THE USER, THE PLATFORM AND THE REGULATOR: THE FUTURE OF CONTENT REGULATION IN A TRIANGULAR SHAPE

THE ANALOGUE PAST

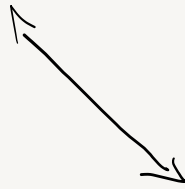MEDIA $\longleftrightarrow$ REGULATOR
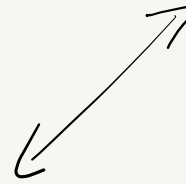
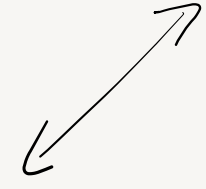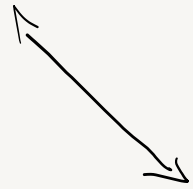# THE DIGITAL NOW

MEDIA   REGULATOR

USER

PLATFORMS ← → REGULATOR

USER

PLATFORMS

PLATFORMS

INTERMEDIARIES *VS* MEDIA

PLATFORMS

INFORMATION SOCIETY SERVICES

E-COMMERCE DIRECTIVE (HOSTING SERVICES)

LIMITED LIABILITY / NO REGULATORY FRAMEWORK

VIDEO-SHARING PLATFORMS

AUDIOVISUAL MEDIA SERVICES DIRECTIVE

ONLINE PLATFORMS

DIGITAL SERVICES ACT

PLATFORMS

SYSTEMIC REGULATION

RESPONSIBILITY FOR SYSTEMIC TREATMENT OF CONTENT

DISTRIBUTION/ HANDLING CONTENT IN VIOLATION OF TOS / TREATMENT OF USERS

TERMS & CONDITIONS

FIRST LINE OF REGULATION

TOOLS FOR USERS

COMPLAINTS MECHANISMS/ FLAGGING/ STATEMENTS OF REASONS/ EXPLANATIONS (ALGO)

TRANSPARENCY

SELF-REPORTS/ RISK ASSESSMENTS/ACCESS TO DATA/ AUDITS/VERIFICATION

SYSTEMIC REGULATION

RESPONSIBILITY FOR SYSTEMIC TREATMENT OF CONTENT

PLATFORMS

PRACTICAL

TOO MUCH CONTENT

LEGAL

LIMITED LIABILITY

MATERIAL

BALANCING OF RIGHTS & INTERESTS - DISTRIBUTION
OF RIGHTS AND RESPONSIBILITIES

PLATFORMS

SYSTEMIC REGULATION

TERMS & CONDITIONS

FIRST LINE OF REGULATION

TOOLS FOR USERS

COMPLAINTS MECHANISMS/ FLAGGING/ STATEMENTS OF REASONS/ EXPLANATIONS (ALGO)

TRANSPARENCY

SELF-REPORTS/ RISK ASSESSMENTS/ACCESS TO DATA/ AUDITS

PLATFORMS

TERMS & CONDITIONS

FIRST LINE OF REGULATION

OBLIGATORY

AVMSD

NON-OBLIGATORY

DSA

PLATFORMS

SYSTEMIC REGULATION

TERMS & CONDITIONS

TOOLS FOR USERS

COMPLAINTS MECHANISMS/ FLAGGING/ STATEMENTS OF REASONS/ EXPLANATIONS (ALGO)

TRANSPARENCY

SELF-REPORTS/ RISK ASSESSMENTS/ ACCESS TO DATA/ AUDITS

COMPLAINTS MECHANISMS

FLAGGING TOOLS

EXPLANATIONS

PLATFORMS

TOOLS FOR USERS

PLATFORMS

SYSTEMIC REGULATION

TERMS & CONDITIONS

TOOLS FOR USERS

TRANSPARENCY

SELF-REPORTS/ RISK ASSESSMENTS/ACCESS TO DATA/ AUDITS

PLATFORMS

→ SELF REPORTS

→ RISK ASSESSMENTS

→ ACCESS TO DATA

→ AUDITS & VERIFICATION

TRANSPARENCY

RESEARCHERS   AUDITING INTERMEDIARIES   AUDITING AUTHORITY

PLATFORMS

→ ACCESS TO DATA

→ AUDITS & VERIFICATION

TRANSPARENCY

RESEARCHERS   AUDITING INTERMEDIARIES   AUDITING AUTHORITY

PLATFORMS

→ ACCESS TO DATA

→ AUDITS & VERIFICATION

TRANSPARENCY

RESEARCHERS   AUDITING INTERMEDIARIES   AUDITING AUTHORITY

PLATFORMS

→ ACCESS TO DATA

→ AUDITS & VERIFICATION

TRANSPARENCY

RESEARCHERS   AUDITING INTERMEDIARIES   AUDITING AUTHORITY

PLATFORMS

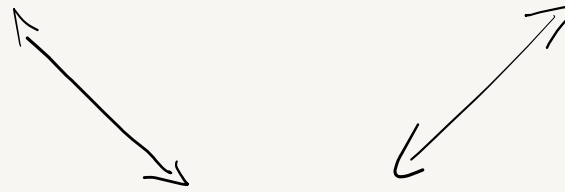→ ACCESS TO DATA

→ AUDITS & VERIFICATION

TRANSPARENCY

PLATFORMS $\longleftrightarrow$ REGULATOR

USER

USER

RECOGNITION OF RIGHTS

AVMSD

DSA

BALANCING — PROPORTIONALITY

PROPORTIONALITY TEST?

TOOLS

COMPLAINTS MECHANISMS/ FLAGGING/ STATEMENTS OF REASONS/ EXPLANATIONS (ALGO)
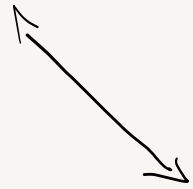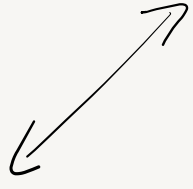
AVMSD VS DSA

USER

PLATFORMS

REGULATOR

USER

REGULATOR

DATA TRANSPARENCY

DATA GATHERING/AUDITS/VERIFICATION

INFORMATIONAL ROLE

RESEARCH/INFO DISTRIBUTION/ MEDIA LITERACY

REGULATOR

COOPERATION

CO-REGULATORY/ CROSS-SECTORAL/ CROSS-JURISDICTIONAL

DSA – DIGITAL SERVICE COORDINATOR – EU BOARD FOR DIGITAL SERVICES

INDEPENDENCE

AVMSD & DSA

PLATFORMS   REGULATOR

USER