

# EU warns Elon Musk over ‘disinformation’ on X about Hamas attack

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The EU has issued a warning to Elon Musk over the alleged disinformation about the Hamas attack on Israel, including fake news and “repurposed old images”, on X, which was formerly known as Twitter. The letter arrives less than two months after sweeping new laws regulating content on social media seen in the EU came into force under the Digital Services Act. If Musk, the owner of X, does not comply he can face a fine of 6% of his revenues from X or a total blackout in the EU. Thierry Breton, the commissioner responsible for the act, wrote to Musk to urge him to ensure “a prompt, accurate, and complete response” to the request to contact Europol, the EU police enforcement agency, and “relevant law enforcement agencies” within the next 24 hours. Breton reminded Musk that he needed to have “proportionate and effective mitigation measures to tackle the risks to public security and civic discourse stemming from disinformation”. “Following the terrorist attacks carried out by Hamas against Israel, we have indications your platform is being used to disseminate illegal content and disinformation in the EU,” wrote Breton. “Public media and civil society organisations widely report instances of fake and manipulated images and facts circulating on your platform in the EU, such as repurposed old images of unrelated armed conflicts or military footage that actually originated from video games. This appears to be manifestly false or misleading information,” he said. “Let me remind you that the Digital Services Act sets very precise obligations regarding content moderation,” Breton said, adding that changes in X’s public interest policies raised questions about his compliance to the new rules. Musk quit a voluntary code of practice set up by the EU earlier this year to enable social media companies to put in place systems to comply with the new laws. Facebook, Google, TikTok and other companies are participating in the code of practice and are removing disinformation under the new rules. He responded to Breton on X saying: “Please list the violations you allude to on X, so that the public can see them.” In a reference to the law’s requirement that platforms regulate their own content under the new laws Breton replied: “Up to you to demonstrate that you walk the talk.” Breton’s strongly worded letter told Musk: “First, you need to be very transparent and clear on what content is permitted under your terms and consistently and diligently enforce your own policies. This is particularly relevant when it comes to violent and terrorist content that appears to circulate on your platform. Your latest changes in public interest policies that occurred over night left many European users uncertain. “Second, when you receive notices of illegal content in the EU, you must be timely, diligent and objective in taking action and removing the relevant content when warranted. We have, from qualified sources, reports about potentially illegal content circulating on your service despite flags from relevant authorities.” Under the new laws social media companies must respond to complaints about illegal content within 24 hours. They can dispute

complaints by users, but there is an appeal process for consumers. There are concerns in Brussels that Twitter is not responding within 24 hours to complaints about disinformation or other illegal content such as hate speech within the required time. Breton asked Musk to “urgently ensure that your systems are effective” and to report back immediately to the EU over the crisis measures he has taken. “Given the urgency, I also expect you to be in contact with the relevant law enforcement authorities and Europol, and ensure that you respond promptly to their requests,” Breton added. In its briefings to press on the Digital Services Act, the EU has explained that those who are not participating in the voluntary code of practice will not be eligible to argue “mitigating” factors if it comes to punitive measures taken in Brussels. Breton told Musk: “We will include your answer in our assessment file on your compliance with the DSA. I remind you that following the opening of a potential investigation and a finding of non-compliance, penalties can be imposed.” X came under scrutiny in the past few days after concerns were raised about fake posts and Elon Musk’s recommendation of war coverage from accounts that have made false claims or antisemitic comments. Musk recommended two accounts on Sunday, writing: “For following the war in real-time, @WarMonitors and @sentdefender are good. It is also worth following direct sources on the ground. Please add interesting options in the replies below.”