove and/or block illegal content, goods, or user accounts?

5000 character(s) maximum

20 In your view, what measures are necessary with regard to algorithmic recommender systems used by online platforms?

Online platforms have further facilitated information sharing and enabled free global circulation of views and expressions. Their services enhance participation in public debate and thereby contribute to the public good. For PSM, online platforms have become an indispensable way to reach audiences with innovative content and services. At the same time, the spread of illegal and harmful material on platforms has shown the threats and risks some platforms' practices may have on the coherence of European societies.

Online platforms have to some regard become powerful gatekeepers, by determining the way content is accessed, made available, found, suspended or removed. Online platforms are essentially moderating speech, to be in line with their community standards/terms of service.

By curating/managing/moderating content available, online platforms sometimes attribute preference to their own content (by way of self-preferencing).

To ensure the ability to offer great and diverse European content to audiences the DSA regulation needs to establish the right legal framework, that promotes content by providers of societal general interest and enhances transparency about recommendation systems to further empower users and ensure accountability of sources.

Easy access to, and findability of, independent media content of societal general interest must be guaranteed on digital services and platforms. We therefore support regulation that guarantees the prominence of content of societal general interest on digital services and platforms and ensures proper and clear attribution of brand to the media company. Clear attribution is important for the audience's ability to identify trustworthy sources, and in turn support the objective of informed citizens.

It is also vital that third party platforms are transparent and inform users and content providers about ranking parameters generally, as well as changes to ranking- and recommendation systems. This enables users and content providers to have a chance to react and adapt their services, accordingly, minimising the negative impact of such changes/decisions on content visibility/findability and access/availability.

21 In your view, is there a need for enhanced data sharing between online platforms and authorities, within the boundaries set by the General Data Protection Regulation? Please select the appropriate situations, in your view:

- For supervisory purposes concerning professional users of the platform - e. g. in the context of platform intermediated services such as accommodation or ride-hailing services, for the purpose of labour inspection, for the purpose of collecting tax or social security contributions
- For supervisory purposes of the platforms' own obligations – e.g. with regard to content moderation obligations, transparency requirements, actions taken in electoral contexts and against inauthentic behaviour and foreign interference
- Specific request of law enforcement authority or the judiciary
- On a voluntary and/or contractual basis in the public interest or for other purposes

22 Please explain. What would be the benefits? What would be concerns for companies, consumers or other third parties?

23 What types of sanctions would be effective, dissuasive and proportionate for online platforms which systematically fail to comply with their obligations (See also the last module of the consultation)?

5000 character(s) maximum

24 Are there other points you would like to raise?

3000 character(s) maximum

II. Reviewing the liability regime of digital services acting as intermediaries?

The liability of online intermediaries is a particularly important area of internet law in Europe and worldwide. The E-Commerce Directive harmonises the liability exemptions applicable to online intermediaries in the single market, with specific provisions for different services according to their role: from Internet access providers and messaging services to hosting service providers.

The previous section of the consultation explored obligations and responsibilities which online platforms and other services can be expected to take – i.e. processes they should put in place to address illegal activities which might be conducted by users abusing their service. In this section, the focus is on the legal architecture for the liability regime for service providers when it comes to illegal activities conducted by their users. The Commission seeks informed views on how the current liability exemption regime is working and the areas where an update might be necessary.

2 The liability regime for online intermediaries is primarily established in the E-Commerce Directive, which distinguishes between different types of services: so called ‘mere conduits’, ‘caching services’, and ‘hosting services’.

In your understanding, are these categories sufficiently clear and complete for characterising and regulating today’s digital intermediary services? Please explain.

5000 character(s) maximum

The Nordic public service media companies use a diverse range of distribution channels to make our content and services available to audiences. We assume full editorial responsibility and control over the content provided on a large variety of platforms.

The character and role of the intermediary, i.e. the actor placed between PSM and its audiences, has changed significantly since the E-Commerce Directive was adopted. In this regard, we are concerned that the category of “hosting services” as referred to in the E-Commerce Directive is too broad and does not adequately reflect the multi-functional nature of online platforms. As several services who traditionally has been hosting services to a greater extent have moved towards indexation, recommendation, promoting and other forms of curating of the content they host. We therefore recommend that the DSA establish meaningful and future-proof sub-categories (for example, distinguishing between online content platforms and online marketplaces; or similarly between content intermediaries and online marketplaces. It is of importance that one such sub-category captures hosting service providers whose business centers around the bundling of

content by providing access, making available tools for sharing content and by promoting/categorizing and organizing content.

In addition, the E-Commerce Directive's definition of the liability regime is no longer up to date. This is because certain online platforms, notably video-sharing platforms (VSPs) and social media networks do not merely passively host or assemble (third-party) audiovisual content, but also organize, rank, label, personalize or otherwise moderate content for public use and thus take content-related decisions. Their business models are geared towards the sale of space and visibility on their platforms, and the collection and sale of data about user's consumption and user-patterns on the platform.

Online platforms' content moderation policies are problematic and moreover put at risk general interest objectives like the freedom of expression and pluralism. By moderating and curating content (primarily through algorithmic means), online platforms decide upon the degree of visibility and access to online content. Based on this, the DSA must establish rules that correspond to online platform providers' content management activity, considering their societal impact and their importance for democratic opinion forming. Apart from rendering appropriately prominent content from authentic/trustworthy sources, the DSA should also outline clear and effective procedures to enhance online platforms' accountability. This includes notice-and-action mechanisms in addressing the (re)appearance of illegal content including effective complaints mechanisms (e.g. respecting content providers' rights in contesting online platforms' content-related decisions), enhanced transparency obligations as well as effective complaints handling procedures, including the right to trial. The DSA is also an opportunity to address online platforms' enforcement of unilaterally imposed community standards (ToC) and must ensure that independent courts, on the basis of an assessment of relevant fundamental rights, are competent to decide upon the legality of content and thus on the inclusion or suspension/removal of content on online platforms.

For hosting services, the liability exemption for third parties' content or activities is conditioned by a knowledge standard (i.e. when they get 'actual knowledge' of the illegal activities, they must 'act expeditiously' to remove it, otherwise they could be found liable).

3 Are there aspects that require further legal clarification?

5000 character(s) maximum

4 Does the current legal framework dis-incentivize service providers to take proactive measures against illegal activities? If yes, please provide your view on how disincentives could be corrected.

5000 character(s) maximum

5 Do you think that the concept characterising intermediary service providers as playing a role of a 'mere technical, automatic and passive nature' in the transmission of information ([recital 42 of the E-Commerce Directive](#)) is sufficiently clear and still valid? Please explain.

5000 character(s) maximum

Certain distributors still retain a passive role. These are, for example, providers of electronic communications services as defined by Art. 2(4) EEC, such as traditional/legacy telecommunications or cloud service providers. If these providers do not interfere with the content (including by automated/algorithmic tools), they should be regarded as neutral or passive intermediaries within the meaning of Recital 42 E-Commerce Directive and consequently benefit from the E-Commerce Directive's liability exemptions.

If, however, providers interfere with the content/information they transmit, they must be considered as active and cannot be allowed to circumvent potential claims for secondary liability (provided that the DSA retains the E-Commerce Directive's link between a provider's passiveness and the liability exemptions). This is also relevant in case a telecommunications provider offers several services and performs diverse roles: (i) the one of a passive intermediary transmitting audiovisual content as well as (ii) the one of an active content provider. Providers offering several services must therefore assume an appropriate degree of (secondary) responsibility for (the part of) the service for which it assumes an active role.

In the future, the active/passive separation may no longer be suitable to capture the complexities of activities /services provided by a same provider. An updated liability regime may instead be based on clearer definitions of services (see Q 2 above) that the DSA define, attributing the appropriate level of responsibility to each service category.

Should the DSA retain the active/passive distinction, it is necessary to acknowledge that hosting service providers do no longer play a role of a "mere technical, automatic and passive nature" in the transmission of content/information. Online platforms take content-related decision in line with their Terms and Conditions (see Q 2 above), which sometimes prevail over media's editorial standards and decisions. In combination with the dominant position of certain platforms, such secondary control by platforms does not only threaten media pluralism but also severely limit media freedom.

As a result, the DSA should establish safeguards which prevent platforms from applying additional or secondary control over such content as subject to specific standards/media regulation and independent oversight. This should include removal or modification based on platforms' community standards. PSM's services are governed by sector-specific regulation and compliance of which is monitored by independent national regulatory authorities/supervisory bodies.

Importantly, this positive obligation to respect existing content standards should encompass a requirement to leave intact media provider's branding and to correctly attribute the source. In turn, online platforms should be exempt from liability for content which has been provided by trustworthy/authentic sources.

In this regard, we urge the Commission to take into consideration any national sector-specific liability schemes and sector-specific rules applying to e.g. (PSM) broadcasters as content providers on platforms.

As for Denmark, the Danish Media Liability Act provides for sector-specific liability rules and states that content and conduct of the mass media shall be in conformity with sound press ethics. The Act provides for detailed rules on criminal liability as well as liability for damages to the effect that either the author, the editor and/or – in certain cases – the publisher may be held responsible for the content. Besides domestic periodical publications and audiovisual programs transmitted by broadcasters registered within Denmark (including DR), the Act also applies to some electronic mass media (e.g. a publisher's website or site /account on Facebook, Instagram etc.) on the condition that the electronic media is registered with the Danish Press Council or that the media receives certain media subsidies from the Danish government. As regards DR, the sites/accounts on Facebook, Instagram, Snapchat and Twitter are all registered with the Danish Press Council meaning e.g. (i) that special liability rules apply (in order to ensure that there is always someone to be held liable for the content, both as regards criminal liability and damages) and (ii) that both content and conduct shall be in conformity with sound press ethics.

The Act also establishes the Danish Press Council which rules in cases concerning alleged violation of the

sound press ethics and whether the media shall publish a reply on behalf of the complainant. In Sweden, the Ombudsman for media can review the public service companies' own social media accounts regarding Respect for privacy of individuals. The Swedish PSM companies undertakes to follow the journalistic/editorial rules (impartiality, objectivity, etc.) equally on online platforms and social media, as on social media.

6 The E-commerce Directive also prohibits Member States from imposing on intermediary service providers general monitoring obligations or obligations to seek facts or circumstances of illegal activities conducted on their service by their users. In your view, is this approach, balancing risks to different rights and policy objectives, still appropriate today? Is there further clarity needed as to the parameters for 'general monitoring obligations'? Please explain.

5000 character(s) maximum

7 Do you see any other points where an upgrade may be needed for the liability regime of digital services acting as intermediaries?

5000 character(s) maximum

III. What issues derive from the gatekeeper power of digital platforms?

There is wide consensus concerning the benefits for consumers and innovation, and a wide-range of efficiencies, brought about by online platforms in the European Union's Single Market. Online platforms facilitate cross-border trading within and outside the EU and open entirely new business opportunities to a variety of European businesses and traders by facilitating their expansion and access to new markets. At the same time, regulators and experts around the world consider that large online platforms are able to control increasingly important online platform ecosystems in the digital economy. Such large online platforms connect many businesses and consumers. In turn, this enables them to leverage their advantages – economies of scale, network effects and important data assets- in one area of their activity to improve or develop new services in adjacent areas. The concentration of economic power in then platform economy creates a small number of 'winner-takes it all/most' online platforms. The winner online platforms can also readily take over (potential) competitors and it is very difficult for an existing competitor or potential new entrant to overcome the winner's competitive edge.

The Commission [announced](#) that it 'will further explore, in the context of the Digital Services Act package, ex ante rules to ensure that markets characterised by large platforms with significant network effects acting as gatekeepers, remain fair and contestable for innovators, businesses, and new market entrants'.

This module of the consultation seeks informed views from all stakeholders on this framing, on the scope, the specific perceived problems, and the implications, definition and parameters for addressing possible issues deriving from the economic power of large, gatekeeper platforms.

[The Communication 'Shaping Europe's Digital Future'](#) also flagged that 'competition policy alone cannot address all the systemic problems that may arise in the platform economy'. Stakeholders are invited to

provide their views on potential new competition instruments through a separate, dedicated open public consultation that will be launched soon.

In parallel, the Commission is also engaged in a process of reviewing EU competition rules and ensuring they are fit for the modern economy and the digital age. As part of that process, the Commission has launched a consultation on the proposal for a New Competition Tool aimed at addressing the gaps identified in enforcing competition rules. The initiative intends to address as specific objectives the structural competition problems that prevent markets from functioning properly and that can tilt the level playing field in favour of only a few market players. This could cover certain digital or digitally-enabled markets, as identified in the report by the Special Advisers and other recent reports on the role of competition policy, and/or other sectors. As such, the work on a proposed new competition tool and the initiative at stake complement each other. The work on the two impact assessments will be conducted in parallel in order to ensure a coherent outcome. In this context, the Commission will take into consideration the feedback received from both consultations. We would therefore invite you, in preparing your responses to the questions below, to also consider your response to [the parallel consultation on a new competition tool](#)

1 To what extent do you agree with the following statements?

	Fully agree	Somewhat agree	Neither agree not disagree	Somewhat disagree	Fully disagree	I don't know/ No reply
Consumers have sufficient choices and alternatives to the offerings from online platforms.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is easy for consumers to switch between services provided by online platform companies and use same or similar services provider by other online platform companies ("multi-home").	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
It is easy for individuals to port their data in a useful manner to alternative service providers outside of an online platform.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is sufficient level of interoperability between services of different online platform companies.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
There is an asymmetry of information between the knowledge of online platforms about consumers,						

which enables them to target them with commercial offers, and the knowledge of consumers about market conditions.	<input checked="" type="radio"/>	<input type="radio"/>				
It is easy for innovative SME online platforms to expand or enter the market.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
Traditional businesses are increasingly dependent on a limited number of very large online platforms.	<input checked="" type="radio"/>	<input type="radio"/>				
There are imbalances in the bargaining power between these online platforms and their business users.	<input checked="" type="radio"/>	<input type="radio"/>				
Businesses and consumers interacting with these online platforms are often asked to accept unfavourable conditions and clauses in the terms of use/contract with the online platforms.	<input checked="" type="radio"/>	<input type="radio"/>				
Certain large online platform companies create barriers to entry and expansion in the Single Market (gatekeepers).	<input checked="" type="radio"/>	<input type="radio"/>				
Large online platforms often leverage their assets from their primary activities (customer base, data, technological solutions, skills, financial capital) to expand into other activities.	<input checked="" type="radio"/>	<input type="radio"/>				
When large online platform companies expand into such new activities, this often poses a risk of reducing innovation and deterring competition from smaller innovative market operators.	<input checked="" type="radio"/>	<input type="radio"/>				

Main features of gatekeeper online platform companies and the main criteria for assessing their economic power

1 Which characteristics are relevant in determining the gatekeeper role of large online platform companies? Please rate each criterion identified below from 1 (not relevant) to 5 (very relevant):

Large user base	 
Wide geographic coverage in the EU	 
They capture a large share of total revenue of the market you are active/of a sector	 
Impact on a certain sector	 
They build on and exploit strong network effects	 
They leverage their assets for entering new areas of activity	 
They raise barriers to entry for competitors	 
They accumulate valuable and diverse data and information	 
There are very few, if any, alternative services available on the market	 
Lock-in of users/consumers	 
Other	 

2 If you replied "other", please list

3000 character(s) maximum

Due to several traits characterizing the markets under consideration (e.g. network effects, high production /low distribution costs, the ability to reap large economies of scale and scope), certain platforms are vertically and/or diagonally integrated. Those platforms can control entire digital ecosystems and value chain. This capacity should be considered in determining whether a platform is a gatekeeper.

In addition, an assessment if a large online platform is a gatekeeper must not be restricted to supply-side considerations, but also consider user behavior. This is illustrated by the Commission's Google Shopping decision. Here, the Commission found that, though it is easy for users to switch from one search engine to another, only a minority do this.

3 Please explain your answer. How could different criteria be combined to accurately identify large online platform companies with gatekeeper role?

3000 character(s) maximum

In many cases, a combination of criteria is necessary to conduct relevant assessments. In emerging market there may be very few services for consumers to choose from/switch to. When this is combined with practices that lock the consumer into a services/ecosystem, this would arguably be an indication of a platform gatekeeper. Similarly, a platform that benefits from strong network effects and controls a large user base, making it difficult for other providers to enter or expand into the market concerned, would be an indication that the platform under consideration acts as a gatekeeper.

4 Do you believe that the integration of any or all of the following activities within a single company can strengthen the gatekeeper role of large online platform companies ('conglomerate effect')? Please select the activities you consider to strengthen the gatekeeper role:

- online intermediation services (i.e. consumer-facing online platforms such as e-commerce marketplaces, social media, mobile app stores, etc., as per [Regulation \(EU\) 2019/1150](#) - see glossary)
- search engines
- operating systems for smart devices
- consumer reviews on large online platforms
- network and/or data infrastructure/cloud services
- digital identity services
- payment services (or other financial services)
- physical logistics such as product fulfilment services
- data management platforms
- online advertising intermediation services
- other. Please specify in the text box below.

5 Other - please list

1000 character(s) maximum

Emerging issues

The following questions are targeted particularly at businesses and business users of large online platform companies.

2 As a business user of large online platforms, do you encounter issues concerning trading conditions on large online platform companies?

- Yes
- No

3 Please specify which issues you encounter and please explain to what types of platform these are related to (e.g. e-commerce marketplaces, app stores, search engines, operating systems, social networks).

5000 character(s) maximum

The Nordic public service media organizations are bound by 'universality' obligations, with requirements to reach all segments of society. Digital platforms have become an important tool in this regard, and recent years have seen a significant development in the role played by platforms. New ways of distributing content have stimulated innovation and led to exciting opportunities for both audiences and creators.

Our presence on platforms is linked to the different purposes which those platforms serve, for example to reach a certain age-group or other targeted audiences. We also use third party platforms and social networks for creating awareness about our content and services, and for making content available for audiences we are sometimes challenged to reach fully on our own platforms. This is especially true in our ambitions to always make content and news available to younger audiences and children. In relation to each individual platform, a pre-assessment is made of whether, and if so in what way, the platform should be used and for what content/service. The pre-assessment is made up by many different factors that together confirms if the platform is offering added value to ways of reaching our audiences.

It is increasingly important for the public to be able to identify whether content they access on online platforms originates from a source they trust. However, a number of factors may make this difficult; a lack of transparency about how the relevant platform practices impacts the newsfeed; on how content and services are promoted; preferential treatment granted by platforms to their own services (or the services provided by an advertising partners). In addition, a particular challenge arises from the lack of return of data generated by our content and services and the lack of attribution to the content provider.

For example, NRK has on several occasions experienced that removed logos from their podcast programs on the Apple Podcast app, making it less clear that the podcast programs are produced and published by NRK. The stripping of the brand of PSM companies from their own content is increasing the distance between content providers and the public.

Nordic PSM's content and likeness must not be used in such a way that it could damage their independence or trustworthiness. The audience should be able to easily identify which content on a platform is provided by Nordic PSM. The public must know that content originates from a provider they can trust. Global platforms can through actions such as in the case with NRK's podcast operate in a manner that can decrease the prominence and clarity regarding what content originates from trusted producers of content of general societal interest.

4 Have you been affected by unfair contractual terms or unfair practices of very large online platform companies? Please explain your answer in detail, pointing to the effects on your business, your consumers and possibly other stakeholders in the short, medium and long-term?

5000 character(s) maximum

One of the main, and fundamentally most important, issues we have encountered so far in dealing with platforms concerns the removal of legal and editorially approved content (please see our reply to Question 3, part 1 above). The removal has repeatedly been linked to unilateral Terms and Conditions imposed on content providers by platforms. Such terms and conditions and community standards are unilaterally imposed with no possibility to negotiate or differentiate between private or business user. Terms and community standards often set out requirements and expectations on published content that differs from the laws and regulations in the EU or in individual Member States. Consequently, content that are in full compliance with European or national requirements risks being unnecessarily and unwarrantedly removed by platforms. Erroneous removals of content are numerous and has a direct impact on media pluralism and on the freedom of information. The DSA should establish safeguards which prevent platforms from applying additional or secondary control over such content. This should include removal or modification based on platforms' community standards.

In addition, and related to competition policy, the lack of bargaining power and sustainable business relations related to platforms community standards, combined with the large user base translates into accepting unfair contractual terms or being subject to unfair practices. For example, in many cases, to be present on certain platforms, organizations are forced to grant a non-exclusive, sublicensable and royalty-free worldwide licenses to their content.

Another example concerns retaliatory and bundling practices. For example, certain platforms bundle paid /subscription-based and free services. If PSM do not agree to the distribution of their content through the subscription-based channel, they are not allowed to distribute their content for free. There are also examples of platforms changing their business-models over time, thus forcing compliance to or agreement with new terms that would potentially not have been initially accepted. When the terms or business-model changes, the platform has become so popular that there is in fact not an alternative to leave the platform and thus very limited leverage in negotiations.

Other issues of concerns include;

- The access/return of data: Media need access to/return of non-privacy data in a usable form that is generated from making their content available on third party platforms, in line with data protection and privacy rules. This ensures further innovation and enhancement of services for the long-term benefit of audiences. Transparency and sustainable communication around what data the platforms gather and what content providers can access is therefore increasingly important to continue development of services in the future.
- Platforms' lacking transparency on preferential treatment of own services and on services that pay for preferential treatment.

The following questions are targeted particularly at consumers who are users of large online platform companies.

6 Do you encounter issues concerning commercial terms and conditions when accessing services provided by large online platform companies?

Please specify which issues you encounter and please explain to what types of platform these are related to (e.g. e-commerce marketplaces, app stores, search engines, operating systems, social networks).

5000 character(s) maximum

Please see our replies to Questions 3 and 4 above.

7 Have you considered any of the practices by large online platform companies as unfair? Please explain.

3000 character(s) maximum

Please see our reply to Questions 3 and 4 above.

The following questions are open to all respondents.

9 Are there specific issues and unfair practices you perceive on large online platform companies?

5000 character(s) maximum

Please see our replies to Questions 3 and 4 above.

10 In your view, what practices related to the use and sharing of data in the platforms' environment are raising particular challenges?

5000 character(s) maximum

We want to operate alongside online platforms based on level conditions and sustainable business relations. One important condition in securing leveraged relations and increased transparency is for media to have access to/return of the non-privacy data that is generated from making our content available on third party platforms, in line with data protection and privacy rules. This ensures us to further being able to innovate and enhance services, for the long-term benefit of audiences and pluralism in markets.

The concentration of market power enables platforms to impose broad (in practice non-negotiable) Terms of Service on their users, which can further strengthen their market power. This can occur in different ways:

- Terms of Service may allow for the collection of vast amounts of user data.
- Platforms, for monetizing reasons, be disincentivized to share data with Third Parties. As a result, Terms of Service may include restrictive clauses that prevent data from being shared with Third Parties (even where the product being used is provided by the Third Party to the platform) under the guise of the GDPR.
- A small number of players may accumulate large amounts of data, gathering important insights and competitive advantages from the richness and variety of the data they hold. The high degree of market power resulting from the "data advantage" can enable large players to set the rules on the platform and unilaterally impose conditions for access and use of data or, indeed, allow leveraging of such "power advantage" when developing new services and expanding towards new markets'.

11 What impact would the identified unfair practices can have on innovation, competition and consumer choice in the single market?

3000 character(s) maximum

Please see our reply to Question 4 above.

12 Do startups or scaleups depend on large online platform companies to access or expand? Do you observe any trend as regards the level of dependency in the last five years (i.e. increases; remains the same; decreases)? Which difficulties in your view do start-ups or scale-ups face when they depend on large online platform companies to access or expand on the markets?

3000 character(s) maximum

13 Which are possible positive and negative societal (e.g. on freedom of expression, consumer protection, media plurality) and economic (e.g. on market contestability, innovation) effects, if any, of the gatekeeper role that large online platform companies exercise over whole platform ecosystem?

3000 character(s) maximum

Please see our reply to Question 4 above.

14 Which issues specific to the media sector (if any) would, in your view, need to be addressed in light of the gatekeeper role of large online platforms? If available, please provide additional references, data and facts.

3000 character(s) maximum

The cornerstone of independent public service media is exercising full editorial responsibility over content. Public trust is built on maintaining this independence. When digital platforms and social networks are used to make independent content of societal general interest available to audiences, such content should never be subject to any undue form of secondary control or removal. Where platforms exercise such secondary control, which occasionally leads to the removal of the content concerned, freedom of expression is unjustifiably undermined, media pluralism is harmed, and online users are deprived of the ability to access public interest content. Therefore, any European digital regulation must safeguard freedom of expression and freedom of the press. It is crucial that any provisions on platforms' liability do not lead to platforms exercising editorial control over content made available by independent PSM (i.e. take-down or modification). The DSA should establish safeguards which prevent platforms from applying additional or secondary control over such content. This should include removal or modification based on platforms' community standards.

Content of societal general interest should be easily findable, be displayed prominent and be fully attributed to the media company. Clear attribution is important for the audience's ability to identify trustworthy sources, and in turn support the objective of informed citizens. We have already referred to certain practices (e.g.

preferential treatment of platforms' own services, bundling practices) that may limit the user's ability to find and access content of societal general interest. If content of societal general interest is difficult to find and to identify by brand, consumers risk losing out on the content they trust and rely on. Measures to support prominence of content of societal general interest would increase exposure diversity, thereby promoting media pluralism. As mentioned in question 10, media needs access to data generated by or related to their content and services on third party platforms.

Finally, media and information literacy are essential means of tackling disinformation and increasing levels of digital literacy in Europe.

Regulation of large online platform companies acting as gatekeepers

1 Do you believe that in order to address any negative societal and economic effects of the gatekeeper role that large online platform companies exercise over whole platform ecosystems, there is a need to consider dedicated regulatory rules?

- I fully agree
- I agree to a certain extent
- I disagree to a certain extent
- I disagree
- I don't know

2 Please explain

3000 character(s) maximum

The current regulatory framework is inadequate to address issues arising from platform practices; instruments that apply to platforms do not capture concerns that have emerged in recent years. For example, we have explained above why the distinction between 'active' and 'passive' service providers does not adequately reflect the role that platforms play in today's information society.

Recent efforts to regulate platforms, among them the platform-to-business Regulation and the New Deal for Consumers, focus on transparency. Thought important, there is concerns that existing obligations are not enough to address concerns arising from harmful practices. For example, while the platform-to-business Regulation imposes the obligation to disclose whether they grant preferential treatment to their own services, large platforms are not prevented from engaging in preferential treatment. Preferential treatment of platforms' own services can harm competition, reduce pluralism and access to a variety of views/info /services.

General competition law is sufficiently flexible to address some concerns arising from platform practices. However, it applies only if the companies under scrutiny hold market power and, if a decision finding an infringement of the competition rules is adopted, it is binding only on the companies under investigation.

Other instruments are inadequate to address concerns arising from platform practices because of the subjects they protect (which essentially limits their scope). For example, obligations under the General Data Protection Regulation cover only 'personal data', that is, information relating to an identifiable individual. As a result, data-related issues facing the business users of the platforms, such as access to data and restrictions on the portability of non-personal data, remain unregulated.

The EU telecoms rules, meanwhile, regulate access to network infrastructure and do not cover online platforms.

In the light of the above and given that consumption of content and services online is only expected to increase, media organizations would benefit from revised and/or new rules that effectively address any unfair practices curtailing their ability to reach their audiences.

3 Do you believe that such dedicated rules should prohibit certain practices by large online platform companies with gatekeeper role that are considered particularly harmful for users and consumers of these large online platforms?

- Yes
- No
- I don't know

4 Please explain your reply and, if possible, detail the types of prohibitions that should in your view be part of the regulatory toolbox.

3000 character(s) maximum

We see a potential risk that the current legal framework is not fully adequate to protect platforms' business users against abuses of economic dependence or in limiting pluralism.

Based on the large user base they control as well as their influence over opinion forming, large platforms can engage in harmful practices, limit pluralism and impose general terms and conditions on business users and consumers. While the platform-to-business Regulation focuses on promoting transparency, competition law is also fully insufficient to address concerns arising from an increasing dependence on platforms. The goal of competition law is not to protect individual competitors, but competition generally. At best, competition authorities may intervene to protect competitors that are 'as efficient' as the dominant company under investigation.

The Nordic PSBs further refer to the answer to the consultation from the European Broadcasting Union (EBU) on possible suggestions to address regulatory measures.

5 Do you believe that such dedicated rules should include obligations on large online platform companies with gatekeeper role?

- Yes
- No
- I don't know

6 Please explain your reply and, if possible, detail the types of obligations that should in your view be part of the regulatory toolbox.

3000 character(s) maximum

Please see our reply to Question 2 above.

7 If you consider that there is a need for such dedicated rules setting prohibitions and obligations, as those referred to in your replies to questions 3 and 5 above, do you think there is a need for a specific regulatory authority to enforce these rules?

- Yes
- No
- I don't know

8 Please explain your reply.

3000 character(s) maximum

The Nordic PSBs further refer to the answer to the consultation from the European Broadcasting Union (EBU) on regulatory oversight.

9 Do you believe that such dedicated rules should enable regulatory intervention against specific large online platform companies, when necessary, with a case by case adapted remedies?

- Yes
- No
- I don't know

10 If yes, please explain your reply and, if possible, detail the types of case by case remedies.

3000 character(s) maximum

11 If you consider that there is a need for such dedicated rules, as referred to in question 9 above, do you think there is a need for a specific regulatory authority to enforce these rules?

- Yes
- No

12 Please explain your reply

3000 character(s) maximum

13 If you consider that there is a need for a specific regulatory authority to enforce dedicated rules referred to questions 3, 5 and 9 respectively, would in your view these rules need to be enforced by the same regulatory authority or could they be enforced by different regulatory authorities? Please explain your reply.

3000 character(s) maximum

14 At what level should the regulatory oversight of platforms be organised?

- At national level
- At EU level
- Both at EU and national level.
- I don't know

15 If you consider such dedicated rules necessary, what should in your view be the relationship of such rules with the existing sector specific rules and/or any future sector specific rules?

3000 character(s) maximum

Additionally, suggested rules should complement existing and future sector-specific rules and should distinguish between rules that seek to address economic concerns and those that seek to address non-economic concerns.

As regards to economic concerns, the platform-to-business Regulation and the New Deal for Consumers, which impose transparency obligations on platforms in order to address the relations between platforms and business users/consumers, need to be enhanced within the DSA package with a view to promote fairness and competition in the platform economy.

Rules relating to non-economic concerns, in particular rules that promote freedom of expression and media pluralism (e.g. measures to support prominence of public interest content) must prevail over any new horizontal rules in the DSA package. This is because the non-economic objectives behind such measures are different from those aimed at promoting fairness and competition in the platform economy.

By addressing certain negative economic effects (e.g. by prohibiting self-preferencing), any future rules within the DSA would further promote societal objectives and secure pluralism.

16 Should such rules have an objective to tackle both negative societal and negative economic effects deriving from the gatekeeper role of these very large online platforms? Please explain your reply.

3000 character(s) maximum

See answer to question 15.

17 Specifically, what could be effective measures related to data held by very large online platform companies with a gatekeeper role beyond those laid down in the General Data Protection Regulation in order to promote competition and innovation as well as a high standard of personal data protection and consumer welfare?

3000 character(s) maximum

Platforms have become a necessary tool in reaching a full range of audiences, and recent years have seen a significant development in the role platforms play in this regard. New ways of distributing content have stimulated innovation and led to exciting opportunities for audiences and creators.

Media need access to/return of non-privacy data in a usable form that is generated from making our content available on third party platforms, in line with data protection and privacy rules. This ensures our ability to tailor our products and services further, and to drive innovation and enhancement of services for the long-term benefit of audiences.

To ensure sustainability in the way content providers can access the data generated from the consumption of their own content and services, in full respect of data protection regulation, Ex ante regulation should be considered. Access to data is currently not addressed by horizontal initiatives that concern platform-to-business relations.

We are consistently advocating for regulation strengthening the business relations between platforms and business users, including access to data generated by or related to the services and content of platforms' business users, in full respect of data protection regulation.

We believe that such a right:

- Fully respects the right to the protection of personal data enshrined in Article 8 CFREU. Data on consumption of the relevant PSM's services (and specifically personal data) would need to be transferred in a manner consistent with the GDPR.

- Is proportionate to the objective it seeks to achieve, as access would be restricted to the data generated by or related to the services and content offered by the business user concerned;

- Is founded on the principle of 'shared value creation' which the Commission advocates for in its Communication Towards a Common European Data Space. This data relating to consumption of their content and services is a part of the value exchange which should take place between PSM and platforms, so that PSM receive proper value in return for providing such content and services, which is often provided by PSM for free and is also regulated to ensure high quality and distinctiveness.

As regards the quality of the data access to which is granted, we note that data should be accurate and up to date. Moreover, data should be shared in a user-friendly and readable format.

18 What could be effective measures concerning large online platform companies with a gatekeeper role in order to promote media pluralism, while respecting the subsidiarity principle?

3000 character(s) maximum

Digital platforms have become important way of reaching audiences, and recent years have seen a significant development in the role platforms play in this regard. New ways of distributing content have stimulated innovation and led to exciting opportunities for audiences and creators. We want to operate with, and alongside digital intermediaries and social networks based on level conditions and business relations.

European digital regulation must safeguard freedom of expression, freedom of the press and pluralism. The cornerstone of independent public service media is exercising full editorial responsibility over content guided by strict national and European rules as well as journalistic and editorial principles. It is crucial that any provisions on platforms' liability do not lead to platforms exercising editorial control over content made available by independent PSM (i.e. take-down or modification). The DSA should establish safeguards which prevent platforms from applying additional or secondary control over such content. This should include removal or modification based on platforms' community standards.

Independent media can help to increase levels of political knowledge, understanding and even participation. To do so, however, the audience needs to be able to find and engage with the content offered. Content of societal general interest should be easily findable, be displayed prominent and be fully attributed to the media company. Clear attribution is important for the audience's ability to identify trustworthy sources, and in turn support the objective of informed citizens. We have already referred to certain practices (e.g. preferential treatment of platforms' own services, bundling practices) that may limit the user's ability to find and access content of societal general interest. If content of societal general interest is difficult to find and to identify by brand, consumers risk losing out on the content they trust and rely on. Measures to support prominence of content of societal general interest would increase exposure diversity, thereby promoting media pluralism. As mentioned in question 10, media needs access to data generated by or related to their content and services on third party platforms.

Media and information literacy are essential means of tackling disinformation and increasing levels of digital literacy in Europe.

19 Which, if any, of the following characteristics are relevant when considering the requirements for a potential regulatory authority overseeing the large online platform companies with the gatekeeper role:

- Institutional cooperation with other authorities addressing related sectors – e.g. competition authorities, data protection authorities, financial services authorities, consumer protection authorities, cyber security, etc.
- Pan-EU scope
- Swift and effective cross-border cooperation and assistance across Member States
- Capacity building within Member States
- High level of technical capabilities including data processing, auditing capacities
- Cooperation with extra-EU jurisdictions
- Other

21 Please explain if these characteristics would need to be different depending on the type of ex ante rules (see questions 3, 5, 9 above) that the regulatory authority would be enforcing?

3000 character(s) maximum

No, please see our reply to Question 6 above.

22 Which, if any, of the following requirements and tools could facilitate regulatory oversight over very large online platform companies (multiple answers possible):

- Reporting obligation on gatekeeping platforms to send a notification to a public authority announcing its intention to expand activities
- Monitoring powers for the public authority (such as regular reporting)
- Investigative powers for the public authority
- Other

24 Please explain if these requirements would need to be different depending on the type of ex ante rules (see questions 3, 5, 9 above) that the regulatory authority would be enforcing?

3000 character(s) maximum

25 Taking into consideration [the parallel consultation on a proposal for a New Competition Tool](#) focusing on addressing structural competition problems that prevent markets from functioning properly and tilt the level playing field in favour of only a few market players. Please rate the suitability of each option below to address market issues arising in online platforms ecosystems. Please rate the policy options below from 1 (not effective) to 5 (most effective).

	1 (not effective)	2 (somewhat effective)	3 (sufficiently effective)	4 (very effective)	5 (most effective)	Not applicable /No relevant experience or knowledge
1. Current competition rules are enough to address issues raised in digital markets	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. There is a need for an additional regulatory framework imposing obligations and prohibitions that are generally applicable to all large online platforms with gatekeeper power	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. There is a need for an additional regulatory framework allowing for the possibility to impose tailored remedies on individual large online platforms with gatekeeper power, on a case-by-case basis	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. There is a need for a New Competition Tool allowing to address structural risks and lack of competition in (digital) markets on a case-by-case basis.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. There is a need for combination of two or more of the options 2 to 4.	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

26 Please explain which of the options, or combination of these, would be, in your view, suitable and sufficient to address the market issues arising in the online platforms ecosystems.

3000 character(s) maximum

The Nordic PSM refers to the answer to this question by the European Broadcasting Union (EBU).

27 Are there other points you would like to raise?

3000 character(s) maximum

IV. Other emerging issues and opportunities, including online advertising and smart contracts

Online advertising has substantially evolved over the recent years and represents a major revenue source for many digital services, as well as other businesses present online, and opens unprecedented opportunities for content creators, publishers, etc. To a large extent, maximising revenue streams and optimising online advertising are major business incentives for the business users of the online platforms and for shaping the data policy of the platforms. At the same time, revenues from online advertising as well as increased visibility and audience reach are also a major incentive for potentially harmful intentions, e.g. in online disinformation campaigns.

Another emerging issue is linked to the conclusion of 'smart contracts' which represent an important innovation for digital and other services, but face some legal uncertainties.

This section of the open public consultation seeks to collect data, information on current practices, and informed views on potential issues emerging in the area of online advertising and smart contracts.

Respondents are invited to reflect on other areas where further measures may be needed to facilitate innovation in the single market. This module does not address privacy and data protection concerns; all aspects related to data sharing and data collection are to be afforded the highest standard of personal data protection.

Online advertising

1 When you see an online ad, is it clear to you who has placed it online?

- Yes, always
- Sometimes: but I can find the information when this is not immediately clear
- Sometimes: but I cannot always find this information
- I don't know
- No

2 As a publisher online (e.g. owner of a website where ads are displayed), what types of advertising systems do you use for covering your advertising space? What is their relative importance?

	% of ad space	% of ad revenue
Intermediated programmatic advertising through real-time bidding		
Private marketplace auctions		
Programmatic advertising with guaranteed impressions (non-auction based)		
Behavioural advertising (micro-targeting)		
Contextual advertising		
Other		

3 What information is publicly available about ads displayed on an online platform that you use?

3000 character(s) maximum

4 As a publisher, what type of information do you have about the advertisement placed next to your content/on your website?

3000 character(s) maximum

5 To what extent do you find the quality and reliability of this information satisfactory for your purposes?

Please rate your level of satisfaction



6 As an advertiser or an agency acting on behalf of the advertiser (if applicable), what types of programmatic advertising do you use to place your ads? What is their relative importance in your ad inventory?

	% of ad inventory	% of ad expenditure
Intermediated programmatic advertising through real-time bidding		
Private marketplace auctions		
Programmatic advertising with guaranteed impressions (non-auction based)		
Behavioural advertising (micro-targeting)		
Contextual advertising		
Other		

7 As an advertiser or an agency acting on behalf of the advertiser (if applicable), what type of information do you have about the ads placed online on your behalf?

3000 character(s) maximum

8 To what extent do you find the quality and reliability of this information satisfactory for your purposes?

Please rate your level of satisfaction



The following questions are targeted specifically at online platforms.

10 As an online platform, what options do your users have with regards to the advertisements they are served and the grounds on which the ads are being served to them? Can users access your service through other conditions than viewing advertisements? Please explain.

3000 character(s) maximum

11 Do you publish or share with researchers, authorities or other third parties detailed data on ads published, their sponsors and viewership rates? Please explain.

3000 character(s) maximum

12 What systems do you have in place for detecting illicit offerings in the ads you intermediate?

3000 character(s) maximum

The following questions are open to all respondents.

14 Based on your experience, what actions and good practices can tackle the placement of ads next to illegal content or goods, and/or on websites that disseminate such illegal content or goods, and to remove such illegal content or goods when detected?

3000 character(s) maximum

15 From your perspective, what measures would lead to meaningful transparency in the ad placement process?

3000 character(s) maximum

16 What information about online ads should be made publicly available?

3000 character(s) maximum

17 Based on your expertise, which effective and proportionate auditing systems could bring meaningful accountability in the ad placement system?

3000 character(s) maximum

18 What is, from your perspective, a functional definition of 'political advertising'? Are you aware of any specific obligations attached to 'political advertising' at national level ?

3000 character(s) maximum

19 What information disclosure would meaningfully inform consumers in relation to political advertising? Are there other transparency standards and actions needed, in your opinion, for an accountable use of political advertising and political messaging?

3000 character(s) maximum

20 What impact would have, in your view, enhanced transparency and accountability in the online advertising value chain, on the gatekeeper power of major online platforms and other potential consequences such as media pluralism?

3000 character(s) maximum

21 Are there other emerging issues in the space of online advertising you would like to flag?

3000 character(s) maximum

Smart contracts

1 Is there sufficient legal clarity in the EU for the provision and use of “smart contracts” – e.g. with regard to validity, applicable law and jurisdiction?

Please rate from 1 (lack of clarity) to 5 (sufficient clarity)



2 Please explain the difficulties you perceive.

3000 character(s) maximum

3 In which of the following areas do you find necessary further regulatory clarity?

- Mutual recognition of the validity of smart contracts in the EU as concluded in accordance with the national law
- Minimum standards for the validity of “smart contracts” in the EU
- Measures to ensure that legal obligations and rights flowing from a smart contract and the functioning of the smart contract are clear and unambiguous, in particular for consumers
- Allowing interruption of smart contracts
- Clarity on liability for damage caused in the operation of a smart contract
- Further clarity for payment and currency-related smart contracts.

4 Please explain.

3000 character(s) maximum

5 Are there other points you would like to raise?

3000 character(s) maximum

V. How to address challenges around the situation of self-employed individuals offering services through online platforms?

Individuals providing services through platforms may have different legal status (workers or self-employed). This section aims at gathering first information and views on the situation of self-employed individuals

offering services through platforms (such as ride-hailing, food delivery, domestic work, design work, micro-tasks etc.). Furthermore, it seeks to gather first views on whether any detected problems are specific to the platform economy and what would be the perceived obstacles to the improvement of the situation of individuals providing services through platforms. This consultation is not intended to address the criteria by which persons providing services on such platforms are deemed to have one or the other legal status. The issues explored here do not refer to the selling of goods (e.g. online marketplaces) or the sharing of assets (e.g. sub-renting houses) through platforms.

The following questions are targeting self-employed individuals offering services through online platforms.

Relationship with the platform and the final customer

1 What type of service do you offer through platforms?

- Food-delivery
- Ride-hailing
- Online translations, design, software development or micro-tasks
- On-demand cleaning, plumbing or DIY services
- Other, please specify

2 Please explain.

3 Which requirements were you asked to fulfill in order to be accepted by the platform(s) you offer services through, if any?

4 Do you have a contractual relationship with the final customer?

- Yes
- No

5 Do you receive any guidelines or directions by the platform on how to offer your services?

- Yes
- No

7 Under what conditions can you stop using the platform to provide your services, or can the platform ask you to stop doing so?

8 What is your role in setting the price paid by the customer and how is your remuneration established for the services you provide through the platform(s)?

9 What are the risks and responsibilities you bear in case of non-performance of the service or unsatisfactory performance of the service?

Situation of self-employed individuals providing services through platforms

10 What are the main advantages for you when providing services through platforms?

3000 character(s) maximum

11 What are the main issues or challenges you are facing when providing services through platforms? Is the platform taking any measures to improve these?

3000 character(s) maximum

12 Do you ever have problems getting paid for your service? Does/do the platform have any measures to support you in such situations?

3000 character(s) maximum

13 Do you consider yourself in a vulnerable or dependent situation in your work (economically or otherwise), and if yes, why?

14 Can you collectively negotiate vis-à-vis the platform(s) your remuneration or other contractual conditions?

- Yes
- No

15 Please explain.

The following questions are targeting online platforms.

Role of platforms

17 What is the role of your platform in the provision of the service and the conclusion of the contract with the customer?

18 What are the risks and responsibilities borne by your platform for the non-performance of the service or unsatisfactory provision of the service?

19 What happens when the service is not paid for by the customer/client?

20 Does your platform own any of the assets used by the individual offering the services?

- Yes
- No

22 Out of the total number of service providers offering services through your platform, what is the percentage of self-employed individuals?

- Over 75%
- Between 50% and 75%
- Between 25% and 50%
- Less than 25%

Rights and obligations

23 What is the contractual relationship between the platform and individuals offering services through it?

3000 character(s) maximum

24 Who sets the price paid by the customer for the service offered?

The platform

- The individual offering services through the platform
- Others, please specify

25 Please explain.

3000 character(s) maximum

26 How is the price paid by the customer shared between the platform and the individual offering the services through the platform?

3000 character(s) maximum

27 On average, how many hours per week do individuals spend offering services through your platform?

3000 character(s) maximum

28 Do you have measures in place to enable individuals providing services through your platform to contact each other and organise themselves collectively?

- Yes
- No

29 Please describe the means through which the individuals who provide services on your platform contact each other.

3000 character(s) maximum

30 What measures do you have in place for ensuring that individuals offering services through your platform work legally - e.g. comply with applicable rules on minimum working age, hold a work permit, where applicable - if any?

(If you replied to this question in your answers in the first module of the consultation, there is no need to repeat your answer here.)

3000 character(s) maximum

The following questions are open to all respondents

Situation of self-employed individuals providing services through platforms

32 Are there areas in the situation of individuals providing services through platforms which would need further improvements? Please rate the following issues from 1 (no improvements needed) to 5 (substantial issues need to be addressed).

	1 (no improvements needed)	2	3	4	5 (substantial improvements needed)	I don't know / No answer
Earnings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Flexibility of choosing when and /or where to provide services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transparency on remuneration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Measures to tackle non-payment of remuneration	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Transparency in online ratings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Ensuring that individuals providing services through platforms can contact each other and organise themselves for collective purposes	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Tackling the issue of work carried out by individuals lacking legal permits	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Prevention of discrimination of individuals providing services through platforms, for instance based on gender, racial or ethnic origin	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Allocation of liability in case of damage	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other, please specify	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

33 Please explain the issues that you encounter or perceive.

3000 character(s) maximum

34 Do you think individuals providing services in the 'offline/traditional' economy face similar issues as individuals offering services through platforms?

Yes

No

I don't know

35 Please explain and provide examples.

3000 character(s) maximum

36 In your view, what are the obstacles for improving the situation of individuals providing services

1. through platforms?
2. in the offline/traditional economy?

3000 character(s) maximum

37 To what extent could the possibility to negotiate collectively help improve the situation of individuals offering services:

through online platforms?	
in the offline/traditional economy?	

38 Which are the areas you would consider most important for you to enable such collective negotiations?

3000 character(s) maximum

39 In this regard, do you see any obstacles to such negotiations?

3000 character(s) maximum

40 Are there other points you would like to raise?

3000 character(s) maximum

VI. What governance for reinforcing the Single Market for digital services?

The EU's Single Market offers a rich potential for digital services to scale up, including for innovative European companies. Today there is a certain degree of legal fragmentation in the Single Market . One of the main objectives for the Digital Services Act will be to improve opportunities for innovation and '[deepen the Single Market for Digital Services](#)'.

This section of the consultation seeks to collect evidence and views on the current state of the single market and steps for further improvements for a competitive and vibrant Single market for digital services. This module also inquires about the relative impact of the COVID-19 crisis on digital services in the Union. It then focuses on the appropriate governance and oversight over digital services across the EU and means to enhance the cooperation across authorities for an effective supervision of services and for the equal protection of all citizens across the single market. It also inquires about specific cooperation arrangements such as in the case of consumer protection authorities across the Single Market, or the regulatory oversight and cooperation mechanisms among media regulators. This section is not intended to focus on the enforcement of EU data protection rules (GDPR).

Main issues

1 How important are - in your daily life or for your professional transactions - digital services such as accessing websites, social networks, downloading apps, reading news online, shopping online, selling products online?

Overall	
Those offered from outside of your Member State of establishment	

The following questions are targeted at digital service providers

3 Approximately, what share of your EU turnover is generated by the provision of your service outside of your main country of establishment in the EU?

- Less than 10%
- Between 10% and 50%
- Over 50%
- I cannot compute this information

4 To what extent are the following obligations a burden for your company in providing its digital services, when expanding to one or more EU Member State(s)? Please rate the following obligations from 1 (not at all burdensome) to 5 (very burdensome).

	1 (not at all burdensome)	2	3 (neutral)	4	5 (very burdensome)	I don't know / No answer
Different processes and obligations imposed by Member States for notifying, detecting and removing illegal content/goods/services	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Requirements to have a legal representative or an establishment in more than one Member State	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Different procedures and points of contact for obligations to cooperate with authorities	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Other types of legal requirements. Please specify below	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6 Have your services been subject to enforcement measures by an EU Member State other than your country of establishment?

- Yes
- No
- I don't know

8 Were you requested to comply with any 'prior authorisation' or equivalent requirement for providing your digital service in an EU Member State?

- Yes
- No
- I don't know

10 Are there other issues you would consider necessary to facilitate the provision of cross-border digital services in the European Union?

3000 character(s) maximum

11 What has been the impact of COVID-19 outbreak and crisis management measures on your business' turnover

- Significant reduction of turnover
- Limited reduction of turnover
- No significant change
- Modest increase in turnover
- Significant increase of turnover
- Other

13 Do you consider that deepening of the Single Market for digital services could help the economic recovery of your business?

- Yes
- No
- I don't know

14 Please explain

3000 character(s) maximum

The following questions are targeted at all respondents.

Governance of digital services and aspects of enforcement

The 'country of origin' principle is the cornerstone of the Single Market for digital services. It ensures that digital innovators, including start-ups and SMEs, have a single set of rules to follow (that of their home country), rather than 27 different rules.

This is an important precondition for services to be able to scale up quickly and offer their services across borders. In the aftermath of the COVID-19 outbreak and effective recovery strategy, more than ever, a strong Single Market is needed to boost the European economy and to restart economic activity in the EU.

At the same time, enforcement of rules is key; the protection of all EU citizens regardless of their place of residence, will be in the centre of the Digital Services Act.

The current system of cooperation between Member States foresees that the Member State where a provider of a digital service is established has the duty to supervise the services provided and to ensure that all EU citizens are protected. A cooperation mechanism for cross-border cases is established in the E-Commerce Directive.

1 Based on your experience, how would you assess the cooperation in the Single Market between authorities entrusted to supervise digital services?

5000 character(s) maximum

2 What governance arrangements would lead to an effective system for supervising and enforcing rules on online platforms in the EU in particular as regards the intermediation of third party goods, services and content (See also Chapter 1 of the consultation)?

Please rate each of the following aspects, on a scale of 1 (not at all important) to 5 (very important).

	1 (not at all important)	2	3 (neutral)	4	5 (very important)	I don't know / No answer
Clearly assigned competent national authorities or bodies as established by Member States for supervising the systems put in place by online platforms	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Cooperation mechanism within Member States across different competent authorities responsible for the systematic supervision of online platforms and sectorial issues (e.g.						

consumer protection, market surveillance, data protection, media regulators, anti-discrimination agencies, equality bodies, law enforcement authorities etc.)	<input type="radio"/>					
Cooperation mechanism with swift procedures and assistance across national competent authorities across Member States	<input type="radio"/>					
Coordination and technical assistance at EU level	<input type="radio"/>					
An EU-level authority	<input type="radio"/>					
Cooperation schemes with third parties such as civil society organisations and academics for specific inquiries and oversight	<input type="radio"/>					
Other: please specify in the text box below	<input type="radio"/>					

3 Please explain

5000 character(s) maximum

4 What information should competent authorities make publicly available about their supervisory and enforcement activity?

3000 character(s) maximum

5 What capabilities – type of internal expertise, resources etc. - are needed within competent authorities, in order to effectively supervise online platforms?

3000 character(s) maximum

6 In your view, is there a need to ensure similar supervision of digital services established outside of the EU that provide their services to EU users?

- Yes, if they intermediate a certain volume of content, goods and services provided in the EU
- Yes, if they have a significant number of users in the EU
- No
-

Other

I don't know

7 Please explain

3000 character(s) maximum

8 How should the supervision of services established outside of the EU be set up in an efficient and coherent manner, in your view?

3000 character(s) maximum

9 In your view, what governance structure could ensure that multiple national authorities, in their respective areas of competence, supervise digital services coherently and consistently across borders?

3000 character(s) maximum

10 As regards specific areas of competence, such as on consumer protection or product safety, please share your experience related to the cross-border cooperation of the competent authorities in the different Member States.

3000 character(s) maximum

11 In the specific field of audiovisual, the Audiovisual Media Services Directive established a regulatory oversight and cooperation mechanism in cross border cases between media regulators, coordinated at EU level within European Regulators' Group for Audiovisual Media Services (ERGA). In your view is this sufficient to ensure that users remain protected against illegal and harmful audiovisual content (for instance if services are offered to users from a different Member State)? Please explain your answer and provide practical examples if you consider the arrangements may not suffice.

3000 character(s) maximum

Member States are competent to establish and organise the regulatory authorities that oversee media markets. They thus determine, among others, the authorities' status, structure, funding and competencies. Specialized media regulators or otherwise media units of converged regulators have ample experience as well as vast expertise in content regulation and are thus the best placed to protect users against illegal and certain forms of harmful content disseminated online. In so doing, they should improve and facilitate cross-border or even pan-European coordination within ERGA.

Closer collaboration is not only important to tackle common, cross-border issues, but also to protect Member States' prerogatives in fields of culture and media freedom/pluralism. While we support the E-Commerce Directive's country of origin principle, we stress that its derogations (Art. 3(4) E-Commerce Directive) and exceptions, in particular Member States' competence to promote cultural and linguistic diversity and to ensure the defence of pluralism (Art. 1(6) E-Commerce Directive) should be maintained.

We also stress that, in case of conflict, sector-specific legislation, like the Audiovisual Media Services Directive or the Directive on Copyright in the Digital Single Market should prevail over the future DSA which will establish horizontal rules. To respect the distribution of competences between the EU and the Member States, it is important to uphold sector-specific legislation as *lex specialis* and retain current conflict clauses that have characterized the relationship of such instruments to the E-Commerce Directive (e.g. Art. 4(7) AVMSD or first sentence of Art. 17(3) DSM Directive).

12 Would the current system need to be strengthened? If yes, which additional tasks be useful to ensure a more effective enforcement of audiovisual content rules?

Please assess from 1 (least beneficial) – 5 (most beneficial). You can assign the same number to the same actions should you consider them as being equally important.

Coordinating the handling of cross-border cases, including jurisdiction matters	
Agreeing on guidance for consistent implementation of rules under the AVMSD	
Ensuring consistency in cross-border application of the rules on the promotion of European works	
Facilitating coordination in the area of disinformation	
Other areas of cooperation	

13 Other areas of cooperation - (please, indicate which ones)

3000 character(s) maximum

14 Are there other points you would like to raise?

3000 character(s) maximum

Final remarks

If you wish to upload a position paper, article, report, or other evidence and data for the attention of the European Commission, please do so.

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2 Other final comments

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Useful links

[Digital Services Act package \(https://ec.europa.eu/digital-single-market/en/digital-services-act-package \)](https://ec.europa.eu/digital-single-market/en/digital-services-act-package)

Background Documents

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