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Press Release

ERGA welcomes the DSA and DMA proposals and points out ways for better enforceability

ERGA [statement](#) about the European Commission's proposals for a Digital Services Act (DSA) and a Digital Markets Act (DMA)

Online content regulation requires tailored rules to address today's challenges. With the Digital Services Act (DSA) and the Digital Markets Act (DMA) the European Commission aims at providing those. The Members of the European Regulators Group for Audiovisual Media Services (ERGA) highly welcome this approach in general and take the opportunity to express their initial views on the Commission's proposals.

With this project, Europe takes responsibility for establishing rule of law standards and securing democracy in the online environment. Therefore, ERGA supports the DSA's systemic approach to the regulation of online content platforms and the significant diligence obligations which online content platforms will be subject to. The extra-territorial reach, applicable to all intermediary services provided in the EU, are perceived to be great benefits of the current draft, too. In order to avoid a fragmentation of the EU legal framework, ERGA also supports the proposal to maintain the Country of Origin (COO) principle as a foundational principle of the draft Regulation.

Avoidance of fragmentation is of particular interest of ERGA. **Responsibilities must be clearly assigned, comprehensibly distributed and consistently executed**, in particular taking into account that the DSA should complement sector-specific legislation, such as the Audiovisual Media Services Directive. Against this background, ERGA suggests to review the proposed supervisory structures, such as the establishment of a Digital Services Coordinator (DSC) in each Member State or the tasks, competences, composition and governance of the Digital Services Board. ERGA points out that the proposed system would create an additional layer of cooperation at national level, and across sectors, which is unnecessary in most cases and may generate extra operational costs and inefficiencies. Furthermore, **ERGA suggests using and strengthening the existing sector-specific European cooperation structures and networks**, such as the Consumer Protection Cooperation Network or ERGA, for a pan-European approach without disproportionately interfering with the supervisory structures of the Member States, while ensuring pluralism within the Member States. This is essential to preserve the principle of media supervision independent from the States and executive institutions.

"The responsibility for safeguarding our cherished freedom of expression under the rule of law must be organised and effectively exercised in independence from state and governmental structures. The European Commission's proposals on the DSA and DMA are a step in the right direction and a sign of Europe's strength and assertiveness. Nevertheless, it is necessary to concretize these good approaches to make them operable in practice. Integrating the existing, widely successful regulatory structures is key for a sustainable implementation of the envisaged new legal framework. Our aim must be to reconcile Europe's plurality with the necessity of a solid and united response to powerful players", says Tobias Schmid, Chair of ERGA and European Commissioner of the Directors' Conference of the German Media Authorities.

In the coming months, ERGA will further comment on the Commission's proposals and elaborate on its proposals aimed at ensuring that the supervision of online content platforms is effective at national and European levels while

fully respecting the core democratic principles of media regulation.

The full ERGA statement on the European Commission's proposals for a Digital Services Act (DSA) and a Digital Markets Act (DMA) is available for download: https://erga-online.eu/wp-content/uploads/2021/03/ERGA-DSA-DMA-Statement_29032021.pdf

About ERGA:

The European Regulators Group for Audiovisual Media Services (ERGA) consists of the national regulatory authorities in the field of audiovisual media services. ERGA advises the European Commission and facilitates cooperation between the regulatory bodies in the EU. Dr Tobias Schmid, Director of the Media Authority of North Rhine-Westphalia, is the current Chairperson of ERGA.