

Trilogues last opportunity to fulfil DSA promise following disappointing European Parliament vote

Brussels, 20 January 2022. The Association of Commercial Television and Video on Demand Services in Europe (ACT) acknowledges the adoption of the Digital Services Act report by the plenary of the European Parliament. ACT remains committed to the purpose and aim of the DSA, to ensure that “what is illegal offline, is illegal online”.

This objective remains in doubt following the vote despite several MEPs supporting important amendments. The result is a disappointing position from the European Parliament. This is regrettable, notably with regard to:

- **Notice and action:** the DSA should ensure that notified content is taken down immediately after being notified
- **Liability exemptions:** the DSA should refrain from granting more liability exemptions for players that play a crucial role in the distribution of content online. More trust means more accountability.
- **Due diligence:** the DSA should capture the right players with meaningful due diligence obligations; introduce a KYBC (traceability of business users) principle applicable to all providers of information society services (the adoption yesterday of Recital 39a (new) is a step in the right direction)
- **Supervision of VLOPs:** the DSA should ensure that the transparency and supervision of VLOPs recommendation and moderation algorithms is undertaken by the Digital Services Coordinator to address the promotion of illegal or harmful content, without giving VLOPs the possibility of escaping these obligations by opposing “trade secrets” or “confidential information”
- **Targeted advertising:** The provisions outlined in article 13a and article 24 (1)a go further than the current data protection provisions for consent in the GDPR and would lead to a divergent approach and further enforcement challenges. The proposed compromises will have the effect of putting trusted and regulated media at a greater competitive disadvantage vis-à-vis large digital gatekeepers. This is in contradiction to one of the original objectives of the Digital Services Act.

These items remain at the core of the sustainability of Europe’s Creative and Cultural Industries and the success of Europe’s industrial strategy for the sectors concerned. Trilogues will be the last opportunity to take corrective measures to ensure the DSA does not represent a step backward as regards developing a robust, responsible, and reliable online environment to support a pluralistic, diverse and competitive European media landscape.



ACT member companies finance, produce, promote and distribute content and services benefiting millions of Europeans across all platforms. At ACT we believe that the healthy and sustainable commercial broadcasting sector has an important role to play in Europe’s economy, society and cultures. Commercial broadcasters are at the heart of Europe’s media landscape as producers and distributors of European original content and news. We embrace the digital environment providing new services, formats and content to meet the growing European demand for quality content on various distribution models.