



Conseil de l'Union européenne  
Secrétariat général

Bruxelles, 18 janvier 2022

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**Dossiers interinstitutionnels:  
2020/0361 (COD)**

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**WK 650/2022 INIT**

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**NOTE**

De:	PL Delegation
A:	Groupe "Compétitivité et croissance" (Marché intérieur - Attachés) Groupe "Compétitivité et croissance" (Marché intérieur)
Sujet:	Digital Services Act: Poland's non-paper on social media

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## **Poland's non-paper:**

**Facebook abuses its dominant market position in removing a political party's profile. DSA measures should be considered to limit the corresponding systemic risk and protect political pluralism in the EU.**

Facebook removed the official profile of one of the Polish political parties last week on violating community standards on COVID-19 disinformation. As much as we condemn any COVID-19 fake news activity, Poland disagrees with the decision as it deprives a legitimate political party with over a million voters in the country of on-line access to its constituents.

Poland is conducting a number of activities aimed at combating the exceptionally harmful COVID disinformation. Nevertheless, we think that Meta's latest decision can hardly be justified by simply applying disinformation measures that Facebook has adopted. There are many anti-COVID profiles that Facebook still keeps on and the platform's response to government's efforts undertaken in 2021 to remove particular posts that included misinformation was lacklustre. Meta obviously had an option to take down posts that it found misleading rather than going after the whole profile whose banning, has become a political instead of a technical measure that it should be.

Removal of parliamentary group profiles from social media by administrators of private international platforms goes against fundamental civil liberties and cannot be accepted. Any legal political party in Europe should be able to use social media platforms on equal terms regardless of how much their views differ from the mainstream, as long as they are legal.

Poland believes that this decision sets a dangerous precedent in which any legally operating political party, which enjoys public support is suddenly deprived of an important platform where they can reach out to its voters. By this decision, a major political discourse opportunity is taken away from both sides of the democratic process which is the essence of the modern European society. This year there will be several parliamentary elections in various EU countries which makes the Meta's decision particularly sensitive for voters in those countries.

Facebook is a monopolist and because of its dominant position it should be subject to particular scrutiny with regard to possible abuse of its position in relation to other entities and users who are often helpless even trying to file a complaint in their own language where there is no legal grounds for such a complaint to be refused by Facebook. It is precisely supervision of monopolies, and not their out-of-control functioning, that is the foundation of the market.

Blocking access to Facebook for organisations of different types is a threat to freedom of speech in public debate. The position of technology companies in a democratic system should not give them the possibility to control content arbitrarily and beyond any control. This was reflected in Poland's position during work on the Digital Services Act, the aim of which should

be to ensure the possibility of supervising moderation policies applied by large digital platforms.

**Poland calls on the EU Member States, the European Parliament and the French Presidency to reflect on this problem during DSA negotiations so that any systemic risk associated with social platforms abusing their power against political pluralism is recognized and mitigated.**