

European Media Policy



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Digital rules

Twitter: Will the bird fly by the rules?

Ever since billionaire Elon Musk became “Chief Twit” after taking over a key communication tool for the world’s political leaders, there has been many a cry of dismay from journalists and activists. Now, policy-makers are up in arms.

“The bird is freed”, tweeted the new owner triumphantly after his take-over. Not so, retweeted the EU Commission’s industry chief, Thierry Breton: “In Europe, the bird will fly by our European rules”.

Breton was no doubt thinking of the EU’s new landmark [Digital Services Act \(DSA\)](#), which has now entered into force. Regulatory scrutiny will most likely focus on Twitter’s revamped content-moderation policy – and how it will live up to the bloc’s rules, due to start rolling out gradually during the next few months, explains Politico. ([Europe to Elon Musk: Twitter must play by our rules](#))

EU lawmakers involved echoed Breton’s line, well aware that the law now faces a crucial next phase: implementing and enforcing the rules.

Green MEP Kim van Sparrentak took aim at Musk’s promise to advertisers to show users “highly relevant ads” – referring to a provision in the DSA that rules out targeting users with ads based on certain sensitive data, like religion or sexual preference.

Musk’s new “content moderation council” will have to take this and many other new rules into consideration. Soon, Twitter will face some important DSA deadlines. By February, it needs to disclose the number of users. Then, depending on the size of its EU user base, it will have to comply with the content moderation rules by either summer 2023 or February 2024, points out Politico.

The EU Parliament’s liberal Renew Europe Group is not happy either. It has urged the Parliament’s president to invite Elon Musk to a hearing to explain himself.

“Twitter cannot become a dystopian hellscape”, said the Groups’s coordinator, MEP Dita Charanzová. “On the contrary, it must do even more than it has been doing to fight disinformation and hate [...] Mr. Musk should come and see us so he can understand the European rules of the game. He has obligations under the Digital Services Act and the 2022 Code of Practice on Disinformation, which Twitter is subject to”. ([Elon Musk must be held to account](#))

In the US, there have been warnings too. After three important privacy and compliance officers quit Twitter, the powerful US Federal Trade Commission (FTC) told Reuters:

"We are tracking recent developments at Twitter with deep concern [...] No CEO or company is above the law, and companies must follow our consent decrees. Our revised consent order gives us new tools to ensure compliance, and we are prepared to use them", Farrar said. ([Musk warns of Twitter bankruptcy](#))

Twitter's loss of staffers who engage with regulators and investigators is also a worry for Ireland's data protection chief Helen Dixon, who oversees Twitter's operations in Europe and how it lives up to EU's privacy law, GDPR.

Dixon's office already has two open investigations into Twitter that predate Musk's arrival, and she recently told Politico that she is worried about a range of new privacy issues at the platform. ([EU privacy enforcer puts Elon Musk on notice](#))

Among those wanting to escape Twitter after Musk's takeover were a group of tech-savvy EU policy professionals, including Paul Nemitz, a principal Commission adviser. They established a community dubbed "[eupolicy.social](#)" on the now trendy alternative social media platform [Mastodon](#) to provide a "friendly and respectful discussion space for people working in the field of EU policy".

Soon, however, policy-makers may have less to worry about. With a huge portion of Twitter's staff fired, hundreds of key employees and executives abandoning ship, plummeting income from advertisers scared off by all the controversies and users leaving in droves, soaring debt, and Musk's warning that Twitter may "not be able to survive the upcoming economic downturn", there has lately been speculation about the very future of the platform.

The risk of falling afoul of EU privacy law would add to the financial misery for the billionaire. If investigators find that Twitter has violated the GDPR, the firm could face fines amounting to up to 4 per cent of its global turnover.

Maybe another nail in the coffin: Recently, Donald Trump said he had no interest in returning to Twitter, even as a slim majority in a poll organised by Musk voted in favour of reinstating the former American president, who was banned from the platform for inciting violence. ([Trump snubs Twitter](#))

A tip for journalists contemplating a move from Twitter to Mastodon: Read an interesting article published by Harvard's Nieman Lab: "[Can Mastodon be a reasonable Twitter substitute for journalists?](#)"

MEPs sceptical of child sexual abuse proposal

European Commissioner Ylva Johansson may not find it easy to push through the [EU's draft law to prevent and combat child sexual abuse online](#), a Commission priority. Not only has it been criticised by journalists, civil society groups, and EU privacy regulators, MEPs seem sceptical too.

On 10 October, the Commissioner presented the proposal to the Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), thus starting the negotiations on the bill.

The draft regulation has attracted much attention since the Commission proposed including a generalised scanning obligation for messaging services, with critics fearing mass surveillance.

The proposed rules would allow court orders to require providers of end-to-end encrypted communication services, such as WhatsApp and Signal, to detect and report child pornography to law enforcement, explains EURACTIV. ([MEPs sceptical on EU proposal to fight online child sexual abuse](#))

The MEPs in LIBE are, of course, well aware of the fears of surveillance. While all speakers at the meeting acknowledged the worsening issue of child abuse online, many brought up the controversial points of privacy, disproportionality, and whether this legislation would benefit children or overwhelm law enforcement.

Many MEPs also expressed doubts that this regulation would stand before the European Court of Justice due to its "disproportionate" invasion of privacy. Others, such as Hilde Vautmans, a liberal MEP and shadow rapporteur, however, expressed their support for the legislation but raised questions about simplifying the complex and lengthy procedures.

Furthermore, the Commission has been criticised for having relied exclusively on data from Meta and another tech company with regard to the accuracy and precision of AI tools to detect child sexual abuse material online.

Two weeks after the Committee meeting, MEP Markéta Gregorová, from the European Pirate Party, wrote in an opinion piece published by Politico: "while the proposed regulation is well-intentioned, it will result in weakening encryption and making the Internet less secure". ([The Commission's gross violation of privacy](#))

She pointed out that the EU, too, relies on encryption to protect the security of its member countries and the bloc as a whole. The Commission itself has called on its staff to use Signal to protect their communications. "And with an increasingly aggressive and unpredictable Russian government on our doorstep, weakening encryption could be catastrophic for EU security", she cleverly added.

In the Council, the Swedish Commissioner may, however, meet with more understanding, especially after the New Year when her compatriots take over the Council presidency.

EU Commission preparing metaverse policy

The EU Commission has announced that it will present an initiative on virtual worlds such as the metaverse, which can be described as an immersive environment involving people interacting through avatars in real time. The initiative is due to be published in the second quarter of 2023.

In September, EU Commissioner for the Internal Market, Thierry Breton, put forward a few crucial policy aspects, reports EURACTIV. ([European Commission turns its gaze towards the metaverse](#)).

The Commissioner stressed that the metaverse should be centred on Europe's values and rules "from the outset"; no single private actor should hold the key to public space or set its terms; and standards developed by private metaverses should be interoperable.

Europe's ability to impact virtual worlds will depend on its strength in developing cutting-edge technologies, said Breton, who often pushes for EU technological sovereignty and has already launched a [Virtual and Augmented Reality Industrial Coalition](#) with 40 companies to connect stakeholders from crucial metaverse technologies.

Those interested in potential competition issues related to this new technology should read [Understanding the metaverse - a competition perspective](#), a paper written by two officials at the EU Commission's Directorate-General for Competition. Somewhat worrying, for example, is their description of what an unrestricted metaverse "gatekeeper" could do.

EU checklist of digital rights under way

Soon, policy-makers and businesses in Europe will have a checklist of EU digital rights and principles to consult before embarking on major projects.

In mid-November, the EU member states, Parliament, and Commission concluded negotiations on a European declaration on digital rights and principles. The declaration will most likely be signed by the three institutions during the upcoming EU Summit on 15–16 December.

The declaration could become an international benchmark and inspire other countries and organisations to follow the EU's example, hope the European decision-makers. ([Declaration on digital rights and principles](#))

In particular, they stress the importance of "digital sovereignty in an open manner, respect of fundamental rights, rule of law and democracy, inclusion, accessibility, equality, sustainability and respect of everyone's rights and aspirations".

The text should serve as a reference point for businesses and other relevant actors when developing and deploying new technologies, explains the Council. The declaration should also guide policy-makers when reflecting on their vision of the digital transformation.

The latter should, for example, think about “putting people at the centre of digital transformation; supporting solidarity and inclusion and ensuring connectivity, digital education, training and skills, as well as access to digital services online”.

Digital literacy: EU Guidelines for teachers

In the debate on how to tackle disinformation online, an often-recommended alternative to more authoritarian methods is to improve digital literacy, that is, make people more savvy about the pitfalls of believing uncritically in the information they encounter online.

Currently in Europe, one in three 13-year-olds lack basic digital skills when directly tested, and according to the OECD, only a little over half of 15-year-olds in the EU reported being taught how to detect whether information is subjective or biased, says the EU executive. ([Commission steps up action to tackle disinformation](#))

In October, the Commission published [Guidelines for teachers and educators](#) on how to address disinformation and promote digital literacy in their classrooms. The guidelines provide a hands-on toolkit for teachers and educators and include definitions of technical concepts, class exercises, and how to encourage healthy online habits.

The EU Guidelines were developed with the support of the [Commission expert group](#) on tackling disinformation and promoting digital literacy through education and training. On the same occasion, the expert group also published a [report](#), which analyses the role of education and training in tackling disinformation and presents possible solutions through policy at the EU and national levels.

Media freedom

European Media Freedom Act (EMFA) proposal released

On 16 September, the EU Commission finally proposed the [European Media Freedom Act \(EMFA\)](#), a much-awaited new law to protect media pluralism and independence under increasing threat in Europe.

“We have seen over the past years various forms of pressure on the media. It is high time to act. We need to establish clear principles: no journalist should be spied on because of their job; no public media should be turned into propaganda channel”, explained Commission Vice-President Věra Jourová.

Some of the [proposed rules as described by the Commission](#):

Protection of editorial independence: The Regulation will require member states to respect the editorial freedom of media service providers and improve the protection of journalistic sources. Media service providers, for their part, will have to ensure transparency of ownership by publicly disclosing such information and take measures to guarantee the independence of individual editorial decisions.

No use of spyware against media: The Act includes safeguards against the use of spyware against media, journalists, and their families.

Independent public service media: Funding provided for public service media should be “adequate and stable”, in order to ensure editorial independence. The head and the governing board of public service media will have to be appointed in a “transparent, open and non-discriminatory manner”.

Transparent state advertising: The Media Freedom Act will establish new requirements for the allocation of state advertising to media, so that it is “transparent and non-discriminatory”.

Protection of media content online: The Act includes safeguards against the unjustified removal of “media content produced according to professional standards”.

Very large online platforms that intend to take down certain legal media content considered to be contrary to the platform's policies will have to inform the media service providers about the reasons before such takedown takes effect. Any complaints lodged by media service providers will have to be processed with priority by those platforms.

A European watchdog: The Commission proposes to set up a new European Board for Media Services comprised of national media authorities, which will replace the current European Regulators Group for Audiovisual Media Services (ERGA).

The Board will promote a consistent application of the EU media law framework, in particular, by assisting the Commission in preparing guidelines on media regulatory matters. It will also be able to issue “opinions” on national measures and decisions affecting media markets and media market concentrations.

The proposed European Media Freedom Act (EMFA) is a Regulation comprising common, legally binding rules that will be directly applicable across the EU once adopted by the European Parliament and the Council. This could take time.

However the law proposal is accompanied by [a Commission Recommendation](#) setting out a number of voluntary best practices collected from the sector and geared towards promoting editorial independence and greater ownership transparency.

The Recommendation – which is not legally binding for the member states – will apply immediately and is expected to lead to positive developments in the short term.

More information and links to documents in [Questions & Answers: European Media Freedom Act](#).

EMFA: Publishers up in arms

“For some, it will be too much. For some, it will be too little”, predicted EU Commissioner Věra Jourová when she released the proposal for a European Media Freedom Act (EMFA).

She was right. Reactions among stakeholders have been quite mixed. Press publishers, for their part, are up in arms.

The proposal “undermines core principles of press freedom, while not taken into consideration the fundamental concerns raised by press publishers”, thundered the European Magazine Media Association (EMMA) and the European Newspaper Publishers Association (ENPA). “The proposed measures risk undermining press freedom, not protecting it. That is why this Act needs serious amendment”, echoed News Media Europe.

Unlike radio and television broadcasters, which are overseen by independent media regulators, the press in many EU countries so far has relied on self-regulation in various forms. Now, publisher lobbies fear the law could limit their editorial control over their publications, explains Politico. ([We're fine as we are, Press tells EU](#))

The proposed pan-European group of national media regulators is at the centre of their worries. “The establishment of a European Media Board opens the way for state controls over the media and raises serious questions about independent enforcement. “This must go”, says News Media Europe. Similar thoughts are expressed by the European Publishers’ Council (EPC), representing the big media groups in Europe, including the Nordic ones.

The situation of the press, however, varies significantly within Europe. In some countries, self-regulation is not the rule, rather the contrary. In such countries, the EMFA may offer much-needed support, which some media organisations also recognise.

Certain publishers oppose the Act for more overarching political reasons too. “The EU Treaties leave press and general media policy to member states, which allows differentiated rules tailored to the characteristics of each national media market. We see no reason or justification to further harmonise media law at EU level”, say EMMA and ENPA, and call on the member states “not to accept an unjustified and problematic centralisation of media policy”.

Some EU states will probably be happy to oblige, not least Hungary and Poland, where the European Media Freedom Act is likely to face fierce opposition, maybe also Nordic and Baltic countries which rate their media as healthy enough to not need a remedy.

EMFA: Journalist and press freedom groups want more

Press publishers may rant and rave about the proposed European Media Freedom Act, but journalism and press-freedom organisations have largely stood behind the proposal.

Nearly 20 journalism and press-freedom associations including Reporters Without Borders, Civil Liberties Union for Europe, and the European Federation of Journalists welcomed the draft EU law but say it should go even further to shield media from undue political and commercial interest. ([EFJ welcomes European Media Freedom Act](#))

Matters relating to the media have traditionally been the competence of member states, the associations admit, but they say, “such is the threat posed to media freedom that an EU wide action has become necessary to protect Europe’s democratic values”.

Therefore, they support the Act and even call for it to be strengthened. They want, for example, stronger efforts to increase the transparency in media ownership with clear rules instead of soft-law Recommendations.

Furthermore, the law should introduce rules governing all financial relations between media and the state and guarantee the independence of national regulators, as well as that of the European Board for Media Services.

Measures against surveillance of journalists should also be expanded to ensure a general guarantee for the protection of sources, say the associations.

Surveillance

EP report slams EU governments’ use of spyware

In the wake of revelations in 2021 that many governments, including in the EU, had used spyware to infiltrate the devices of politicians, journalists, activists, and lawyers, the European Parliament set up a special committee, [PEGA](#), to gather information on the extent to which member states or third countries are using intrusive surveillance.

In recent months, PEGA has been investigating how spyware ended up on the phones of opposition figures and journalists in countries such as Spain, Greece, Hungary, and Poland. The Committee has also conducted [several hearings on the use of spyware](#) with a variety of experts.

On 8 November, leading MEP Sophie in ’t Veld, presented her [draft report on the investigations](#).

The results of the probe “are shocking and they should alarm every European citizen”, says the report. Cynically inclined citizens may, however, be unsurprised by the described findings:

EU Member State governments have been using spyware on their citizens for political purposes and to cover up corruption and criminal activity. Some went even further and embedded spyware in a system deliberately designed for authoritarian rule.

Other member state governments may not have engaged in abuse of spyware, but they have facilitated the obscure trade in spyware. Europe has become an attractive place for mercenary spyware as well as the hub for exports to dictatorships and oppressive regimes, such as Libya, Egypt, and Bangladesh, where the spyware has been used against human rights activists, journalists, and government critics.

The EU bodies have few powers, “and even less appetite”, to confront national authorities in case of transgressions, and certainly not in the delicate area of “national security”, says the report.

The Rapporteur, however, points out that “trade in, and use of spyware fall squarely within the scope of EU law and case law”, indicating a whole list of such laws, among them procurement and export rules, and the GDPR regulation on privacy.

The PEGA draft report stops short of calling for a ban on spyware in Europe. Among the responses to the scandal suggested is a moratorium on the use of spyware, to be lifted only when specific criteria are met.

The draft report includes the first results of the investigation. Lawmakers are expected to release a final report next year. The PEGA committee’s mandate runs until March 2023 but might be renewed.

EMFA not tough enough on spyware?

Press organisations and the European Data Protection Supervisor (EDPS) say the proposed measures to regulate the use of spyware against journalists in the European Media Freedom Act (EMFA) are too weak, especially regarding exceptions to the ban on surveillance techniques.

[According to the EU Commission](#), the Act “narrows down any possible exceptions to this rule on the ground of national security, which is a competence of the Member States, or in case of investigations of a closed list of crimes, such as terrorism, child abuse or murder. In such cases, the Act makes it very clear that it should be duly justified, on a case-by-case basis, in compliance with the Charter of Fundamental Rights, in circumstances where no other investigative tool would be adequate”.

Media organisations – among them the International Press Institute (IPI) and European Centre for Press and Media Freedom (ECPMF) – however, point out that the exemptions

permit the surveillance of journalists using spyware without the need for prior judicial review.

“This complete lack of legal oversight for use of military-grade spyware is highly problematic and leaves the door wide open to further abuses [...] Article 4 of the EMFA must therefore be significantly strengthened”, stress the press organisations. ([Greece: Full scale of surveillance on journalists must be unearthed](#))

On 14 November, the European Data Protection Supervisor (EDPS) Wojciech Wiewiórowski voiced similar objections. In his [Opinion on the EMFA](#), he says the proposed measures are “not sufficient to effectively protect the EU’s fundamental rights and freedoms, including media freedom” and underlines that exceptions to develop or deploy spyware “should be extremely limited and defined with great precision”.

MEPs push for ban on facial recognition tech

The EU data protection watchdog, EDPB, and more than 50 European campaign groups have long been calling for a prohibition of biometric facial recognition in public places. Now there seems to be a growing consensus in the EU Parliament to ban technology that scans crowds indiscriminately.

Opponents argue that such tools are favoured by authoritarian governments in places like Russia and China to track dissidents or vulnerable minorities, and are ultimately dangerous for civil liberties, explains Politico. ([Europe edges closer to a ban on facial recognition](#))

In September, the EU Parliament’s liberal Renew Europe group joined the Greens and Socialists & Democrats groups in backing a ban. “The prevailing position in this house is to support the ban for this technology”, said Renew’s Dragoş Tudorache, who is one of the leading Parliament negotiators on the world’s first rule-book for AI, the [Artificial Intelligence Act](#), which covers this issue.

On 5 October, MEPs held their first political debate on the AI Act. As expected, the most passionate part of the debate was on biometric recognition systems, reports EURACTIV. ([AI Act: EU Parliament’s discussions heat up](#))

Progressive lawmakers and civil society organisations have harshly criticised the Commission’s proposed exceptions to the ban on surveillance techniques, contending that these could open the door to more generalised surveillance. The leading MEPs have now put that in black and white.

In the Council, however, there seems to be less enthusiasm for a ban. EU Home affairs ministers have been hard at work ensuring that the AI law doesn’t tie their hands; many nation-states want to keep facial recognition tech in their security arsenals, reports Politico.

EU telecom ministers are expected to adopt their general approach to the AI Act at their Council meeting on 6 December.

EU agencies aid surveillance outside the union

Surveillance might be frowned upon by idealists in the European Parliament, but elsewhere in the EU, apparatus-less romantic officials seem to find it quite a useful tool to cope with other, more tangible worries, like terrorism and migration.

Human rights organisations are up in arms about this and have filed complaints about it to the EU ombudsman, Emily O'Reilly, reports Privacy International.

As a result, O'Reilly recently launched investigations into Frontex, the European Border and Coast Guard Agency, and the EU's diplomatic service, EEAS, on their support to non-EU countries to develop surveillance capabilities. ([EU Ombudsman opens inquiries into FRONTEX and EEAS](#))

Geopolitics of technology

Critical Internet infrastructure under the spotlight

The sabotage in September of the Nord Stream gas pipelines has lately put the potential vulnerabilities of Europe's critical infrastructure under the spotlight in Brussels.

"Critical infrastructure is the new frontier of warfare, and the EU will be prepared", [Commission President Ursula von der Leyen told the Digital Summit in Tallinn](#) in October.

In response to the gas leaks, the European Commission pledged to increase the protection of undersea Internet cables via a five-point plan to improve critical infrastructure.

Transcontinental submarine data cables account for 99 per cent of the world's digital communications, which are crucial to the functioning of the global economy. Potential attacks might result in communication outages or interception of confidential data, points out EURACTIV. ([EU aims to tackle threats to submarine data cables](#))

On 18 October, the EU Commission proposed a Council Recommendation to tackle this evolving issue. ([Critical Infrastructure: Commission accelerates work](#))

The draft Recommendation covers three priority areas: preparedness, response, and international cooperation. It proposes a more significant role for the Commission in tackling threats and enhancing interaction between the member states and third countries.

EU member states, however, do not seem very keen to cooperate much on these matters, nor to let the Commission meddle in them, according to written feedback seen by EURACTIV. ([EU countries lay bare Europe's limits](#))

The European Commission is also considering financing a fibre optic cable to connect Europe to Asia via the Arctic and avoid existing choke points, two EU officials told EURACTIV. ([EU eyes Arctic internet cable](#))

The consortium behind the Far North Fiber project was formed by Alaskan company Far North Digital and Finland's Cinia. The cable would be 14,000 km long and connect Scandinavia and Ireland to Japan, passing via the Arctic, with landings in Greenland, Canada, and Alaska.

"Ongoing geopolitical tensions might play into the project's hand as European policy-makers started looking at it as a strategic asset", comments EURACTIV.

There are also EU plans to build and operate a satellite Internet system. On 17 November, a political agreement was reached between the European Parliament and EU member states on the budget for this project. This could lead to the construction and launch of up to 170 low orbit satellites between 2025 and 2027.

The satellite system is driven by the bloc's push to boost its own space and communications sectors and ensure security by cutting its reliance on foreign suppliers amid growing concerns about Russian and Chinese military advances in outer space and a surge in satellite launches, explains Reuters.

Furthermore, having its own satellite Internet system could help the bloc speed up the rollout of broadband Internet in Europe while it would also cover Africa, allowing the EU to offer countries there an alternative to Chinese competitors. ([EU secures deal on satellite internet system](#))

Win for the West in key UN tech agency

On 29 September, an American and a European won the race for the top jobs at the International Telecommunications Union (ITU), a UN agency setting digital standards. May not sound like a big deal – but it is.

The Russian candidate to head the agency, Rashid Ismailov, lost, and the American, Doreen Bogdan-Martin, became the new Secretary-General. Tomas Lamanauskas from Lithuania won the backing of 105 countries and became Deputy Secretary-General. Together they will lead the work to set standards for global telecoms and tech infrastructure as well as crucial new technology like 6G and artificial intelligence.

International digital policy-making and the creation of Internet standards are increasingly becoming political issues. For the United States, it was evident that the ITU election was a foreign policy issue, writes the Atlantic Council, pointing out that both President Joe

Biden and Secretary of State Antony Blinken posted messages in support of the American candidate. ([The ITU election pitted the United States and Russia against each other](#))

Over the years, the Russian and Chinese governments have grown closer in pushing for a state-controlled vision of Internet governance, and both have long wished to see the UN play a central role in the management of the Internet, explains the Council.

“Their vision is gaining traction, especially among African countries, which have historically felt excluded from internet governance conversations and see the ITU as one of the few places they can wield political power”.

The victory for the Lithuanian marks a success for the European Union, which has been striving to ramp up its international clout on Internet governance. The 27 EU countries all backed the Lithuanian candidacy, a first-ever show of EU unity in such a vote, remarked Politico.

With China’s growing assertiveness on the world stage, many are concerned about its involvement in digital standard-setting. Those interested in this issue should read [The geopolitics of digital standards: China’s role in standard-setting organisations](#), an enlightening report published a year ago.

The report says that Chinese actors are now much more present in standards development organisations (SDOs) than they were before 2000 and that it is likely they will continue to strengthen their engagement in international standardisation, “in particular when it comes to shaping standards related to advanced and emerging technologies”.

EU support for UN tech envoy

The EU will provide EUR 1 million to support the work of the UN Secretary-General’s Envoy on Technology over the next two years, announced the European Commission at the end of October. ([EU provides €1 million in funding](#))

This reflects the commitment by the EU and its member states to support the UN Envoy in implementing the development of a [Global Digital Compact](#) and the promotion of the multi-stakeholder model of Internet governance.

“The European Union is committed to contribute to an Open Internet, and to a global digital transition firmly grounded in human rights and freedoms. All this in line with Sustainable Development Goals. This is at the heart of our digital ambition”, said Commission’ Executive Vice-President Margrethe Vestager.

TikTok to face ban in the West?

Regulators on both sides of the Atlantic worry about TikTok, a video-sharing app owned by the Chinese company ByteDance and one of the world's most popular social media apps with more than 1 billion active users globally.

Originally mostly used by dance-loving teenyboppers, TikTok can today count among its users an impressive number of older, more staid exhibitionists, like French president [Emmanuel Macron](#) and the latest British prime minister [Rishi Sunak](#).

They and other users may have second thoughts now that TikTok recently updated its privacy rules, which may result in European users' data being accessed by TikTok employees in third countries, including China. ([TikTok tells European users its staff in China get access to their data](#))

TikTok has said that the new privacy rules are in line with the EU data protection legislation, GDPR. Nonetheless the issue raises new concerns that EU citizens' data protection is at risk when using the app and leads to fresh questions about whether the Chinese government is able to use TikTok to spy on people.

The revelations will give fresh impetus to regulators on both sides of the Atlantic, writes Politico. A top US official at the Federal Communications Commission (FCC), Brendan Carr, said he didn't "believe there is a path forward for anything other than a ban", citing recent disclosures that China-based engineers working at TikTok accessed American users' information, including phone numbers and birthdays.

In Europe, the Irish data watchdog is currently probing TikTok's transfers of millions of Europeans' data to China and told Politico that it expected to issue a draft decision in early 2023. Though details of the probe are not known, it could conceivably result in a ban and a fine, believes the news service. ([TikTok faces reckoning in the West](#))

Media economy

Increased EU support for journalism

On 22 November, the EU Commission published a [€10 million call for journalism partnerships](#) – an increase of EUR 3 million compared with 2021 and 2022 – to be financed through the Creative Europe programme.

For the first time, half of the money will be dedicated to organisations that offer grants for public interest journalism and sectors that are of special relevance to democracy. In doing so, the Commission says it "wishes to strengthen sectors such as local and regional media, community media and investigative journalism, which face particularly adverse economic conditions".

Organisations active in media can apply to this call until 27 April 2023. Read the [call for proposals](#).

Rightsholders to EU: Stop piracy of live content!

In October, more than 100 media, sports, music, and culture organisations wrote to the EU Commission calling for “decisive legislative action” to clamp down on the piracy of live-broadcast content, reports EURACTIV. ([Rightsholders call on Commission to tackle piracy of live content](#))

In their [open letter](#), the 108 organisations urged the EU executive to take action against piracy, arguing that it “has and continues to drain Europe’s creative and cultural ecosystems, sports and live performance sectors, depriving workers and industries of billions in annual revenues”.

Among the signatories of the letter are the Association of Commercial Television and Video on Demand Services in Europe (ACT), Walt Disney and Canal+ Group, sports bodies, as well as music and cultural associations.

The letter calls on the Commission to “firmly and rapidly” develop a legislative instrument to tackle the piracy of live content, notably, it says, by “guaranteeing that notified illegal content is taken down immediately and blocked before the live event terminates”.

The issue of piracy has been addressed to some extent by some EU initiatives in recent years, including the 2019 Copyright Directive and the Digital Services Act (DSA). These are not enough, say the stakeholders.

Any EU-level action, they stress, should come in the form of a Regulation rather than a non-legislative instrument, which the authors argue would be “inadequate and insufficient to address the magnitude of the problem”.

The stakeholders will be disappointed if they read the [EU Commission work programme 2023](#). This shows that an initiative on the piracy of live content is to be presented in the second quarter of the year, but merely as a Recommendation “offering a toolbox to fight the illegal streaming of live events, in particular sport events”.

MEPs: Boost European videogame sector!

The EU Commission and the Council should acknowledge the value of the videogame “ecosystem” in the EU, and its potential for growth and innovation, by coming up with a long-term European videogame strategy, say MEPs in a resolution adopted by the Parliament in November. ([Video games: MEPs ask for state aid exemptions](#))

“Videogames are the most dynamic area of our cultural economy and the only sector that experienced growth during the COVID crisis [...] Yet, we still don’t have an European vision for the industry”, pointed out the rapporteur MEP Laurence Fareng.

By referring to the “current dependence on imports”, the MEPs urge maximising game creation opportunities throughout the member states and increasing the number of European productions. Among other things, they ask for encouragement of national support for local videogame development via exemptions from EU state aid rules.

MEPs also point out that the European game industry is “struggling with a chronic shortage of talent” and ask for greater EU and national investment.

Unsurprisingly, Europe’s Video Game Industry (IFSE) and the European Games Developer Federation (EGDF) warmly welcomed the Parliament’s resolution.

EU money to develop videogames

EU money to help develop videogames is already available. Before 1 March 2023, those interested can apply for a grant for [Video Game and Immersive Content Development](#) from the Creative Europe programme.

The aim is to provide funds to videogame production companies, and other companies producing immersive content, to develop “works with a high level of originality and innovative and creative value, and that have a high level of commercial ambition and extensive cross-border potential to reach European and international markets”.

MEPs: Online videogames need better consumer protection

Online videogames need more consumer protection, believes the EU Parliament’s Internal Market Committee (IMCO), which is preparing an own-Initiative report on the subject. ([Consumer protection in online video games in the Single Market](#))

The draft report highlights the lack of a single, coordinated approach in ensuring better consumer protection in this sector, with a special focus on minors who make up a significant portion of the market.

A vote on the report is expected at the EU Parliament’s plenary on 16 January 2023.

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Editor: Anna Celsing, ahcelsing@outlook.com

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