

## Report of meeting with EMMA (European Magazine Media Association) and ENPA (European Newspaper Publishers' Association), 24 February 2020

### For EMMA/ ENPA

- [REDACTED] ENPA
- [REDACTED] ENPA
- [REDACTED] EMMA/ ENPA
- [REDACTED] EMMA/ ENPA
- [REDACTED] - EMMA
- [REDACTED] EMMA/ ENPA
- [REDACTED] Danske Medier
- [REDACTED] IPM Group
- [REDACTED] Le Parisien
- [REDACTED] - Chamber of Press Publishers (Poland)
- [REDACTED] Chamber of Press Publishers (Poland)
- [REDACTED] Axel Springer SE

### For the Commission

- Margrethe Vestager (Executive Vice-President – Commission)
- [REDACTED] (CAB-VESTAGER)
- [REDACTED]
- [REDACTED]

EMMA and ENPA asked for a meeting to discuss the proposed e-Privacy Regulation, the implementation of the Copyright Directive and the upcoming Digital Services Act (“DSA”).

First, on the proposed ePrivacy Regulation, EMMA/ENPA representatives raised concerns on the impact of the proposed provisions regarding the protection of terminal equipment information and the issue of conditional access to website content, so-called “cookie-walls” (Art 8), as well as the ability for telecom operators to block marketing calls. These provisions would prevent direct marketing which accounts for a significant part of publishers’ online traffic. As a result, EMMA/ ENPA representatives stressed the need to safeguard existing business models and underlying sources of income (notably interest-based, personalised advertisement). They further argued that the current proposal may unintentionally benefit large online platforms.

Second, EMMA/ ENPA representatives explained the difficulties faced in the implementation of the Copyright Directive in France. Google and Facebook are proposing alternative arrangements that are unsatisfactory and do not comply with the directive. French publishers have filed an antitrust complaint with

the French competition authority against an alleged abuse of dominant position of Google, arguing it requires publishers to abandon their rights under the Directive, that publishers however cannot oppose. The investigation of the French competition authority is ongoing and may lead to the adoption of interim measures.

Finally, as concerns the DSA, EMMA/ ENPA representatives cautioned against horizontal legislation applicable to online platforms of all sizes, suggesting instead to restrict specific obligations to large online platforms with significant market power. EMMA and ENPA stressed the importance of media pluralism and the independence of the press, arguing in favour of establishing specific obligations for online platforms to provide access on fair terms.

EVP Vestager underlined the importance of supporting quality journalism and access to free and diversified press and took note of the participants' concerns. She encouraged EMMA/ ENPA representatives to keep the Commission informed of issues in implementation and stressed that large platforms cannot challenge legislators. Finally, she differentiated between issues involving restrictions of access to the market by large platforms and issues related to liability of platforms with regard to content, which may need different types of policy response.