

# ‘Policymakers should act now to implement adequate prominence rules to safeguard the future of public service media across Europe’



**Noel Curran**  
Director General, EBU

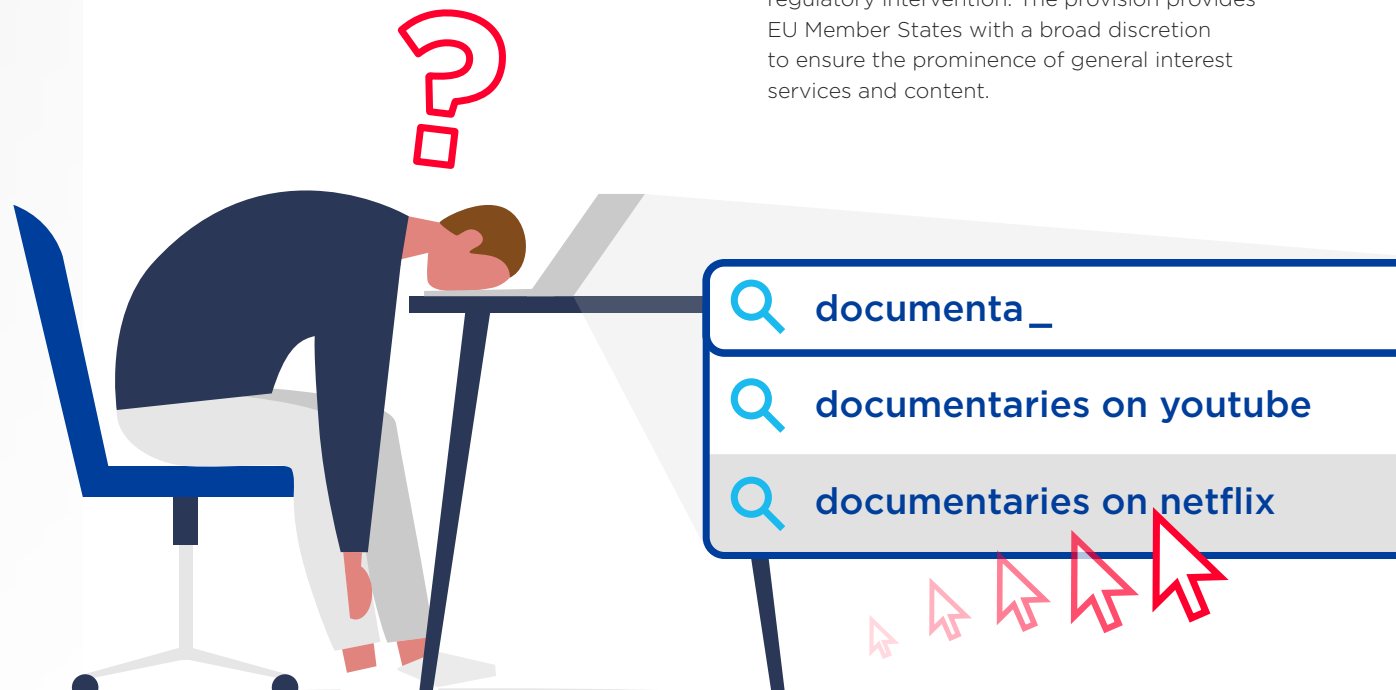
**EBU**

OPERATING EUROVISION AND EURORADIO

## PUBLIC SERVICE MEDIA AND PROMINENCE: FINDING THE CONTENT THAT MATTERS ONLINE

Every day, we routinely use social networks, news aggregators, search engines or rely on app stores to access and enjoy media. Online platforms unilaterally determine who sees and hears what and when – based on their own algorithmic recommender systems and community standards. Likewise, device manufacturers act as powerful gatekeepers between media providers and their audiences. Whether on Smart TVs or remote controls, commercial objectives determine which media services and content is displayed or easily found. Services and content of general interest that play an important objective role in the opinion-forming of the public have become more difficult to find in the digital age.

Public Service Media (PSM) are an important source of varied quality content, reliable information, and diverse opinions. While operating their own digital channels and services, PSM also make their offerings available through third parties. But PSM, like many other European broadcasters, lack the bargaining power to ensure that their services and content are easy to find and prominently placed when offered on online platforms or connected devices. Thus, PSM risk losing their ability to fulfil their democratic, social, and cultural role in society. Further, people are missing out on the quality content they fund. That is why European lawmakers have recognized in the Audiovisual Media Services Directive (Article 7a) that there is a need for regulatory intervention. The provision provides EU Member States with a broad discretion to ensure the prominence of general interest services and content.



**1**

## Why prominence: Promoting general interest objectives

Where commercial interests would normally drive content curation by gatekeeping services, prominence rules are necessary to preserve and promote media services in pursuit of defined general interest objectives, including:

- freedom of expression and free opinion forming
- media pluralism and independence
- access to reliable information, especially in times of crisis
- cultural diversity and social cohesion

All of these objectives are interrelated and contribute to individual autonomy and a well-functioning democracy.

**2**

## What is prominence: Top placement on the user interface

General interest services and content should be placed *prominently* at the first selection level of all relevant user interfaces. That is, it should be easy to find, directly accessible and more likely, or at least as likely, to catch the user's attention as any other offer.

Further, content curation by gatekeeping services should only be permitted according to transparent and objective criteria that do not conflict with general interest objectives. They should not be allowed to:

- interfere with the user's deliberate personalisation
- discriminate among similar offerings
- give preferential treatment for payment or similar consideration
- give preferential treatment to their own content or services

The interface must guarantee that the identity of the media service publishing the content is clearly visible.

Providers of user interfaces must demonstrate the criteria upon which content curation decisions are made to the competent regulatory authority and guarantee their compliance with the standards set by the authorities.

**3**

## Beneficiaries of prominence: PSM and other media services of general interest

Prominence should be given to general interest audiovisual and radio/audio services, both linear and non-linear. In view of their public service mission, there should be a strong presumption in favour of giving prominence to PSM services and content.

Commercial media services comparable to PSM may also benefit from prominence, where they fulfil the general interest criteria to be defined by the national regulator. Relevant criteria may include:

- the duration of news reporting on political and current affairs
- the duration of regional and local information
- the transparency of editorial guidelines
- the proportion of educational offers for young audiences in particular
- the proportion of own productions
- the proportion of accessible offers
- the proportion of live content

General interest media services should be made prominent in their entirety. However, disaggregated content of general interest services should be prioritised on user interfaces where only individual broadcasting programmes are selectable.

**4**

## Addressees of prominence obligations: All relevant gatekeeping services

Gatekeeping services should ensure the prominence of general interest services and content within all access routes to media services and content offered by their user interfaces, including but not limited to:

- the home/landing page or home screen
- recommendations to users
- search results initiated by the user
- remote control systems

To ensure proportionality, national regulatory authorities may retain the possibility to restrict prominence regimes to the main providers of user interfaces, as measured by the number of users or units distributed.

## CONTACTS



**Jenny WEINAND**  
Senior Legal Counsel  
weinand@ebu.ch  
T +41 22 717 2420



**Sophia WISTEHUBE**  
Legal Counsel  
wistehube@ebu.ch  
T +41 22 717 2248



**Thomas BERGMANN**  
Senior EU Policy Advisor  
bergmann@ebu.ch  
T +32 2 286 9103

## EUROPEAN BROADCASTING UNION

L'Ancienne-Route 17A  
1218 Le Grand-Saconnex  
Geneva, Switzerland  
T +41 22 717 21 11  
ebu@ebu.ch

Learn more about the EBU at  
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