

European Commission  
Directorate-General for Competition  
Directorate-General for Communications Networks, Content and Technology

## **Contribution to the public consultation on the first review of the Digital Markets Act**

The Finnish Media Federation (Finnmedia) (EU Transparency Register ID: 910162617573-84) position paper focuses on certain, important themes around the Digital Markets Act (DMA).

The objective of the Commission's DMA consultation is to gather feedback and evidence on the effectiveness of the DMA so far in achieving its objectives of ensuring contestable and fair digital markets. The Commission will use the feedback received from stakeholders to prepare a report assessing the impact of the DMA so far and whether any measures are necessary following this assessment.

In this contribution we provide among other things themes that should be acknowledged and taken in account when considering the Commission's measures to revise and update the DMA.

Please be welcome to be in touch with us, should you need discuss these themes and proposals around them in more detail.

### **Safeguarding citizens' access to trustworthy and diverse information in Europe is essential**

Finnmedia underlines importance to safeguard sustainable operational conditions for the press, literature and book publishing, privately owned radio and television operations and production of learning materials. It is essential to ensure availability of professional journalistic information, professional content, literature and learning

materials and Europeans' access to such information, content and materials. It all requires active media policies by the Commission.

Finnmedia emphasizes the importance of EU level media policy that recognizes the unique role of the press and professional media in safeguarding the critical societal functions when considering any new EU legislation. The EU should protect, not regulate editorial and other professional media content.

Finnmedia proposes that the Commission adapts – as a part of its DMA assessment and report – a “media impact assessment” with an aim to raise awareness within the Commission about the impact of DMA and related new initiatives on the media sector, especially on the editorial and other professional media and publishers and other media companies. The Commission's work in the DMA review should ensure that future DMA related proposals, amendments, or adopted laws affecting at least indirectly media service providers, editorial media and media companies are justified, proportionate, transparent, objective, and non-discriminatory to media companies. Safeguarding citizens' access to trustworthy and diverse information in Europe is essential, also with the help of the DMA. Embedding this test into the DMA review and following measures would ensure that the future DMA strengthens the European media sector, fosters fair competition, and contributes to a vibrant internal market, too.

Finnmedia refers also to the News Media Europe (EU Transparency Register ID: 577812220311-81) response to the consultation on the review of the DMA. Finnmedia's member association News Media Finland (Uutismedian liitto) is a member of News Media Europe.

## **Key areas to the Commission to focus on its DMA assessment report and subsequent measures**

From the Finnish and European median industries' sustainable operational conditions point of view Finnmedia underlines the following issues which the Commission should pay attention to and assess in its DMA review and start preparing relevant measures:

- Ambiguities and general lack of clarity in the DMA obligations, which lead to different interpretations around online market in the EU;
- Lack of ambition and insufficient DMA obligations to VLOPs concerning online advertising;
- Designating generative AI services and taking them into account as a core platform services;
- Google's AI Overview services: the Commission should conduct an enforcement case study; and

- Sector-specific enforcement guidelines for the editorial media and other professional media related VLOP and other platform services that take into account the European Media Freedom Act (EMFA), which was adopted to support media pluralism in the EU and, also, facilitate the European Democracy Shield initiatives, as well as the specific Media Resilience Programme (launched by the Commission in State of the Union speech and letter of intent on 11 September, 2025) where journalism, the editorial and other professional media play a key role for the future democracy in Europe. The Commission's Media Resilience Programme is one of the Commission's key priorities for the upcoming year, 2026.

## **Sector-specific enforcement guidelines for the editorial media and other professional media related VLOP and other platform services**

Finnmedia proposes that the Commission would develop to respond to the issues and concerns raised in this contribution specific DMA enforcement guidelines for the editorial media and other professional media related VLOP and other platform services.

This approach would be both necessary to better achieve the objectives set out in the DMA and, also, to protect the integrity and resilience that Europe's information space requires. It is a political priority already recognized across multiple EU initiatives. Much better coordination between the DMA and EMFA, which was adopted to support media pluralism in the EU, the European Democracy Shield and the recent Media Resilience Programme initiatives must be facilitated.

Such important guidelines should at least seek to:

- minimise algorithmic bias against editorial media;
- clarify the application of FRAND terms to editorial and other professional media content;
- aligning the DMA and EMFA enforcement of provisions on audience measurement;
- ensure a diverse range of sources in recommender systems; clarify the application of the prohibition against self-preferencing; and
- embed a "media impact assessment" test into the DMA review, subsequent measures and the DMA interpretation to ensure that DMA strengthens the European editorial and other professional media in the future for the sake of protect and strengthen democracy in Europe, fosters fair competition, and contributes to a vibrant internal market as well.

Finnmedia underlines that trustworthy, professional journalistic content competes for users' attention and time for example with user-generated content and AI-powered disinformation that is algorithmically pushed for its sensationalist potential and capacity to attract more viewers – i.e. more online users – especially on social networks and therefore more advertising revenues. This is the reason why algorithmic bias against editorial media should be removed, where possible, and at least minimized. Algorithmic choices should instead integrate media freedom and pluralism and work in the interest of credibility and trustworthiness.

## **Ambiguities and general lack of clarity in the DMA obligations, leading to different interpretations around online market**

One of the main challenges of the DMA is the ambiguity and lack of clarity in some of the DMA obligations, which results in diverging interpretations by gatekeepers, VLOPs and also by regulators and business users. Many of the DMA obligations such as those about business users' fair access to data and gatekeepers' self-preferencing are broadly framed. For example, what constitutes "fair" or "reasonable" terms for access to data or ranking remains open to debate.

This lack of precision creates legal uncertainty for European businesses seeking to benefit from the DMA, such as press publishers and other media companies, advertisers and mobile application developers, who cannot rely on consistent DMA enforcement or clear rights. This challenge also risks unnecessarily burdening the Commission with the task of issuing clarifications or case-specific enforcement decisions. It seems obvious that these ambiguities risk diluting the DMA's effectiveness in practice.

Protracted legal arguments and differing interpretations delay meaningful changes in the online market. One detailed example is the DMA Article 6 (8) which requires gatekeepers to provide advertisers and publishers with the "data necessary" to carry out their own "independent verification" of the "advertisement inventory", including aggregated and non-aggregated data. However, the scope of multiple of those terms is unclear. Gatekeepers may interpret this narrowly, disclosing only limited aggregate data rather than full, transaction- and auction-level details that would enable meaningful auditing.

For media companies, this lack of clarity means that they continue facing significant information asymmetries in digital advertising markets, limiting their ability to verify value, optimize revenues, and compete effectively. Instead of increasing transparency, vague provisions allow gatekeepers to comply formally while they keep withholding the granularity of data that media companies need.

Also, as an example from literature and book publishing in Europe and problematic interpretation of the DMA, Finnmedia points out Amazon. The vast majority of book titles made available by book publishers through Amazon are supplied to Amazon retail service and are not covered by the DMA obligations. This is the case in spite of the DMA being clear in stating that obligations apply to the gatekeepers as a whole, and to all services into which gatekeepers leverage their gatekeeper, gateway position. This leads to a situation where market actors, such as book publishers, that are both Amazon's competitors and customers are in practice obliged to use Amazon's services are excluded from the benefit of key DMA obligations (such data sharing and self-preference obligations), allowing Amazon to continue its anti-competitive practices in the book publishing sector.

## **Lack of ambition and insufficient DMA obligations concerning online advertising**

Finnmedia points out that access to auction-level data is critical to achieve meaningful transparency in online advertising. Without insight into how individual impressions are priced and allocated in real time, media companies and advertisers remain dependent on the opaque and questionable gatekeepers' self-reporting practices. This means that media companies are unable to verify the integrity and fairness of auctions or whether hidden fees and self-preferencing practices distort outcomes. Aggregate or delayed data is inherently insufficient because it masks discrepancies in bidding behavior, pricing strategies, and demand.

Auction-level transparency would enable media companies to understand the real value of their inventory, strengthen their negotiating position for example towards gatekeepers, and foster competition among advertising technology intermediaries. One can say that auction-level transparency is a catalyst for accountable competition in online advertising.

More broadly, the DMA is insufficiently far-reaching in addressing structural conflicts of interest in online advertising. The dual presence on the buy- and sell-sides gives gatekeepers the ability to unfairly set rules for auctions in which they participate, such that competition is artificially reduced. This vertical integration creates inherent incentives for gatekeepers' self-preferencing and discriminatory practices that transparency obligations alone cannot remedy. To ensure fairness, contestability and fair competition in the advertising ecosystem, the Commission should mandate structural separation between buy-side and sell-side functions.

## **Designating generative AI services and taking them into account as a core platform services**

The integration of generative AI in search engines and other core platform services is shaping how online users access information, content, and advertising. However, standalone generative AI services are not a core platform service under the DMA. This means that the obligations on fairness, transparency, and non-discrimination may not apply.

This means also that there is a regulatory gap. As an example, Finnmedia points out that, when a generative AI system delivers answers directly to online users, traffic to third-party sites including media companies' and media titles' websites can be diverted without transparency or fair compensation.

Without clear designation as a core platform service, the Commission and other DMA regulators lack the authority to impose obligations and prohibitions such as those about audience measurement and self-preferencing. To keep pace with technological change, the DMA should explicitly cover generative AI services deployed by gatekeepers.

## **Google's AI Overview services: the Commission should conduct an enforcement case study**

As an example of technological change that requires recognition the Commission's DMA review report and in subsequent measures Finnmedia mentions Google's launch of AI Overviews. It also illustrates an urgent need for the enforcement of rules on self-preferencing and on fair, reasonable, and non-discriminatory (FRAND) terms to such services. By presenting AI-generated summaries directly on top of search results, Google diverts significant traffic away from press publishers and other media companies, and towards Google's own products and properties.

This dynamic mirrors past concerns over Google's preferential treatment of its shopping service, which the Commission previously sanctioned. If AI Overviews systematically reduces the visibility of media companies press titles and other services while keeping users within Google's own ecosystem, this amounts to self-preferencing. Moreover, ensuring FRAND terms is essential so that media companies are not excluded from the new AI-driven interfaces.

Without strong and consistent enforcement under the DMA, AI Overviews are a direct threat to the business model of media companies, their financial sustainability, and by extension to media pluralism and freedom. Finally, without due DMA measures, AI

Overviews type of services will lead to serious threats to citizens' access to trustworthy and diverse editorial media content in Europe.

Finnmedia proposes that the Commission acts decisively to clarify DMA obligations in this area and prevents gatekeepers from using AI as a new means of entrenching dominance. If the Commission's enforcement case study or other similar assessment is not possible or justified according to the Commission, then the DMA should be amended to facilitate this kind of enforcement action.

## **The DMA should function for safeguarding and strengthening democracy in the EU**

As a closing remark, Finnmedia underlines that defending European free media and safeguarding the operational conditions of editorial and other professional media is more important than ever. Robust, free press and other professional media secure and promote:

- Democracy;
- Freedom of speech;
- Education, culture, and skills; and
- Information resilience.

A nationwide press safeguards democracy and builds information resilience against disinformation and hybrid threats. Local news media safeguards local politics as there is no politics without publicity made by local journalism. Journalism and press keep the citizens aware of and interested in politics and democratic processes in general. Literature, educational materials, school books and book publishing serve the same crucial purpose.

Democracy is about trust and participation. Key pillars of trust and press freedom are robust press and other publishers and other professional media companies and their constant development of direct relationship between readers and subscribers and editorial media publications, media education & information literacy and well-established editorial media self-regulation. What it comes to media companies' and their constant development of direct relationship between their original editorial and other media content and their readers and subscribers, the DMA plays a key role.

One key part of the Commission work programme is protecting European democracy. The main initiatives from editorial and other professional media viewpoint for the upcoming year, 2026, will be the European Democracy Shield and the Media Resilience Programme. The Commission has stated that through these initiatives it will reinforce the resilience of European democracies and societies and strengthen our collective

capacity in Europe to withstand threats to tackling information manipulation. The DMA has an important role here, too.

Trust arises from the direct relationship between press publishers and their subscribers. The Reuters Institute's Digital News Report 2024 revealed that readers' trust is significantly higher in countries where media companies succeeded in developing close and direct relationships with their readers<sup>1</sup> (i.e. accessing original content directly on the news media title's mobile application and online press publication instead of using social networks, search services or genAI services). Curated environments by the news media publications establish confidence. An intermediation and lack of transparency about original sources create confusion and defiance as typically happens in social network, genAI service or search service environments.

We remain at your disposal should you need additional information and contacts in Finland relating to the themes discussed in this contribution.

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Please find information about The Finnish Media Federation (Finnmedia) on <https://www.medialiitto.fi/finnmedia/>

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<sup>1</sup> Nordic countries, followed by Switzerland, Ireland, Belgium, the Netherlands.