

The relationship between journalists and platforms in European online content governance: A case study on a “non- interference principle”

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01.

INTRODUCTION

Central research questions

03.

CASE STUDY FINDINGS

Media Exemption or Non-Interference Principle



02.

LIT. REVIEW & METHODS

Platforms/platformisation, relationship between journalism and intermediaries; interviews and document analysis

04.

DISCUSSION & CONCLUSIONS

Findings & concluding remarks



1. Introduction

- Research Questions

- RQ1: What are the implications of content moderation for the dissemination of news content on online intermediaries?
- RQ2: How has the EU attempted to integrate the relationship between platforms and publishers in its strategy to regulate online content governance?

- Research Objectives

- Discuss the risks and implications that dependency of news media organisations on platforms pose to editorial autonomy in conjunction to how online content is governed
- Contribute to literature that deal with regulation of/by platforms, especially relating to journalists/publishers' relationship with platforms
- Surface the antagonistic power relations that structure European policymaking



■ 2. Literature Review

PLATFORM GOVERNANCE

- Delineating the systems within which platforms operate (Gorwa, 2019; Owen, 2019; Flew & Martin, 2022)
- Identifying stakeholders in governance of, by, and through platforms (Papaevangelou, 2021; Gorwa, 2022; Nyabola et al., 2022)

PLATFORMS/ PLATFORMISATION

- Socioeconomic infrastructures of data extraction, curation, and monetization (Poell et al., 2022; van Dijck et al., 2018; Couldry & Mejias, 2019)
- Platformisation/Infomediation (Poell et al., 2019; Helmond, 2015; Smyrniaios & Rebillard, 2019; Siaper, 2013)
- Platform economics (Mansell & Steinmuller, 2020; Srnicek, 2017; Parker et al., 2016; Muldoon, 2022)

JOURNALISM- PLATFORMS RELATIONSHIP

- Online platforms' algorithmic and automated content curation (DeVito, 2017; Simon, 2022)
- Integration of platforms' services in journalists' editorial processes (Nielsen and Ganter, 2018, 2022; Meese and Hurcombe, 2020; Nechushtai, 2018; Schiffrin, 2021; Sebbah et al., 2020)
- Negotiation of journalists' (in)dependence from platforms' tools and infrastructures (Chua and Westlund, 2022; van Drunen and Fechner, 2022)





■ 3. Methods

INTERVIEWS

- 23 semi-structured in-depth interviews with relevant stakeholders between 2021-2022
- Most of them were about European regulation of platforms' content governance, with some of them having the case study as their central topic



DOCUMENT ANALYSIS

- Communication material of relevant stakeholders (e.g., press releases, announcements, etc.)
- Legal/policy material (e.g., regulatory proposals, legal texts, EP committee's opinions, etc.)

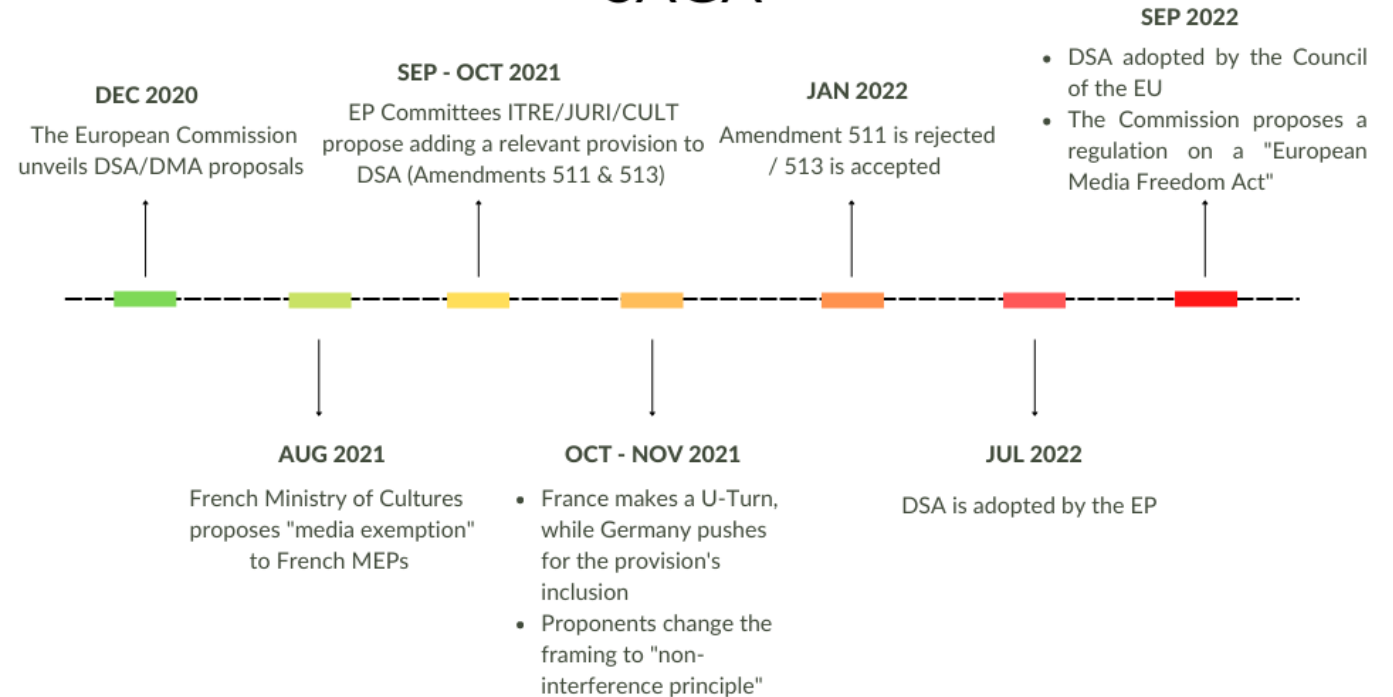
STAKEHOLDER ANALYSIS

- "Stakeholder analysis conceives of society as a set of organized and competing interests, and identifies the role of the state and policy-making institutions as one of reconciling these competing interests toward shared goals" (Flew & Lim, 2019, p. 541)



4. Case Study: A Proposal for a Non-interference Principle in the DSA

THE "NON-INTERFERENCE PRINCIPLE" SAGA





■ 4. What is it all about?

Editorial Responsibility (Media exemption)

Restriction of platforms to
meddle with editorial
content

Privileged Relationship (Amend. 511)

- Dedicated communication channel between platforms and news organisations to rectify wrongful content restrictions
- Inform media orgs a priori of any changes that would affect the visibility and circulation of their content

Terms and Conditions (Amend. 513)

Integration of respect of media
freedom and pluralism in
platforms' terms and
conditions



4. A European Tug-of-War

- ❖ Editorial autonomy (reclaim power)
- ❖ Mitigate loss of profit/visibility due to arbitrary takedowns
- ❖ Illegal content should be moderated regardless & disinformation should be demonetized

- Germany
- EP Committees (ITRE, JURI, CULT)
- Publishers

For

Sympathetic

Against

- ❖ Understand the need for a special treatment of media but fear loophole risk
- ❖ Have third-party audits to inform platforms' moderation decisions
- Journalists (for reservations)
- Others (ERGA, UNESCO, CMPF)

- Fact-checkers & disinformation experts
- Civil society/digital rights advocates
- Platforms
- European Commission
- France*
- ❖ Loophole for disinformation (Russia, France Soir, etc.)
- ❖ DSA already provides sufficient guarantees (Arts. 15, 17, 18)
 - ❖ More legal obligations for platforms
- ❖ Media's definition too broad



4. The Conclusion of the Debate?

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Digital Services Act					
Subject	AM	Voting	+	-	o
Recital 28	517	691	355	325	11
Recital 31	518	691	234	385	72
Recital 38	493	691	156	530	5
Recital 38	511 /1	689	316	332	41
Recital 38	511 /2	689	219	415	55
Recital 38	38	691	668	17	6
Recital 38	487	689	155	527	7
After recital 38	488	689	102	580	7

5. Concluding Remarks

Case Study Conclusions

Struggle for Power

The debate surfaced the need to reassert control for news media organisations

Public Debate

The “against” group won the public debate, while the “for” group managed to spread its message

To Be Continued

EMFA might hold a new bras-de-fer as Art. 17(2) stipulates that platforms should ex-ante inform media organisations about their decision to restrict or suspend content that they deem incompatible with their terms and conditions, albeit without the possibility to challenge that decision

Broader Remarks & Conclusions

Platform Governance

Platforms already apply a “tiered governance” approach (Caplan & Gillespie, 2020); e.g., Facebook’s “Xcheck”

Privileged Treatment

Are there other types of stakeholders (e.g., influencers or politicians) that regulation should consider for special treatment regarding content moderation?

Journalism-Platforms Relationship

New era regarding (editorial) content governance in light of regulatory frameworks for platforms





THANK YOU

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This project has received funding from the European Union's Horizon 2020 research and innovation programme under the Marie Skłodowska-Curie grant agreement No 765140

