

PRESS RELEASE

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Press publishers voice concerns on Guidance to strengthen the Code of Practice on Disinformation

EMMA, the European Magazine Media Association and ENPA, the European Newspaper Publishers' Association have taken note with concern of the Commission's published Guidance to strengthen the Code of Practice on Disinformation.

The choice of elevating the Code to a co-regulatory instrument through the back-door of the upcoming Digital Services Act is worrisome as it inevitably puts press freedom and freedom of expression at risk.

Press freedom and freedom of expression in any democratic society is based on the fundamental principle that anyone has the right to say, write and disseminate any content or speech that is not prohibited by general laws. Therefore, the necessary limits on press freedom and freedom of expression are determined by general laws, interpreted and applied by independent courts. It is then the public that decides which topics, opinions, reports etc. are to be considered relevant or irrelevant, true or false, good or right, useful or harmful, information or disinformation. This is notably the case for so-called fake news and disinformation, as far as they are spread by legal speech. The only legitimate and effective remedy against false and misleading information is the possibility to provide more true and accurate information, free of any state regulation or influence and content-related restrictions. In contrast, every regulation or co-regulatory interference in legal content puts the freedom of expression and the freedom of the press at stake.

Furthermore, regarding the promotion of "trustworthy content" and fact checkers championed in the Guidance, press publishers across Europe are deeply concerned that the EU, Member States, gatekeeper platforms or third parties would decide which of press publishers' publications are trustworthy and promoted on gatekeeper platforms and which ones are pushed to irrelevance. Initiatives like e.g. the Journalism Trust Initiative, referred to in the Guidance, are not the right way forward and in contradiction with press freedom. It is a fundamental principle of any free press that a publication's popularity, reputation, success and esteem, is determined only by its reception by the public. Therefore, the only benchmark for quality and trustworthiness of a publication is its content in and of itself. The reader's decision, while exercising his or her free choice amongst a wide variety of legal publications and titles, is and should remain the only indicator of quality and trustworthiness.

We would like to recommend caution concerning any change that could affect the placement of online advertisement. Most of the beneficial services offered by the press sector are also financed through online advertisement. Therefore recommendations such as those in the Guidance could have a chilling effect and discourage brands and advertisers from placing their ads close to legal but divisive content.

Finally, press publishers are concerned about the prospect of promoting „authoritative information of public interest“, in particular in such a broad and general manner. It is not clear what constitutes such information and when and under which circumstances should such information be shown. In addition, it cannot be guaranteed that such information is not favoured and promoted against competing and comparable offers of the free press, which would then

suffer a competitive disadvantage, and de facto be demoted. Such an outcome is unacceptable.

For further information, please contact:

Ilias Konteas

EMMA-ENPA Executive Director

Ilias.Konteas@enpa.eu

EMMA, the European Magazine Media Association, is the unique and complete representation of Europe's magazine media, which is today enjoyed by millions of consumers on various platforms, encompassing both paper and digital formats. EMMA represents 15,000 publishing houses, publishing 50,000 magazine titles across Europe in print and digital.

See: www.magazinemedia.eu/

ENPA, the European Newspaper Publishers' Association (ENPA) is the largest representative body of newspaper publishers across Europe. ENPA advocates for 16 national associations across 13 European countries, and is a principal interlocutor to the EU institutions and a key driver of media policy debates in the European Union. See: www.enpa.eu/