

# Crossroads for the Open Internet

The future of the Internet is at a crossroads, in Europe and around the world.

The laws that laid a foundation for the spectacular growth of the Internet – with its economic, social, and cultural revelations – are now being reviewed to assess whether they're fit for the next generation. Indeed, as concern grows in Europe regarding the impact of digital technology and repressive regimes around the world use draconian legal frameworks to stifle online freedoms, the norms that inform new EU legislation has never been more important.

**The Digital Services Act and the Democracy Action Plan will either renew the promise of the Open Internet or compound a problematic status quo** – by limiting our online environment to a few dominant gatekeepers, while failing to meaningfully address the challenges preventing the Internet from realising its potential.

We're writing to you today as a group of companies to advocate for a regulatory conversation around illegal and harmful content that firmly roots Open Internet principles at the heart of the EU's digital future.

There are many other companies and organisations that share the views set out here – we welcome their collaboration in the coming discussions.

## CONTENT & SPEECH

Unfortunately, the present conversation is too often framed through the prism of content removal alone, where success is judged solely in terms of ever-more content removal in ever-shorter periods of time. Without question, illegal content – including terrorist content and child sexual abuse material – must be removed expeditiously. Indeed, many creative self-regulatory initiatives proposed by the European Commission have demonstrated the effectiveness of an EU-wide approach.

Yet by limiting policy options to a solely stay up-come down binary, we forgo promising alternatives that could better address the spread and impact of problematic content while safeguarding rights and the potential for smaller companies to compete. Indeed, **removing content cannot be the sole paradigm of Internet policy, particularly when concerned with the phenomenon of 'legal-but-harmful' content. Such an approach would benefit only the very largest companies in our industry.**

**We therefore encourage a content moderation discussion that emphasises the difference between illegal and harmful content and highlights the potential of interventions that address how content is surfaced and discovered. Included in this is how consumers are offered real choice in the curation of their online environment.**

We believe that it's both more sustainable and more holistically effective to focus on limiting the number of people who encounter harmful content. This can be achieved by placing a technological emphasis on visibility over prevalence, supporting measures towards algorithmic transparency and control, setting limits to the discoverability of harmful content, further exploring community moderation, and providing meaningful user choice. The tactics will vary from service to service but the underlying approach will be familiar.

By focusing on these kinds of metrics and developing corresponding transparency standards, EU policy interventions can better tackle the harms associated with problematic content online, while mitigating the negative impact on freedom of expression that blunt content removal obligations entail.

**We further support a harmonised notice-and-action mechanism** for illegal content as proposed by the D9+ group, which would clarify obligations and provide legal certainty in situations where content removal is the most appropriate solution, without overburdening SMEs or limiting users' rights to redress. Notice-and-action mechanisms should also include measures proportionate to the nature and impact of the illegal content in question.

## **REGULATION FOR A NEW GENERATION**

**In the digital world, content policy can influence the shape of markets.** "One-size-fits-all" approaches that fail to consider the vast array of differentiated services that make up our online environment risk having a disproportionate – and potentially crippling – impact on smaller players, thereby inadvertently helping to entrench large companies that have greater compliance resources.

Therefore, as regulatory mechanisms are considered, **we recommend a tech-neutral and human rights-based approach** to ensure legislation transcends individual companies and technological cycles. **Interventions like the recent EU Copyright directive remind us that there are major drawbacks in prescribing generalised compliance solutions.** These solutions have a regressive impact on smaller players and perversely incentivise the deployment of flawed technology. Moreover, we simply cannot anticipate how burgeoning technology will shape the services and platforms we use today. **Consequently, our rules must be sufficiently flexible to accommodate and allow for the harnessing of sectoral shifts,** such as the rise of decentralised hosting of content and data.

**This far-sighted approach can be ensured by developing regulatory proposals that optimise for effective collaboration and meaningful transparency between three core groups: companies, regulators and civil society.** While companies must take primary responsibility for designing and operating their services with diligence and care, co-regulatory oversight grounded in regional and global norms can ensure these efforts are effective, durable, and protective of individuals' rights.

We believe these positions and principles offer a path to an online society that renews the original promise of the Internet while deftly meeting our shared challenges. We ask the Commission, Parliament, Member States, and all stakeholders to consider our collective views while developing these historic laws which will likely govern our online lives for a generation, while setting another groundbreaking precedent for the world to follow.

In sum, we ask the EU to defend the Open Internet.

Signed:



**moz://a**



**vimeo**