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Digital Services Act and New Competition Tool

Lie Detectors response to public consultations

Lie Detectors, an award-winning journalist-led media literacy campaign in Europe, welcomes the ability to respond to the Commission consultation on the Digital Services Act and the New Competition Tool.

In relation to the Digital Services Act consultation, Lie Detectors supports the introduction of Ex Ante Regulation for large online platforms with significant network effects acting as gatekeepers, and of a New Competition Tool.

The instinct of regulators and policymakers to hold large platforms like Facebook and Google to account for their role in the proliferation of online disinformation and in the undermining of quality journalism is right. With the necessary political will, solutions exist that will help rein in the epidemic of disinformation that is sweeping away trust in established facts, in scientific method and in democratic institutions designed to protect us.

The basis of such solutions lies in taking on disinformation at its source, that is, by taking on the business model of large platforms such as Facebook and Google which stoke outrage for revenue and engage in the “monetising of lies” as the European Commission itself has called it. Following the money and applying existing and new antitrust principles is a fundamental avenue for securing European democracy.

Other approaches have proven incapable of denting the outrage economy and its corrosive effects on democracy. Fact-checking initiatives has long been the darling of conflict-shy regulators and policymakers looking for quick and high-profile fixes. While laudable and valuable to an extent, these initiatives have proven to touch only the tip of the iceberg. Disinformation has continued to adapt, proliferate and confound the most experienced fact-checkers, evading detection in encrypted spaces and image- and video-based platforms owned by the largest and most powerful platforms. With little realistic recourse to alternatives, users remain trapped in a cycle of providing data for the platforms’ algorithms, which exacerbate the reach and effect of disinformation. Foreign powers continue to subvert democratic processes via manipulative campaigns on the largest platforms.

At the same time, the power of the platforms is has grown exponentially, not only via their dominant position but also through widely-reported influence-buying campaigns that have gone a significant way to co-opting the very information sectors they undermine: journalism and media organisations increasingly dependent on fact-checking contracts from the platforms; academia increasingly dependent on data-analysis contracts from the platforms, and even policymakers who see no alternative but depending on the platforms for rooting out illegal and borderline illegal content one post at a time.

The platforms' non-adherence to the EU Code of Practice on Disinformation, condemned repeatedly by the European Commission, highlights that self-regulation will fail when a business model built on trapping users and stoking outrage is at stake.

The ongoing pandemic has thrown this into sharp relief. Young people report being increasingly concerned about conspiracy theories circulating in their social media groups and have trouble finding reliable information online at a time when that information saves lives.

The European Commission is uniquely placed to withstand the pressures of the platforms and should use competition tools to investigate links between the advertising business model of the platform and the dissemination of disinformation.

Gatekeeper designation and a review of the liability regime of digital services acting as publishers should aim among other things to re-establishing some viability of journalism as a fundamental democratic service to EU citizens. The challenge posed by large platforms requires new tools in addition to traditional competition law enforcement in order to protect consumers' interests and democracy itself.

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Lie Detectors is an award-winning journalist-led media-literacy campaign in Europe. The non-profit organisation works with more than 200 professional journalists to secure democracy by empowering tens of thousands of young people and their teachers to tackle online disinformation and by fostering understanding of quality journalism. Our advocacy arises from the findings of our work with children and teachers across Europe and focuses on tackling disinformation from the demand perspective and the supply perspective. We have advised the European Commission as a member of the High-Level Expert Group on Fake News and Online Disinformation and the Media Literacy Expert Group.

When addressing the demand-side of disinformation, we support the integration of critical media literacy into school rankings gauges, school curricula and teacher-training curricula, and the independence of journalism and education from corporate interest.