

Meeting between Mr Werner Stengg, Penelope Papandropoulos and Linsey McCallum and ACT leadership, 29 November 2021, 11:30

Participants:

- [REDACTED] ACT, [REDACTED]
- [REDACTED] ACT, [REDACTED]
- [REDACTED] AMC Int'l Networks
- [REDACTED] ANT1 Group
- [REDACTED] beIN SPORTS FRANCE, [REDACTED]
- [REDACTED] Groupe Canal+
- [REDACTED] CME
- [REDACTED] Mediaset S.p.A.
- [REDACTED] Mediaset España
- [REDACTED] EMEA, [REDACTED]
- NBCUniversal
- [REDACTED] NENT
- [REDACTED] RTL Hungary
- [REDACTED] Sky Germany
- [REDACTED] TF1
- [REDACTED] EMEA, United Media
- [REDACTED] ViacomCBS Networks International
- [REDACTED] EMEA, The Walt Disney Company
- Werner Stengg, Cabinet of EVP Vestager
- Penelope Papandropoulos, Cabinet of EVP Vestager
- Linsey McCallum, DG COMP
- [REDACTED] SG

The meeting took place at the request of ACT leadership (Association of Commercial Television and Video on Demand Services), and aimed at presenting the views of ACT leadership on different topics related to online platforms, in particular as regards commercial television and video on demand services. After a quick introduction by Ms Papandropoulos, [REDACTED] underlined the importance of the ongoing files, exemplified by the big delegation of media groups. After this, a “tour de table” of the participants presented the main points and concerns of the group. Most participants welcomed the work on the Digital Services Act (DSA), the Digital Markets Act (DMA), the proposal on political advertising and the upcoming proposal for a Media Freedom Act (MFA), even though they saw several challenges especially in relation to DSA and DMA.

[REDACTED] highlighted a number of files concerning television services, namely DSA, DMA, political advertising, and the upcoming MFA and related on disinformation, and how these affect all types of services, including video on demand. [REDACTED] particularly supported by [REDACTED] highlighted piracy and content moderation (also in DSA) as very important, and saw opportunities for a standalone instrument on piracy for next year.

[REDACTED] added four elements related to platform regulations, namely bonding practices for gatekeepers, extending the list of services, self-referencing as a whole, and the importance of time. [REDACTED] saw that the scope of the DMA should be limited to what the Commission initially had intended, and thus being kept to true gatekeepers and encouraging more competition. [REDACTED] further added that the definition of gatekeepers should be kept narrow, that DMA should not penalise European companies, and that the ongoing debate on territoriality created uncertainty for the sector. [REDACTED] highlighted the importance of content, including European content, and

would like to see European politicians considering carefully the scope of regulations and the ability for companies to grow, especially keeping the quota on 30% European content in mind. Related to the latter, [REDACTED] added that a clear definition of European production was crucial, especially whether UK counts as European in this context.

[REDACTED] noted that the proposal on political advertising required additional transparency, including on prices, and that it would be necessary to establish additional transparency requirements. [REDACTED] further added the proposal on political advertising would bring legal certainty and better competition enforcement.

[REDACTED] welcomed the initiative to harmonise rules on notice and action through the DSA, where rules should be uniform and clear. [REDACTED] particularly supported by [REDACTED] [REDACTED] further asked for the introduction of effective stay-down obligations, and for them to be applied uniformly throughout Europe, together with the introduction of trusted flaggers where rights holders should be awarded automatically as trusted flaggers. Furthermore, the expeditious removal of content, especially premiers, was important and time sensitive. [REDACTED] further added the importance of the freedom of expression, the right to do business, and intellectual property rights.

Ms Papandropoulos took note of the reactions on DMA and DSA, and confirmed an ambitious Commission approach for their adoptions, and recalled the need to keep the balance right between having obligations capturing problems for entire industry, but not so broad that it would lose the main benefits, e.g. speed of action. Mr Stengg thanked for the contributions, especially on DSA and DMA, and took note of the comments and input regarding fighting illegal content, including pirate content and the request for a targeted legal proposal. Ms McCallum further welcomed the strong consensus on need on ex ante regulation, and underlined the need for proper enforcement.

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