

The Digital Single Market has a new commissioner - will Mariya Gabriel censor social media?

Blog post by Practice Lead Conan D'Arcy, 22 June 2017

After an eight-month hiatus, the EU looks finally set to have a new Commissioner in charge of its flagship, the Digital Single Market (DSM) agenda. Mariya Gabriel is a former MEP, and it showed, in an effective hearing before the European Parliament, which is now certain to rubber stamp her appointment. This support matters for Gabriel as she will need to mobilise MEPs to publicly back her agenda, particularly on issues where member states in the Council are proving intractable. Gabriel acknowledged that she had two years remaining in the post, and, rather than proposing a slew of additional reforms, her primary responsibility will be in cajoling MEPs and member states into finalising proposals that are already on the table. Her main task will be implementation rather than policy formulation.

For example, the Council - concerned over the future of companies with national-based business models - has been dragging its heels on legislation to prohibit geo-blocking; online price differences and other sales restrictions based on a consumer's location. Support from the European Parliament in this agenda will be crucial in securing agreement on new legislation. This is the kind of deal Gabriel will have to strike with the legislature.

She couldn't have presented a more MEP-friendly face yesterday - focusing on key themes like consumer protection, and speaking in support of affordable call prices and strong consent for data protection. These early signs suggest that she is unlikely to play the role of her predecessor Gunther Oettinger, who provided the industry, pro-investment counterbalance to the pro-consumer instincts of Vice-President Andrus Ansip. This will heighten the focus on providing tangible benefits to consumers ahead of the 2019 European elections. [[hyperlink underlined section to India's blog](#)]

One under-examined theme from yesterday struck me. Gabriel's mission letter from President Juncker compelled her to "look into the challenges the online platforms create for our democracies as regards the spreading of fake information". The inclusion of the online democracy agenda in the commissioner's mandate will raise alarm bells for social media firms already spooked by pressure from governments in Germany, France and the UK over 'fake news' and 'hate speech'. Inclusion in the commissioner's letter gives European officials the mandate they need to begin working on this agenda. The indications from DG CONNECT are that their work will go beyond 'fake news' and 'hate speech' and assess so-called 'dark ads' - highly targeted, loosely regulated private adverts on sites like Facebook - which have been criticised for playing a role in the US presidential and the UK referendum results.

While their impact has been widely disputed, jitters over the populist challenge in countries such as the Netherlands and France have caused 'dark ads' to rapidly move up the agenda. With elections in Germany and Austria later this year, social media firms can expect scrutiny to intensify. This challenges the assumptions of many in the social media industry that, while they may encounter regulatory hostility for their commercial activities - data protection, advertising rules and taxation - their negative perception in policymaker circles is balanced by their democratic engagement initiatives, such as educating politicians on how to connect with their voters.

The Commission's new approach could well mean that social media's self-image as a democratising, network-building, inclusion-driving force is challenged by a negative perception of its facilitation of misleading news or political adverts. Lost in the rush to applaud Gabriel's put down of sexist MEP Janusz Korwin-Mikke was that fact that she avoided directly answering his question over how to balance online censorship and freedom of expression. She will have to answer it soon enough. If her instinct is to tack to the mood of the Parliament, social media firms may find a new front opening up.



Mariya Gabriel, Commissioner-designate for Digital Economy and Society

CV: Former MEP and Vice-Chair of the European People's Party (EPP)

Nationality: Bulgaria

National party: Citizens for European Development of Bulgaria

European party: EPP

Directorate-General: DG CONNECT

Reports to: Vice-President Andrus Ansip

Parliamentary committees: IMCO, ITRE, JURI

Councils: Transport, Energy and Telecommunications; Competitiveness Council
