



## **ERGA proposals for amendments to EMFA articles 17 and 18**

Following the adoption of its [position on the EMFA proposal](#) in November 2022 and a first set of [proposals for amendments regarding articles 7 to 16 of the EMFA](#) adopted in February, ERGA has now developed additional proposals for amendments regarding articles 17 and 18 of EMFA.

These proposed amendments cover key priorities for ERGA and are the concrete translation of the ERGA position on the relevant sections of the EMFA proposal.

EMFA proposal	ERGA draft amendments	Comments / rationale
<p><b>Section 4</b></p> <p><b>Provision of media services in a digital environment</b></p>		
<p><i>Article 17</i></p> <p><i>Content of media service providers on very large online platforms</i></p>	<p><i>Article 17</i></p> <p><i>Content of media service providers on very large online platforms <b>and very large online search engines</b></i></p>	<p>ERGA position:</p> <p><i>EE. The scope of this provision should be extended: (i) to very large online search engines in order to encompass other relevant players (ex. role of Google News for media content provision in article 17;</i></p>
<p>1. Providers of very large online platforms shall provide a functionality allowing recipients of their services to declare that:</p> <p>(a) it is a media service provider within the meaning of Article 2(2);</p> <p>(b) it is editorially independent from Member States and third countries; and</p> <p>(c) it is subject to regulatory requirements for the exercise of editorial responsibility in one or more Member States, or adheres to a co-regulatory or self-regulatory mechanism governing editorial standards, widely recognised and accepted in the relevant media sector in one or more Member States.</p>	<p>1. Providers of very large online platforms <b>and providers of very large online search engines</b> shall provide a functionality allowing recipients of their services to declare that:</p> <p>(a) it is a media service provider within the meaning of Article 2(2);</p> <p>(b) it is editorially independent from Member States and third countries; <del>and</del></p> <p>(c) it is subject to regulatory requirements for the exercise of editorial responsibility in one or more Member States, or adheres to a co-regulatory or self-regulatory mechanism governing editorial standards, widely recognised and accepted in the relevant media sector in one or more Member States;</p> <p><b><i>(d) it is subject to the supervision of an independent national regulatory authority or body and/or to a self- or co-regulatory mechanism as referred to in point (c); the contact details of the supervising entity shall be stated; and</i></b></p> <p><b><i>(e) where they exist, it is included in one or more publicly available registries, databases or lists published by a public authority or by the entity supervising the self- or co-regulatory mechanism; where applicable, relevant identification information for the media service provider shall be stated.</i></b></p> <p><b><i>The provider of the very large online platform or the provider of the very large search engine shall ask the entity declared in point (d) to confirm the information given by the declarant. The declaration of a media service provider shall only be accepted by the provider of the very large online platform or the provider of the very large search engine if the national regulatory authority or body and/or the entity supervising the self- or co-regulatory mechanism confirm the adherence to the regulations and/or codes of practice by the declarant.</i></b></p>	<p>According to the ERGA position, there is a need to prevent potential abuses of a system of self-declarations (which could contribute to the spread of disinformation), hence the proposed amendment to strengthen this provision with the reference to and confirmation by a supervisory entity of the declarant (the NRAs of the AVMSD for audiovisual media services).</p>

	<p><b>1a. In order to prevent the misuse of the declaration system, the provider of a very large online platform or the provider of a very large online search engine may invalidate the declaration of a media service provider. Such invalidation shall be executed if the media service provider has frequently violated national or Union law or if its content has been frequently suspended, delisted or restricted due to a breach of the terms and conditions following the procedure referred to in paragraph 2 of this Article.</b></p> <p><b>When considering the invalidation of the declaration, the provider of a very large online platform or search engine shall consult the respective independent national regulatory authority or body and/or the supervising entity of the self- or co-regulatory mechanism.</b></p>	<p>This additional ex post control and possibility to invalidate the declarations constitutes another safeguard to guarantee that this media privilege does not open doors to operators which do not respect the law, ethical standards and repeatedly violate the VLOSEs' terms &amp; conditions, and which may share harmful content such as disinformation.</p> <p>Given the fact that the invalidation of a declaration would deprive the media service provider from the privilege introduced in this Article and in order not to give excessive responsibility and power to the VLOSEs, ERGA proposes to introduce an obligation to consult the relevant regulator or monitoring entity before the decision is taken.</p>
	<p><b>1b. A media service provider whose declaration to a provider of very large online platform or very large search engine pursuant to paragraph 1 has been rejected or invalidated pursuant to paragraph 1a, shall have the possibility to appeal against this decision.</b></p> <p><b>An external complaint mechanism shall be guaranteed in each Member State and handled by one or several independent authorities or bodies.</b></p>	<p>Media service providers shall have the right to appeal to a decision by the VLOSEs to reject or invalidate their declarations.</p> <p>ERGA position:</p> <p>DD. A number of limitations to this provision may be reconsidered, based on the following questions and/or concerns:</p> <p>(...)</p> <ul style="list-style-type: none"> <li>Recital 33 specifies that VLOPs will have the power to not accept self-declarations made by media service providers on their capacity of meeting certain requirements, where they consider that these conditions are not met. While ERGA recognises the need to prevent potential abuses of a system of self-declarations (which could contribute to the spread of disinformation) and welcomes the intention of the Commission to issue a set of guidelines in this area, this practically means that VLOPs will have a discretionary power in regard to the assessment of the integrity and reliability of media service providers. Therefore, the question might be raised whether there is a sufficient guarantee that media outlets will effectively benefit from the protection proposed here.</li> </ul> <p>FF. Furthermore, some provisions could be strengthened including in order to improve the supervision of this obligation and increase the VLOSEs' accountability (...)</p> <p>The possibility to introduce an external complaint system for rejection of status should be considered;</p>
<p>2. Where a provider of very large online platform decides to suspend the provision of its online intermediation services in relation to content provided by a media service provider that submitted a declaration pursuant to paragraph 1 of this Article,</p>	<p><b>2. Without prejudice to its obligations pursuant to Articles 34 and 35 of Regulation (EU) 2022/2065, where a provider of very large online platform or a provider of very large online search engine decides to suspend or restrict the provision of its online intermediation services in</b></p>	<p>This is to clarify that this media privilege is without prejudice to the DSA and notably the VLOSEs' obligations related to the assessment and mitigation of systemic risks.</p> <p>ERGA position:</p>

on the grounds that such content is incompatible with its terms and conditions, without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) 2022/XXX [Digital Services Act], it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) 2022/XXX [Digital Services Act], to communicate to the media service provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150, prior to the suspension taking effect.	relation to content provided by a media service provider that submitted a <b>valid</b> declaration pursuant to paragraph 1 of this Article, on the grounds that such content is incompatible with its terms and conditions, <del>without that content contributing to a systemic risk referred to in Article 26 of the Regulation (EU) 2022/XXX [Digital Services Act]</del> , it shall take all possible measures, to the extent consistent with their obligations under Union law, including Regulation (EU) 2022/ <b>2065 XXX [Digital Services Act]</b> , to communicate to the media service provider concerned the statement of reasons accompanying that decision, as required by Article 4(1) of Regulation (EU) 2019/1150 <b>and Article 17 of Regulation (EU) 2022/2065</b> , prior to the suspension <b>or restriction</b> taking effect.	<p>DD. A number of limitations to this provision may be reconsidered, based on the following questions and/or concerns:</p> <ul style="list-style-type: none"> <li>The actual impact of article 17(2) might be rather limited as it will be triggered only in cases, which are not related to systemic risks (which the DSA defines in a very broad way);</li> </ul> <p>FF. Furthermore, some provisions could be strengthened including in order to improve the supervision of this obligation and increase the VLOPs' accountability:</p> <ul style="list-style-type: none"> <li>Article 17(2) refers to the "suspension" of services whereas article 17(4) mentions "restrictions or suspensions", which seems inconsistent. ERGA therefore suggests article 17(2) to be broadened in order to cover also restrictions of services;</li> </ul>
	<p><b>2a. When considering the suspension of the content on a very large online platform or a decision to delist the content on a very large online search engine pursuant to paragraph 2 of this Article, the provider of very large online platform or the provider of very large online search engine shall also provide the media service provider with an opportunity to reply to the statement of reasons, within 24 hours, prior to the suspension or decision to delist taking effect. The content or service shall not be suspended or delisting during this 24-hours period unless the content is infringing national or Union law.</b></p> <p><b>When a provider of very large online platform or a provider of very large online search engine subsequently decides to respectively suspend or delist a content of a media service provider that submitted a valid declaration pursuant to paragraph 1 of this article despite the media service provider's reply in accordance with this paragraph, it shall provide in writing a detailed statement of reasons.</b></p>	<p>In order to ensure that there is an effective protection of the media services providers on the VLOPSEs, it is crucial to ensure that MSPs whose content might be suspended benefit from a right to reply during 24h, during which the content should stay up (unless the content is illegal).</p> <p>The objective is to ensure transparency and accountability of VLOSEs to properly justify the suspension of a content despite the evidence provided by the media service provider in the framework of its right of reply during the 24h stay up period.</p>
3. Providers of very large online platforms shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 by media service providers that submitted a declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay.	3. Providers of very large online platforms <b>and providers of very large online search engines</b> shall take all the necessary technical and organisational measures to ensure that complaints under Article 11 of Regulation (EU) 2019/1150 <b>and Article 20 of Regulation (EU) 2022/2065</b> by media service providers that submitted a <b>valid</b> declaration pursuant to paragraph 1 of this Article are processed and decided upon with priority and without undue delay.	Additional reference to the complaints mechanism from the DSA.
4. Where a media service provider that submitted a declaration pursuant to paragraph 1 considers that a provider of very large online platform frequently restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform shall engage in a meaningful and effective dialogue with the media service provider, upon its request, in	4. Where a media service provider that submitted a declaration pursuant to paragraph 1 considers that a provider of very large online platform <b>or of very large online search engine</b> frequently restricts or suspends the provision of its services in relation to content provided by the media service provider without sufficient grounds, the provider of very large online platform <b>or of very large online search engine</b> shall engage in a meaningful and effective dialogue with the media service provider, upon	

good faith with a view to finding an amicable solution for terminating unjustified restrictions or suspensions and avoiding them in the future. The media service provider may notify the outcome of such exchanges to the Board.	its request, in good faith with a view to finding an amicable solution for terminating unjustified restrictions or suspensions and avoiding them in the future. The media service provider may notify the outcome of such exchanges to the Board.	
	<b>4a. In case an amicable solution is not found, the matter may be referred to the Board, which may issue an opinion.</b>	<p>ERGA position:</p> <p>FF. Furthermore, some provisions could be strengthened including in order to improve the supervision of this obligation and increase the VLOPs' accountability (...):</p> <ul style="list-style-type: none"> <li>The text could also specify what happens if an amicable solution is not found. This would help further reducing the discretionary power of VLOPs (and any other platforms under scope), which seem to have a rather extensive autonomy in deciding whether to restrict or suspend the provision of their services.</li> </ul>
	<b>4b. In cases, where the provider of very large online platform or very large search engine repeatedly disregards the opinions issued by the Board, the Commission shall consider this in its assessment of the compliance of the provider with its obligations relating to systemic risks mitigation measures pursuant to Article 35 of Regulation (EU) 2022/2065.</b>	<i>In its position ERGA suggested that the Commission shall take into account the Board's reports from the structured dialogue (see rationale for art.18(2)). The same principle shall apply if a VLOSE does not take into account the Board's opinions.</i>
<p>5. Providers of very large online platforms shall make publicly available on an annual basis information on:</p> <p>(a) the number of instances where they imposed any restriction or suspension on the grounds that the content provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their terms and conditions; and</p> <p>(b) the grounds for imposing such restrictions.</p>	<p>5. Providers of very large online platforms <b>and providers of very large online search engines</b> shall make publicly available on an annual basis information on:</p> <p>(a) the number of instances where they imposed any restriction or suspension on the grounds that the content provided by a media service provider that submitted a declaration in accordance with paragraph 1 of this Article is incompatible with their terms and conditions; <del>and</del></p> <p>(b) the grounds for imposing such <b>suspensions and</b> restrictions; <del>and</del></p> <p><b>(c) the instances and grounds for refusing the declarations made by any media service providers in accordance with paragraph 1 of this Article, as well as for invalidating the declaration of a media service provider in accordance with paragraph 1a of this Article.</b></p>	This addition allows to reinforce the accountability of VLOPSEs also on the decisions taken regarding the declarations (refusals and invalidations).
6. With a view to facilitating the consistent and effective implementation of this Article, the Commission may issue guidelines to establish the form and details of the declaration set out in paragraph 1.	6. With a view to facilitating the consistent and effective implementation of this Article, the Commission <del>shall may</del> <b>adopt an implementing act to lay down procedures, mechanisms, requirements and objective criteria concerning the</b> <del>establish the form and details of the</del> declaration set out in paragraph 1 <b>and the invalidation process set out in paragraph 1a. The implementing act shall also include modalities of involvement of relevant civil society organisations in the review of the declarations, the consultation with the relevant independent authority or body of the country of establishment, where relevant, and address any potential abuse of the functionality.</b>	<p>In order to avoid unintended consequences including the potential abuse of this mechanism, the system of declarations should be further strengthened. To that effect, Commission should adopt an implementing act with the aim of providing more detailed guidance and requirements.</p> <p>Moreover, guidelines should be developed on the external complaint mechanism.</p> <p>ERGA position:</p> <p>DD. (...) While ERGA recognises the need to prevent potential abuses of a system of self-declarations (which</p>

	<b><i>The Commission shall also issue guidelines on the modalities and basic requirements for the external complaint mechanism set out in paragraph 1b of this Article.</i></b>	<p>could contribute to the spread of disinformation) and welcomes the intention of the Commission to issue a set of guidelines in this area this practically means that VLOPs will have a discretionary power in regard to the assessment of the integrity and reliability of media service providers. Therefore, the question might be raised whether there is a sufficient guarantee that media outlets will effectively benefit from the protection proposed here.</p> <p>GG. Last but not least, some clarifications would be welcome:</p> <ul style="list-style-type: none"> <li>• For the sake of legal certainty, the concept of “regulatory requirements”, to which media outlets should be subject to be able to benefit from this provision, should be more precisely defined.</li> </ul>
	<b><i>7. Without prejudice to the obligations of providers of very large online platforms and providers of very large online search engines pursuant to Regulation (EU) 2022/2065, these providers shall include the obligations resulting from this Article in their terms and conditions and make an up-to-date list of media services providers with a valid declaration pursuant to paragraph 1 of this Article available to the public.</i></b>	<p>ERGA position:</p> <p>FF. Furthermore, some provisions could be strengthened including in order to improve the supervision of this obligation and increase the VLOPs’ accountability (...):</p> <ul style="list-style-type: none"> <li>• This new policy should be reflected by the VLOPs (and any other platforms under scope as suggested by ERGA under point EE) in their Terms and Conditions;</li> </ul> <p>It is also proposed to include an additional transparency obligation for VLOPSEs towards the general public so that users are informed about the media outlets benefiting from this ‘media privilege’.</p>
	<b><i>8. Providers of very large online platforms and providers of very large online search engines shall provide the Board with all the necessary information, when requested, for the purpose of the involvement of the Board pursuant to paragraphs 4, 4a and 4b of this Article.</i></b>	<p>ERGA position:</p> <p>FF. Furthermore, some provisions could be strengthened including in order to improve the supervision of this obligation and increase the VLOPs’ accountability (...):</p> <ul style="list-style-type: none"> <li>• The cooperation and transparency of the VLOPs (and any other platforms under scope) should be further secured by the provisions. To this end, it could be considered to introduce an obligation for these players to provide the Board, upon its reasoned request, with information and data relevant to the monitoring of Articles 17 and 18;</li> </ul>
<b><i>Article 18</i></b> <b><i>Structured dialogue</i></b>	<b><i>Article 18</i></b> <b><i>Structured dialogue</i></b>	
1. The Board shall regularly organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, to foster access to diverse offers of independent media on very large online	1. The Board shall regularly organise a structured dialogue between providers of very large online platforms <b><i>and providers of very large online search engines</i></b> , representatives of media service providers and representatives of civil society to discuss experience and best practices in the application of Article 17 of this Regulation, <b><i>in order to:</i></b>	It would be interesting for the structure dialogue to look also into the broader issue of the impact of content moderation policies on media freedom and pluralism online.

platforms and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference.	<p><b>a) <del>to</del> foster access to diverse offers of independent media on very large online platforms <i>and through very large online search engines and</i>;</b></p> <p><b>b) <del>to</del> monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including disinformation and foreign information manipulation and interference; <i>and</i></b></p> <p><b>c) <i>consider the possible negative effects of these initiatives or of content moderation policies by providers of very large online platforms and providers of very large online search engines on the freedom and pluralism of the media.</i></b></p>	
	<b>1a. Providers of very large online platforms and providers of very large online search engines shall participate in the meetings organised by the Board and engage in the dialogue in good faith.</b>	It is crucial to ensure that VLOPSEs do attend and actively contribute to the structured dialogue.
2. The Board shall report on the results of the dialogue to the Commission.	2. The Board shall report on the results of the dialogue to the Commission. <b><i>The Commission shall take this report into account for its assessment of the compliance of the providers of very large online platforms and providers of very large search engines with their obligations relating to systemic risks mitigation pursuant to Article 35 of Regulation (EU) 2022/2065.</i></b>	<p>ERGA position:</p> <p><i>FF. Furthermore, some provisions could be strengthened including in order to improve the supervision of this obligation and increase the VLOPs' accountability (...):</i></p> <p><i>The Commission should have to take into account the Board's report from the structured dialogue for its assessment of DSA-related risks.</i></p>
	<b>2a. Providers of very large online platforms and providers of very large online search engines shall provide the Board with all the necessary information, when requested, for the purpose of the involvement of the Board pursuant to paragraphs 1 and 2 of this Article.</b>	<p>ERGA position:</p> <p><i>FF. Furthermore, some provisions could be strengthened including in order to improve the supervision of this obligation and increase the VLOPs' accountability (...):</i></p> <ul style="list-style-type: none"> <li><i>• The cooperation and transparency of the VLOPs (and any other platforms under scope) should be further secured by the provisions. To this end, it could be considered to introduce an obligation for these players to provide the Board, upon its reasoned request, with information and data relevant to the monitoring of Articles 17 and 18;</i></li> </ul>
<b>RECITALS</b>		
(31) Very large online platforms act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. Therefore, also in view of users' freedom of information, where	(31) Very large online platforms <b><i>and very large online search engines</i></b> act for many users as a gateway for access to media services. Media service providers who exercise editorial responsibility over their content play an important role in the distribution of information and in the exercise of freedom of information online. When exercising such editorial responsibility, they are expected to act diligently and provide information that is trustworthy and respectful of fundamental rights, in line with the regulatory or self-regulatory requirements they are subject to in the Member States. <b><i>At the same time, providers of very large online platforms and providers of very large online search engines shall respect</i></b>	See comments regarding art.17(2)

<p>providers of very large online platforms consider that content provided by such media service providers is incompatible with their terms and conditions, while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act], they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/XXX [the Digital Services Act] and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council. To minimise the impact of any restriction to that content on users' freedom of information, very large online platforms should endeavour to submit the statement of reasons prior to the restriction taking effect without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]. In particular, this Regulation should not prevent a provider of a very large online platform to take expeditious measures either against illegal content disseminated through its service, or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act].</p>	<p><b><i>the right to freedom of expression and freedom of the media and shall contribute in an appropriate manner to the plurality of the media.</i></b> Therefore, also in view of users' freedom of information <b><i>and without prejudice to the obligations pursuant to Articles 34 and 35 of Regulation (EU) 2022/2065</i></b>, where providers of very large online platforms <b><i>and providers of very large online search engines</i></b> consider that content provided by such media service providers is incompatible with their terms and conditions, <del>while it is not contributing to a systemic risk referred to in Article 26 of Regulation (EU) 2022/XXX [the Digital Services Act]</del>, they should duly consider freedom and pluralism of media, in accordance with Regulation (EU) 2022/<b><i>2065 XXX [the Digital Services Act]</i></b> and provide, as early as possible, the necessary explanations to media service providers as their business users in the statement of reasons under Regulation (EU) 2019/1150 of the European Parliament and of the Council <b><i>and Regulation (EU) 2022/2065</i></b>. To minimise the impact of any <b><i>suspension</i></b> to that content on users' freedom of information, <b><i>providers of</i></b> very large online platforms <b><i>and providers of very large online</i></b> should endeavour to submit, the statement of reasons prior to the restriction <b><i>and suspension</i></b> taking effect <del>without prejudice to their obligations under Regulation (EU) 2022/XXX [the Digital Services Act]</del>. <b><i>In case of suspensions for very large online platforms and decisions to delist for very large online search engines, the media service provider shall have the opportunity to reply to the statement of reasons for the suspension, within 24 hours, during which the content should not be suspended or delisted.</i></b> In particular, this Regulation should not prevent a provider of a very large online platform <b><i>or search engine</i></b> to take expeditious measures either against illegal content disseminated through its service, <del>or in order to mitigate systemic risks posed by dissemination of certain content through its service, in compliance with Union law, in particular pursuant to Regulation (EU) 2022/XXX [the Digital Services Act]</del>. <b><i>In cases where the content is not infringing national and EU law, the content or service should not be suspended or delisted during the dialogue between the provider of the very large online platform or very large online search engine and the media service provider. In cases where a provider of a very large online platform or provider of a very large online search engine still intends to suspend or delist the content despite the evidence provided, the media service provider should receive a proper and detailed justification of the subsequent suspension of the content.</i></b></p>	
<p>(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms are treated with priority and without undue delay.</p>	<p>(32) It is furthermore justified, in view of an expected positive impact on freedom to provide services and freedom of expression, that where media service providers adhere to certain regulatory or self-regulatory standards, their complaints against decisions of providers of very large online platforms <b><i>and providers of very large online search engines</i></b> are treated with priority and without undue delay.</p>	<p>See comments regarding art.17(1)</p>



<p>(33) To this end, providers of very large online platforms should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met. Providers of very large online platforms may rely on information regarding adherence to these requirements, such as the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. Guidelines by the Commission may be useful to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality.</p>	<p>(33) To this end, providers of very large online platforms <b>and provider of very large online search engines</b> should provide a functionality on their online interface to enable media service providers to declare that they meet certain requirements, while at the same time retaining the possibility not to accept such self-declaration where they consider that these conditions are not met.</p> <p>Providers of very large online platforms <b>and provider of very large online search engines should verify the declarations submitted with the relevant supervisory or monitoring entity. For audiovisual media services the supervisory authority shall be the national authority or body in charge of media regulation pursuant to Article 30 of Directive 2010/13/EU. For other media outlets, the verification could be done with a press council, where relevant, or through the consultation of <del>may rely on information regarding adherence to these requirements, such as</del> the machine-readable standard of the Journalism Trust Initiative or other relevant codes of conduct. <del>Guidelines by</del></b></p> <p>The Commission <b>should adopt an implementing act in order to prevent abuse and</b> to facilitate an effective implementation of such functionality, including on modalities of involvement of relevant civil society organisations in the review of the declarations, on consultation of the regulator of the country of establishment, where relevant, and address any potential abuse of the functionality. <b>The implementing act should also foresee basic requirements for the procedure to invalidate the declarations of media service providers.</b></p>	<p>See comments regarding art.17(1) and art.17(6)</p>
	<p><b>(33a) In order to avoid an eventual abuse of the declaration system by media service providers which do not effectively comply with the requirements stipulated in Article 17(1) of this Regulation, in case of repeated violation of the law or breach of terms and conditions, the provider of a very large online platform and the providers of very large online search engine should invalidate a declaration of a media service provider and should consult the supervising or regulatory entity about the invalidation of such declaration.</b></p>	<p>See comments regarding art.17(1b)</p>
	<p><b>(33b) In order for the self-declaration system to work effectively and in a fair and transparent manner, media service providers should have the possibility to appeal against the refusal by the providers of very large online platforms or the providers of very large online search engines to accept their declaration. They should also be able to appeal against a decision invalidating a declaration.</b></p> <p><b>An external complaint mechanism should be therefore guaranteed in each Member State and handled by one or several independent authorities or bodies, such as press councils or audiovisual media regulatory authorities or bodies, where relevant. The Commission</b></p>	<p>See comments regarding art.17(1c)</p>

	<b><i>should develop guidelines setting out the concrete modalities and basic requirements for these external complaint mechanisms.</i></b>	
(34) This Regulation recognises the importance of self-regulatory mechanisms in the context of the provision of media services on very large online platforms. They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and widely-recognised media self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity.	(34) This Regulation recognises the importance of self-regulatory mechanisms in the context of the provision of media services on very large online platforms <b><i>and very large online search engines</i></b> . They represent a type of voluntary initiatives, for instance in a form of codes of conduct, which enable media service providers or their representatives to adopt common guidelines, including on ethical standards, correction of errors or complaint handling, amongst themselves and for themselves. Robust, inclusive and widely-recognised media self-regulation represents an effective guarantee of quality and professionalism of media services and is key for safeguarding editorial integrity.	See comments regarding art.18(1)
(35) Providers of very large online platforms should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information.	(35) Providers of very large online platforms <b><i>and providers of very large online search engines</i></b> should engage with media service providers that respect standards of credibility and transparency and that consider that restrictions on their content are frequently imposed by providers of very large online platforms without sufficient grounds, in order to find an amicable solution for terminating any unjustified restrictions and avoiding them in the future. Providers of very large online platforms <b><i>and providers of very large online search engines</i></b> should engage in such exchanges in good faith, paying particular attention to safeguarding media freedom and freedom of information. <b><i>In case an amicable solution is not found, the matter may be referred to the Board, which should be able to issue an opinion and recommend measures to be taken. In cases, where a provider of a very large online platform or provider of a very large online search engine repeatedly does not take into account opinions and recommended measures issued by the Board, the Commission should consider this in its assessment of the compliance of the very large online platform or search engine with its obligations relating to systemic risks mitigation measures pursuant to Regulation (EU) 2022/2065.</i></b>  <b><i>In the cases mentioned above, a case-by-case assessment of what “frequently” and “repeatedly” mean should be carried out in order not to undermine and/or diminish the protection for media service providers as provided for in Article 17.</i></b>	See comments regarding art.17(4a) and 17(4b)
	<b><i>(35a) For the benefit of the general public and in order to ensure a proper transparency on the mechanism laid out in article 17, providers of very large online platforms and providers of very large online search engines, without prejudice to their obligations of pursuant to Regulation (EU) 2022/2065, should reflect the obligations resulting from this Article in their terms and conditions and make an up-to-date list of media services providers with a valid declaration pursuant to paragraph 1 of this Article available to the public. A declaration of a media service</i></b>	See comments regarding art.17(7)

	<b><i>provider should be deemed valid when it has been accepted and not invalidated by the provider of very large online platform or the provider of a very large online search engine.</i></b>	
(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms, representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation. The Commission may, where relevant, examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) 2022/XXX [Digital Services Act] and may ask the Board to support it to this effect.	(36) Building on the useful role played by ERGA in monitoring compliance by the signatories of EU Code of Practice on Disinformation, the Board should, at least on a yearly basis, organise a structured dialogue between providers of very large online platforms <b><i>and providers of very large online search engines</i></b> , representatives of media service providers and representatives of civil society to foster access to diverse offers of independent media on very large online platforms, discuss experience and best practices related to the application of the relevant provisions of this Regulation and to monitor adherence to self-regulatory initiatives aimed at protecting society from harmful content, including those aimed at countering disinformation, <b><i>as well as consider the impact of these initiatives or of content moderation policies on the freedom and pluralism of the media. For the structured dialogue to be as productive as possible, it should be mandatory for providers of very large online platforms and search engines to participate in the meetings organised by the Board and to engage in the dialogue in good faith.</i></b> The Commission <del>may should, where relevant,</del> examine the reports on the results of such structured dialogues when assessing systemic and emerging issues across the Union under Regulation (EU) 2022/ <del>2065 XXX</del> <b><i>[Digital Services Act]</i></b> and may ask the Board to support it to this effect.	See comments regarding art.18(1), 18(1a) and 18(2)
	<b><i>(36a) In order to ensure that the Board's involvement and contribution in the relationship between providers of very large online platforms or providers of very large online search engines and media service providers in the online environment is as effective and useful as possible, the Board should be entitled, upon request, to receive all the necessary information from the providers of very large online platforms and search engines, including the exchange of information between the providers of very large online platforms and providers of very large online search engines and the media service providers.</i></b>	See comments regarding art.18(2a)