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# The EU's censorship regime is about to go global

The authoritarian Digital Services Act means the death of free speech online.

**NORMAN LEWIS**

23rd March 2023

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Not many people know that 16 November 2022 was the day that freedom of speech died on the internet. This was the day the European Union's [Digital Services Act](#) (DSA) came into law. Under the DSA, very large online platforms (VLOPs) with more than 45million monthly active users – like [Twitter, Facebook and Instagram](#) – will have to swiftly remove

illegal content, hate speech and so-called disinformation from their platforms. Or they will face fines of up to six per cent of their annual global revenue. Larger platforms must be DSA compliant by this summer, while smaller platforms will be obliged to tackle this content from 2024 onwards.

The ramifications of this are immense. Not only will the DSA now enforce the regulation of content on the internet for the first time, but it is also set to become a global standard, not just a European one.

In recent years, the EU has largely realised its ambition to become a global regulatory superpower. The EU can dictate how any company worldwide must behave if it wants to operate in Europe, the world's second-largest market. As a result, its strict regulatory standards often end up being adopted worldwide by both firms and other regulators, in what is known as the 'Brussels effect'. Take the General Data Protection Regulation (GDPR), a privacy law which came into force in May 2018. Among many other things, it requires individuals to give explicit consent before their data can be processed. These EU regulations have since become the global standard, and the same could now happen for the DSA.

The EU's enforcement of GDPR has been somewhat tentative. It has issued only about €1.7 billion in penalties since 2018, according to The Economist, which is peanuts in an

industry that generates more than a trillion euros in revenue annually. But the EU seems to have learnt from this: the DSA has enormous enforcement capabilities built into it. The European Commission expects its internal industry watchdog to have over 100 full-time staff by 2024. Plus, contract workers and national experts will be expected to supervise Big Tech's operations, too. It amounts to what EU internal-markets commissioner Thierry Breton calls a 'historic moment in digital regulation'. The VLOPS are expected to fund this enforcement operation themselves, paying up to 0.05 per cent of their global annual turnover each year to the Commission.

This gives the EU an extraordinary amount of power. The regulation of the DSA will be overseen by the Commission itself, not an independent regulator. What's more, the DSA includes a 'crisis-management mechanism', added last year in a last-minute amendment. The Commission argued it needs to be able to direct how platforms respond to events like the Russian invasion of Ukraine. Apparently, in a crisis, the 'anticipatory or voluntary nature' of obligations on tech companies to tackle disinformation would be insufficient. Under the DSA, the Commission has given itself the power to determine whether such a 'crisis' exists, defined as 'an objective risk of serious prejudice to public security or public health in the Union'. Given the EU's willingness to weaponise the 'rule of law' against its ideological opponents, such as Poland and Hungary, the potential this gives the EU to abuse this mechanism is worrying indeed.

Not only does this give the EU immense powers for censorship, it also represents a profound technocratic evasion of democratic accountability. The unelected European Commission is forcing Big Tech to police the internet to rein in what the EU deems to be unacceptable speech or disinformation. In so doing, the Commission has empowered itself to impose its values on the rest of us. If this draconian censorship were being enforced by a national government, we would at least be able to vote it out. But this is an altogether different scenario.

Under the new law, the undemocratic European Commission has empowered itself to regulate content on the internet without any hint of accountability to the millions of ordinary European citizens who use these services. By placing the onus on Big Tech to carry this out, the EU can censor at arm's length, which lowers the risk of mass opposition

from within Europe. It is cunning but cowardly. The EU's technocratic, anti-democratic impulse to censor is being outsourced to Big Tech. And all the leading Big Tech firms have agreed to operate under these regulations, even to the point of funding the EU regulatory body that will supervise their operations.

Big Tech has little choice but to comply. It is, after all, the price firms will pay to remain operational in Europe. Even Elon Musk has fallen in line, despite his [promises](#) last year to make Twitter a 'common digital town square' with minimal censorship and maximal free expression. 'Good meeting with Thierry Breton regarding EU DSA', [Musk tweeted in January](#). 'The goals of transparency, accountability and accuracy of information are aligned with ours', he said. Emboldened, the EU is now [instructing Twitter](#) to employ more content-moderation staff instead of relying on algorithmic moderation.

Perhaps we shouldn't be surprised that Big Tech is motivated by profit rather than principle. What is most shocking is how unaccountable and anti-democratic all this is. Every player in this sorry saga is unaccountable to ordinary people. Each hides behind the other to deflect criticism: the Commission claims its censorship laws are necessary to protect European citizens from the 'harm' of unregulated social-media companies; Big Tech then complies with that law in order to 'serve' its millions of users. While both sides claim to be doing this for the public, neither is remotely accountable to the public.

Worst of all, the EU's censorship regime is now going global. Last year, the EU opened [a new office in Silicon Valley](#) to forge closer relationships between EU regulators and Big Tech. Without Big Tech companies of its own, it is only through its regulatory muscle that the EU can claim to be a player on the world stage. Indeed, Washington now appears set to follow suit, with President Biden calling for [bi-partisan measures to regulate Big Tech](#) earlier this year.

The DSA has set a precedent that online content should be regulated, and this has now been accepted on principle. As a result, freedom of speech on the internet is effectively

dead – killed by the EU's undemocratic and authoritarian Digital Services Act.

Dr Norman Lewis is managing director of Futures Diagnosis and a visiting research fellow of [MCC Brussels](#).

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