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Press Release

No time to lose in dealing with illegal content and disinformation online

European Media regulators call for success-proven structures and effective measures in online media regulation

The number of cross-border infringements increases rapidly. While efficient cross-border media regulation is already possible today there is still room for improvement. This was the conclusion reached by the Board of ERGA at its latest meeting on 26 October 2021. Media regulation in the online sector is thus of particular importance and covers phenomena like hate speech and disinformation as well as protection of minors.

Media regulators across Europe gave themselves in December 2020 a Memorandum of Understanding to deal with cross-border cases. Lately an increasing number of cross-border cases have been dealt with due to these structures of cooperation in media regulation. First national media regulators also make already use of artificial intelligence and automated monitoring, and an expansion of such monitoring practices is planned. The ERGA Board welcomes the ambitious approaches taken by national media regulators to find and address these online cases.

Generally, ERGA wants to reiterate its overall welcoming view of the Commission's proposal for a Digital Services Act in which the group sees great potential. However, in its position papers towards the DSA, ERGA articulated some concerns and asked that the DSA would take account of the specific needs of systemic online media regulation. According to ERGA's position paper, the DSA should help to strengthen existing cooperation and rely on the existing sectorial network to support efficient media regulation in the online world.

ERGA is concerned that the proposed oversight structure in the area of operational enforcement may jeopardize the achieving of the policy objectives pursued by the DSA. "The DSA proposal envisages a structure that would place every single – of potentially thousands of – cross-border case in the hands of a newly created Digital Services Board composed of 27 Digital Services Coordinators and the European Commission. This is not only inefficient but also puts the long-term support by the public at risk", in the opinion of Dr Tobias Schmid, Chair of ERGA.

In its meeting, the Board of ERGA also underlined the central role of the European Union in fighting against disinformation. A strong Code of Practice on Disinformation is therefore of particular relevance. So far, the European media regulators play an important part in monitoring the signatories' compliance with the Code. However, current measures to enforce compliance with the Code or to sanction non-compliance are still lacking. It is very important that the strengthened Code, which is currently drafted by the signatories, follows the Commission's Guidance in order to tackle the shortcomings of the Code and to become a co-regulatory tool under the European legal framework. ERGA is convinced that the European Union is the right level to find solutions in order to protect democracy and fight disinformation.

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.