

KEYNOTE SPEECH: TECH BROS. BUSINESS MODEL. MEDIA FREEDOM. WHAT TO DO WITH DSA?

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Good morning,

Thank you very much for having me. As Dr. Yurukova said, I am really passionate about the topic. I think it is very important. I have to thank you all for being here. You pointed me right to the Digital Services Act (DSA) and to the Digital Markets Act (DMA), if I may supplement this. I actually do not consider myself a defender of that act, but a promoter because, unfortunately, big parts of it have not been properly implemented yet.

I want to start with a useful reminder that disinformation and everything that artificial intelligence can do does not only happen in the political sphere, but also in the economic sphere. As we are all primarily politically orientated, we should not forget that more than 50% of texts online have not been written by humans and about 95% of them have an economical target. Businesses are subject to campaigns, just as governments, just as political parties are. It is not widely talked about, but we all encounter it. For example, when a hotel with hundreds of positive reviews turns out to be not as nice as the reviews suggest. When you are looking for allies to find a solution in the political sphere it is helpful to remind yourself that businesses might be struggling with the same issue.

Now, another important aspect to remember is that most of the online platforms and services we are using are based in the United States. Consequently, we are affected by political changes in the US. And if you remember the pictures of President Trump's inauguration, you may have noticed that we could describe everybody next to Mr. Trump as so called „Tech Bros.“ They are extremely rich owners of extremely big platforms. They label the discussion on countering online-disinformation very often as an impediment to the freedom of speech. We have seen Mr. Musk do it, we have seen Mr. Vance do it. If you want to restrict something that is happening online, it often is framed as infringement on the freedom of speech. The first Amendment tradition is often quoted in the debate, which rightfully says: No state intervention for what somebody says somewhere. And I think, in principle, it is useful.

However, in the discussion about disinformation this is a red herring. If we look closely, the Digital Services Act has nothing to do with an impediment to the freedom of speech. Indeed, we have different political cultures. When I first visited the United States, I drove through a little village in Nebraska where I came upon a big sign: „If

the president enters here, we will shoot him. He is a bastard.“ That is one form of understanding the freedom of speech. We have a different tradition in Europe because we would not consider this as freedom of expression but as a criminal act, which brings me to the Digital Services Act, or more precisely, to a fundamental understanding of the objective of the Digital Services Act: It wants to abide by the idea that what is illegal offline should be illegal online. You cannot stand in a public place and say: „This person should be killed.“ Ergo, you should not be able to do it online. This is a particularly good maxim to begin with.

When we are talking about the Digital Services Act, we are talking about it as a legal framework. It is not forbidding anybody to lie; you can lie as much as you want online. That is not what the Digital Services Act is about. We are talking about appearances, and we are talking about credibility. We have not only seen an increase of fake news, but also algorithms that are completely opaque. When you go online, you get this impression that something has a majority, that everybody thinks this or the other way, only because algorithms you do not understand, which are not transparent and you have no idea who made them or how they're working, flood your information zone with a specific kind of information. Naturally, the vision you get of what the actual discussion is becomes distorted.

To make matters worse, we have a difficulty of measuring the effect. It was the former CEO of the French car manufacturer Renault, who was asked many years ago, even before the digital age: You are spending a lot of money on publicity. Does it work? Does it pay off? And he said: „Half of it does. I just don't know which half.“ In the digital realm, it is similar. You can't really say which piece of disinformation or which algorithm has such or such an effect on the viewer. For example, on the one hand, there was this picture of late Pope Francis in this big puffer jacket. You remember? Most probably the majority of people intuitively understood that this was fake. This was a photo generated by artificial intelligence. The Pope had not really gone to his gangster friends and borrowed a jacket. Still, you never know who believes it. On the other hand, there is this story, that the former German Minister of Economy wrote in the beginning of the energy crisis, after the Russian invasion of Ukraine, to his French colleague to request more electricity from the French nuclear plants. And this is a myth that persistently conveys the message: „You see, Germany was wrong to get out of nuclear energy. They needed it, and here is this letter to prove it.“ In fact, the letter is fake. There was a letter, but it was just the contrary, because France at a time had a big problem with the nuclear facilities, most of them were shut down for a reason I don't recall. The offer was to export German electricity to France, to help bridge that gap. Despite that, I guess 90% of people who read the disinformation piece believed that it was serious news. These things distort the public debate and are the reason to have fact checkers. What I mean to say with this example is, just as in the case of Renault, you cannot really measure the effects it had on democratic processes. But you can be sure it had an influence on it, just as the advert of Renault had.

The intuitive assumption is that the effect is not a good one because algorithms boost whatever is emotional. It is still our ideal that we are people who take a

political decision based at least on some rationality, and not necessarily our emotions. That whole structure, however, is favouring unquestioned emotions so much that it is difficult to get a word in between, to the point that it becomes a big problem. How do we combat this? It is a fine line to restrict certain opinions, but you can have a look at the distractors. When somebody says: „He should be hung from a tree on a public space, because that person is wrong politically,“ then you can refer to penal law and say: „No, that is definitely not allowed.“ But if somebody says: „Oh, we are all governed by a heap of lizards from Mars,“ would you want to intervene as a state and forbid that? It is an opinion, an amazingly looney one, but can you forbid it if somebody believes it and wants to express it? It is a fine line.

However, you can have a look at the algorithms. You can do something about the fact that all of a sudden people start to think that we are governed by lizards sitting on Mars. One thing of course is media literacy, especially for young people, but that is not my topic right now. Besides this, you can do something about the mechanisms. As the only region in the world, the European Union has given itself this tool. We should be proud of it and we should use it. This tool is the said Digital Services Act. It requires providers, large online platforms (so-called VLOPs) platforms with more than 45 million monthly active users, to take precautions against illegal content.

They have to act appropriately against hate speech, which is definable, and against criminal activities, which are definable as well. Here in Europe, our framework is the European legislation and not the First Amendment of the US Constitution. The Digital Services Act is a sharp tool. Firstly, the fine for noncompliance is up to 6% of annual turnover of the respective platform. Secondly, it requires big platforms to lay open their algorithms, their boosting mechanisms, and, if necessary, to correct them. Moreover, we have fact checking and something that is called „Trusted Flaggers.“ That said, the real strength of this tool is that it does not concentrate on content but deals with the mechanisms. It wants mechanisms to be comprehensible, it wants mechanisms, which forbid unfair and unrealistic boosting, and it wants to permit fakes to be detected.

I think if a hotel hires an army of bots to write bad reviews about a competing hotel, we would all agree that we need to stop that. In just the same way I think, if there are fake news about a competing political actor everybody should look into that and not scream for the First Amendment.

The Digital Services Act binds everybody who does business online in Europe, which includes the large US platforms, and the Commission is enabled to act in cases of non-compliance.

I think the DSA does not require much from state authorities. However, it would require setting up a key authority, which watches over the implementation process, forces platforms to respect the rules and proceeds to fine them if they do not. It is important that this is on the Bulgarian political screen as well, since it concerns every single member state. This is my message for today. Thank you!

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