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# WHY HAS THE EU BEEN LATE IN REGULATING SOCIAL MEDIA PLATFORMS?

Hannu Nieminen , Claudia Padovani  and Helena Sousa 

*In 2021 and 2022, the European Union (EU) launched a series of proposals aimed at improving internet regulation, benefiting both European industries and services, as well as European consumers or internet users. These measures have been watched from around the globe because they can be seen as a first attempt to create a meta-level regulatory environment for the digital economy that effectively challenges the domination of the Big Tech conglomerates of the US and China. However, even if the new EU regulation proves effective, how effective can they be in challenging the fundamental dynamics of the internet and digital economy that the internet enables? In the present article, we attempt to answer why the EU has been late in regulating social media platforms, which play a central role in the internet-based digital economy. We will base our argumentation on a critical reading of the history of the internet and its regulation from its early days to the 2020s.*

**KEYWORDS** EU media and communications policy; internet regulation; internet governance; social media platforms

## Introduction

In 2021 and 2022, the European Union (EU) launched a series of proposals aimed at improved internet regulation, benefiting both European industries and services, as well as European consumers or internet users. The proposals – the EU’s “Big Five” – include, among others, the Digital Services Act (DSA), Digital Markets Act (DMA), Data Governance Act (DGA), Data Act (DA) and Artificial Intelligence Act (AIA) – and more are yet to come. These measures have been watched from around the globe because they can be seen as a first attempt to create a “meta-level” regulatory environment for the digital economy that effectively challenges the domination of the Big Tech conglomerates of the US and China. The first step on this road was the EU’s General Data Protection Regulation (GDPR), which forced all internet users around the globe to follow EU-stipulated standards for online privacy protection.

However, even if the new EU regulation proves to have an impact, both in stimulating European industries and in services and promoting European values, how effective can they be in challenging the fundamental dynamics of the internet and digital economy that the internet enables? Concerning the overwhelming market domination by the Big Tech corporations, the EU’s regulatory approach remains reactive, aiming at managing the worst effects of digital market failures but incapable of changing the root problem,

which lies with the sovereignty of the Big Tech companies, as guaranteed by the legislation of their home countries.

In the present article, we attempt to answer why the EU has been late in regulating social media platforms, which play a central role in the internet-based digital economy. We will base our argumentation on a critical reading of the history of the internet and its regulation from its early days to the 2020s. The material mainly comprises previous histories and personal accounts of the early days of the internet, as well as policy documents by the EU bodies.

The structure of the article is as follows: First, we will review the birth of the internet as it is known today, from the late 1950s and the Sputnik shock to the discussion on “the Metaverse” in the 2020s.<sup>1</sup> After this, we will briefly analyse the differences in the domestication of media and communications technologies, from print and electronic media to the internet. In adopting the “new” media technologies before the internet, the European countries applied European cultural and legal values, for example, copyright, freedom of the press and public service broadcasting. In the case of the internet, this has not happened, at least in the same way and to the same degree. Until 1990, the internet was non-commercial and heavily financed by the US government before being privatised and left to market self-regulation.

Third, we will study the four logics that have played a role in the development of the internet: national security (by the Pentagon); academic autonomy and the openness of science (universities); corporate interests and commercial secrecy (ICT industry); and the monopolistic interest of the network owners (telecom companies). Next, we briefly examine the problems of global internet governance and how the conflicting claims are reflected in its multistakeholder framework. Our particular interest concerns the role of the EU in this governance structure. Before a short conclusion, we will draw our arguments together and answer the question posed in the title: Why has Europe been late in regulating social media platforms?

## Background

In recent years, social media platforms have been the targets of increasing international criticism. One of the more notable occasions was the hearing of Frances Haugen, previously a product manager on the civic integrity team at Facebook, at the US Congress and at the European Parliament in autumn 2021. According to her testimony, the company has, for years, concealed reports exposing the negative effects of its services and continuously broke the promises to change its procedures (The Guardian 2021a). At the time of her testimonies, a global breakdown of all of Facebook’s services were taking place (Facebook, Instagram and WhatsApp), exposing the vulnerability of the internet’s infrastructure in concrete terms (The Guardian 2021b; The Independent 2021).

Today, the services that facilitate interactivity between citizens, public authorities and commercial actors are increasingly dependent on digital platform companies, such as Meta, Google and Microsoft. The problem, however, is that, although these platform companies fulfil crucial public functions, they are not accountable to democratically elected bodies (Baldoni 2018; Jankowicz 2020; Rosenberg 2021; Tsesis 2017). Because of the lack of international legislation and weaknesses in coordination between national legal systems, these platforms have been able to carry on

without effective control. Only in cases when they have manifestly broken national law can national authorities force them to change their procedures and pay fines, which has been quite substantial in some cases (Delcker 2019; Reuters 2021).

However, control of these platforms has been reactive and unsystematic. Although the criticism of their actions has continued for several years, and the US Congress, among others, has, on several occasions, debated more stringent control over the companies, decisions for their more effective control have not been implemented (Brown and Solender 2021; Jalonick and Tucker 2019; Schouten and Kelly 2018).

In the last decade, the EU has launched several policy initiatives aiming to strengthen Europe's global position in the global digital economy and promote cooperation between its member states.<sup>2</sup> Simultaneously, the EU has become increasingly concerned about the ever-growing power of digital platforms. However, despite these grand initiatives, in practical terms, this has most often meant only amending existing EU acts and directives, such as the Audiovisual Media Services Directive (AVMSD) and the EU's Copyright Directive (EC 2023a; EC 2023b). This has led to the mounting fragmentation of the regulation of digital platforms and tensions between partly overlapping regulations (see Dreyer et al. 2020; Savin 2020).

One of the most important EU regulations before 2022 was the GDPR, which has been active since 2018 (EU 2016). Although digital platforms were not the main target of the GDPR, they have had a major influence on their activities. Thus, the GDPR has shown – also outside Europe – that when there is political will, the regulation of digital platforms, here following the EU's basic mandate, is fully possible. (See Peukert et al. 2020.)

The GDPR paved the way for the EU to address digital platforms more directly. In 2022, the EU adopted the Digital Services Acts Package, consisting of the DSA and the DMA, which made digital platforms accountable not only for their services as such, but also for their societal and cultural consequences (EC 2022b). Their tasks include monitoring and controlling the dissemination of mis- and disinformation, monitoring targeted advertising and prohibiting its misuse, increasing the openness of algorithms that collect user information and monitor its usage, and setting special obligations to the biggest digital platforms that enjoy a gatekeeping position in their market areas (IRIS 2021). However, as promising as DSA and DMA might be from the viewpoint of their democratic regulation, their effectiveness can be assessed only after we have sufficient evidence of their implementation in EU countries.

### **Starting Point: The Birth of the Internet**

If the negative effects of digital platforms' ways of working are widely known and recognised, why has it been so difficult to regulate them more effectively and strengthen their accountability? We can try to look for answers by analysing the history of the internet. As many of its original innovators and developers stated at the start, the purpose was not to build a global communications network crossing all borders. Between 1950 and 1970, several countries (the United States, the UK and France), as well as the European Community, started to plan their applications for a communications technological infrastructure to serve national military, commercial, industrial and administrative needs (Kerssens 2020; Shahin 2006).

President Dwight Eisenhower is usually credited as the initiator of the process that later led to the internet. The story starts in 1957, when the Soviet Union launched Sputnik, the first-ever satellite, paving the way for the military use of space. According to this story, as a response to the “Sputnik shock”, Eisenhower introduced a plan for a military communications system strong enough to survive a possible nuclear attack. In 1958, the US Department of Defence (Pentagon) invited representatives of all service branches – the Army, the Navy and the Air Force – to participate in the Advanced Research Projects Agency (ARPA), which was tasked with developing a new communications system based on interacting computers (Ryan 2010; Seel 2012).

For the project, the Pentagon gathered a group of experts from several institutions with diverse backgrounds. During the 1960s and 1970s, in addition to the Pentagon, several universities and their research laboratories were involved (Stanford, UC at Los Angeles, UC at Santa Barbara, Utah and Harvard), as well as information and communication technology (ICT) think tanks and companies (RAND, Xerox, IBM, Sun Microsystems and Honeywell). Through universities, the project engaged leading ICT researchers and their students. The leading telecom company American Telephone and Telegraph (AT&T) was also invited, but the company declined the invitation because it feared for its monopoly position in the national telephone industry (Ryan 2010).

From 1958 to 1994, the development of the internet was funded by government and served the interests of public administration and national security. In 1983, the project was divided into two branches: the Pentagon continued the development of its MILNET network, while the construction of non-military applications was transferred to the responsibility of the National Science Foundation (NSF) under the Department of Education. The results benefitted all parties: solutions for military purposes, applications for academic basic research, advances for universities’ ICT infrastructure and resources for the communication and data management needs of the ministries (Cerf 1997; Naughton 2016; NSF 2003).

Because the ARPA and NSF did not suffer from a shortage of funding, the partnering ICT companies benefitted from publicly subsidised R&D activities. This was shadowed by the interest conflicts between the industries: the ICT industry wanted to concentrate on digital computing and data management, while the telecommunications industry was interested in exploiting existing telephony technology and networks (Naughton 2016; Ryan 2010).

A crucial step in the history of the internet took place at the turn of the 1980s and 1990s as the US government closed the public funding of the internet in 1993 and offered the responsibility for its further development and exploitation to commercial companies. Now, the telecom operators who owned the information networks were free to advance their businesses and remodel the internet according to their interests. The World Wide Web operating system, as developed by Tim Berners-Lee at CERN, was published at the same time, allowing internet users easy access to the network and them to work with data in the network environment. One of the first commercial forerunners to exploit the new opportunity was America Online (AOL), an American network company that already had 3 million active users in 1995. At that time, this development was strongly supported by the US government. Vice-President Al Gore introduced the US vision for the Global Information Infrastructure (GII) at the first World Telecommunication Development Conference in March 1994, which led the Organisation for Economic Cooperation and Development (OECD) to publish its policy recommendation for the build-up of GI1 a few

years later (NTIA 1995; OECD 1997). The commercial march of the internet had started (Seel 2012).

The turn of the millennium was still dominated by Web 1.0 technology, which was built on an open web principle. After the user paid the operator a monthly subscription, the internet was principally free, and every user could add content according to their wishes. This required, however, the skills to operate HTML code, which significantly restricted the number of content producers. Thus, Web 1.0 technology mostly supported one-way types of services: use of digital directories, information seeking, application of public services and so forth. Interactivity was still rather minimal. Around 2004, a shift to Web 2.0 technology took place, characterised by new interactive services that could function without the user mastering the HTML code and by just clicking the service's symbol on the screen.<sup>3</sup> However, what lies behind the screen, invisible, are the numerous different applications that make the services possible. It is estimated that the tech stack of Facebook alone includes over 20 different applications.<sup>4</sup>

Today, the work on the internet's further development is actively on way: there are visions of the new generations of web (Internet of Things [IoT], Web 3.0, Web 4.0), as well as the metaphorical "Metaverse" (see Ravenscraft 2022). As mentioned above, public services – both those offered by public authorities and those produced by private producers, such as banking and transport services – are increasingly available only on the internet. At the same time, societies have become increasingly dependent on a few global internet and digital platform companies.<sup>5</sup> They have become part of the critical public infrastructure, though their management and decision making take place fully outside democratic control and are administered by their private owners.

### **The Difference Between the Internet and Previous Media Technologies**

We suggested above that the growing dependency of Western societies on their services and the historical institutionalisation of these dependencies complicate the regulation of the internet and digital platforms. An additional view might be offered by comparing the history of the adoption of previous media and communications technologies in Europe and the United States. A quick comparison shows that the societal application of the internet has differed significantly from the way that some other communication technologies – the print media and radio and television broadcasting – were embraced in Europe and the United States.

From its early years in the late-1500s, print media was a target of strict political and ideological (religious) control aimed both at the technology that allowed the printing of forbidden content (i.e. the licensing of the printing houses) and at the preparation and distribution of the printed matter containing prohibited views (the pre- and postcensorship) (Clegg 2005; Tortarolo 2005). Along with the birth of European nation-states and their gradual democratisation, this control was given a solid legal basis in national legislation. In this respect, the starting point for the United States was slightly different: in the First Amendment to the Constitution of the United States, decreed in 1787, censorship of any kind was strictly denounced by the doctrine of Freedom of Expression. Since then, this has been subjected to a constant fight over interpretation: Who can claim ownership of this freedom – the government, the owners of the press or other media or ordinary people as members of democratic society?

Another point of difference concerns copyrights. The first international convention on copyright was the Berne Convention in 1886, initiated by France, which laid out the European concept of copyright based on the right of the original creator to the work of their creation. According to this, the creator has two kinds of rights to their work: moral and material. Moral rights stipulate that the work cannot be modified without the permission of the creator, nor can it be used against the original purpose of the creator; additionally, the creator has an inalienable right to be mentioned as the creator of the work. Material rights allow the creator to receive compensation for public use of the work (Berne Convention 1988). The difference between European and US copyright concerns the *moral dimension*: US law did not recognise the creator's moral rights but exclusively emphasised the safeguarding of right-holder's (who might not be the original creator) material rights. A partial change in this came only in 1981, when the United States, together with China, was among the last UN member states to join the Berne Convention.

A basic difference between Europe and the United States has prevailed in the fields of telecommunications and electronic communication. European telecommunications (telephony and telegraphy) were controlled by state monopolies until the early 1990s: telecommunications companies were state owned, and telecommunications networks were state property (with a few exceptions, including Finland). In radio broadcasting, the situation was the same: by the mid-1930s, European broadcasting was taken over by state-owned companies (except for Luxembourg, where a private commercial broadcaster functioned from 1933 to 1992).<sup>6</sup> When it arrived in Europe in the 1950s and 1960s, television was organised similarly. The state monopoly on European radio and television ended in the 1990s, when broadcasting licences were opened for commercial broadcasters to tender (Grande 1994).

In the United States, the situation was different. Both telecommunications and electronic communication were run by private companies competing commercially with each other. The public interest was covered mostly by the Antitrust Law, which, in the field of telecommunication, was applied to split the AT&T-owned Bell System company, which had a practical monopoly in US telecommunications, into seven "Baby Bell" companies (Lehr and Kiessling 1999; Pagliery 2014). Radio broadcasting was already based on private radio stations in the early 1920s, and when television arrived from the 1940s onward, the same principle was applied to television broadcasting (see Middleton 2003; Ruvalcaba García 2007). The US-wide networks of public broadcasting (National Public Radio [NPR] from 1970 and Public Broadcasting Service [PBS] from 1969) have a rather limited audience base, and they are shadowed by commercial broadcasters. Both the NPR and PBS are funded by private and corporate donations, local and state-level authorities and educational institutions (CPB 2012). Compared with commercial broadcasting, the public influence of NPR and PBS is marginal.

Thus, with previous media and communication technologies, there were two differing regulatory cultures representing two different value systems and concepts of the relationship among the state, media, citizens and society:

- Europe: Society has the responsibility to enhance citizens' access to information; public communication (by media) is public service, and even if it is provided commercially, it should be conditional to the public interest; all communication must have strong protection of privacy (Baumer, Earp, and Poindexter 2004).

- The United States: Information and communication is a business similar to other services and commodities; freedom of speech is principally the freedom of the publisher, not citizens, and should not be restricted by other means than criminal and competition laws.

As argued above, in the cases of the previous media and communication technologies – print and electronic media – European societies operated on a balance between the two different regulatory regimes: the European and the American (United States). Why was this not the case with the internet? Why is it that the European regulatory framework has accommodated the US-based regulatory approach, which has the main emphasis on the economic dimension of the media, leaving social and moral dimensions secondary? To put it crudely, in the US model, the success of media companies is measured by the monetary potential of the users of their services, not the content of the media, its quality, usefulness, relevance or truthfulness (see, e.g. Beens 2020; ECFR 2020; Komaitis and Sherman 2021).

### The Four Logics of the Internet

As mentioned above, there were four important actors in the process of making the internet: the military-industrial complex, universities and their research laboratories, ICT companies, and telecommunication corporations. Each actor brought their values and interests with them.

- The primary need for the Pentagon was national security, which required the building of a closed, non-public communication system.
- Universities brought their interest in basic research, which entails openness, free communication and academic autonomy relating both to scientific achievements and their practical application.
- The ICT companies aimed at innovations to be commercially exploited with patents, here based on corporate secrecy – the opposite of openness.
- Telecommunication corporations saw potential in the internet for immense growth in the distribution of commercial contents, which required a rapid increase in the network capacity; this can best be seen in defending the monopoly of AT&T.

How were these different logics and conflicting interests negotiated and settled in practice? The solution was, incidentally, already included in the original division of work between the actors. The continuous development and update of the information-technological architecture of the internet were left to the computer and data engineers and developers, as well as different groups of “tech lovers”, recruited through universities and their laboratories (Hafner and Matthew 1998). This was based – and still is – on the claim of academic autonomy and the idealist “sharing economy” thinking: the solution of the technological problems and challenges in the name of public interest (Aigrain and Aigrain 2012; Barbrook and Cameron 1996). This was joined from the beginning by a libertarian, anti-statist ideology, which historically has a long tradition in the United States (and especially on the US West Coast; Chenou 2014). The military applications were built on this public and open basic infrastructure (by MILNET). This was divided into two directions: the development of weapon technology and digital management systems, and the construction of digital monitoring and surveillance applications.



When the US government gave up in the early 1990s from financing and keeping the internet up, ICT companies concentrated on developing new commercial applications for both business users (B2B) and consumers (B2C). Google, established in 1998, was one of the main proponents in the development of platform services from Web 1.0 to Web 2.0; Facebook, established in 2004, started the age of social media; Spotify was the first to provide streaming music services online in 2006; Netflix launched the internet-based delivery of videos and movies in 2007.

Until 2010, telecommunications companies operated mostly as internet service providers (ISPs), serving as mediators between content producers and internet users. The development of network technology and the emergence of Web 2.0 have enabled them to expand to new profitable markets. The first extension took place in wireless networks. Installing a fixed high-speed fibre network is expensive, and it takes many years to start to benefit from the investment. The construction of a wireless network is much more cost effective and includes fewer risks. As an example of the rapid spread of wireless networks, the operation of mobile networks started in 2007 in Finland; in just 2011 alone, the number of subscriptions increased from 2,700,000 in January to 4,700,000 in December (Singh 2015).

The second extension concerned content services. Telecommunication companies had long been satisfied acting as intermediaries, delivering content services from producers to users or customers. Because these companies already managed the distribution channels, they saw an opportunity to compete as content producers against the original production companies. This resulted in a situation in which national and local telecoms began to provide their own commercial paid services through their networks. Faced with this, the big content producers started to buy telecommunication companies to weaken the competition and secure the provision of their services (e.g. Disney and MGM); on the other hand, big telecommunication companies bought content producers to increase the volume of their content provision (e.g. Verizon Media and Warner Media).

This resulted in a situation in which the principal responsibility for the development and update of the internet's technological development was left with ICT experts and data activists, whose main motive was non-commercial, asking them to find solutions to the challenges and problems created by the new technology. They coordinated their work globally, among other platforms, within the framework of the Internet Society (ISOC).<sup>7</sup> Without this group of dedicated activists, the function of the internet and social media platforms as it is today would not have been possible.

### **Problems with Internet Governance**

The special birth and development history of the internet, as described above, is also reflected in its global governance. There is no single competent international body or organisation that has the mandate to regulate and control the workings of the internet. This has made internet governance a complex and conflict-ridden area of policy planning and policy making, creating a wide and articulated field of research that cannot be fully covered here (Savin 2020; Taylor and Hoffman 2019). The structures and entities that have played central roles in internet management include, among others, include the Internet Corporation for Assigned Names and Numbers (ICANN), Internet Engineering Task Force (IETF) and World Wide Web Consortium (W3C; see Hoxtell and Nonhof 2019).

By the early years of the 2000s, there were increasing voices raising worries and proposals to address the many internet-related issues regarding public interest. It became clear that the internet needed more coherent global governance. A serious attempt in this direction was the World Summit on Information Society in 2003–2005, hosted by the UN body International Telecommunication Union (ITU). Major reflections and definitional debates around internet governance were started in the preparation process and in the actual conference, as a result of which the Internet Governance Forum (IGF) – a consultative body representing different stakeholder groups – was established. Since its first meeting in 2006, the IGF has, in practice, though without competence for decision making, taken the role of a discussion forum between governments, the business world, and the researcher and data activist community.

Assumedly, the idea was to create IGF as an example of working multi-stakeholder governance in a global environment. In practice, the discussion on multi-stakeholderism stagnated as the power asymmetries between multiple parties became too obvious. In IGF, the power relations between the partners became clear: the global companies applied the owners' power, the governments guaranteed the legal framework needed for the internet, technical community worked around technical functions, researchers analysed and helped develop theories of and strategies for digital regimes, and the activist groups tried to uphold democratic principles and values in the forum's discussion (Cammaerts 2011; Haugen 2020; Savin 2020; Taylor and Hoffman 2019).

The EU has long aimed to establish a relevant role in global internet governance (see Rollet 2001). The European approach, as presented in the documents of the Council of Europe as well the European Union, has consistently emphasised democratic values, human rights and the rule of law in the digital world. On the other hand, the policy documents by the European Commission (EC) have aimed at balancing European values with industrial and commercial interests, as shown, for example, in EC Communication "Towards a Global Partnership in the Information Society – Follow-up to the Tunis Phase of the World Summit on the Information Society (WSIS)" in 2006 (EC 2006), EC Communication "Internet Policy and Governance: Europe's Role in Shaping the Future of Internet Governance" in 2014 (EC 2014) and the EU's most recent Policy Programme "Path to the Digital Decade" (EC 2022a,c).

In practice, despite its global ambition, the EU's participation in the governance of the internet has been limited to the European level. It takes place through such bodies as the European Dialogue on Internet Governance (EuroDIG, established 2008), the High-Level Group on Internet Governance (HLIG, established in 2004), the European Union Agency for Network and Information Security (ENISA, established in 2004), the European Telecommunications Standards Institute (ETSI, established in 1988), and other agencies. At the EU administrative level, the Directorate General for Communications Networks, Content and Technology (DG CONNECT) carries the main responsibility for issues related to internet governance, although several other directorates play a significant role, sometimes causing their agendas and goals to clash (see Savin 2020).

In sum, the global governance of the internet is still primarily dependent on the self-regulation of commercial actors. Their legal status and responsibilities are stipulated in the national legislation of each actor's home country. As mentioned above, in the United States, where most of the giant tech companies are based, media and communication regulation is traditionally based mainly on competition law (antitrust law), which is in contrast to the European regulatory principles that aim at balancing industrial and commercial

interests with the cultural, democratic and social implications of media and communication (EC 2018; Lehdonvirta 2022).

### Why Has the EU Been Late in Regulating the Internet?

As stated at the beginning of the present article, criticism of digital platforms is not new and has a long history. Why has Europe not acted earlier if problems have been visible for years? With previous media and communication technologies, European countries were capable of acting differently and adjusting or “domesticating” the technologies to serve European values. As an example, in the case of the European broadcasting policy, the EU’s Amsterdam Treaty (1999) stated, “[...] considering the fact that public service broadcasting, in view of its cultural, social and democratic functions which it discharges for the common good, has a vital significance for ensuring democracy, pluralism, social cohesion, cultural and linguistic diversity” (EU 1999, 1). Why has this not happened with the internet? The explanation cannot be found merely from European media and communication policy and regulatory development; instead, we must seek answers more broadly considering changes in economic, political and social relations.

One possible starting point is offered by the significance of digital technology and computerisation for the recovery of the global economy from its downturn of the 1960s and 1970s as the economic recovery after World War II started to slow down. Europe’s leading economists convinced political decision-makers of the necessity to invest in advanced ICT to make a successful transformation from an industrial society to one characterised by an expanding service sector (Shahin 2006). In the 1970s and at the beginning of the 1980s, the European Economic Community (EEC) (later to become the EU) attempted to address the lead of the US in ICT and the internet by first promoting the European Informatics Network (EIN), which started in 1976; this was based on collaboration between several national networks, which was also its main problem: EIN could not overcome the challenges of technological compatibility.

The next European initiative was the Euronet project, which was functional from 1980 to 1984. Compared with ARPANET, the main difference was that Euronet was based on collaboration between state-owned national telecom companies. It was in their corporate DNA to want to control not only the physical network, but also the ways of using it (Shahin 2006). Second, unlike ARPANET, Euronet was initiated in a political fashion from above to promote the EEC’s development into a European information community. In practice, Euronet was poorly funded compared with ARPANET; additionally, its goal was limited to opening only public data archives and databases for common use. It was not planned to be open to all, and it was not designed for full interactivity (Badouard and Schafer 2013; Kerssens 2020).

At the beginning of the 1980s, trust in state-led industrial and investment economic policies began to wane. New sources for growth were frenetically explored. In one direction, the solution was sought from a geographic extension to the developing economies in Asia, Africa and Latin America, here by using methods that were later deemed neocolonialism. In another direction, growth was pursued in the internal markets of the developed economies in Europe and North America, especially from areas of the economy that, until then, were protected from private profit-seeking in the public sector. The age of neoliberalism had arrived.

At the core of neoliberalism, here translated in specific contexts by approaches characterised as Reaganomics and Thatcherism, is a belief that the public sector – the areas of the national economy producing public services and public goods – are by nature economically ineffective and underproductive. The larger their share of the national economy, the less it leaves to private entrepreneurship, which is the main or even only source of growth. The claim is that markets with economic competition (or profit-seeking behaviours) produce services and goods more effectively than the tax-financed public sector (Crouch 2004; Gamble 2014; Streeck 2014).

This ideological stance led to two complementary conclusions. First, the production of public services must be transferred to market-based production as broadly as possible. This privatisation of the public sector was extended to all potential areas of public life in Europe: social security, social care, health care and education; however, it was always within the limits of the political and social balance in each country. Second, the public authority was given a new task – to endorse a market economy, deregulation must be expedited, meaning that legislation and administrative practices that hinder private profit-seeking must be removed (see Cordelli 2020).

In the midst of these developments, in the realm of European media and communication policy, two different strategic approaches were promoted. The first was presented in 1993 in the European Commission's White Paper "Growth, Competitiveness, Employment: the Challenges and Ways Forward into the twenty-first Century" (the so-called Delors White Paper), which proposed "a rather neo-Keynesian" policy of developing a pan-European information infrastructure to advance European economic growth and competitiveness (Feijóo, Gómez-Barroso, and Karnitis 2007). The White Paper was soon followed by another influential document: "Europe and the Global Information Society: Recommendations to the European Council" by the EU High-Level Group on the Information Society ("Bangemann Group"), which adopted an opposite position and advocated for "a clearly neoliberal position", stressing the liberalisation of telecommunications and the role of the private sector in the process (for more, see Michalis 2007). In practice the Bangemann vision won "to the extent that, with the benefit of hindsight, one can question whether information society policies did not just function as the sugar around a policy of telecommunication liberalisation" (Feijóo, Gómez-Barroso, and Karnitis 2007, 9; Savin 2020).

This meant, among other things, selling public telecommunication companies to private operators, as well as giving up the state monopoly in radio and television broadcasting. In many European countries, the ownership of telecommunication networks was transferred to global corporations, resulting in the weakening of national internet service operators. A similar development took place in radio and television, where ownership was concentrated on a few international companies. All of this resulted in the weakening of national media and communication legislation; with the increase of foreign ownership, control and decision power were also transferred abroad.

The ability of the EU to answer to the expansion of new media and communication technology was complicated by the fact that, in the 1990s and early 2000s, Europe was facing several simultaneous challenges: it was reacting to the collapse of the Soviet Union and its political, social and economic repercussions; recovering from the deep global economic and financial crisis of the early 1990s; starting the process of EU's expansion to new countries in the Balkans and Central and Eastern Europe; and preparing for the renewal of the EU's basic treaties.<sup>8</sup> Tensions between the Delors White Paper's more

interventionist emphasis and the neoliberal ethos of the Bangemann Report can be seen in the EU member countries' information society strategies that promoted more national competitiveness and technological advancement than common pan-European gains and values (Ahokas and Kaivo-oja 2003; Henten, Skouby, and Falch 1996).

In the field of ICT, the years between the mid-1990s and early 2000s were years of strong optimism and trust in the beneficial effects of digitalisation. The expansion of the internet was believed to improve democracy and citizens' opportunities for participation and political engagement. As part of proliferating information society strategies, projects promoting "e-democracy" and "virtual democracy" began in several countries, including, among others, experiments on distant online voting. However, most projects were abandoned when their funding period ended (see Kotsiopoulos 2009).

The reasons for optimism were offered, among others, by the rapid extension of the broadband network and technological development that it promoted<sup>9</sup>, along with the digitalisation of television and radio broadcasting. At the start of the 2000s, however, a major setback was experienced when financial speculation, induced by the growth expectations linked with fast technological development that digitalisation presented, led to a crash of the stock market value of the leading ICT companies, losing billions of euros.<sup>10</sup> In the 2010s, the conception of the internet as the vanguard of virtual democracy turned into a more realistic attitude: the restrictions linked with its wider application became obvious (the limits of interactivity and public discussion), as well as the potential for its misuse (identity theft, disinformation, etc.).

As mentioned above, at the start of the new millennium, the EU was debating the future of the Union – or rather, its member states were arguing about the way forward. A new constitution for the EU was being prepared, which would bring a major step towards a political union. At the same time, the EU was finalising its new round of expansion, with 10 Central and Eastern European countries, as well as Cyprus and Malta, to be accepted as new members.<sup>11</sup> A major setback for European optimists was the rejection of the draft for the European Constitution in referendums in both France and the Netherlands. In this way, in a situation when the internet was assessing the new stage of Web 2.0 and a clear pan-European position about the direction of the internet's development was needed, the EU suffered from a political weakness in successfully promoting its positions in the ever more complex field of information technology and communication.

The problem of foreseeing the direction in which the internet was moving is illustrated by the problem of predicting the implications of Web 2.0 and its new interactive affordances. Web 2.0 allowed for the development of completely new forms of interactive services and opened the field to previously unprecedented interactivity and participation, which Facebook was the first to exploit on a wide scale (Boyd 2015; van Dijck 2013). In the early years of the 2010s, Europe had a few of its "own" social media services, which, however, were marginalised during the decade. Most of them have ceased to exist, and some have stayed as communication forums for smaller activist groups.<sup>12</sup> Along with the coming of Web 2.0 began the process of centralising the services and technology behind them into the hands of a few global corporations (the "Big Tech": Google, Apple, Meta, Amazon and Microsoft). The legal framework of their home country, the United States, was not designed to manage this oligopolistic development.

Although the negative consequences caused by the concentration of ownership of the platforms were already recognised in the early years of the 2010s, critical debates aiming to correct the situation started relatively late in the US Congress (e.g. Allyn 2020;

Chamberlin 2011; CRC 2021; Mims 2011). On the other hand, in Europe, this discussion has a long history. One of the first measures was the directive on electronic commerce in 2000, which covered only a part of the impact that digitalisation had on Europe and its global competitiveness. Only with the European Single Digital Market Strategy, which was adopted in 2014, was the EU's more ambitious attempt to respond to the challenge by the United States and Japan, as well as by the ascending China in digitalisation, realised (EU 2015a). Measures for the regulation of digital platforms were divided without a clear connection between the three pillars of the strategy: "Better access for consumers and businesses to online goods and services across Europe", "Creating the right conditions for digital networks and services to flourish" and "Maximising the growth potential of our European Digital Economy" (ibid.).

Among the most recent EU instruments to regulate digital platforms have been, first of all, the recent DSA package (see above); the GDPR (EU 2016), which set strict obligations to the ISPs in the collecting and using the internet users' details; the Open Internet Access Act (EU 2015b), which rules on the network neutrality in Europe; the amended AVMSD (EU 2018), which sets new obligations for the video sharing services on the internet (such as YouTube, TikTok, Vimeo, DailyMotion and Twitch); and the EU Copyright Directive (EU 2019), which aims to improve the position of the creators in digital platforms (see Barata 2020).

As this brief review shows, the EU's regulatory framework on the internet and digital platforms seems to have developed unevenly and without clear coordination. Competing interests between EU members (especially France, Germany and the UK) have delayed negotiations for common positions, and different EU directorates have related to regulation in different ways and with different aims (Humphreys 1996; Michalis 2007). The result is a jungle of statutes that are hard to manage, as shown in a detailed report in 2020 by the Hans Bredow Institute (Dreyer et al. 2020; Taylor and Hoffman 2019).

Why has the EU ended up in a situation in which it seemingly only reacted to the actions of digital platforms afterward, patching up its previous statutory framework or responding to isolated problems raised by platforms? Compared with previous media technologies – print and electronic – the difference is that, whereas their application could be managed and governed within the realm of sovereign nation-states and there was time for the regulatory framework to be shaped and coordinated, the internet defies the idea of national sovereignty, and its expansion does not leave much time for experiments and balancing the interests between different stakeholders. The crucial fact is that the home countries of the major digital platforms are situated in the United States and China; thus, they are outside the legal competence of the EU. The problem, however, is that the companies have significant influence over the economy and social life in all the countries where they have a presence, which today means practically all countries in the world.<sup>13</sup>

In the field of the media, the influence of global digital platforms means that, in offering free or moderately priced news and entertainment services, they weaken the market position of domestic content services. This has caused the migration of advertisers from domestic media outlets to social media platforms, which has meant that advertising money travels abroad instead of providing benefits to domestic media investments and innovations. Additionally, until the past few years, platform companies have declined to pay taxes in countries where they make businesses and collect significant income. For example, during the worst period of the COVID-19 pandemic in the summer of 2020, the

four platform companies – Amazon, Apple, Google and Facebook – made a profit of about 38 billion dollars of their net revenue of 240 billion on that period (Molla 2020). The companies paid taxes only in the countries where they have located their European headquarters. Most of the global platforms had selected Ireland for their headquarters because the tax rate for global companies used to be only 1–2% of their turnover.<sup>14</sup>

However, this situation has changed, with the OECD countries finally agreeing in 2021 on a global corporate tax, which, at a minimum, is 15% of the yearly turnover (KPMG 2021; OECD 2021; The Guardian 2021c). Thus, it is not only the EU that has been late and weak in confronting the power of major digital companies. What makes this awkward is that public data management in many EU member countries has become increasingly dependent on the services of digital platform companies (see, e.g. IBM 2021; NCSC 2018; Smith-Meyer 2020).

## Conclusion

In the present article, we have attempted to answer the question of why Europe has been slow to effectively regulate social media platforms, as a result of which the EU was forced to react to the activities of US digital platforms only after they had gained enormous global power. An explanation for this slowness has been pursued from different directions: the birth history of the internet from the 1960s to the early 1990s, the establishment of neo-liberal politics in Europe in the 1980s and 1990s, the influence of big economic powers on internet governance, and the complexities in the coordination of the EU's digital policies. It seems obvious that neither of these directions alone can offer a sufficient explanation, but they all have, in different ways, influenced the present situation.

We can tentatively propose that a critical push for the internet, as we experience it today, was made by the massive funding offered by the US government for its construction from the late 1950s to the early 1990s. During these years, the basic structure and central technical solutions of the internet were created. Thus, the commercialisation of the internet in the early 1990s took place under the guardianship and control of the US government. From this viewpoint, the globalisation of the internet and its landing in Europe took place only after it was already a more or less completed product. Along with its technological solutions, the US-based values also travelled, guiding internet's application patterns and set conditions for its regulatory affordances. Not only did Europe not receive the internet in the form that it could first modify according to its values and only then apply it in practice, as had been the case with electronic communication, but the many efforts made to develop a European knowledge base and infrastructure could not compete with the commercial power and technological advantage of the US-based "Big Tech" companies. Simply put, there was not enough collective determination and financial resources required in building up a European answer to the internet, as is the case today.

Along with the adaptation to the internet and social media platforms, the influence of US-based commercial values has increased in European media and communication policy and regulation, here enhanced by the effective lobbying of platform companies (Corporate Europe Observatory 2020; EADT 2021; Tarrant 2021). Some examples of this are the increasing attempts of European commercial media companies to restrict the services of public service media companies to offer only news and current affairs programmes; the restriction of public subsidies to journalism and news media only to the form of

temporary innovation support; attempts to weaken the principle of universal service obligation in telecommunication; and efforts to change European copyright to follow the US model.

In conclusion, from the EU's viewpoint, the basic problem is created by both the dominant market position of US-based digital media companies, such as Meta, Google, Amazon and Apple, and the industrial-technological contention between the leading EU's member states, foremost among them being France, Germany and up until recently, the UK. Europe's inability to react to the increasing power of the US and develop corresponding networks and services has produced dependency on the US's digital ICT. Despite early attempts to produce a European equivalent to the internet, the role of the EU remained reactive to the activities of US and Chinese companies.<sup>15</sup>

In the past few years, the EU has started several legal projects aiming at the more effective regulation of platform companies in the areas of, among others, advancing the functioning of digital markets, preventing untruthful and harmful content, securing copyrights and defending citizens' privacy. Corresponding legal initiatives are underway in the United States, but they are met with suspicion and resistance articulated as fear of censorship. Strengthened by the recent surge of increasing public attention and civic initiatives, such as in the forms of critical media literacy and fact-checking, will these processes end up in a more consistent and cohesive European media and communications policy framework that, instead of merely reacting, generates technological innovations while promoting democratic values, human rights and the rule of law?

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## DISCLOSURE STATEMENT

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## NOTES

1. For more on Metaverse, see chapter x (Vincent Mosco).
2. The main initiatives in this respects are the Digital Agenda for Europe (2010), Digital Single Market (2015) and the latest: Path to the Digital Decade (2022). See <https://eufordigital.eu/wp-content/uploads/2019/10/COMMUNICATION-FROM-THE-COMMISSION-TO-THE-EUROPEAN-PARLIAMENT.pdf>; <https://ec.europa.eu/eurostat/cache/infographs/ict/bloc-4.html>; <https://digital-strategy.ec.europa.eu/en/policies/europes-digital-decade>.
3. The 2020s are sometimes referred as the years of Web 2.5 or Web 3, which is characterised by expanded applications of machine learning and artificial intelligence (AI). See <https://www.investopedia.com/web-20-web-30-5208698>; <https://web3.foundation/about/>.



4. Facebook's tech stack: see <https://stackshare.io/facebook/facebook>; <https://engineering.fb.com/2020/05/08/web/facebook-redesign/>; <https://ourtechroom.com/tech/facebook-technology-stack/>.
5. According to one estimate, only 4% of the data produced by the Western industrial countries is stored in Europe. The vast majority is located in US-controlled clouds. See <https://www.mustread.fi/artikkelit/tiedatko-millaisessa-pilvessa-datasi-majailee-nyt-on-korkea-aika-tehda-selva-ero-julkisen-ja-suvereenin-pilven-valille/>.
6. See 'Tune in to the fascinating history of Radio Luxembourg'. <http://www.radioluxembourg.co.uk/>.
7. The ISOC includes, among others, Internet Architecture Board (IAB), Internet Engineering Task Force (IETF), Internet Research Task Force (IRTF), Public Interest Register (PIR) and Online Trust Alliance (OTA). See Savage and McConnell (2015). Another seminal nonprofit organisation is the Internet Corporation for Assigned Names and Numbers (ICANN), see <https://www.icann.org/>. For more, see EC (2000).
8. About the failed attempt for the European Constitution, see Lavranos (2009).
9. e.g., the short-lived technology of Wireless Application Protocol (WAP) that was operational from 1999 to 2013; see <https://networkencyclopedia.com/wireless-application-protocol-wap/>
10. For example, in 2000, the state-owned Finnish telecommunication company Sonera lost 70% of its share value in six months (from March to September) before it was bought by Swedish Telia. See Laaksonen (2007).
11. In 2004, new EU members were Cyprus, Latvia, Lithuania, Malta, Poland, Slovakia, Slovenia, Czech Republic, Hungary, and Estonia. In 2007, Bulgaria and Romania joined the EU.
12. See the top 10 European social networking sites: <https://sites.google.com/site/iaiausavouchers/top-100-european-social-networking-sites>; these are the local social networks in Europe: <https://ecommercenews.eu/these-are-the-local-social-networks-in-europe/>
13. e.g., Facebook had over 2.9 billion users in January 2022 out of the global population of 7.9 billion. See <https://datareportal.com/essential-facebook-stats>; <https://www.worldometers.info/world-population/>
14. Companies that have their European headquarters in Ireland are, among others, Meta/Facebook, Google, Microsoft, Apple, Yahoo, LinkedIn, TikTok, Intel, IBM and Twitter.
15. A less discussed but especially no less serious challenge to European media and communications policy in the future is presented by the China's 'state-led platform capitalism'; see Jack Qiu's article in this special issue.

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