

From: [REDACTED]
To: [REDACTED] (COMP)
Cc: [REDACTED]@newsmediaeurope.eu; [REDACTED]; [REDACTED] (European Publishers Council - EPC); [REDACTED] (EGTA - Association of Television and Radio Sales Houses); [REDACTED] (ACT - Association of Commercial Television in Europe); [REDACTED]
Subject: Media sector meeting request DMA
Date: mardi 21 septembre 2021 14:06:05
Attachments: [image001.png](#)
[Digital-Markets-Act-Joint-Statement-by-European-Media-Associations-25.05.20217.pdf](#)
[2021_06_30 MEDIA SECTOR SUGGESTIONS TO THE DMA PROPOSAL final_2.pdf](#)

Dear [REDACTED],

I write to you on behalf of 8 EU media associations to request a meeting at your earliest convenience concerning the Digital Markets Act proposal.

As a follow up to the joint statement (attached) by the representatives of the media sector through the ACT (Association of Commercial Broadcasters in Europe), AER (the Association of Commercial Radios), EBU (the European Broadcasting Union), EGTA (the Association of TV & Radio Sales Houses), EPC (the European Publishers' Council), EMMA (the European Magazine Media Association), ENPA (the European Newspaper Publishers' Association) and NME (News Media Europe), representing almost the entirety of the European Media sector, please find attached our suggested amendments that could improve the conditions and enforceability of the DMA proposal.

Given the Commission's role in fostering the debate in Council and Parliament, we believe that it would be an opportunity for high-level representatives of this group to have an exchange with you on the topics below:

- **The scope** for the designation of gatekeepers should be tightly focused to ensure an effective enforcement.
- **The list of core platforms services** should be clarified to ensure these include Digital Voice assistants and Web Browsers
- **Timing** is important when it comes to the application of Articles 5 and 6 and the designation process should not create unwarranted delays.
- **Obligations enshrined in Article 5 & 6** must be ambitious:
 - **Data:** the data silos (art. 5(a)) and the access to data generated by intermediating between end users and business users (art. 6 (1)i) provisions
 - Currently Article 5(a) prohibits the combination of personal data from various sources only if the user does not consent to such combination via an opt-in. When dealing with Gatekeepers that have critical leverage to offer incentives or force users into consenting to certain data processing operations, such a solution the proposed wording could instead render the provision empty of any substance.
 - Article 6(1)i has the potential to resolve many competitive issues that currently exist in the digital market. Access to data generated by media content is an essential requirement for all industries which have a digital presence. Gatekeepers should be incentivized to facilitate the obtention of end-users' consent for sharing data with business users, for instance by limiting Gatekeepers' capacity to re-use the data collected if business users cannot equally access it.

- **Audience measurement (art. 6.(1)g)**

- We welcome the provision on audience measurement in Article 6(1)g, however, in order for it to ensure meaningful access to information for the media sector we would insist on the need for granular, reliable and transparent information; independently verified by trusted, approved and neutral third parties.

- **Tying and bundling (art. 5 (f) + art. 5(f2)new)**

- The proposed DMA prohibits bundling practices that require a user to subscribe to or register with one service in order to use another service (Article 5(f)). Such approach falls short of addressing equally unfair bundling practices which do not focus on subscription/registration such as: i) forcing business users to offer content on a subscription-based core platform service as a condition to make that content equally available on the free version of that core service, or ii) proposing aggressive multi-product rebates (or mixed bundling 4) which hamper competition even from the most efficient companies in their field.

- **Self-preferencing (art. 6(1)d)**

- The media would recommend that the ban on self-preferencing is extended to selected third parties. Additionally, the provision must apply beyond search engines to all core platform services operated by designated gatekeepers ; it should also and be extended to cover other certain self-preferencing practices that go beyond ranking.

- **Fair and non-discriminatory condition to access (art. 6(1)k)**

- The principle foreseen in Article 6(1)k is limited to App stores. We recommend that in order to ensure the effectiveness of the DMA, the obligation must be applied beyond App stores to all core platform services, in particular to search engines and social networks. Gatekeepers should be obliged to negotiate on fair and non-discriminatory terms for the use of content on their core platform services. In the event of a dispute about the conditions of access for business users to core platform services pursuant to Article 3(7), the Commission should have the option to impose specific procedures, including through binding codes of conduct to govern aspects of the gatekeepers' relationship with business users, for instance through arbitration to contribute to the proper application of the Regulation.

It is imperative that the obligations bring genuine changes to digital markets. Without carefully crafted obligations, the DMA could be a missed opportunity. The experiences of the European Commission and National Competition authorities should duly inform the legislative process in the DMA regulation and should serve to ensure that this proposal is robust enough and its obligations clear enough to bring the warranted changes to the market. This is the EU's opportunity to spearhead a discussion that should inevitably take place across the globe.

We hope to rely on your support and would be happy to discuss these proposals at your earliest convenience.

With kind regards and on behalf of,

[REDACTED] - Association of Commercial Television in Europe (ACT)

[REDACTED] - Association of European Radios (AER)

[REDACTED] - European Broadcasting Union (EBU)

[REDACTED] - European Magazine Media Association (EMMA) / European Newspaper Publishers Association (ENPA)

[REDACTED] - Association of TV & Radio Sales Houses (EGTA)

[REDACTED] - European Publishers Council (EPC)

[REDACTED] - News Media Europe (NME)

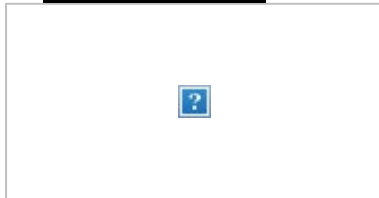
NEWS MEDIA EUROPE

[REDACTED]

Policy Manager

[REDACTED] [@newsmediaeurope.eu](mailto:[REDACTED]@newsmediaeurope.eu)

M: [REDACTED]



EU Transparency Register ID: 577812220311-81