

Strengthened Code of Practice against Disinformation threatens freedom of expression

16 June 2022

EMMA, the European Magazine Media Association and ENPA, the European Newspaper Publishers' Association, have taken note with great concern of the strengthened Code of Practice on Disinformation published today. At a time when large online platforms play a critical part for the distribution of press content and the formation of public opinion, it is critical that all legal publications can be visible and accessible online. Any interference in the free distribution of media content online, especially on those critical platforms, would dramatically affect the diversity of information citizens can access online and jeopardise the financing of the press sector, leading to a decrease in media pluralism.

Therefore, EMMA and ENPA are extremely worried about the prospect of new discretionary measures going beyond the existing legal obligations and self-regulatory frameworks present in the majority of Member States. Regrettably, the Digital Services Act missed the opportunity to provide any effective safeguard for legal editorial content online against removals based solely on privately-set terms and conditions. The strengthened Code of Practice now moreover purposely aims at limiting the visibility and the monetisation of legal content on the basis of alleged trustworthiness. But who will decide what is trustworthy and what is not? The new Code of Practice seems to envisage a world where third-parties and authorities decide what is "true" and what is "false". This way, the Code of Practice threatens fundamental rights and freedoms and, first and foremost, freedom of speech and freedom of the press.

The strengthened Code of Practice encourages alarming measures, including the promotion of so-called "authoritative" content and the defunding of sources that, according to a discretionary assessment, spread disinformation. Measures such as demoting, removing or labelling media content are intended. What space does this leave to freedom of expression and press freedom? The success of a publication should depend only on the reception by the readers and not be based on unilateral and arbitrary decisions on trustworthiness. The best and only answer to propaganda and disinformation is a diverse and independent media, which needs to be fostered and strengthened, not muzzled.

Ilias Konteas, EMMA and ENPA Executive Director, said: "Truth is multifaceted and not even the most well-intentioned fact-checkers can know the full picture. We fear that the strengthened Code of Practice will decrease the diversity and pluralism of information available online and restrict the public debate. It is not enough that large and very large platforms commit in writing to be mindful of freedom of expression, while this code is effectively extending their discretionary gatekeeping power to the information field."

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. EMMA represents 15,000 publishing houses, publishing 50,000 magazine titles across Europe in print and digital. Website: www.magazinemedi.eu

ENPA, the European Newspaper Publishers' Association 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