

The EU's Orwellian Internet Censorship Regime



The technocratic crusade against so-called disinformation is in fact nakedly political and anti-democratic.

Laurie Wastell — August 24, 2023

The Internet is about to become a whole lot less free.

This Friday, August 25th, the EU's Digital Services Act (DSA), which it passed last year, comes into force. Among many other things, the DSA obliges large online platforms to swiftly take down illegal content, hate speech, and so-called disinformation—aiming, in the words of European Commission president Ursula von der Leyen, to “ensure that the online environment remains a safe space.” Very large online platforms (VLOPs) with more than 45 million monthly active users must abide by the rules from Friday; smaller platforms have until February to comply. Designated by the Commission back in April, the 19 VLOPs include all the big names—Google, Facebook, Instagram, Twitter/X, YouTube and Amazon—as well as smaller fries like Wikipedia, LinkedIn, and Snapchat.

The EU stands ready with an aggressive enforcement regime. VLOPs will fund a permanent European Commission taskforce on disinformation of some 230 staff, paying an annual ‘supervisory fee’ of up to 0.05% of their revenue. The taskforce will ensure that VLOPs abide by the EU’s hitherto voluntary disinformation Code of Practice. VLOPs must also publish an annual risk assessment, due on Friday, and act “diligently” to remove unapproved content. And if VLOPs fail to comply with these dictates, they can be fined up to 6% of their annual global revenue. Or they can be subjected to an investigation by the Commission and potentially even be prevented from operating in the EU altogether.

Minifive

In June, EU digital commissioner Thierry Breton, who has dubbed himself “the enforcer,” travelled to Silicon Valley to ram the point home. He met with Twitter/X owner Elon Musk to stress test its DSA compliance, as well as other tech bosses, including Meta CEO Mark Zuckerberg.

Meanwhile, smaller platforms are to be regulated by individual EU member states, who must establish national Digital Services Coordinators by February, as part of a “pan-European supervisory architecture.”

On top of this day-to-day censorship, the DSA also has a built in “crisis-management mechanism,” whereby in times of “extraordinary crisis,” the Commission can immediately oblige platforms to remove content. A “crisis” is defined as “an objective risk of serious prejudice to public security or public health in the Union or significant parts thereof.”

Whether this standard has been met is determined not by an independent body, or even by the toothless European Parliament, but by the Commission itself.

Does Ukraine count?

So what kind of speech is the DSA expected to police? Last year’s Strengthened Code of Practice on Disinformation defines disinformation as “false or misleading content that is spread with an intention to deceive or secure economic or political gain and which may

cause public harm.” The code has already been put to work during elections and to

“respond to crises,” such as COVID and the war in Ukraine.

Not on EU territory, not involving EU citizens...

Such measures are often billed as innocent and apolitical, merely steering users away from mad talk of 5G towers causing COVID, or cancelling out deliberate foreign interference.

But the reality is not so rosy. To see why, consider the European Digital Media

Observatory (EDMO), an EU-funded fact-checking hub which aims to “identify disinformation, uproot its sources or dilute its impact.” This downright sinister

organisation, which naturally claims to be “independent” and “impartial,” is essentially the EU’s answer to Big Brother. Launched by the Commission in June 2020 with a

budget of €13.5 million, it compiles reports on internet discourse across the EU. These include regular “fact-checking briefs,” “disinformation reports” for specific countries, and

“early warnings” on predicted disinformation trends, the better to “prebunk” them.

“Prebunking,” one EDMO presentation explains, is “the process of exposing lies ... before they strike.”

Fighting not only thought crime, but also prebunking

The EDMO’s output demonstrates how cynically the spectre of ‘disinformation’ is deployed by such bureaucratic entities. Take its 2023 briefing on disinformation in Ireland. The EDMO, we learn, monitors 12 online platforms in the EU member state on a regular basis, both mainstream platforms like Twitter/X, WhatsApp, and YouTube, and their less restricted alternatives, like Gettr, Telegram, and Odysee. The briefing lists numerous “disinformation trends” it has observed in Ireland which are said to cause “harm.” These include:

- “nativist narratives” which oppose migration, such as the hashtag “Ireland is full,” the slogan “make Ireland safe,” or prominent use of the Irish tricolour.
- “Gender and sexuality narratives” about drag queens and trans issues—these being “part of a wider ‘anti-woke’ narrative that mocks social justice campaigns,” and
- “environment narratives” like criticising climate-change policies and Greta Thunberg, which apparently “feed into wider anti-elite and ‘rural Ireland versus Dublin’ narratives.”

what's bad about this???

Clearly, what is common to such narratives is not that they represent ‘disinformation’—that is, “false information intended to mislead.” Rather, these are the expression of political opinions dissenting against the EU establishment. They represent opposition by the European public to unpopular policies favoured by European elites—in this case, mass

migration, transgender ideology, and Net Zero eco-austerity. This startling document reveals how the technocratic crusade against so-called disinformation is in fact nakedly political and anti-democratic. What is labelled ‘disinformation’ is really just any political narrative that the globalist EU establishment dislikes (indeed, even the term “globalists” is branded as wrongthink).

Which brings us back to the DSA. Under this Orwellian regime, a team of hundreds of unelected EU bureaucrats will decide what constitutes disinformation and instruct Big Tech firms to censor it. The firms themselves, faced with reputational risk and financial penalties, will have little choice other than to comply. This can be done in all manner of ways: simply by human moderators removing content, by shadow-banning problematic creators to reduce their reach, by demonetising certain content, and by tweaking algorithms to favour or disfavour certain topics. And though, legally speaking, the DSA only applies in the EU, once installed inside Big Tech firms, this vast content-regulation apparatus will surely affect users in the rest of the world, too.

What’s more, European regulations themselves have a habit of going global, in a process known as the ‘Brussels Effect.’ For instance, the EU’s General Data Protection Regulation (GDPR), a digital privacy law implemented in 2018, has now become the global standard. Many countries have adopted equivalent legislation, including Japan, Brazil, and post-Brexit Britain, as well as multiple U.S. states and tech firms. That the same could now happen with the DSA should worry us all.

Though the scope of the DSA censorship regime is chilling, it is less a reflection of the EU’s power than its growing instability. The German economy, industrial powerhouse of Europe and central to the strength of the Euro, is nosediving amid sky-high energy costs, the only G7 economy expected to shrink this year. This has prompted the rise of the right-wing populist *Alternative für Deutschland*, now polling at 20 per cent and Germany’s second most popular party—and which the fragile German government coalition is considering banning. Meanwhile, insurgent populist parties across the bloc, from Sweden to Austria to the Netherlands, have made huge gains in recent elections by opposing green policies and migration. EU elites have also been mired in Qatargate, a sordid corruption scandal in which top EU officials stand accused of taking cash bribes from the Qatari government. So with next year’s European Parliament elections looming, the EU political class is rightly fretting about a coming populist surge—indeed, even the centre-right European People’s Party is moving further to the right.

The bold and shamelessly authoritarian DSA, then, is the product of an embattled and increasingly unpopular EU establishment. This may be welcome news to the EU's critics. Nevertheless, it seems that the more the EU's legitimacy erodes, the more brazenly it will cling to power.

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