[FR] Social network regulation taskforce presents its report

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Amélie Blocman
Légipresse

A year after it was launched last May by Emmanuel Macron and Mark Zuckerberg, and shortly before the French President and Facebook's CEO met again at the Elysée Palace, the social network regulation taskforce published its report on 10 May. The taskforce's remit was to lay the ground for a general regulatory framework, building on the fight against online hate speech and relying on Facebook's voluntary cooperation outside any legal framework. Discussions between Facebook and the taskforce have been held, for example, at several meetings in Paris, Dublin (home of Facebook's European headquarters) and Barcelona (where one of its moderation centres is located). These discussions should feed into various parliamentary debates in the coming months, in particular the debate concerning the Avia bill on the fight against hate on the Internet, which will be held at the National Assembly in July.

The current move towards social network self-regulation is interesting, according to the report, in so far as it shows that the platforms can be part of the solution to the problems that have been noted. They came up with a variety of answers, such as content withdrawal, minimising the exposure of users to certain content, a reminder of common rules, education and victim support. However, self-regulation is still under development. On too many occasions, it merely proposes an ex-post response (after the damage has been done) and lacks credibility. The taskforce recommends state intervention that balances the punity policy that is indispensable to effectively combat those responsible for abusive behaviour with increased accountability of social networks on the basis of ex-ante regulation - all within a European framework that should be redefined. In this respect, the report notes that the current rule that states that social networks can only be regulated in the country in which they have their headquarters is ineffective. It therefore recommends setting up a European regulatory system founded on the principle that jurisdiction lies with the destination country. This requires a common framework that lays down standard obligations defined at European level through directly applicable regulations (such as "net neutrality" rules), guaranteeing consistent, uniform legal standards across all territories. Each state would therefore become responsible for implementing common regulations on its own territory.

The taskforce also suggests creating a regulatory policy based on a compliance approach, which should be refined in an agile manner so that it can be quickly

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adapted to changes in social networks. For example, it proposes setting up a national administrative body to be responsible for promoting social network accountability. Operators may be subject to obligations regarding the transparency of key functions such as moderation and the use of algorithms that target users and tailor content. Only the largest platforms should be subject to these obligations and to compliance checks by the regulator. Medium-sized services should be assumed to be compliant, while the smallest platforms should not be subject to sanctions by the regulator, which would still be able to refer suspected criminal offences to the public prosecutor.

"Créer un cadre français de responsabilisation des réseaux sociaux : agir en France avec une ambition européenne", Rapport de la mission « Régulation des réseaux sociaux – Expérimentation Facebook » remis au Secrétaire d'État en charge du numérique, mai 2019

https://www.numerique.gouv.fr/uploads/rapport-mission-regulation-reseaux-sociaux.pdf

Report of the social network regulation taskforce, 10 May 2019

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