

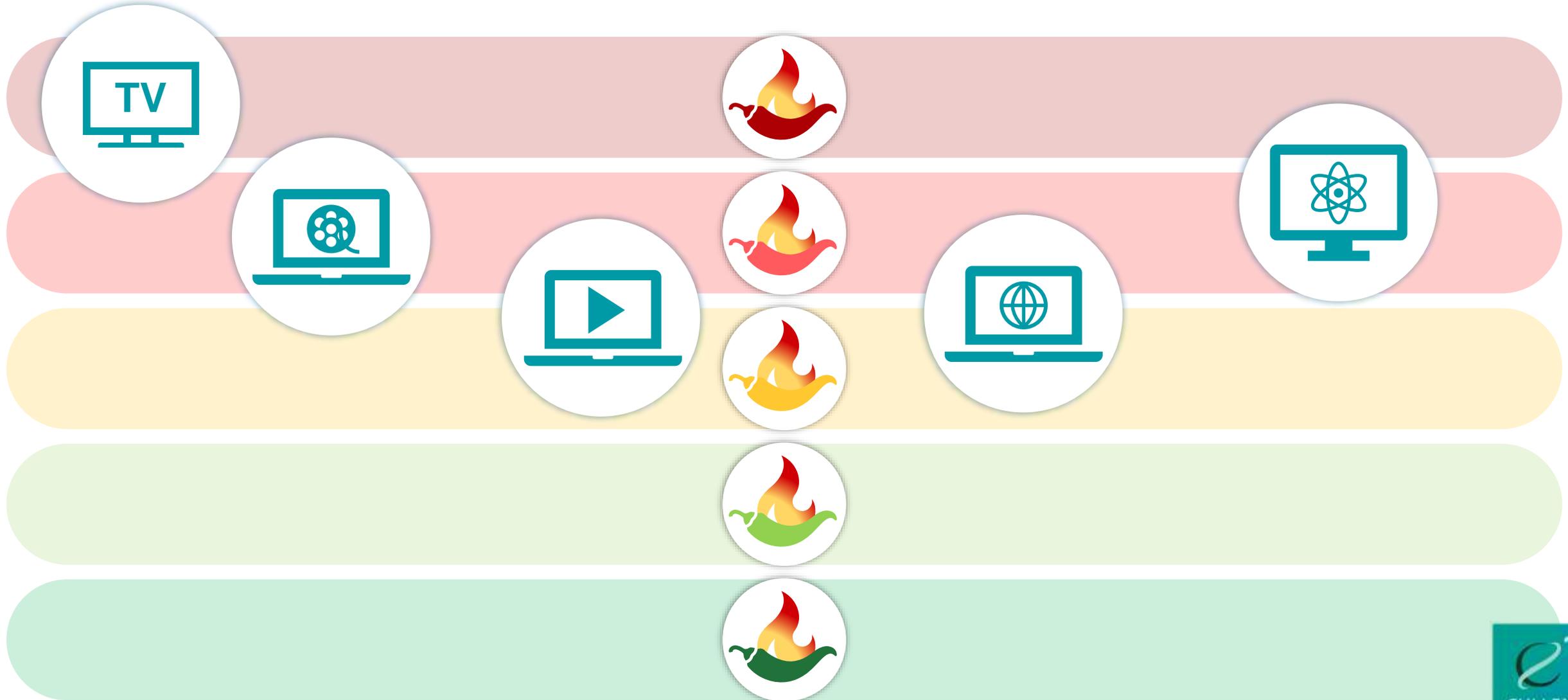


# Adjusting the level playing field between media actors and digital platforms

EAO Workshop on ACC

21 November 2025 | Michèle Ledger

# The unlevel playing field



# Outline



Linear audiovisual media services



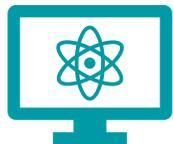
Non-linear audiovisual media services



VSPs



Online platforms



Very large platforms and gatekeepers

# Linear audiovisual media services

AVMS Directive: articles 9, 19, 20, 22, 23

- ✓ Fundamental principles to be respected (e.g. non-discrimination, protection of minors)
- ✓ Technical requirements (not surreptitious/subliminal, recognisable as such)
- ✓ Bans/limits for some categories of products (e.g. cigarettes, on prescription medicine)
- ✓ Recognisable and distinguishable from editorial content
- ✓ In principle, no spot advertising except during sport events
- ✓ Rules on insertion during programmes to respect integrity of programmes
- ✓ More rules on advertising of alcohol
- ✓ Restriction of overall quantity of advertising

# Non-linear audiovisual media services

AVMS Directive: articles 9, 22

- ✓ Fundamental principles to be respected (e.g. non-discrimination, protection of minors)
- ✓ Technical requirements (not surreptitious/subliminal, recognisable as such)
- ✓ Bans/limits for some categories of products (e.g. cigarettes, on prescription medicine)
- ✓ More rules on alcohol advertising

# VSPs



AVMS : article 28b (which refers back to art 9.1)

For advertising arranged by VSPs

- ✓ Fundamental principles to be respected (e.g. non-discrimination, protection of minors)
- ✓ Technical requirements (not surreptitious/subliminal, recognisable as such)
- ✓ Bans/limits for some categories of products (e.g. cigarettes, on prescription medicine)

For advertising not arranged by VSPs: to take appropriate measures to comply, given their limited ability to control



# Online platforms

DSA: art 26

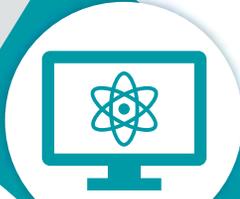
- ✓ Transparency requirements (advert, sponsor, parameters used, upload functionality to declare)
- ✓ No targeted advertising based on sensitive data
- ✓ Not targeted advertising to be sent to minors



# Very large platforms and search

DSA: art 34, 35 and 39

- ✓ Risk assessments and risk mitigation measures to address advertising
- ✓ Advertising repositories to made available allowing to search:
  - ❑ The content of the ad
  - ❑ the person on whose behalf the ad has been presented/who has paid for it
  - ❑ The period of display
  - ❑ Parameters used to target
  - ❑ Total number of views/targeted group/MS



# Gatekeepers



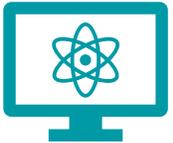
DMA: articles 5 (8) (9) and (10)

- ✓ Provide advertisers and publishers with access to the gatekeeper's performance measuring tools
- ✓ Provide advertisers and publishers with information about the price paid and the remuneration received by them, and the method for their calculation

DMA: Article 6 (12)

- ✓ Allow FRAND access to business users of app stores, search engines and social networks
- ✓ BUT: does not apply to VSPs (YouTube)

# And... If that wasn't enough



EMFA: article 24

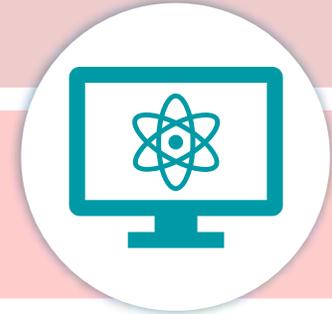
- ✓ Transparency and oversight of audience measurement systems

Political Advertising Regulation

Upcoming DFA

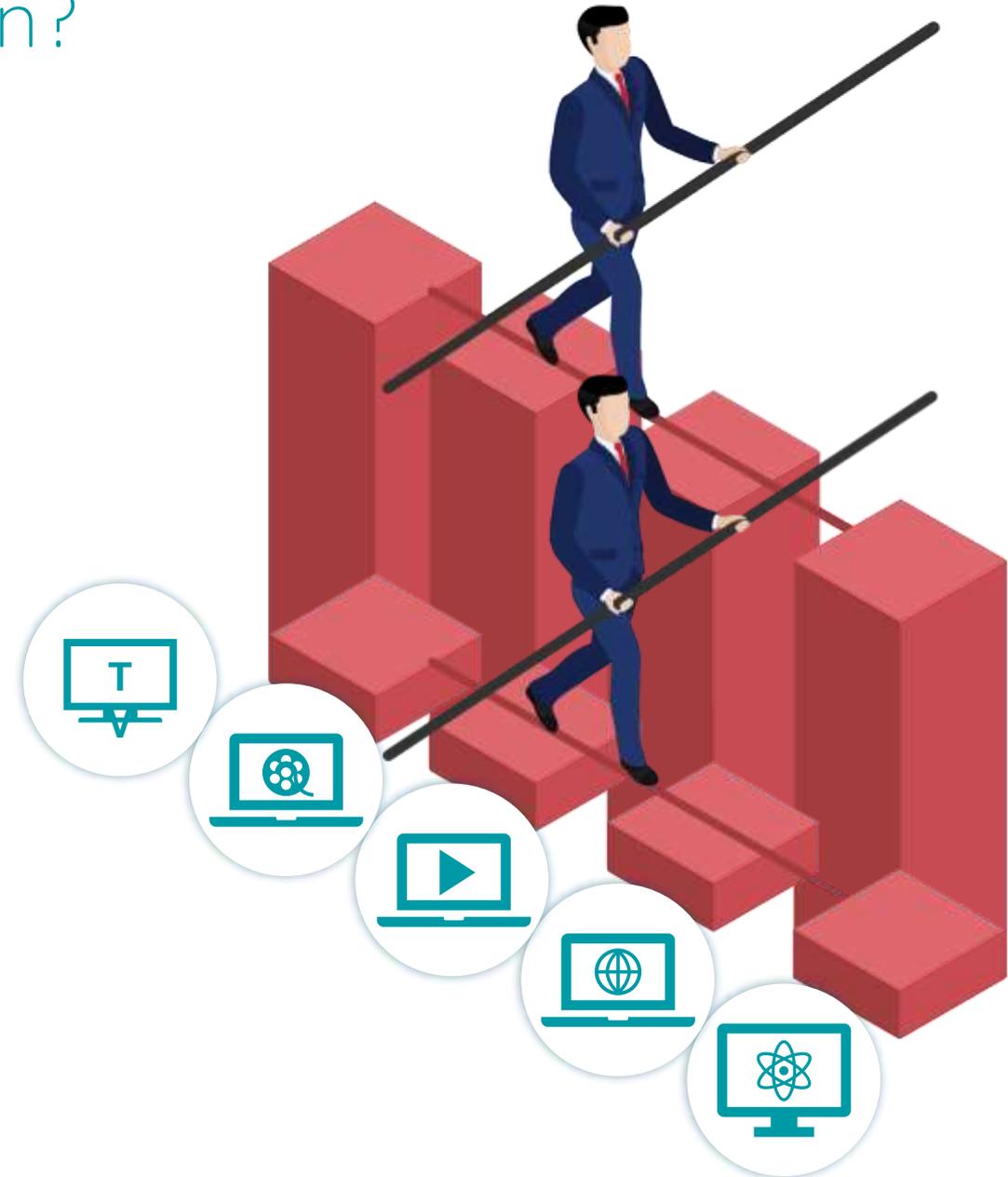
- ✓ Showing targeted advertising that can exploit personal problems, financial challenges etc
- ✓ Not present targeted advertising to children or based on sensitive data
- ✓ Address influencer marketing

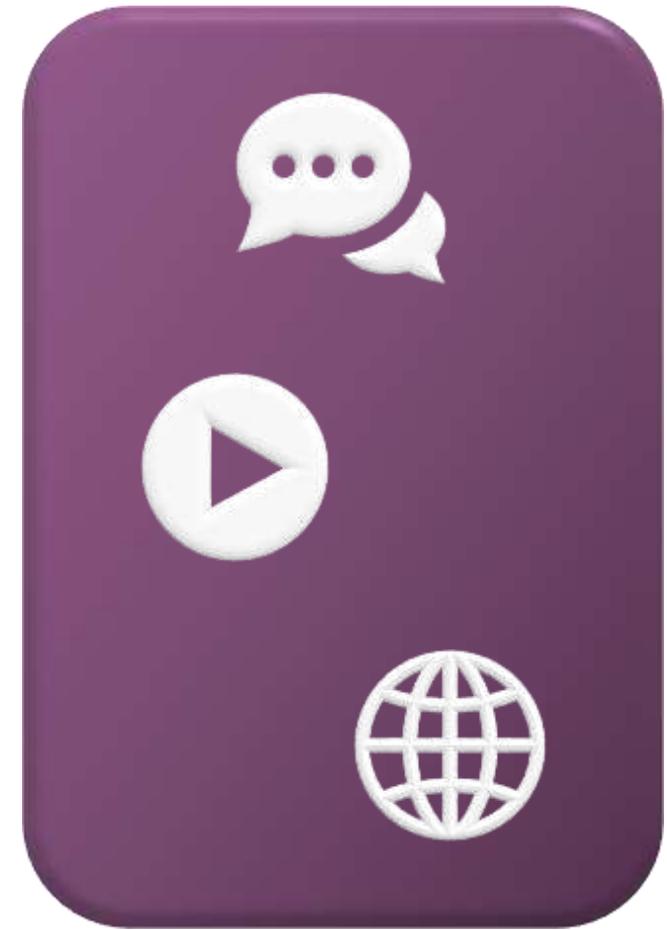
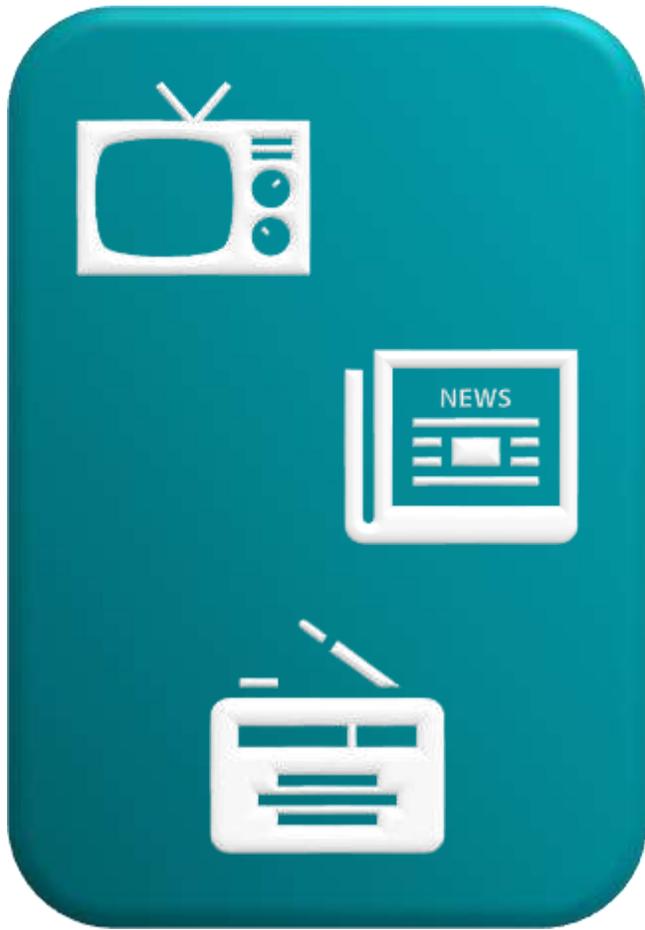
# How to level the playing field in AVMSD?



# To level up or to level down?

1. Are the rules there to protect users against a particular harm?
2. How can the media sector receive more funding from advertising?





- Advertising revenues are reducing globally
- It all starts with views (trusted content, media literacy, prominence)
- We are moving towards more transparency in the sector
- But we lack regulatory tools to adjust revenue sharing deals

[michele.ledger@cullen-international.com](mailto:michele.ledger@cullen-international.com)