

## ADOPTED DMA & DSA REQUIRE STRONG ENFORCEMENT & COMPLEMENTARY LEGISLATION TO DELIVER ON DIGITAL PROMISES

**BRUSSELS, 5 JULY.** TV & VoD providers welcome the adoption of the Digital Services Act package. Both the Digital Services Act ('DSA') and the Digital Markets Act ('DMA') should shape the European online environment and deliver contestability, trust and accountability to the benefit of European citizens and businesses. Whilst the intentions of the European legislator is clear, these two legislative instruments set the stage for a better regulated online environment, they cannot be the full and definitive answer to all issues online.

The Digital Markets Act can become a real solution for genuine business problems posed by a handful of gatekeepers. As sole enforcers of the DMA, the European Commission should ensure that only genuine gatekeepers will be designated as such and that the latter effectively comply with the obligations foreseen in the regulation without undue delay. We rely on the European Commission to ensure timely application and remain at its disposal for any information they may need during the enforcement phase.

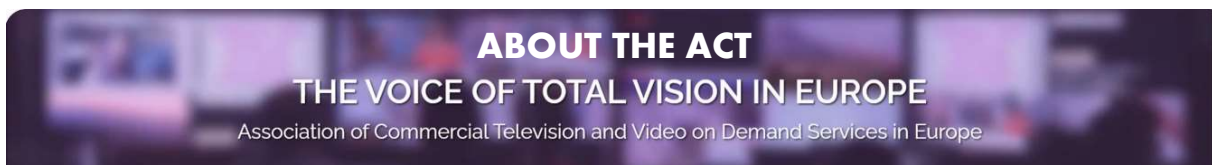
The adopted Digital Services Act is vastly better than the initial proposal, notably as regards harmonisation for notice and action processes, the scope of trusted flaggers and ensuring that online intermediaries - including very large online platforms and very large search engines - take responsibility for harmful and/or illegal content they host. Similarly, algorithmic transparency and the right to compensation can incentivise intermediaries to respect their due diligence obligations if properly enforced. However, some notable gaps remain such as developing better Know Your Business Customer rules for online platforms providing digital services as well as strong subsidiarity provisions which give intermediaries the opportunity to escape their obligations.

We remain faithful that the European Commission will take the next natural step towards protecting European content, by proposing legal instrument that addresses the stringent issue of piracy of live content and which builds on existing concepts of the DSA. Only through a legislative proposal that ensures immediate take down of time sensitive content can we truly say that "*what is illegal online, is illegal offline*".

*"The adoption of the Digital Services Package is the beginning of the end for impunity in the digital sphere. It is however only the end of the beginning of a new wave of regulation to ensure big tech complies with the rules all other economic actors have always been subject to. We look forward to a host of new proposals to effectively curtail the abuses taking place in the digital sphere, notably the piracy of live content and the spread and ongoing monetization of disinformation. The job ahead is still massive in terms of enforcement and complimentary legislation."*

Grégoire Polad, ACT Director General

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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 & VoD sector has an important role to play in Europe's economy, society and cultures. ACT members are at the heart of Europe's media landscape; embracing the digital environment and continuously providing new services, formats and content to meet the growing European demand for quality content on various distribution models.