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Social Media Regulation: European Approaches to Dangerous Online Content in International Perspective

Based on

The 2024-2025 EUCOS Policy Symposium

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By
Sophie Himka and Safaa Turner-Rahman
Henry M. Jackson School of International Studies

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Summary

The EUCOS Policy Symposium at the University of Washington discussed the highly relevant problems and impacts of social media content and the importance of regulation. The proliferation of mis/disinformation has only expanded in recent years and, as such, has affected the overall trust citizens have in processes like elections and the government. Discussions highlighted how European Union (EU) regulation such as the Digital Services Act (DSA) addresses the issue of social media content—in contrast with the First Amendment, which shapes regulation in the US, leaving gaps in the ability to regulate mis/disinformation.

A major theme of the symposium was the growing importance and evolving landscape of content regulation in the EU, US, and globally. The speakers traced the proliferation of problematic social media content and mis/disinformation through key events—Brexit, the first Trump presidency, the Christchurch shooting in New Zealand, the COVID-19 pandemic, the Cambridge Analytica scandal, and the Frances Haugen Facebook leaks—each instance illustrating either violations of user data privacy or the unchecked spread of harmful content due to weak regulatory frameworks. These cases underscored the challenges posed by third-party platforms and the significant gaps in the regulatory systems.

Within the US two existing regulatory aspects—Section 230 and the First Amendment—contribute to social media platforms evading accountability for harmful content. Section 230 complicates the process of regulating social media, and the First Amendment protects companies from liability for content posted by users. Together, these provisions immunize platforms from liability for posted content, establishing that internet service providers (ISPs) and social media platforms cannot be punished for moderating user content. This is further supported by the Good Samaritan Provision within Section 230, which explicitly states that ISPs cannot be held liable for the blocking and screening of material deemed “offensive” (Brannon & Holmes, 2024). Over the years, courts have expanded the applicability of these provisions. Substantively, companies can know that there is problematic content on their platform; however, they will not be held liable for allowing it to remain. Lack of transparency in content moderation practices also facilitate this evasion.

When comparing US regulation with that of the European Union, it is evident that the European social media regulation landscape is more comprehensive. For example, the European Union’s General Data Protection Act (GDPR) and the Digital Services Act (DSA) require companies to comply with strict provisions for data privacy and removal of harmful content. The

DSA plays a crucial role in this, particularly in its focus on regulating online platforms, increasing accountability for third-party companies, and, most importantly, requiring more transparency in companies' social media practices. The GDPR and the DSA have set a precedent for regulating social media content. The speakers ended the symposium highlighting the need for the US to adopt similar legislation to the GDPR and DSA in hopes of creating a more regulated social media content industry.

Keywords:

Social Media Regulation, Data Privacy, Digital Services Act, General Data Protection Regulation Act, Section 230, the Communications Act of 1934, First Amendment, European Union, Internet Service Provider, regulatory landscape, misinformation, disinformation, problematic content, social media, third party platform.

Relevance to Legislation:

The symposium speakers emphasized the potential for the US to adopt aspects of the EU's Digital Services Act (DSA) and its liability framework. They noted that concerns over the DSA's potential for over-blocking of content—illegal or otherwise—are mitigated by its systemic, risk-based approach, which requires companies to integrate robust content moderation systems from the outset. Specifically, this means that platforms must be highly transparent in their moderation policies, explaining in their terms and conditions, which must be visible and understandable to users, any content restrictions—as well as rationale for imposing them—and the explicit procedures and measures that will be used for the enforcement of these policies—including content removal and/or user bans (Crespo, 2024). Furthermore, the DSA also ensures transparency through comprehensive reports platforms are required to publish annually which include detailed insights into content moderation practices as well as how platforms manage harmful content—including the mechanisms and resources for ensuring compliance (Crespo, 2024). Importantly, the EU balances this regulatory system with protections for freedom of expression under the EU Charter, urging companies to weigh both free speech and the risks of harmful or illegal content. While criticism of the DSA include its general ambiguity in defining what is "illegal content" and "hate speech" due to the broad definition in the DSA, the US remains far less regulated under Section 230, which largely shields third party platforms from liability for hosting harmful or illegal content (Mchangama et al., 2022).

On data privacy, the speakers also pointed to the EU's General Data Protection Regulation (GDPR) as a strong model for regulating data collection and processing. In contrast, the US lacks a general federal privacy law, relying instead on a patchwork of federal and state regulations related to specific data types. Although California's general privacy law—the Consumer Privacy Act (CCPA)—represents progress, comprehensive federal legislation remains absent. The speakers expressed hope that elements of both the DSA and GDPR might, and moreover should, eventually inform US regulatory reforms.

Relevance to Existing Concerns:

The symposium speakers highlighted the intersection of several key problems facing society today regarding social media content. The increasing tensions between platforms, user content, and security persist as a significant area of concern, raising questions about what constitutes "acceptable" content and the company's role in moderating potentially dangerous and extremist content. In the current social media environment, young people and children present a key area of concern, because the content they are exposed to can be dangerous. Speakers emphasized the multidimensional nature of social media content regulation, including the dissemination of misinformation and disinformation, censorship, and the role of companies taking liability for the content posted on their platforms, as well as the impact of societal polarization.

Description of the Problem:

The key problem outlined by the speakers is the inadequacy of existing US legal frameworks for dealing with the regulation of online content and the spread of harmful material. Content regulation is not a new issue, but one speaker emphasized that the rise of social media over the past decade has dramatically accelerated the scale and impact of mis/disinformation. Under Section 230, US internet service providers and platforms like Meta's Facebook are shielded from liability for third party content, leaving moderation to the discretion of the platforms and offering users little legal recourse for harmful or defamatory material. This regulatory gap has allowed mis/disinformation to erode public trust in public online information, as well as elections, and democratic institutions.

The European Union's Digital Services Act offers a potential model for addressing these challenges through a co-regulatory model which emphasizes risk assessments, codes of conduct,

and audits to hold platforms accountable for and transparent in their content moderation process. The DSA model also aims to standardize and publicize industry actions while involving civil society and third parties more deeply in external oversight (Morar, 2022). The speakers argued that similar regulatory frameworks could encourage US companies to adopt more proactive content moderation practices while laying the foundation for a more comprehensive US regulatory approach.

Recommendations:

Social media regulation in the United States remains a pressing issue, with inadequate existing frameworks, it is imperative the US implement these proposed recommendations to establish an effective regulatory framework:

1. Standardize definitions of what is considered “illegal” and “unacceptable” content across social media platforms.
2. Strengthen existing regulations to require third party platforms to remove illegal content within a specified timeframe (Kennedy et al., 2023, p. 10).
3. Establish a social media industry association to standardize content regulation across platforms and facilitate the sharing of best practices among third party companies (Kennedy et al., 2023, p. 10).
4. Classify third party platforms as common carriers or public utilities, enabling the government to impose requirements on how they distribute or manage information as essential public services (Cen et al., 2022).
5. Allow government and civil lawsuits against third party platforms, their CEOs, and executives for violations of a platform’s own content standards (Kennedy et al., 2023, p. 13).
6. Revise Section 230 of the Communications Decency Act (CDA) allowing companies to be held accountable for harmful content on their platforms (Matthews et al., 2023).

Sources:

Cen, S. H., Ilyas, A., & Madry, A. (2022, December 19). *What's There to Know About Regulating Social Media in the US?*. Thoughts on AI Policy. https://aipolicy.substack.com/p/socialmedia2

Crespo, A. (2024, November 18). *Understanding the Impact of the Digital Services Act (DSA) Requirements on Content Moderation*. Stream. https://getstream.io/blog/dsa-moderation-requirements/

Kennedy, R., Lawrence, W. Y., Roundtree, J. (2023). Social Media Regulation: How should we decide what speech is acceptable/unacceptable on social media. *University of Houston-Downtown Center for Public Deliberation*. Retrieved June 11, 2025, from https://www.uhd.edu/documents/academics/humanities/news-community/center-public-deliberation/social-media-regulation-issue-guide-2023.pdf

Matthews, L. J., Williams, H. J., & Evans, A. T. (2023, October 20). *Protecting Free Speech Compels Some Form of Social Media Regulation*. RAND. https://www.rand.org/pubs/commentary/2023/10/protecting-free-speech-compels-some-form-of-social.html

Mchangama, J., Alkiviadou, N., & Mendiratta, R. (2022, May 5). Thoughts on the DSA: Challenges, Ideas and the Way Forward through International Human Rights Law. *The Future of Free Speech*. Retrieved June 18, 2025, from https://futurefreespeech.org/thoughts-on-the-dsa-challenges-ideas-and-the-way-forward-through-international-human-rights-law/

Morar, D. (2022, August 23). *The Digital Services Act's lesson for U.S. policymakers; Co-regulatory mechanisms*. Brookings. https://www.brookings.edu/articles/the-digital-services-acts-lesson-for-u-s-policymakers-co-regulatory-mechanisms/#:~:text=The%20DSA%20is%20being%20approved%20by%20the,and%20build%20voluntary%20commitments%20to%20mitigation%20methods