

WHY FREEDOM OF SPEECH IN THE EU IS NOT EQUIVALENT TO THE FREEDOM OF ONLINE PLATFORMS TO BE IRRESPONSIBLE AND UNACCOUNTABLE

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Abstract:

In 2025, the European Union (EU) faced increasing criticism concerning its approach to freedom of speech in the digital environment. This paper argues that such criticism is less about the EU undermining free expression and more about resistance to the Union's attempts to regulate online intermediary service providers, including major technology platforms categorised as Very large online platforms (VLOPs) and Very large online search engines (VLOSEs) under Digital Services Act (DSA). From a political science perspective, the controversy reflects a broader struggle over digital sovereignty, regulatory power, and the reconfiguration of responsibility in the online public sphere.

The EU's regulatory initiatives – most notably the DSA, Digital Markets Act (DMA), the Artificial Intelligence Act (AI Act), and the European Democracy Shield – signal a shift towards holding digital platforms more accountable as actors with public responsibilities. This study situates the debate within the framework of democratic governance, exploring the interests and narratives of key stakeholders, including Big Tech, who often frame regulatory oversight as a threat to freedom of expression while avoiding obligations to democratic norms. The analysis contributes to understanding the political dynamics shaping digital regulation and the evolving boundaries of free speech online in the EU's normative order in comparison to United States (US).

Keywords: Digital Regulation, Digital Services Act (DSA), Freedom of Speech, Content Moderation, Fact-Checking, EU, US, Digital Sovereignty, VLOPs

Introduction

In 2025, EU became a subject of criticism regarding its policies and their implementations concerning its digital policy agenda and the perceived implications for freedom of speech. This paper argues that the reasons for these critical narratives are related not to the EU's commitment to freedom of expression per se, but rather for its recent digital policies and regulatory instruments. These initiatives are reflecting the governance of online intermediary service providers – including Big Tech companies that have shown resistance to assuming greater responsibility and accountability to safeguard the freedom of speech in digital environment.

The main thesis in the paper is that the freedom of expression in EU is not equivalent to the freedom of online platforms to be irresponsible and unaccountable. To support this, it is needed a deeper explanation and understanding of the context and the policy frame in the EU and in the US. The study, first, examines the Union's evolving framework for safeguarding freedom of speech online. Particular attention is given to new regulatory measures such as the Digital Services Act, Digital Markets Act, the AI Act, and the recent EU initiatives like European Democracy Shield, which together form the foundation of this contested policy landscape. Second, offers a contextual analysis of the key stakeholders voicing opposition to the EU's approach. Third, make a comparison between the EU and the US in the way digital regulation is evolving.

Digital transformation: the change of the existing information ecosystem and the need for new digital regulation framework

As a result of the rapid and profound integration of digital technologies into everyday life, the existing media ecosystem is experiencing significant transformation. This shift necessitates the establishment of a new „social contract“ applicable within the digital environment. Such a system – or rather, this new approach – should be embedded within a broader process aimed at achieving consensus among diverse stakeholders, with the goal of constructing a renewed, adequate, and effective media ecosystem suited to the digital age.¹

Among the various economic, social, and technological transformations of recent decades, the widespread adoption of the Internet has enabled the emergence of online platforms such as Meta (Facebook, Instagram), Google, X (former Twitter), YouTube, TikTok, and others, which have fundamentally altered the core elements of the media system as it functioned prior to their existence. The rapid advancement of digital technologies, combined with the emergence of these new actors within an increasingly complex media ecosystem, has elevated compa-

¹ Юркова, М. (2022). *Дезинформация онлайн: стратегии за противодействие в ЕС* (Докторска дисертация). Софийски университет „Св. Климент Охридски“, София. [Yurkova, M. (2022). *Disinformation Online: Counteraction Strategies in the EU* [Doctoral dissertation, Sofia University „St. Kliment Ohridski“, Sofia.]

nies that did not exist 25 to 30 years ago into key stakeholders – probably possessing greater power and influence than some nation states.²

Since their inception, online platforms such as Google, Facebook, and YouTube have consistently asserted that they are not media organisations, on the grounds that they do not interfere with content nor exercise editorial control. This claim has exempted them from the strict obligations and regulatory frameworks traditionally applied to journalism.³

Consequently, they are not held legally responsible for third-party content hosted on their platforms (Safe Harbour Principle). However, given that the algorithms of these social networks actively shape users' exposure to content – recommending and directing them towards specific information, news, and data – it may be argued that technology companies should bear a degree of responsibility for the information ecosystem they effectively curate⁴.

In this process of creating an effective media ecosystem in the digital age, different governments are taking different approaches. The United States and the European Union as well are having different approaches and have their own specific policies and regulation.

Legal framework of the freedom of speech in EU

Freedom of speech is embedded within the legal and democratic order of every EU Member State. Article 11 of the Charter of Fundamental Rights of the European Union enshrines freedom of expression as a fundamental precondition for informed decision-making in free and democratic societies⁵. The right to freedom of expression extends to print, electronic, and online media and encompasses the right to hold opinions and to receive and impart information and ideas without interference by public authority. It also upholds the principles of media freedom and media pluralism. In EU, increasing attention is being devoted to addressing illegal and harmful online content. The types of illegal content covered by EU legislation include incitement to hatred, terrorism, and child abuse material. This legal framework allows online platforms to be held accountable if they fail to promptly remove illegal content after being duly notified.

In general, freedom of expression and information in EU Member States is governed through overarching legal frameworks such as national constitutions, criminal codes, and other relevant legislation⁶. The foundational legal instruments

² Ibid.

³ Ibid.

⁴ Ibid.

⁵ European Union. (2012). Charter of Fundamental Rights of the European Union (2012/C 326/02). Official Journal of the European Union, C 326, 391-407.

⁶ Огнянова, Н. (2014). Медийна политика и право на Европейския съюз (2-ро издание). София: Университетско издателство „Св./Климент Охридски“. [Ognianova, N. (2014). *Media policy and law of the European Union* (2nd ed.). Sofia: St. Kliment Ohridski University Press.]

underpinning these frameworks include: the already mentioned Charter of Fundamental Rights of the European Union (Article 11)⁷, the European Convention on Human Rights and Fundamental Freedoms of the Council of Europe (Article 10)⁸, the United Nations Universal Declaration of Human Rights (Article 19)⁹, the International Covenant on Civil and Political Rights of the United Nations (Article 19)¹⁰, as well as various EU directives and regulations related to hybrid threats, cybersecurity, and media regulation within Europe and the Member States and recently related as well to Digital Single Market, including the platform governance. Relevant provisions can be found in several legislative instruments, such as the revised Audiovisual Media Services Directive (AVMSD), the Directive on Copyright and Related Rights in the Digital Single Market (CDSM), and the Directive on combating the sexual abuse and sexual exploitation of children, including child pornography. Additionally, key digital regulatory frameworks include the General Data Protection Regulation (GDPR), the DSA and DMA, and the Regulation on addressing the dissemination of terrorist content online (TERREG), among others.

Digital regulation in EU

Additionally, freedom of expression and information on the Internet is following two main principals. First, *what is illegal online, is illegal offline*. This concept is a guiding principle for laws and regulations concerning online activity, particularly in the European Union. It aims to ensure a safer digital environment by addressing issues like illegal content, harmful practices, and election interference. Second, *safe harbours for online platforms* – as mentioned preciously in the paper – designed to shield online service providers from liability for user-generated content if they meet certain conditions. The goal is to encourage innovation and free speech by allowing platforms to operate without constant fear of being penalised for posts generated by users.

The EU's recent digital regulations continue to rely on these two core principles. However, the conditions for safe harbours afforded to online platforms are being increasingly questioned, modified, and expanded.

The text below presents an overview of the key regulations relevant to this change of conditions.

Since 2016, with the GDPR the EU started to increase the responsibilities for the on online platforms regarding personal data. GDPR was a foundational turning point in the European Union's effort to establish a comprehensive

⁷ European Union. (2012). Charter of Fundamental Rights of the European Union (2012/C 326/02). Official Journal of the European Union, C 326, 391-407.

⁸ Council of Europe. (1950). Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended).

⁹ United Nations. (1948). *Universal Declaration of Human Rights*.

¹⁰ United Nations. (1966). International Covenant on Civil and Political Rights. 999 U.N.T.S./171.

and enforceable framework for the protection of personal data, significantly enhancing the accountability of online platforms. For the first time, digital platforms – including social media companies, search engines, e-commerce services, and other data-driven services – were placed under strict legal obligations not only to process personal data lawfully, fairly, and transparently, but also to implement technical and organizational safeguards, including data minimization, privacy-by-design, and privacy-by-default. Importantly, the GDPR introduced core principles of user empowerment, such as the right to access, rectify, and erase (the right to be forgotten), data portability, and the right to object to processing, including automated profiling. These rights shifted the power dynamic between individuals and online platforms, making user consent a central legal basis for data processing. Moreover, platforms became subject to severe penalties for non-compliance – up to 4% of global annual turnover – which had a profound effect on global tech companies operating in the EU¹¹.

In 2018, EU adopted the third revision of the AVMSD. AVMSD introduced significant regulatory obligations for video-sharing platforms (VSPs), marking a pivotal expansion of the Directive to reflect the evolving digital media landscape. While the original Directive primarily targeted traditional broadcasters and on-demand audiovisual services, the 2018 revision explicitly extends its scope to platforms such as YouTube, TikTok, and similar services where users upload, share, and consume video content. AVMSD imposes a range of obligations on video-sharing platforms (VSPs) aimed at protecting minors, combating illegal and harmful content, and ensuring advertising transparency. It requires platforms to adopt measures such as age verification tools, content reporting systems, clear labelling of commercial content, and mechanisms to promote European audiovisual works.¹² By expanding the scope of the AVMSD, the directive recognizes VSPs' active role in shaping media consumption and aligns with broader EU efforts to enhance platform accountability and user protection in the digital environment. By extending its scope to cover VSPs, AVMSD acknowledges that platforms do not merely host content passively, but actively influence user engagement through algorithms, monetization systems, and recommendation engines. As such, they now bear a share of editorial responsibility, though in a limited and differentiated manner compared to traditional broadcasters. Moreover, the directive aligns with broader EU legislative trends that emphasise on platform accountability, content moderation transparency, and user protection in digital spaces.

¹¹ European Union. (2016). *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)*. Official Journal of the European Union, L 119, 1-88.

¹² European Union. (2018). *Directive (EU) 2018/1808 of the European Parliament and of the Council of 14 November 2018 amending Directive 2010/13/EU on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services (Audiovisual Media Services Directive) in view of changing market realities*. Official Journal of the European Union, L 303, 69-92.

In 2021, the TERREG requires from the online platforms, including social media, to swiftly remove terrorist content within one hour of receiving a removal order from national authorities. The regulation also outlines safeguards to protect freedom of expression and information. The regulation aims to prevent the dissemination of terrorist propaganda online and imposes obligations on hosting service providers to implement proactive measures and ensure accountability.¹³

In 2022, the EU adopted the Digital Services Act¹⁴, changing the responsibilities of the different providers of intermediary services, regarding their size and reach, and establishing a new legal regulation for content moderation on online platforms to counter the spread of illegal and harmful content, including disinformation, misinformation and propaganda. The DSA reflects the growing diversification of digital intermediaries, and it is trying to ensure more proportionate and effective oversight across the digital ecosystem. The Very large online platforms (VLOPs) and the Very large online search engines (VLOSEs) are categories defined under the DSA – they are platforms that provide services to a large number of users in the European Union – specifically those with more than 45 million active monthly users (around 10% of the EU population)¹⁵. Simultaneously, the previously adopted self-regulatory mechanisms, the EU Code of Practice on Disinformation and the EU Code of Conduct on Countering Illegal Hate Speech Online, continued to be applied in this co-regulatory approach.

In 2024, the EU adopted the European Media Freedom Act (EMFA). Although the EMFA it is not focus on regulating social media platforms themselves, it seeks to ensure that digital intermediaries, especially the VLOPs, do not undermine media freedom by enabling unfair practices or censorship that could affect the availability and visibility of trustworthy news content online¹⁶.

In June 2024, the European Commission inaugurated the DSA Transparency Database, requiring online platforms to disclose their content moderation decisions, along with the underlying justifications for those actions.

In August 2026, the AI Act, adopted in 2024, is scheduled to enter into full application. Online platforms, including social media services, which use

¹³ European Union. (2021). *Regulation (EU) 2021/784 of the European Parliament and of the Council of 29 April 2021 on preventing the dissemination of terrorist content online and amending Regulation (EU) 2018/1805*. Official Journal of the European Union, L 172, 79-98.

¹⁴ European Union. (2022). *Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act)*. Official Journal of the European Union, L/277, 1-102.

¹⁵ Ibid.

¹⁶ European Union. (2024). *Regulation (EU) 2024/1083 of the European Parliament and of the Council of 11 April 2024 establishing a common framework for media services in the internal market and amending Directive 2010/13/EU (European Media Freedom Act)*. Official Journal of the European Union, L 2024/1083.

automated content moderation systems qualifying as „AI systems“ under the AI Act are required to adhere to the obligations outlined in this legislation¹⁷.

In July 2024, the European Democracy Shield was introduced. The initiative seeks to integrate all these efforts to counter foreign information manipulation and interference (FIMI) and to achieve information integrity. Additionally, the initiative incorporates the work of the European Digital Media Observatory (EDMO) and its network of regional hubs, and the Regulation on Transparency and Targeting of Political Advertising.¹⁸ The European Democracy Shield calls on digital companies and social media platforms to improve transparency and accountability in key areas, including terms of service, content moderation, recommendation algorithms, and personal data processing, especially in local languages¹⁹. All these measures aim to empower users to make informed choices and support sustainable development and digital inclusion.

DSA as a milestone and a trigger for criticism

In this context, DSA is a milestone in the platform regulation, and it is one of the main reasons for the criticism EU is facing, because the DSA fundamentally shifts platform governance in the EU. While it retains conditional immunity for hosting thirdparty or user content – mirroring the safe harbour framework established by the e-Commerce Directive – it imposes significant new transparency and accountability duties on providers of online platforms, particularly those declared VLOPs and VLOSEs.

Under the DSA, platforms must now explain algorithmic processes, justify content moderation decisions, and bear responsibility for systemic risks, even that the platforms historically claimed immunity by avoiding editorial responsibility. As social media companies increasingly curate content via opaque systems, they become accountable under EU law for decisions previously considered beyond their remit. They must also share relevant data with authorities and researchers to allow external scrutiny, under threat of fines of up to 6/% of global annual turnover for noncompliance. These provisions demonstrate that algorithms do more than merely transmit user-generated content – they actively shape visibility and influence – creating normative and practical grounds for regulating platforms’ responsibility for the information ecosystem they construct.

Obligations that are requiring resources are imposed to all online providers of digital services. All the providers of intermediary services are obligated to

¹⁷ European Union. (2024). *Regulation (EU) 2024/1252 of the European Parliament and of the Council of 13 March 2024 laying down harmonised rules on artificial intelligence and amending certain Union legislative acts (Artificial Intelligence Act)*. Official Journal of the European Union, L 2024/1252.

¹⁸ European Parliament Research Service. (2024, December). *Information integrity online and the European democracy shield* (EPRS Briefing No. 767153). Available at: [https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/767153/EPRS_BRI\(2024\)767153_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2024/767153/EPRS_BRI(2024)767153_EN.pdf)

¹⁹ Ibid.

designate a single point of contact to enable them to communicate directly, by electronic means, with Member States' authorities (Digital services coordinators or DSCs), the Commission and the European Board for Digital Services (Article 11), as well they should have a legal representative in the EU. (Article 13)²⁰.

Under Article 4 of the DSA, platforms must manage content in a fair, lawful, and transparent manner, explicitly informing users if algorithms are involved in content curation and how they operate. When providers of intermediary services received an order to act against one or more specific items of illegal content, issued by the relevant national judicial or administrative authorities, based on the applicable Union law or national law in compliance with Union law, they are obligated to inform the authority issuing the order of any effect. (Article 9)²¹. Moreover, Article 14 and Article 27 require platforms to disclose measures used for content moderation and recommender systems, including the main parameters guiding algorithmic suggestions and how users may modify those parameters.²²

They should as well „make publicly available, in a machine-readable format and in an easily accessible manner, at least once a year, clear, easily comprehensible reports on any content moderation that they engaged in“ (Article 15).²³ There are Notice and action mechanisms specifically related to illegal content (Article 16), including related to notice submitted by trusted flaggers, which are approved by the DSCs²⁴ and listed on the Official pages of the EC²⁵. Trusted flaggers are afforded prioritised access to the content moderation process of online platforms, and their flags are addressed with priority by the online platform compared to the treatment of ‘ordinary’ flags²⁶.

All platforms designated as VLOPs must conduct mandatory risk assessments addressing issues such as misinformation, disinformation, and algorithmic bias, as outlined in Articles 34-35²⁷.

²⁰ European Union. (2022). *Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act)*. *Official Journal of the European Union*, L/277, 1-102.

²¹ Ibid.

²² Ibid.

²³ Ibid.

²⁴ European Commission. (n.d.). *Digital Services Act (DSA) and Digital Services Coordinators (DSCs)*. Shaping Europe's digital future. Retrieved July 31, 2025, Available at: <https://digital-strategy.ec.europa.eu/en/policies/dsa-dscs#1720699867912-1>

²⁵ European Commission. (n.d.). *Trusted flaggers under the Digital Services Act (DSA)*. Shaping Europe's digital future. Retrieved July 31, 2025, Available at: <https://digital-strategy.ec.europa.eu/en/policies/trusted-flaggers-under-dsa>

²⁶ European Union. (2022). *Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act)*. *Official Journal of the European Union*, L 277, 1-102.

²⁷ Ibid.

These are some of the new obligations under the DSA for the online platforms that are showing the extent to which the platform should adapt to the EU digital regulation and to take a responsibility for the influence they possessed in the digital world.

EU digital regulation, the Big Tech and their influence

As demonstrated, the EU's digital regulations affect some of the largest companies in the world. The fact is that the EU's digital regulatory framework – centred on the Digital Services Act and Digital Markets Act, but not only – applies to some of the world's most influential technology firms, particularly those headquartered in the United States. Under the DSA, up to July 2025, Amazon (Amazon Store), Apple (App Store), Meta Platforms (Facebook, Instagram), Microsoft (Bing), as well other services providers in EU as Google (Google search, Google Play, Google Maps, Google Shopping, YouTube), Pinterest, TikTok, Twitter (X), Snap B.V. (Snapchat) and others are designated Very Large Online Platforms (VLOPs) and Very Large Online Search Engines (VLOSEs) supervised by the Commission and the main enforcement authorities²⁸.

Four of them (Microsoft, Apple, Amazon and Meta) are in the Top 7 largest companies by market capitalization in the world²⁹. With a market capitalization of 3.12 trillion U.S. dollars as of May 2024, Microsoft was the world's largest company that year³⁰.

As of March 2025, Google represented 79.1 percent of the global online search engine market on desktop devices³¹. This is in a year that marks the lowest market share the search engine has recorded on these devices in more than twenty years.

Facebook stands as the most popular social media platform worldwide, with 3.07 billion monthly active users – the highest among all social platforms³². In EU, the average monthly active users are 259 million – numbers reported by the provider³³. On average, a user spends about 30.9 minutes on Facebook³⁴.

²⁸ European Commission. (2025, July 28). *List of designated VLOPs and VLOSEs under the Digital Services Act*. European Commission. Available at: <https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses#ecl-inpage-Infinite>

²⁹ Statista. (2024). *Leading companies worldwide by market capitalization as of May 2024*. Available at: <https://www.statista.com/statistics/263264/top-companies-in-the-world-by-market-capitalization/>

³⁰ Ibid.

³¹ Statista. (2024). *Worldwide desktop market share of leading search engines from January 2010 to June 2024*. Statista. Available at: <https://www.statista.com/statistics/216573/worldwide-market-share-of-search-engines/>

³² DemandSage. (2024). *Facebook statistics and facts (2024)*. Available at: <https://www.demandsage.com/facebook-statistics/>

³³ European Commission. (2025, July 28). *List of designated VLOPs and VLOSEs under the Digital Services Act*. European Commission. Available at: <https://digital-strategy.ec.europa.eu/en/policies/list-designated-vlops-and-vloses#ecl-inpage-Infinite>

³⁴ DemandSage. (2024). *Facebook statistics and facts (2024)*. Available at: <https://www.demandsage.com/facebook-statistics/>

The limited transparency exhibited by these highly influential, privately owned platforms significantly hinders the ability to evaluate the true extent of potential concerns related to speech regulation, censorship, and the phenomenon of collateral censorship³⁵.

Across most nations, the digital infrastructure underpinning the modern global economy is predominantly owned and operated by a limited number of highly centralised technology conglomerates, the majority of which are headquartered in US.³⁶ These companies – often referred to as Big Tech – exert considerable influence not only through their market dominance but also via extensive political lobbying, campaign donations, and strategic partnerships with political actors.³⁷

In the top three richest people in the world for 2025 according to Forbes are Elon Musk (X), Mark Zuckerberg (Facebook) and Jeff Bezos (Amazon).³⁸ Elon Musk has extended his political support across party lines over the years, endorsing Barack Obama during the 2008 and 2012 presidential elections, Hillary Clinton in 2016, Joe Biden in 2020, and subsequently Donald Trump in 2024. Since 2025, Elon Musk has assumed the role of Senior Adviser to President Donald Trump and serves as the de facto head of the Department of Government Efficiency (DOGE), while also holding ownership and the chairmanship of the platform X. In the end of May, Elon Musk announced his departure from the Trump Administration. In such a context, it is not unexpected that political figures who receive substantial financial and political backing from these corporations may express discontent when confronted with jurisdictions where their influence is curtailed by robust legal frameworks.

These technology giants have not only consolidated power over digital infrastructures and communication channels but have also positioned themselves as key actors in the political sphere. Their platforms play a significant role in shaping public discourse, influencing individual cognition, and controlling the flow of information. Consequently, the primary institutional counterweight to their growing influence remains the rule of law – an essential democratic safeguard in an era where popular dependence on digital platforms continues to rise^{39,40} and that is what EU is promoting.

³⁵ Klonick, K. (2018). The New Governors: The People, Rules, and Processes Governing Online Speech. *Harvard Law Review*, 131(6), 1598-1670.

³⁶ Zuboff, S. (2019). *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. Profile Books.

³⁷ Klonick, K. (2018). The New Governors: The People, Rules, and Processes Governing Online Speech. *Harvard Law Review*, 131(6), 1598-1670.

³⁸ Forbes. (2025). *The world's billionaires list*. <https://www.forbes.com/billionaires>

³⁹ European Commission. (2023). *Digital Services Act: Ensuring a safe and accountable online environment*. Available at: <https://digital-strategy.ec.europa.eu>

⁴⁰ Gillespie, T. (2018). *Custodians of the Internet: Platforms, content moderation, and the hidden decisions that shape social media*. Yale University Press.

Understanding the context: who and what for is criticising EU

The preceding discussion has examined the European Union's framework on freedom of expression, recent digital regulations, and their intersection with major technology companies and their influence. To understanding the criticism concerning EU approach to freedom of speech in the digital environment, the next part of this paper is focusing on the questions who and for what is criticising EU.

On January 7, 2025, Mark Zuckerberg announced⁴¹ major changes to Meta's content moderation policies. It was followed by a series of statements that framed Meta's content policy, but as well contained a clear strategic and political message.

The main pillars of the changes includes that Meta, first, will eliminate the collaboration and the use of fact-checking organisations in the US and replacing them with a „community notes“ system similar to Elon Musk's X (formerly Twitter); second, will „simplify“ content moderation policies by removing certain restrictions on topics like immigration and gender in order to foster discussion; c) change the settings of the automatic filters so that they proactively block only illegal content and grave violations of their terms, and wait for the notice in other cases; third, will bring back political content on its platforms; fourth, will relocate the content moderation team from California to Texas, which may raise less concern about ideological bias within the team „at least in the US“, and fifth, will push back on governments that require stronger restrictions, asserting that „now we have the opportunity to restore free expression“ with the help of the US government⁴². Recent policy shifts in the United States highlight a divergent regulatory philosophy that compare, incorrectly, the EU digital regulatory framework to secretive judicial regimes in Latin America, and authoritarian controls in China.

Mark Zuckerberg's recent rhetoric and strategic decisions can be interpreted in three principal ways⁴³, each offering insight into his motivations and Meta's positioning in the current political and regulatory climate.

A month later, the address of the Vice President of the United States, JD Vance, to the 61st Munich Security Conference held in February 2025 yet again turned EU at a subject of criticism⁴⁴. It was anticipated that Vance would utilize

⁴¹ Zucherberg, M. [@Zuck] (2025, January 7) Announces Changes in Meta's Content Moderation Policies and Operations [Video]. Instagram., Available at: <https://www.instagram.com/zuck/reel/DEhf2uTJU0/?hl=de>

⁴² Ibid.

⁴³ Bayer, J. (2025) Zuckerberg's Strategy: Leveraging Trump to Defy European Regulation?, *VerfBlog*, Available at <https://verfassungsblog.de/zuckerbergs-strategy/>, DOI: 10.59704/e94f730ca2e6b631

⁴⁴ MSC (2025) Munich Security Conference 2025 Speech by JD Vance and Selected Reactions, „Selected Speeches held at the Munich Security Conference“, Volume 2, Ed. Benedikt Franke, Mittler.

his statement in Munich to discuss potential negotiations aimed at ending the war in Ukraine. However, he devoted most of his speech to criticising European governments. In his speech JD Vance voiced strong concerns about the state of free speech and democratic values in Europe, warning of an internal erosion of the principles, in his view, that once defined the West during the Cold War. He criticised what he sees as a growing trend of censorship and suppression of dissenting voices across European nations saying that „in Britain and across Europe, free speech, I fear, is in retreat.“⁴⁵ He argued that the greatest threat to European security is not external – such as Russia or China, but internal – a retreat from foundational Western principles shared with the United States. Vance cited several examples to illustrate his concerns. He referenced Romania’s annulment of a presidential election, in his view, allegedly carried out under pressure from intelligence services and neighbouring governments. He criticised EU officials for expressing a willingness to shut down social media during times of civil unrest, in his view, based on their judgment of what constitutes hateful content. In Germany, he pointed to police actions targeting individuals for online speech, such as posting anti-feminist comments. In Sweden, he noted the prosecution of a Christian activist linked to Quran-burning incidents. And in the United Kingdom, he condemned buffer zone laws that have resulted in citizens being charged for engaging in silent prayer near abortion clinics – even, in some cases, within their own homes.

JD Vance acknowledged that according to his censorship is not a uniquely European problem, noting that the U.S. government, under the Biden administration, had pressured social media companies to suppress views it labels misinformation – such as the lab-leak theory of COVID-19’s origin. Vance pledged that a Trump administration would take the opposite approach, defending the right to free expression even for controversial or unpopular views. He called for European leaders to stop hiding behind terms like „misinformation“ and „disinformation“ to silence opposition, and instead to trust their own citizens. In his view, democracy cannot survive if leaders are afraid of their people’s voices.

Later JD Vance’s free speech claims were debunked and categorized as misleading by fact-checking organisation as DW’s Team Fact check⁴⁶. But there was an immediate reaction to the speech. During JD Vance’s speech Boris Pistorius, Minister of Defence of the Federal Republic of Germany, who sat in the second row of the audience, shouted that „That is unacceptable“. Two hours later, he officially replied in his introduction to a panel on European Defence with a statement spontaneously rewritten under the impression of JD Vance’s speech.⁴⁷ There were reaction to JD Vance all over the world during

⁴⁵ Ibid.

⁴⁶ Steffen, S, and Vera, A. (2025, February 17) Fact check: JD Vance’s free speech claims debunked, DW., Available at <https://www.dw.com/en/jd-vance-free-speech-claims-debunked/a-71642886>

⁴⁷ MSC (2025) Munich Security Conference 2025 Speech by JD Vance and Selected Reactions, „Selected Speeches held at the Munich Security Conference“, Volume 2, Ed. Benedikt Franke, Mittler.

the conference, for example, from Kaja Kallas, Vice President and High Representative for Foreign Affairs and Security Policy of the European Commission, from Olaf Scholz, Chancellor of the Federal Republic of Germany, from Alexander Stubb, President of the Republic of Finland, who pointed out that according to the Index of free speech Norway, Sweden, Denmark, Netherlands and Finland are on the top five places in the world⁴⁸. After the conference Ursula von der Leyen President of the European Commission also reacted.

A few days following JD Vance's remarks in Munich Security Conference 2025, U.S. President Donald Trump was asked to share his perspective during a brief Q&A session in the Oval Office where he stated that Europe „is losing, they're losing their wonderful right of freedom of speech.“⁴⁹

All these three statements are related and have embedded in them a strategic goal. They are clearly shaping a trend for changing the policies regarding the freedom of expressions in the digital world. In this context and in the narrative that it has been created, the EU is becoming a subject of criticism regarding the safeguard of the freedom of expression, because the Union is having the ambition to set high standards regarding the digital governance and it is rethinking the role of the different stakeholders in the process.

Both Trump and Vance have expressed strong criticism of what they perceive as limitations on free speech across Europe, particularly in relation to the European Union's regulation of social media, which is officially intended to address hate speech and disinformation, not to limit the freedom of expression. The researchers are trying to project what may be the reasons for them – are they principal, political or economic.

This paper argues that the justification is complex and has different reasons for all the positions supported by the participants involved, but in general the main topic is how to protect the freedom of speech in the digital age, mainly because we need a change in the balances and the share of responsibility of all the stakeholders involved. The main problem is should the safe harbours for the very large online platforms have to be kept or not.

The report contends that while individuals have a fundamental right to express themselves, this does not imply that private corporations should be immune from regulatory obligations when curating digital spaces that function as modern public spheres. Ultimately, the paper calls for a rights-based and accountability-oriented approach to platform governance that distinguishes between protecting individual expression and enabling unchecked corporate control over the digital public sphere.

⁴⁸ Ibid.

⁴⁹ Trump, D. [@Polialertcom] (2025, February 15) *Donald Trump's Statement on JD Vance speech in Munich conferences in 2025* [Video]. Instagram., Available at <https://www.instagram.com/polialertcom/reel/DGGTr0mJ-FP/?locale=de-DE>

The stakeholder analyses provided in the text below are giving a more profound understanding for the reasons behind these statements and why this is happening now.

The first interpretation⁵⁰ views Zuckerberg's actions as submission to Trumps and its administration. This is particularly plausible given the substantial financial losses Meta suffered after Trump publicly criticised the platform before. The possibility of executive intervention under a renewed Trump presidency may have reinforced Zuckerberg's cautious posture, although this interpretation struggles to reconcile with his historically bold leadership style.

The second interpretation⁵¹ attributes Zuckerberg's stance to a genuine commitment to free speech. However, this narrative is undermined by evidence of inconsistency in Meta's content moderation practices, supported by former Facebook employees, including Cambridge Analytica scandal, as well the case with Frances Haugen, a former Facebook employee turned whistleblower, revealed that the company consistently prioritised profit over user safety by ignoring internal research showing its platforms amplified misinformation, hate speech, and harmful content⁵². She provided thousands of internal documents to regulators and the media, arguing that Facebook's algorithmic practices endangered public well-being, particularly among young users and in politically unstable regions. Joaquin Quiñonero Candela, a former director of AI at Facebook, did not publicly „blow the whistle“ in the way Frances Haugen did, but his work and insights have been cited in critiques of the platform's ethics and algorithmic design which is much more in collision with the ethical standards that the EU AI act is imposing. He stated to led efforts to improve fairness and accountability in Facebook's machine learning systems. However, according to internal reports and investigations (including those revealed by Haugen), his attempts to integrate ethical considerations into Facebook's algorithms were often sidelined or deprioritised in favour of financial growth and more engagement by the users. In this context, Zuckerberg's invocation of free speech is seen by many as more about deflecting regulatory scrutiny than principled defence of user rights⁵³.

The third⁵⁴ and most compelling interpretation positions Zuckerberg's behaviour as a strategic manoeuvre to resist European regulation, particularly the DSA. By aligning with Trump and politicising these regulatory conflicts,

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Menczer, F. (2021) Facebook whistleblower Frances Haugen testified that the company's algorithms are dangerous - here's how they can manipulate you. Available at: <https://theconversation.com/facebook-whistleblower-frances-haugen-testified-that-the-companys-algorithms-are-dangerous-heres-how-they-can-manipulate-you-169420>

⁵³ Bayer, J. (2025) Zuckerberg's Strategy: Leveraging Trump to Defy European Regulation?, *VerfBlog*, Available at <https://verfassungsblog.de/zuckerbergs-strategy/>, DOI: 10.59704/e94f730ca2e6b631

⁵⁴ Ibid.

Zuckerberg may be attempting to transform compliance issues into geopolitical disputes, thereby mobilising US government support to shield Meta from foreign oversight. His explicit criticisms of the EU further suggest an intent to forge political alliances that could challenge European digital regulation.

Regarding this interpretation this paper is supporting a more practical approach based on a stakeholder theory in policy making and the identification of mutual interests and it is considering Zuckerberg's actions as not only a way to be closer to Donald Trump's, but to have more political influence, including to synchronized action or to have a joint front with others Big Tech companies as Elon Musk's X and Jeff Bezos's Amazon. According to this view, it is more likely that Zuckerberg is attempting to avert potential retaliatory actions from a future Trump administration in US by aligning more closely with his agenda, but as well to have a political influence itself even outside US.

Ultimately, Zuckerberg's actions reflect a calculated effort to reshape the regulatory narrative in Meta's favour. The real issue is not censorship per se, but rather Meta's resistance to external accountability, particularly from the EU, whose framework prioritises users' rights over corporate discretion – unlike the US model, which protects platform immunity under Section 230 of the Communications Decency Act. Zuckerberg's strategic use of free speech rhetoric and political alignment with Trump appear to serve this broader aim: preserving corporate autonomy while resisting democratic oversight.

In the context, the remarks made by J.D. Vance at the Munich Security Conference, alongside former President Trump's criticisms of the European Union's approach to online freedom of expression, appear to be shaped by the interests of major US Big Tech companies, which are designated as VLOPs under DSA.

Comparing the EU and US regulatory regimes for online platforms

In the next part, the paper explores the criticism over EU in the light of the differences between EU and US regulatory regimes. The regulatory frameworks governing online platforms in the EU and the US reflect fundamentally divergent legal traditions and normative priorities. While both jurisdictions recognise the central role of digital intermediaries in shaping public discourse, their respective approaches to platform liability, content moderation, and user rights differ, especially in the recent years.

As it is mentioned previously in the paper, in the EU, digital regulation is anchored in the Charter of Fundamental Rights of the EU, which is based on the protection of dignity, privacy, non-discrimination, freedom of expression, and access to information. The EU's regulatory model is explicitly rights-based and seeks to balance competing freedoms through enforceable obligations on intermediaries.

By contrast, the US' approach is primarily informed by First Amendment jurisprudence, which strongly protects freedom of expression, including that of corporations. The courts have traditionally construed this right as limiting government interference in private moderation decisions. As a result, online platforms in the US are treated not as public utilities but as private actors entitled to control the speech on their services.

The DSA preserves conditional immunity for hosting providers (Article 6), it introduces extensive due diligence obligations for VLOPs, which include: risk assessments (Articles 34-35); algorithmic transparency for the providers of online platforms that use recommender systems in their services (Article 27) and for online advertising (Article 39); Crisis response mechanisms (Article 36); Audits (Article 37); Data access for regulators (DSCs of the EU Member States) and for researchers (Articles 40). These measures reflect the EU's commitment to „technological sovereignty“ and a rules-based digital space that prioritises user safety, democratic integrity, and systemic accountability.⁵⁵

Conversely, in the United States, platform liability is governed by Section 230 of the Communications Decency Act. Section 230(c)(1) provides platforms with broad immunity from liability for third-party content, while Section 230(c)(2) permits them to moderate „objectionable“ content without losing that immunity – even if the moderation is inconsistent or biased⁵⁶. However, this immunity is not absolute and is subject to ongoing debate and legal challenges.

Regarding the **algorithmic accountability and transparency**, the DSA mandates algorithmic transparency (Article 27), requiring platforms to disclose the main parameters of their recommender systems and offer users alternative systems not based on profiling (Article 38). In contrast, the US has no general regulatory requirement for algorithmic transparency in the context of platform governance. Algorithmic decisions remain largely opaque, with platform design treated as proprietary business information. Although some state-level legislation and federal proposals have sought to introduce greater oversight, these efforts remain fragmented and unenforced at the federal level.

The DSA enhances procedural safeguards by introducing mandatory internal complaint-handling systems (Article 20), out-of-court dispute settlement mechanisms (Article 21), and mandatory explanations for content removals (Article 17). This procedural turn institutionalises transparency and fairness in platform-user interactions and aligns with principles of administrative law. By contrast, US law does not require platforms to offer users explanations or remedies for content decisions. While platforms have developed voluntary

⁵⁵ Bradford, A. (2020). *The Brussels effect: How the European Union rules the world*. Oxford University Press.

⁵⁶ United States Congress. (1996). *Communications Decency Act, 47 U.S.C. §/230* [PDF]. Retrieved July 31, 2025, Available at: Columbia University ecommerce statutes archive: <https://www.columbia.edu/~mr2651/ecommerce3/2nd/statutes/CommunicationsDecencyAct.pdf>

appeal systems, these are not enforceable, and users have limited legal recourse.

The transatlantic divide in platform regulation underscores broader ideological differences between **user-centric regulation (EU)** and **market-centric deregulation (US)**. The EU sees platforms as public-facing infrastructures that must be governed in the public interest, while the US tends to prioritise innovation and freedom over regulation. The US remains largely reactive, sector-specific, and with a heavy reliance on voluntary corporate codes. Despite growing criticism, platforms in the US enjoy significantly more discretion and legal protection than their counterparts in the European Union. However, the growing transatlantic regulatory gap may intensify pressure on the US to reconsider its laissez-faire approach, especially as platforms become more politically powerful and socially consequential or on the contrary, the platform may influence the decision making of the policymakers in order US to pressure EU.

Why cannot Facebook unilaterally stop working with fact-checking organisations in the EU?

In recent developments, both X (formerly Twitter) and Meta have demonstrated resistance to the European Union's voluntary self-regulatory frameworks. X officially withdrew from the EU Code of Practice on Disinformation in 2023⁵⁷, distancing itself from collective efforts to combat harmful online content. Similarly, in July 2025, Meta declined to sign the EU Code of Practice on General-Purpose AI⁵⁸ which complies with the AI Act legal obligations, citing concerns over legal ambiguity and the lack of clear regulatory scope, signalling a broader hesitation among major platforms to fully engage with the EU's co-regulatory approach to platform governance.

In the US, platforms are relatively free to determine how they moderate content and whether they wish to engage with fact-checkers. Unlike in the US, Facebook is unable to terminate its cooperation with fact-checking organisations within the EU, as such an action would be incompatible with the regulatory frameworks currently in force across EU Member States.

The EU co-regulatory backstop on disinformation, includes a self-regulatory mechanism – Code of Practice on Disinformation⁵⁹, that includes several voluntary commitments that tech firms and private companies, including fact-checking organizations, are expected to deliver on. On February 2025, the

⁵⁷ European Parliament. (2023, October 12). Applying EU law to fight the spread of illegal content and disinformation online. Available at: <https://www.europarl.europa.eu/news/en/agenda/briefing/2023-10-16/6/applying-eu-law-to-fight-the-spread-of-illegal-content-and-disinformation-online>

⁵⁸ Politico. (2023, July 26). *Meta won't sign EU AI code of conduct*. Available at: <https://www.politico.eu/article/meta-wont-sign-eu-ai-code/>

⁵⁹ Yurukova, M. (2023). Challenges to the Implementation of the European Approach to Countering Disinformation. Journal „DIPLOMACY“, 29, 140 149. <https://doi.org/10.5281/zenodo.16410091>

Commission and the European Board for Digital Services endorsed the integration of the 2022 Code of Practice on Disinformation as a Code of Conduct on Disinformation into the framework of the DSA⁶⁰.

In the Commitment 30, the Signatories of the Code are committed to establish a framework for transparent, structured, open, financially sustainable, and non-discriminatory cooperation between them and the EU fact-checking community regarding resources and support made available to fact-checkers. European fact-checking organisations will, directly (as Signatories to the Code) or indirectly (via polling by EDMO or an elected body representative of the independent European fact-checking organisations) report on the fairness of the individual compensations provided to them via the Code of Practice. In the Code it's written that the Signatories recognise the importance of setting up concrete steps, with clear targets and timelines, to extend their cooperation with fact-checkers to ensure the consistent application of fact-checking in their services, with a particular focus on Member States and languages where fact-checking is not yet provided. The Signatories of this Code acknowledge the importance of setting up a framework for robust access to platform data by the fact-checking community and adequate support for their activities as part of an effective strategy for tackling disinformation⁶¹.

In the American context, there are no equivalent federal laws mandating cooperation with fact-checkers, and the First Amendment restricts the government's ability to regulate speech. In contrast, the EU prioritises a risk-based governance model, in which platforms like Facebook must demonstrate active steps to protect the public from harm online – including disinformation – through mechanisms such as fact-checking partnerships.

Therefore, Facebook's cooperation with fact-checking organisations in the EU is not a matter of corporate preference, but a regulatory requirement embedded in the Union's legal framework. Facebook cannot unilaterally stop working with fact-checking organisations in the EU because it is subject to binding legal obligations under EU legislation. DSA imposes clear responsibilities on the VLOPs to address systemic risks, such as the spread of disinformation. One of the expected ways to meet these obligations is through cooperation with trusted third parties, including independent fact-checking organisations. Under the DSA, this cooperation is not optional. If Facebook were to end such partnerships, it could be seen as failing to comply with its legal duties, which might trigger regulatory investigations or financial penalties.

This example is showing the importance to integrate the self-regulatory instrument to the legislations which is the resistance of the very large online

⁶⁰ European Commission. (2025). *The Code of Conduct on Disinformation*. In *Shaping Europe's digital future*. Retrieved July 31, 2025, Available at: <https://digital-strategy.ec.europa.eu/en/library/code-conduct-disinformation>

⁶¹ Code of Practice on Disinformation (2022), Available at: <https://ec.europa.eu/newsroom/dae/redirection/document/87585>

platforms and search engines to the European Union's self-regulatory frameworks more difficult or costly.

„EU exports regulations, not innovation“ versus „Brussels effect“

The main narrative criticising EU policies related to digital regulation and freedom of speech is related to the regulations adopted by the EU. In the Mario Draghi's landmark report on EU competitiveness from 2024, the former European Central Bank president argued that the continent was facing an „existential challenge“ if it wanted to remain a global economic superpower, stating that „we claim to favour innovation, but we continue to add regulatory burdens on to European companies.“⁶²

The phrase „the EU exports regulations, not innovation“ and its variations serves as a long-lasting critique of the European Union, which is frequently perceived as a global regulator rather than a driver of technological or industrial progress. The arguments in these narratives are supported by the fact that the EU tends to produce complex regulatory frameworks, particularly in areas such as digital technologies, environmental policy, and taxation. This thesis the EU's digital legislation – specifically the GDPR, DSA, DMA, and AI Act are listed as a risk stifling Europe's chance to produce global tech „champions“.⁶³

On the opposite side stands the argument that EU has managed to shape policy in areas such as data privacy, online hate speech and disinformation and because of that EU has become the world's leading regulator, particularly in the digital sphere⁶⁴.

For some for an extended period, the EU has assumed the role of a global regulatory authority, establishing standards and norms that frequently exert influence well beyond its own borders. This phenomenon has been identified by scholars as the *Brussels Effect* – a term first introduced by Anu Bradford in 2012. Bradford further elaborated on this concept in her book, *The Brussels Effect: How the European Union Rules the World*⁶⁵, wherein she argues that the EU's large, affluent internal market, combined with its often-exacting regulatory framework, compels multinational corporations to comply with EU standards, even when operating outside the Union's jurisdiction.

The sheer scale of the EU market constitutes a powerful inducement: companies seeking access are required to observe its regulatory requirements.

⁶² European Commission. (2024). *The future of European competitiveness: A competitiveness strategy for Europe*. Available at: https://commission.europa.eu/document/download/97e481fd-2dc3-412d-be4c-f152a8232961_en?filename=The%20future%20of%20European%20competitiveness%20-%20A%20competitiveness%20strategy%20for%20Europe.pdf

⁶³ Ibid.

⁶⁴ Bradford, A. (2020). *The Brussels effect: How the European Union rules the world*. Oxford University Press.

⁶⁵ Ibid.

In this respect, the Union's capacity to shape global market behaviour represents a form of *economic hard power*.

At a normative level, the international diffusion of EU legal standards also enables the indirect transmission of the values embedded within the EU digital regulation. Other jurisdictions, driven by similar pragmatic considerations, may voluntarily adopt these frameworks, effectively treating them as best practice. In doing so, the EU manages to project and externalise elements of its normative order, thereby exercising a form of *soft power* rooted in the appeal and transferability of its regulatory principles.

According to this paper the increase of the attacks against the EU digital policy is a symptom that some of the VLOPs are trying to oppose to the *Brussels Effect* and no longer want to change their own policy according to the European one. This opposition is shaped by the speeches and the statement listed previously in this paper. While till now the debate was between the platforms and the governments, now the debate is passing on a different lever where the US president and its administration is taking the side of the platforms against another Union such as EU.

Conclusion

„With great power comes great responsibility“⁶⁶, and this aphorism has never been more relevant than in the context of today's dominant online platforms. The Big Tech companies – commanded by figures such as Mark Zuckerberg, Elon Musk, and Jeff Bezos – exercise extraordinary influence over digital communication, public discourse, and democratic processes. As such, there is an increasing expectation, particularly within the EU, that they must be held accountable for the consequences of their power.

Unlike the United States, where the discourse around platform regulation is often framed by absolutist interpretations of the First Amendment and prioritises market capitalisation, the European Union places the protection of its citizens and the integrity of public discourse above the unchecked liberties of private corporations. The EU's approach to internet governance, although originally rooted in soft law mechanisms and self-regulation, has evolved into a robust co-regulatory framework aimed at ensuring transparency, accountability, and citizen protection online.

A cornerstone of this framework is DSA, which seeks to compel the very large online platforms to act with greater responsibility and openness. The DSA mandates increased transparency around algorithmic processes, content moderation, and the handling of disinformation and hate speech. In doing so, it challenges online platforms to operate within the bounds of European legal

⁶⁶ „With great power comes great responsibility“ is popularized by the Spider-Man comic book series and it emphasizes that those with significant influence or capabilities also have a moral obligation to use their power wisely and for the benefit of others.

and ethical standards. This insistence on accountability has provoked visible frustration among platform executives and triggered political reactions from United States policymakers, who interpret, without an in-depth understanding, such measures as encroachments on freedom of expression.

The tension is particularly acute around content moderation practices. When Zuckerberg speaks of „simplifying“ content policies or removing certain restrictions, it often signals a withdrawal from commitments to regulate harmful content, such as hate speech or disinformation. In the European Union, by contrast, freedom of expression is not regarded as absolute. It is understood as a right that must be balanced with the protection of democratic values, public safety, and the rights of others. Accordingly, the EU continues to prioritise combating hate speech, both online and offline, and rejects narratives that equate moderation with censorship or violation of free speech.

Furthermore, the EU has placed strong emphasis on increasing transparency in political and paid advertising, guaranteeing researchers' access to platform data, and ensuring the robust protection of citizens' personal data. This commitment is extended through new legislative instruments, which reinforces media pluralism and independence while ensuring that no actor – state or private – can dominate the information ecosystem without accountability.

These developments highlight a deepening transatlantic divide. Where the EU asserts that digital freedoms must serve democratic accountability and the public interest, US-based platforms continue to push back against regulatory efforts, often invoking the rhetoric of censorship and individual liberty. Yet, in the European context, platform regulation is not about silencing voices – it is about ensuring that the digital public sphere is governed by principles of fairness, transparency, and civic responsibility.

This report critically examines the growing conflation between the right to freedom of expression and the discretion exercised by private online platforms to moderate, amplify, or suppress content without adequate accountability. It challenges the prevailing narrative – particularly in the United States – that equates platform governance with constitutionally protected speech, arguing that this interpretation distorts the original democratic purpose of free expression. Drawing on comparative analysis between the United States and the European Union, the report highlights how platforms such as Facebook, YouTube, and X (formerly Twitter) have evolved into powerful information intermediaries whose algorithmic and commercial interests shape public discourse far beyond the reach of traditional legal safeguards.

This paper argues that the justification is complex and has different reasons for all the positions supported by the participants involved, but in general the main topic is how to protect the freedom of speech in the digital age, mainly because we need a change in the balances and the share of responsibility of all the stakeholders involved. The main problem is should the safe harbours for the very large online platforms have to be kept or not.

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