

[BE] CSA contribution to the public consultation on the Digital Services Act package

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Like other national regulators, the Belgian Conseil supérieur de l'audiovisuel (regulatory authority for the audiovisual sector of the French-speaking Community of Belgium – CSA) participated in the public consultation on the Digital Services Act (DSA) package. The consultation was organised by the European Commission from 2 June to 8 September 2020 (see IRIS 2020-7/9).

The European Regulators Group for Audiovisual Media Services (ERGA) also contributed to the debate. ERGA is a consultative body set up by the European Commission which brings together the audiovisual regulatory bodies of the 27 EU member states, including the CSA.

On certain issues, the national contributions submitted by ERGA members may either supplement the contribution of ERGA itself or place additional emphasis on matters of particular importance from a national perspective. It was on this basis that the CSA prepared its own contribution.

In general, the points that the ERGA and CSA contributions had in common can be summarised as follows: first of all, both institutions support the country of origin principle as the basis of EU online content regulation; secondly, they want to see fundamental values protected online; thirdly, they also advocate the extension of the rules – already well established for the audiovisual sector – to include new forms of content and to urge online platforms to take greater responsibility. On this last point, both institutions call for the adoption of measures to prevent disinformation and illegal content. Algorithmic content recommendation systems therefore need to be transparent. Finally, ERGA and the CSA also support the extension of the competences of audiovisual regulators in this field, as well as strengthened cooperation at European level.

In the part of its contribution devoted to the governance of digital services, the CSA referred to its guidance note on the fight against certain forms of illegal Internet content, in particular hate speech, published on 6 February 2020 (see IRIS 2020-3/17). This note particularly highlighted the need for online platform operators to take greater responsibility and called for the development of co-regulatory mechanisms. To this end, operators should publish certain information and submit regular reports on illegal content to the regulator.

The CSA's contribution also states that: "The supervision of digital services will undoubtedly create the need for increased cooperation, not only with the sector-specific authorities of other member states, but also with national competition, data protection, consumer protection, child protection, educational and judicial bodies, etc. Cooperation should be a means of both preventing potential conflicts and of resolving them." In particular, the CSA suggests setting up joint supervisory mechanisms shared by several neighbouring national authorities, whether they are part of specific geographical areas and share the same language, or meet only one of these two criteria.

In addition, the CSA believes that each national regulator should appoint experts to oversee this cooperation and co-regulation. These experts should have the know-how and means necessary to carry out their mission. The CSA does not share the view that a European Union body could replace the national regulators.

Finally, "the CSA calls for a national approach, but one that is coordinated at EU level, to the supervision of services established outside the EU." It considers that the risk of fragmented supervision can be limited by the use of cooperation and coordination mechanisms.

The contributions will be published on the European Commission website.

Contribution du CSA à la consultation publique sur le paquet relatif aux services numériques

<https://www.csa.be/103283/lerga-apporte-sa-contribution-a-la-consultation-publique-du-plan-daction-pour-la-democratie-europeenne/>

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