

Ten Years of Legislative Response to the Spreading of Disinformation via Social Media in the EU region: A Road to Convergence

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Abstract

Disinformation through social media is widely considered as a threat to democracy and rule of law. Convergence of national legislation could add weight to the leverage of EU- states both as a group and individually towards platforms that disseminate disinformation. Convergence of national regulation may emerge from in depth consideration of security, past experience with authoritarianism, external and internal threats to democracy and a sense of common interest. When authoritarian parties get involved in government, further regulation of anti-democratic disinformation will likely be obstructed, and the spreading of such disinformation likely will increase.

Keywords

disinformation - social media - national legislation - EU

Introduction

Dissemination of disinformation through social media is widely considered as a threat to democracy and rule of law. Content regulation at the EU-level through the Digital Services Act (DSA) leans heavily on national legislation, which differs to a large extent. A common response, through harmonisation and convergence of legislation between countries, could add weight to the position of European states both as a group and individually towards platforms in order to counter disinformation.¹

In this essay the following questions are addressed:

- What types of legislation may serve as a reference point for advancement and convergence?
- Are there factors that plausibly can be argued to be antecedents for the advancement of national legislation and may give direction to convergence, and what are they?
- Which legislation may be deemed effective in principle, as a reference for convergence?

In the following parts, we will first discuss disinformation and convergence of national regulation as an area of concern and elaborate on the aim and contribution of this essay. We then discuss our approach to address the questions above. We provide a framework for degrees of legislation, explore factors that coincide with legislation, and present an analysis of legislation and factors. We present an overview of the effectiveness of legislation. We then present conclusions and suggestions for further research, as well as an outlook on developments in actual practice.

Disinformation as an area of concern

The European Commission defines disinformation as: verifiably false or misleading information that is created, presented and disseminated for economic gain or to deceive the public intentionally, and may cause public

¹ In the EU region, harmonisation refers to “the approximation of the provisions laid down by law, regulation or administrative action in Member States which have as their object the establishment and functioning of the internal market” (Treaty on the Functioning of the European Union, art 114; see also Miscenic and Hoffman, 2020).

harm. Public harm comprises threats to democratic political and policy making processes as well as public goods such as the protection of EU citizens' health, the environment or security.²

Disinformation (false information to cause harm) has to be distinguished from misinformation (false information, but no harm is meant as well as from malinformation (genuine information to cause harm).³ Disinformation is particularly problematic because it is an instrument for political action which is destructive. In extant literature, disinformation as a threat to democracy as well as approaches to counter this threat have been widely discussed. These approaches include legislation to regulate behaviour to protect democratic processes, rule of law and rights of minorities.

An article by Chief of the General Staff of the Armed Services of the Russian Federation Gerasimov in February 2013 marks a milestone for western understanding of Russian policy on hybrid warfare including the use of disinformation.⁴ A NATO Stratcom report from 2018 notes that 2016 was a defining moment for social media platforms by referring to manipulation of in particular US elections by Russia and to the Cambridge Analytica scandal.⁵ Datzer and Lonardo have argued that the Russian aggression towards the Crimea in 2014 boosted policies at the EU-level to counter disinformation via social media.⁶ Through a temporal lens, the upsurge of social media use and Russian disinformation campaigns coincides with the rise of far-right and pro-Kremlin parties in European western democracies. Rekawek et al. describe how the Russian Federation applies different means, including disinformation, to support far-right parties to redraw the political map of western countries. The authors thereby argue that “the readiness to accept Russian influence or outright infiltration (..) comes from the inherent anti-establishment, anti-mainstream, and anti-Western values” of far-right actors.⁷

Marsden et al. described the evolution of regulation at the EU level that took shape since 2018 and that was initially based on principles of non-interference, self management and self regulation for platforms.⁸ A milestone at the EU-level was the 2018 Code of Practice on Disinformation (European Commission 2018a) being a set of voluntary commitments for platforms. Datzer and Lonardo have shown how attempts to

2 *Tackling Online Disinformation: A European Approach*. Brussels, 26 4.2018 COM(2018) 236 Final. <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52018DC0236> .

3 Derakhshan, H., Wardle, C.(2017). *Information Disorder, Toward an interdisciplinary framework for research and policymaking*; Council of Europe.

4 General valery gerasimov. (2013). *Committee to Investigate Russia*. Retrieved April 22, 2026, from <https://investigaterussia.org/players/general-valery-gerasimov>

5 Taylor, E., Walsh, S., & Bradshaw, S. (2018). *Industry Responses to the Malicious Use of Social Media*. NATO Strategic Communications Centre of Excellence. https://stratcomcoe.org/cuploads/pfiles/web_nato_report_-_industry_responsense.pdf?

6 Datzer, V., Lonardo, L. (2022). Genesis and evolution of EU anti disinformation policy: entrepreneurship and political opportunism in the regulation of digital technology. *Journal Of European Integration*, 45(5), 751- 766. <https://doi.org/10.1080/07036337.2022.2150842>

7 Rekawek, K., Renard, T., Molas,B., ed(s). (2024). *Russia and the Far-Right: Insights from Ten European Countries*. The Hague: ICCT Press 2024.

Since 2025, also the American government actively supports the European far-right and strongly opposes European regulation that aims at prevention of manipulation of elections via social media. https://www.lemonde.fr/international/article/2025/07/26/les-etats-unis-denoncent-une-enquete-penale-contre-le-reseau-social-x-en-france_6624011_3210.html?search-type=classic&ise_click_rank=2; <https://www.nytimes.com/2025/12/05/technology/eu-elon-musk-x-140-million-fine.html>. This in line with the National Security Strategy which was published in December 2025 and that aspires to “correct” the current trajectory of “civilizational erasure” in Europe and supports “patriotic parties” to this end. <https://www.whitehouse.gov/wp-content/uploads/2025/12/2025-National-Security-Strategy.pdf>

8 Marsden,C., Meyer,T., Brown, I. (2020). Platform values and democratic elections: How can the law regulate digital disinformation? *Computer law & Security Review* 36, p. 1-18.

influence European elections in 2019 fostered the process of adoption of the Digital Services Act (DSA) in 2023.⁹ A focus on national regulation, however, remains important for two reasons.

Firstly, there is the question of harmonisation or convergence. The DSA does not determine which content is illegal (definition of disinformation; rights and duties) but refers to national regulations in this respect, which then involves for example defamation, hate speech and threats to public order but also child abuse. The DSA has even been labelled as “agnostic” regarding content.¹⁰ Approaches towards legislation differ throughout countries.¹¹ According to the DSA, social media platforms are supervised by the country where they have their main office in Europe. This so-called country of origin rule derives from the principle of the EU being a single market where legal entities are subjected to one single legal regime. For example, as Meta is based in Ireland, Ireland is its prime supervisor under the DSA. However, any other country’s national laws can still apply to determine illegality of content.¹² Differences in national legislation thus prompt a need for coordination between countries for DSA application.

Secondly, there is the question of effectiveness. The DSA does not criminalize manipulative techniques (dark patterns) directly but instead regulates them.¹³ Platforms must explain parameters of techniques and offer meaningful options to the user. Legal procedures come in when the harm is already done. Also, they cannot cope with the speed of events, partly because of obstruction by culprits. For example, a formal investigation, based on the DSA, of Elon Musk’s X (Twitter) took two years to produce a result.¹⁴ Instruments for crisis response do not involve coercive power and did not come off the ground.¹⁵

In a comparative study, Ó Faithaigh et al. have pointed to the existence of discrepancies between national legislations regarding content (definitions; norms, rights and duties) and argued that convergence is desirable.¹⁶ Also, the authors argue that EU-regulation addresses some form of procedural harmonisation but, by leaning heavily on national regulation, does little for harmonisation regarding content, and may even end up achieving the opposite.

In the meantime, street wisdom suggests that convergence of legislation could add weight to the leverage

9 Datzer and Lonardo, 2022; see fn 6.

10 Di Stefano, S., & Denner, G. (2025, December 24). Le mythe de la “censure européenne” est brandi par l’administration Trump pour éviter la régulation des Big Tech. *Le Monde*. https://www.lemonde.fr/idees/article/2025/12/24/en-accusant-l-europe-de-porter-atteinte-a-la-liberte-d-expression-l-administration-trump-cherche-a-eviter-la-regulation-des-big-tech_6659312_3232.html

11 Bleyer-Simon, K., Horowitz, M. A., Botan, M., Brautović, M., Brogi, E., Bucholtz, I., ... & Weikmann, T. (2025). How is disinformation addressed in the member states of the European Union?—27 country cases. https://edmo.eu/wp-content/uploads/2025/06/EDMO-Report_How-is-disinformation-addressed-in-the-member-states-of-the-European-Union_27-country-cases.pdf. See also: Digital Services Act, Preamble, No. 31.

12 Art. 2 (3) DSA; 3 (h) DSA.

13 Art 25 DSA; art 27 DSA.

14 *Commission fines X €120 million under the Digital Services Act*. (n.d.). [Text]. European Commission - European Commission. Retrieved April 22, 2026, from https://ec.europa.eu/commission/presscorner/detail/en/https://ec.europa.eu/commission/presscorner/detail/en/ip_25_2934

15 Buijs, D., Buri, I., (2023, February 21). The DSA’s crisis approach: Crisis response mechanism and crisis protocols - DSA Observatory. <https://dsa-observatory.eu/2023/02/21/the-dsas-crisis-approach-crisis-response-mechanism-and-crisis-protocols/>

16 Fathaigh, R. Ó., Helberger, N., & Appelman, N. (2021). The perils of legally defining disinformation. *Internet Policy Review*, 10(4). <https://doi.org/10.14763/2021.4.1584>. Also: Fathaigh, R. Ó., Buijs, D., & Van Hoboken, J. (2025). The Regulation of Disinformation Under the Digital Services Act. *Media And Communication*, 13. <https://doi.org/10.17645/mac.9615>.

of European states both as a group and individually towards platforms that disseminate disinformation. Experience in France demonstrates that regulatory measures must be elevated to the international level to be truly effective.¹⁷ Disinformation and the infrastructures used by platforms are transnational, and platforms exploit legislative differences between countries. Convergence of national legislation is logical, as it strengthens the position of democratic states both collectively and individually, increasing their leverage over platforms.

Aim of this article

Given that convergence of national legislation is desirable to counter disinformation, the aim of this article is to contribute to the knowledge on advancement of such legislation. Rather than providing a detailed legal analysis, the aim of this essay is to look at the advancement of national legislation and potential future development, in particular convergence. Knowledge of antecedents in the form of factors that coincide with legislation is a part of this. Also, knowledge on the effectiveness of legislation contributes to identification of a possible way forward.

More specifically the contribution of this essay is as follows. Firstly, a framework is provided for degrees of legislation that create a reference point for convergence in the first place. Secondly, when factors are found for which a plausible conjecture can be proposed that they coincide with regulation, their use is justified for further research in particular for theory construction.¹⁸ Thirdly, at this stage, findings will not constitute a thorough explanation for advancement and harmonisation of legislation. For policy- and lawmakers, however, increased insight in types of regulation, factors that coincide with legislation, and the working of measures will enable comparison, arguments on why and how to overcome differences and insight in what can be a way forward.

Approach

The level of analysis for this article is the nation state and its legislation. Regarding types of legislation and coinciding factors we combine an exploratory and descriptive approach. We made a random selection of twelve EU-states and cover the period from 2015-2025. For factors that coincide with advancement of legislation we consulted literature. We selected a factor based on a conjecture that is plausible, in a sense of 'interesting' and 'believable'¹⁹ as an antecedent for regulation.²⁰ For types of legislation and their viability in principle, we used the European Digital Media Observatory (EDMO) 2025 country report and the most recent Freedom House annual reports as a starting point and baseline for information. Given the dynamic of past and ongoing processes of regulation, we further used official reports and media outputs from international organizations, laws and legislation, judicial decisions, research outputs by watchdog agencies and think tanks, and articles in newspapers of reputation.

17 Rapport d'information déposé par la commission des affaires européennes portant observations sur la proposition de loi visant à prévenir les ingérences étrangères en France (N° 2150) (Mme constance le grip), n° 2385. (n.d.). Retrieved April 22, 2026, from https://www.assemblee-nationale.fr/dyn/16/rapports/duel/l16b2385_rapport-information

18 Weick, K.E.(1989). Theory Construction as Disciplined Imagination. *Academy of Management Review*, 14 (4), 516-531.

19 For theory construction, the judgement 'that's plausible' in terms of 'that's interesting' and 'that's believable' operates "as a substitute for validation." A believable conjecture has verisimilitude regarding the elements of: a protagonist, a predicament, attempts to solve the predicament, outcomes of attempts, and reactions to this by the protagonist (see Weick, 1989, p. 524, 527).

20 Weick, 1989, see fn 18.

Legislation types

For the purpose of this essay we argue that the degree of regulation is determined by whether it is restrictive in that 1) it aims explicitly at information that is untrue; this is the core of disinformation; 2) it regulates social media platforms; and 3) it is backed by enforcement measures.

Legislation regarding hate speech, defamation and threats to public order and the like does not necessarily target information that is untrue. Regulation may explicitly refer to untrue information though. All this might occur via social media (or otherwise). Regulation can aim at cooperation by platforms with authorities to handle disinformation. We presume a higher degree of regulation when countering of disinformation can be enforced without court order than when prior court order is required.²¹ Finally, regulation may criminalize the spreading of disinformation.

Regarding the degree of legislation, we then distinguish:

1. Criminalization of spreading information that incites crimes like sedition, threats to the constitutional order, threats to public order; not explicitly related to information that is untrue. Typically coupled with (threat to) use of violence. Also: for causing danger or concern (scaremongering). Covers authors and spreading via any type of media.
2. As in 1, explicitly related to information that is untrue.
3. Regulation about cooperation with platforms for transparency regarding the dissemination of information and content management, including self-regulation of platforms.
4. Regulation which covers official orders (enforcement) to manage and remove false information via social media, prior court order is required.
5. As in 4, all or partly without court order.
6. Direct criminalization based on content; targeting authors and platforms.

For the purpose of this essay, we assume the degree of legislation can be either low or high. We deem measures as a high degree when they target social media and encompass some form of repressive enforcement (1 of 4-6 present). Table 1 singles out how social media as entities fit in this framework.

	Social media	Threats covered	Enforcement
Category 1, 2	As a channel	Hate speech, public order, terrorism	-

21. Based on the guidelines of the CoE Vienna Commission: Venice Commission. 2000. Guidelines on Prohibition and Dissolution of Political Parties and Analogous Measures. CDL-INF (2000) 1. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-INF\(2000\)001-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-INF(2000)001-e)

	Social media	Threats covered	Enforcement
Category 3	As a target	Constitutional order, democratic processes and institutions	Code of conduct, self-management; cooperation with public authorities
Category 4, 5	As a target	Constitutional order, democratic processes and institutions	Cooperation with public authorities, administrative fines
Category 6	As a channel and a target	Constitutional order, democratic processes and institutions	Criminalization (Penalties)

Table 1: Position of social media related to regulation

Antecedents of regulation

An overview of the literature reveals that dominant angles to review legislation are the protection of democracy, a legal perspective in particular related to freedom of speech, and internet regulation (see appendix 1). De Moraes Silva and Vaz argued that disinformation can affect legislators in principle.²² However, while discussing the advancement of regulation, extant literature remains rather abstract regarding antecedents of measures to counter disinformation and regulation, like protection of democracy or threats to democracy.²³ Moving down the ladder of abstraction and given the generally acknowledged context of threat posed by disinformation as depicted above, and based on extant literature, we propose four factors that can be related to development of regulation. These are the existence of a 1) Fully liberal democratic government, 2) Internal rise of anti-democratic forces, 3) Geographical location, and 4) Memory from the past. The following reasoning is applied.

Fully Liberal democratic government

Hedling refers to the rise of populist movements and figures in member states that sparked growing awareness of vulnerability.²⁴ It is believable that, given the background, origin and aim of disinformation that threatens democratic processes, democratic governments are prone to adopt legislation that regulates disinformation to feel less of a threat to democracy. Also, it is believable that governments that all or partly consist of political parties that share the views promoted by the disinformation campaigns in question will

22 De Moraes Silva, E. C., & Vaz, J. C. (2024). How disinformation and fake news impact public policies?: A review of international literature. arXiv (Cornell University). <https://doi.org/10.48550/arxiv.2406.00951>.

23 Krotoszynski, Jr. R.J., Koltay, A., Garden, C., eds. (2025). Regional Regulatory Approach to Disinformation: Europe. In: *Disinformation, Misinformation, and Democracy: Legal Approaches in Comparative Context*. Cambridge University Press; 2025:131-196. <https://doi.org/10.1017/9781009373272.009>. Also: Geraldés, S.C.M. (2022). The balance between effectiveness and proportionality in responding to Online Disinformation at crossroads: An analysis of the response of the European Union through security governance, 2015-2022. University of Lisbon, PhD Thesis; Marsden et al (2020), see note 8; Ó Fathaigh et al. (2021), see note 16; Datzler and Lonardo (2022), see fn 6.

24 Hedling, E. (2021). Transforming practices of diplomacy: the European External Action Service and digital disinformation. *International Affairs*, 97(3), 841–859. <https://doi.org/10.1093/ia/iiaab035>.

face difficulty in pursuing legislation.²⁵ To establish whether this factor is present a clear criterion is needed. For example, on a list that was published by the University of Utrecht in 2025, among 15 parties, the Dutch centre-right liberal party VVD ranks sixth regarding their propositions that infringe on the rule of law and first regarding propositions that pose a risk to the rule of law.²⁶ And Slovakian social democrat party SMER was expelled from the European group of socialist parties in 2025 (after suspension already in 2023) for its pro-Russian stances and anti-liberal politics.

We build on the peer-reviewed PopulisTree database for two reasons.²⁷ Firstly, the framework builds on a categorization that uses the umbrella concept of far-right to categorize parties that are either radical right (democratic: majority power, authoritarian; but not liberal democratic: rule of law, protection of rights of individuals) and extreme right (anti-democratic). This matches for selection given the background, origin and aim of disinformation as depicted. Also, it categorizes parties that are Eurosceptic, which is relevant given the context and antecedents of legislation on disinformation in the EU that emerge from literature. Secondly, the database provides a full overview of parties, which is needed to perform our analysis.

We deem a government ‘Fully liberal democratic’ when far-right and Eurosceptic parties are not part of it. We argue that a country that had a ‘Fully liberal democratic’ government in the period from 2015 – 2025 and had a window that lasted long enough to adopt legislation complies with the criterion. For example, in the Netherlands, it takes an average of 368 days to pass a law.²⁸ (see appendix 2).

In sum, the conjecture is proposed that ‘Fully liberal democratic government’ coincides with advancement of legislation to counter disinformation.

Internal rise of anti-democratic forces

It follows that, when far-right parties manifest themselves as contesters for power and establish actual political power, democratic governments are particularly prone to adopt regulation to counter disinformation in order to feel less of a threat to democracy.

Manucci applies the concept of an electoral breakthrough, which occurs when a party crosses the “threshold of relevance” related to gaining parliamentary seats, a percentage of votes, or coalition and bargaining power.²⁹ Access to parliament may be bound to an electoral threshold, which, for example in our sample set of countries, exists in Germany (5% of votes) and Austria (4% of votes). Coalition and bargaining power are hard to operationalize by a general measure because they depend on situational factors like fragmentation of the political landscape. Van Kessel relates populist electoral success to a combined vote share of parties

25 See also: Cabada, L. (2023). Struggle against Disinformation in the Czech Republic: Treading the Water. *Politics in Central Europe*, 19(s1), 371–391. <https://doi.org/10.2478/pce-2023-0017>.

26 *Rechtsstatelijke toets verkiezingsprogramma's 2025: Recordaantal voorstellen in strijd met de rechtsstaat* - Nieuws - Universiteit Utrecht. (2025, October 21). <https://www.uu.nl/nieuws/rechtsstatelijke-toets-verkiezingsprogrammas-2025-recordaantal-voorstellen-in-strijd-met-de>

27 Rooduijn, M., Pirro, A. L. P., Halikiopoulou, D., Froio, C., Van Kessel, S., De Lange, S. L., Mudde, C., & Taggart, P. (2023). The PopuList: A Database of Populist, Far-Left, and Far-Right Parties Using Expert-Informed Qualitative Comparative Classification (EiQCC). *British Journal Of Political Science*, 54(3), 969–978. <https://doi.org/10.1017/s0007123423000431>.

28 *Doorlooptijden wetsvoorstellen*. (n.d.). Retrieved April 22, 2026, from https://www.eerstekamer.nl/doorlooptijden_wetsvoorstellen_8

29 Manucci, L. (2024). Back to the Future? The Electoral Breakthrough of Far-Right Parties. *Government And Opposition*, 60(3), 622–642. <https://doi.org/10.1017/gov.2024.26>.

that exceeds 10%.³⁰ For the purpose of this exploration we build on this measure and deem this factor present when a far-right euro-sceptic party gained 10 % or more of votes in a nationwide election being either the national house of representatives or EU-parliament (see appendix 2). For this factor to be present there should of course be a subsequent time window for threat response in the form of adoption of regulation.

In sum, the conjecture is proposed that far-right and Eurosceptic election results of >10% coincides with advancement of legislation to counter disinformation.

Geographical location

Hedling refers to the aim of Russian disinformation to stir up internal conflict and disintegration.³¹ Datzer and Lonardo argue, although for the EU-level, that agency fostered regulation as response to an external threat perception and point to the Russian annexation of the Crimea as a wake up call for western liberal democracies, member states being the first to raise concerns, especially those that share borders with third countries “like the Baltics”.³² Cabada (2023) refers to the ‘Russian factor’ in public debate in the Visegrad group.³³ The author mentions geographic proximity and the security dilemma related to Russian activities and geopolitical conceptions and specifically past Russian military interventions against liberalisation processes and the continuation of older Russian imperial projects.³⁴

It is believable that, given the Russian doctrine of spreading disinformation in advance of military operations and given the security dilemma related to geographical proximity and Russian activities and geopolitical conceptions as mentioned above, governments of states bordering Russia are prone to regulation to counter disinformation in order to feel less of a threat to democracy.

In sum, the conjecture is proposed that a common border with the Russian Federation coincides with advancement of legislation to counter disinformation.

Memory from the past

Memory politics regards the strategic use of historical narratives by political actors to promote particular interpretations of the past, often to justify current policies, nation-building projects, or ideological positions.³⁵ Wojcik and Rhein-Fischer argue that [memory] laws seek to impart valuable lessons for present and future

30 Van Kessel, S. (2015). *Populist Parties in Europe: Agents of Discontent?* Palgrave, MacMillan, New York.

31 Hedling (2021), see fn 24.

32 Datzer and Lonardo (2022), see note 6. Also: Balčytienė, A., Dāvidsone, A., & Siibak, A. (2025). What a Human-Centred Approach Reveals About Disinformation Policies: The Baltic Case. *Media And Communication*, 13. <https://doi.org/10.17645/mac.9548>; Hedling (2021), see note 24. The terms ‘Near abroad’ and ‘Sphere of Privileged Interests’ refer to post-soviet states in particular that should remain aligned with the Russian Federation, which includes opposition to alignment with NATO and the EU. Regarding the ‘Near Abroad’, Nussberger (2023) discussed Russian court decisions according to which the Russian Federation is allowed to reinterpret basic concepts of international law such as sovereignty, the prohibition of the use of force, the principle of self-determination, and territorial integrity in the light of its dominant position in the region; Nussberger, A. (2023). The ‘Near Abroad’ (Ближ-нее Зару-бежье) in Russian Rhetoric and Law. *German Yearbook of International Law*, Vol 66 (1), 11-35.

33 Czech Republic, Slovakia, Poland, Hungary.

34 Cabada (2023), see fn 25.

35 Olick, J. (1999). Collective Memory: The Two Cultures. *Sociological Theory* 17(3), 333-348.

generations, ultimately striving to deter atrocities, crimes, and xenophobia, and strengthen democracy.³⁶ They refer to Mnemonic constitutionalism as a system of norms and practices legitimizing a regime by certain historical narratives and evaluations of the past. These authors argue that memory laws may in particular stress an orientation on defence of democracy after experiences of totalitarianism or non-democratic regimes.³⁷

Given the background, origin and aim of disinformation that threatens democratic processes, countries that maintain an orientation to defence of democracy based on memory of past experience with authoritarian systems are prone to regulation to counter disinformation in order to reduce a threat to democracy. It is believable that this orientation is maintained when the constitution is mnemonic, refers to restoration of the countries freedom and democracy, and when there is an active legal rule in the form of memory laws (specific laws or penal code provisions) that refer to an authoritarian form of government. The latter because a country that regulates authoritarian propaganda will be inclined to remain up-to-date and effective when new technology for dissemination emerges, as happened with social media.

In sum, the conjecture is proposed that an orientation on defence of democracy through mnemonic constitution and memory law coincides with advancement of legislation to counter disinformation.

Analysis

Legislation regarding defamation and threat to public order is common although terms differ (for example defamation, false information, scaremongering, terrorism). Regarding the advancement of legislation on disinformation since the upsurge of social media, which is the focal point of this essay, Germany appeared to be at the forefront of regulation at the national level (appendix 3 gives an overview of major regulative measures). The first proposals for the *Netzwerkdurchsetzungsgesetz* (NetzDG) that included measures for content removal backed by penalties were published in March 2017 (category 4 in table 1). Nowadays, much of the vanguard national legislation regarding disinformation via social media platforms that existed in, for example, Lithuania, Austria and Germany has now been replaced by the DSA. The DSA (category 4 in table 1) is considered a pivotal legal instrument at the EU-level to counter disinformation via social media platforms. The DSA mandates that platforms remove illegal content, either based on a formal order by a competent authority or once they become aware of it, referencing in particular to national regulations to determine illegality (for example hate speech, terrorism, or child abuse material; category 1-2 in table 1). Additionally, so-called 'Very Large Online Platforms' (VLOPs) must take procedural measures like providing transparency and assessment and mitigation of systemic risks such as disinformation, harassment, impact on elections or mental health.³⁸

Different countries have attempted advancing of regulation. For example, in France, an existing penal law on tampering with computers is considered an option to counter manipulation of information (category 6 in table 1). In Lithuania, a controversial proposal for a law that criminalizes disinformation has been submitted. In Germany there is an ongoing discussion about a constitutional ban of the extreme right, racist and pro-Kremlin party *Alternative für Deutschland* (AfD).

36 Wójcik, A., & Rhein-Fischer, P. (2023). Introduction to the Special Section 'Memory Laws and the Rule of Law'. *European Constitutional Law Review*, 19(4), 591–601. <https://doi.org/10.1017/s1574019624000014>.

37 In a context of disinformation and for the Baltics see: Balčytienė et al. (2025), see note 32. Also: Pūraitė, A., Banelis, A. (2024). Information Threats And Legal Means To Combat Them: The Case Of Lithuania, *Public Security And Public Order*, (35), 208-230.

38 *European elections: EU institutions prepared to counter disinformation* | News | *European Parliament*. (2024, June 5). <https://www.europarl.europa.eu/news/en/press-room/20240603IPR21804/european-elections-eu-institutions-prepared-to-counter-disinformation>

Regarding the types and degree of regulation and coinciding factors a fully consistent pattern does not emerge (see table 2). Some states with fully liberal democratic government have a high degree of legislation. In the countries with a high degree of legislation, far-right parties voted against laws. Memory from the past, borders with the Russian Federation and rise of anti-democratic forces are factors that coincided with a high degree of legislation in Lithuania, France, Germany, and Austria. However, Slovenia, the Netherlands, Czech Republic, and Spain do not comply with this pattern, which suggests other factors are at work. For Poland, a time window for regulation by liberal democratic government opened in 2023 followed by a push for legislation by the government. For Slovakia and Hungary, there was no time window for a fully liberal democratic government to legislate. Government/state control coexists with a push for legislation in Hungary. This legislation is aimed at state control over media in the service of the government’s interpretation of sovereignty, and certainly not for defence of democracy. In particular, Lithuania and France are at the forefront of fighting disinformation through legislation. These countries seem to have an eye for common interest and to address the broader transnational context of disinformation. Attempts to stretch penal law provisions are part of their repertoire. In Lithuania, this is explicitly linked to counter attempts to distort the historical memory of the republic, to promote distrust in the democratic system and to influence democracy.

Country	Fully liberal democratic government	Internal anti-democratic forces	Russian border	Memory from the past	Degree of regulation
<i>Lithuania</i>	X	-	X	X	HIGH
<i>France</i>	X	X	-	-	HIGH
<i>Germany</i>	X	X	-	X	HIGH
<i>Austria</i>	X	X	-	-	HIGH
<i>Czech Republic</i>	X	-	-	X	LOW
<i>Hungary</i>	-	X	X	X	LOW
<i>Slovenia</i>	X	-	-	-	LOW
<i>Spain</i>	X	X	-	X	LOW
<i>Poland</i>	X	X	X	X	LOW
<i>The Netherlands</i>	X	X	-	-	LOW
<i>Italy</i>	X	X	-	-	LOW

Country	Fully liberal democratic government	Internal anti-democratic forces	Russian border	Memory from the past	Degree of regulation
Slovakia	-	X	X	-	LOW

Table 2: factors and degree of regulation

In the following part we provide a short description by country.

Lithuania

No far-right party obtained 10% of votes in elections between 2015 and 2025. No far-right party participated in government during this period.

The penal code criminalizes incitement to hate and violence (category 1). Regulation that was adopted in 2019 aims at producers and disseminators of disinformation, or unjust facts, ridicule, and information attempting to change its constitutional order, encroach on its independence, or infringe its territorial integrity (category 4/5).³⁹ This regulation was to large extent integrated in the law that implemented the DSA in 2024. There is public discourse on the criminalization of spreading disinformation that threatens the constitutional order e.g. via social media, not just for platforms but also for individuals (category 6).⁴⁰

France

Rassemblement National (RN; formerly Front National) won in national elections over 13 % of votes in 2012 and 2017 and almost 19% in 2022. In presidential elections (second round) the party won 34% and 41 % (its peak) in 2017 and 2022 respectively. The party was discredited and under investigation since 2014 because of alleged Russian funding. No far-right party participated in government between 2015 and 2025.

The Freedom of the Press Law addresses hate speech (category 1). Regulation that was adopted in 2019 aims at protecting elections specifically, including massive amplification via algorithms (RN voted against this law; category 4-6).⁴¹ The law aims at both legal entities and natural persons. A specific case regards manipulative massive dissemination by use of algorithms by stretching existing penal law and aiming at both legal entities and the natural persons that direct them (category 6).⁴² In 2025, a law was proposed to introduce a digital

39 Republic of Latvia. (2019). Lietuvos Respublikos Informacinės Visuomenės Paslaugų Įstatymo Nr. X-614 20 Straipsnio Ir Priedo Pakeitimo Įstatymas. Retrieved <https://www.e-tar.lt/portal/tt/legalAct/0c50dc50105211ea9d279ea27696ab7b?>; <https://lrkm.lrv.lt/en/activities/public-information-policy/>

40 BNS. (2025, November 10). *Lithuanian lawmaker proposes criminalising disinformation*. Lrt.Lt. <https://www.lrt.lt/en/news-in-english/19/2741214/lithuanian-lawmaker-proposes-criminalising-disinformation>; Juščiūtė, D. (2019, January 8). Amendments to lithuanian law threaten freedom of expression. *Žmogaus Teisių Stebėjimo Institutas*. <https://hrmi.lt/en/amendments-to-lithuanian-law-threaten-freedom-of-expression/>; <https://tsajunga.lt/wp-content/uploads/2025/11/Politikos-dokumentas-dezinformacija-6.pdf>

41 Légifrance. (2018). LOI n° 2018-1202 du 22 décembre 2018 relative à la lutte contre la manipulation de l'information (1). https://www.legifrance.gouv.fr/loda/article_lc/JORFARTI000037847570?

42 Defer, A., Leloup, D., & Untersinger, M. (2025). Le parquet de Paris ouvre une enquête sur les algorithmes du réseau social X. *Le Monde*. https://www.lemonde.fr/pixels/article/2025/02/07/le-parquet-de-paris-ouvre-une-enquete-sur-les-algorithmes-du-reseau-social-x_6536320_4408996.html, applied here aiming at the legal entity X and the natural persons that are its directors.

age of majority at 15 for social media access. The law refers, in addition to the protection of mental health of children, to protection against disinformation and regulates platform responsibility supported by fines up to a maximum of 1% of its global turnover (the RN has announced to support this law).⁴³

Germany

The Alternative für Deutschland (AfD) won 7% of votes in EU-elections in 2014 and over 12% in national elections in 2017. It peaked at over 20% in 2025. No far-right party participated in government between 2015 and 2025.

Sensitivity on disinformation is strongly connected to the countries' history (particularly regarding Nazism). As such, there was public pressure to address the role of platforms in spreading hate related to the influx of refugees in 2015-2016. There is a focus on hate speech. The combined application of the constitution (for imposing a ban on a party that undermines democracy) and the penal Code (propaganda for forbidden organizations) can criminalize false information that is anti-democratic when it is part of propaganda for the party that is banned (category 1-2).⁴⁴ A ban has been applied earlier, for example on the communist party, and is currently under discussion for the extreme right AfD. In 2017, regulation was adopted that aimed at the protection of an open democratic society and introduced platform responsibility to remove illegal information (NetzDG; category 5; opposed by the AfD).⁴⁵ NetzDG was to a large extent integrated in the law that implemented the DSA in 2024. The Medienstaatsvertrag regulation (MStV) that was adopted in 2020 (opposed by the AfD) is applicable to social media platforms and aims not at content regulation but at transparency regarding algorithms. The law is enforced through penalties in case of noncompliance. It has an overlap with the DSA which may lead to conflict.⁴⁶

Austria

The Freedom party of Austria (FpO) won over 19% of votes in EU-elections in 2014 and 26% of votes in the national elections in 2017. It peaked at almost 30 % in national parliament elections in 2024. The party was a governing coalition partner from 2017-2019.

The constitution of Austria refers to democracy as an institutional legal order. The country has legislation to perpetually eliminate national-socialism (Verbotsgesetz). The penal code has provisions on defamation, incitement of hate, public order, and terrorism (category 1/2). Since 1975, there is a provision that prohibits false news that aims at influencing elections. The provision states as a condition for its application that no

43 Direction des Affaires juridiques. (2023). Gouvernement. Lettre de La DAJ – La Loi N°2023-566 Du 7 Juillet 2023 Crée Une Majorité Numérique Fixée à 15 Ans. <https://www.economie.gouv.fr/daj/lettre-de-la-daj-la-loi-ndeg2023-566-du-7-juillet-2023-cree-une-majorite-numerique-fixee-15-ans>

44 Grundgesetz für die Bundesrepublik Deutschland Art 21 . (n.d.). Bundesministerium Der Justiz Und Für Verbraucherschutz. Retrieved https://www.gesetze-im-internet.de/gg/art_21.html?; Strafgesetzbuch (StGB) § 86 Verbreiten von Propagandamitteln verfassungswidriger und terroristischer Organisationen. (n.d.). Bundesministerium Der Justiz Und Für Verbraucherschutz. Retrieved https://www.gesetze-im-internet.de/stgb/_86.html?

45 Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken (Netzwerkdurchsetzungsgesetz—NetzDG). (n.d.). Bundesministerium Der Justiz Und Für Verbraucherschutz. Retrieved <https://www.gesetze-im-internet.de/netzdg/BJNR335210017.html?>; [https://dserver.bundestag.de/btd/18/123/1812356.pdf?](https://dserver.bundestag.de/btd/18/123/1812356.pdf)

46 *Kollisionskurs mit brüssel? Deutsches medienrecht vor dem eugh – jips*. (2025, August 1). <https://www.jura.uni-saarland.de/kollisionskurs-mit-bruessel-deutsches-medienrecht-vor-dem-eugh/>

effective correction of the false news had been possible. Additionally, there is a special law that prohibits calling for national-socialist action and striving for or justifying national socialist goals and measures. Austria adopted regulation similar the German NetzDG in 2020 (KoPI-G; category 5; opposed by the FpO). The law was repealed after implementation of the DSA in 2024.

Czech Republic

The Freedom and Direct Democracy party won over 10 % of votes in the national election in 2017, which was its peak. The party joined government as a coalition partner in 2015.

During the period 1918-1950 Czechoslovakia still applied Austrian penal code (in particular crimes against public order). During socialism the provision was placed in a context of protection of the social order and state as well as socialist coexistence. Current regulation via the penal code that prohibits scaremongering thus has a long history. An update of the scaremongering provision in the penal code in 2010, triggered by the central left government at the time, was made partly in the face of emerging technologies for massive spreading of information and now applies to both natural persons and legal entities (category 2).⁴⁷ The Czech Republic is the subject of a EU-procedure regarding insufficient implementation of the DSA.

Hungary

The Fidesz party won over 44 % and over 51 % in the 2014 national and EU elections respectively. It peaked at over 52% in European elections in 2019 and national elections in 2022. The party governed Hungary in the period from 2015-2025. The constitution of 2011, the so-called Fundamental Law, refers to the communist tyrannical past and to restoration of democracy in 1990 and at the same time is considered a landmark of democratic backsliding.⁴⁸

The policy of the Hungarian government has strong characteristics of state control of information. Legislation aims at gaining state control over all media (not just public media). Legislative measures that aim at content are indirect in a sense that they are effectuated through state control over media, for which Hungary faces an infringement procedure before the European Commission. The penal code provision on scaremongering was updated during the COVID pandemic (category 2).⁴⁹

Slovenia

The Slovenian National Party won over 2 % and 4 % (its peak) in national elections in 2014 and 2018 respectively, and 4 % in EU-parliament election in 2014. No far-right party participated in government between 2015 and 2025.

47 The 2010 update of the scaremongering provision by introduction of art. 357 was made also in the face of emerging technologies for massive spreading of information and applies to natural persons and since 2016 also to legal entities, see: <https://www.pravniprostor.cz/clanky/trestni-pravo/k-trestnimu-postihu-sireni-poplasne-zpravy-nejen-o-koronaviru-cast-i?> (part 1 and 2).

48 See for example: Halmai, G. (2023). Rule of Law Backsliding and Memory Politics in Hungary. *European Constitutional Law Review*, 19(4), 602–622. <https://doi.org/10.1017/s157401962300024x>.

49 Polyák, G. (2020). Hungary's Two Pandemics-COVID-19 and Attacks on Media Freedom HUNGARY'S TWO PANDEMICS: COVID-19 AND ATTACKS ON MEDIA FREEDOM 2. European Centre for Press and Media Freedom.

The penal code has provisions regarding hate speech, terrorism, and incitement to change the constitutional order by force (category 1).

Spain

The Vox party won 1,6 % of votes in the 2014 EU-elections and over 15% of votes in the 2019 national elections (its peak). No far-right party participated in government between 2015 and 2025.

Awareness from the past relates to state media control and propaganda during the civil war and Franco regime and to transition to democracy. The Law of Remembrance of Democracy that was adopted particularly aims at the memory of Francoist dictatorship (category 1-2).⁵⁰ A political motion to urge the government to elaborate regulation of platforms in 2018 was withdrawn for freedom of speech concerns.⁵¹ Spain is the subject of an EU-procedure regarding lacking implementation of the DSA.

Poland

The Law and Justice party (PiS) won over 31% of votes and 45% in EU-elections in 2014 and 2019 respectively, and over 35% of votes in national elections in 2025. PiS or PiS supported candidates won 51% of votes in presidential elections in 2015, 2020 and 2025. All far-right parties taken together peaked at 59% in national elections in 2019 and 60 % in European elections in 2024. The PiS party controlled the government from 2015-2023. A liberal government took power in December 2023.

Similar to Hungary, the constitution refers to recovery of the countries' democratic fate while at the same time the country is widely discussed as a case of democratic backsliding.⁵² During the PiS regime there were systematic efforts towards state control of public media outlets. Considering the average time to adopt a law (6-10 months) there was a window for the liberal Tusk government (since 2023) to adopt regulation. Proposed legislation to implement the DSA in 2024/2025 met opposition for going beyond the DSA framework. Poland is the subject of an EU-procedure for lacking implementation of the DSA. In December 2025 parliament adopted a law for implementation that now needs approval by the president, who is strongly Eurosceptic and expressed concerns.⁵³ The penal code criminalizes explicitly propagation of a fascist or totalitarian regime (category 1, not on disinformation as such).

50 Desk, N. (2022, July 15). Spain rules Franco regime “illegal” with new “Democratic Memory Law.” *Spain in English*. <https://www.spainenglish.com/2022/07/15/spain-rules-franco-regime-illegal-with-new-democratic-memory-law/>

51 Espaliú-Berdud, C. (2022). Legal and criminal prosecution of disinformation in Spain in the context of the European Union. *Coventry Law Journal*, 27(1), 23-38.

52 See for example: Grabowska-Moroz, B. (2025). Rule of Law and Democratic Backsliding in Poland. In Oxford University Press eBooks (pp. 122–142). <https://doi.org/10.1093/oxfordhb/9780192873149.013.0007>

53 Wzmocniona ochrona użytkowników platform internetowych—Sejm przyjął ustawę wdrażającą DSA - Ministerstwo Cyfryzacji—Portal Gov.pl. (n.d.). Ministerstwo Cyfryzacji. Retrieved April 22, 2026, from <https://www.gov.pl/web/cyfryzacja/wzmocniona-ochrona-uzytownikow-platform-internetowych--sejm-przyjal-poprawki-do-ustawy-wdrazajacej-dsa>; Eksperti wystosowali apel do Marty Nawrockiej. Chodzi o kontrowersyjną ustawę. (n.d.). Rzeczpospolita. Retrieved April 22, 2026, from <https://www.rp.pl/internet-i-prawo-autorskie/art43595591-ustawa-wdrazajaca-akt-o-uslugach-cyfrowych-dsa-czeka-na-podpis-prezydenta-apel-do-marty-nawrockiej>; <https://democracyreporting.s3.eu-central-1.amazonaws.com/images/682b011d63ff6.pdf>

The Netherlands

The Partij voor de Vrijheid (PVV) held over 10% of votes in parliament in 2014 and won over 13% of votes in EU-elections in 2014. It peaked at over 23% in national elections in 2023. All far-right parties taken together peaked at 30% in national elections in 2023. Two far-right parties participated in government from 2023-2025. The PVV was able to join government when it met the requirement of one of the coalition partners to confirm in writing that it would respect the constitution, the rule of law and independent judiciary, media and science.

The penal code has provisions on defamation, hate speech and sedition (category 1/2).

Italy

The Lega Nord party won over 6 % of votes in the EU-elections in 2014 and over 17% (its peak) in national elections in 2018. Fratelli peaked at over 28 % in European elections in 2024. All far-right parties taken together won 9,9% of votes in the European elections in 2014 and peaked at over 40% in European elections in 2019. Far-right parties participated in government in 2018-2019 and from 2022 onwards.

The constitution of Italy refers to democracy as an institutional legal order. The so-called Scelba law (1952) prohibits reorganization of the dismantled fascist party in the form of a movement that strives for anti-democratic goals that are characteristic for a fascist party. The penal code contains provisions that address defamation, state order, terrorism, and undermining of democratic order and public order that partly apply to false news (category 2). A proposal for legislation in 2017/ 2018 with reference to safeguarding the integrity of the democratic process contained cooperation of social media platforms with public authorities, reporting, provisions on content removal, and penalties for noncompliance under penal law (category 4-6). It was withdrawn before it was brought to vote.

Slovakia

The Slovak Nationalist party (SNS) held 4,6 % of votes in parliament in 2014 and won 8,6% of votes (its peak) in the national election in 2016. All far-right parties taken together peaked at 23% in national elections in 2016. Far-right parties participated in government from 2016-2025.

The constitution of Slovakia refers to democracy as an institutional legal order. There is a memory law related to Nazism and communism and penal code provisions on denial, dispute or justification of crimes of fascist, communist or similar movement related to fundamental rights and freedoms of persons. Criminal law covers crimes against the state, extremism, denial or approval of regime crimes with reference to fascism, communism, and regimes that suppress fundamental rights (category 1,2). In 2023, a proposal for law with an orientation towards protecting constitutional order and democratic principles contained a definition of disinformation, cooperation of social media platforms with public authorities, reporting, provisions on content removal, and penalties for noncompliance (not adopted).⁵⁴

Workings of legislation

54 East Center. (2024). Disinformation Resilience Index Central and Eastern Europe. https://www.amo.cz/wp-content/uploads/2024/12/DRI_2024_edition.pdf; Poznámky k návrhu zákona o boji proti dezinformáciám—Právne listy. (n.d.). Retrieved April 22, 2026, from <https://www.pravnelisty.sk/clanky/a1193-poznamky-k-navrhu-zakona-o-boji-proti-dezinformaciam>

Category 1 and 2 measures proved to be able to persist in light of freedom of speech concerns. However, the Organization of Security and Cooperation in Europe (OSCE) persistently strives for decriminalization of defamation.⁵⁵ Sedition generally requires incitement to a criminal offence or to violence against the state. An example in the Netherlands is a conviction for a call via Twitter to occupy parliament and to kill a politician because he ‘squandered the Netherlands’.⁵⁶ Focus in jurisprudence lies on the sedition as such and not whether it is based on false information, but a combination with defamation can bring the use of false information to the surface.⁵⁷ Recent studies both dwell on the prominence of freedom of speech and exploit the upgrade of responses to disinformation in line with the values and duties embedded in EU law (for example Geraldès, 2022).

For category 3-5, research regarding French regulation has revealed improvement in cooperation with platforms as well as difficulty in acquiring transparency.⁵⁸ In a more general sense, it has been forwarded that measures should be taken at the European level to be effective, because the disinformation is transnational, infrastructures used by platforms are transnational, and platforms exploit differences in legislation between countries.⁵⁹ Research regarding the effect of the German NetzDG has shown a particular preventive effect because of reduction of hate speech as well as a reduction of hate driven criminal offenses.⁶⁰ Over blocking or a so-called chilling effect (on discussions) appears not to have been the case after introduction of NetzDG.⁶¹ For category 5, Lithuanian regulation appears to work, although research states limitations.⁶² In general, it appears problematic to enforce regulation regarding content removal and criminalization of false news. In France removal of content was demanded in one particular case and not granted for, which is esteemed to show the practical difficulty of corroborating the demands of manifest falsity and massive spreading.⁶³ And a case in the Czech Republic foreshadows the difficulty of enforcing measures under category 6 in the light of free speech law. A verdict by the Czech supreme court in 2025, for scaremongering, reversed a conviction

55 For example, Ireland repealed defamation from its penal code.

56 Geldboete van 1.000 euro voor opruiing | Rechtspraak. (n.d.). Retrieved April 22, 2026, from <https://www.rechtspraak.nl/organisatie-en-contact/organisatie/rechtbanken/rechtbank-den-haag/nieuws/geldboete-van-1000-euro-voor-opruiing>

57 ECLI:NL:RBGEL:2023:6293, Rechtbank Gelderland, 05.243715.22 En 05.148951-23 (Gev Ttz), ECLI:NL:RBGEL:2023:6293 (Rb. Gelderland November 9, 2023). <https://deeplink.rechtspraak.nl/uitspraak?id=ECLI:NL:RBGEL:2023:6293>

58 Lutte contre la manipulation de l'information sur les plateformes en ligne (Bilan 2021) | Arcom. (n.d.). Retrieved April 22, 2026, from <https://www.arcom.fr/se-documenter/etudes-et-donnees/etudes-bilans-et-rapports-de-larcom/lutte-contre-la-manipulation-de-linformation-sur-les-plateformes-en-ligne-bilan-2021>

59 Rapport d'information déposé par la commission des affaires européennes portant observations sur la proposition de loi visant à prévenir les ingérences étrangères en France (N° 2150) (Mme Constance Le Grip), n° 2385. (n.d.). Retrieved April 22, 2026, from https://www.assemblee-nationale.fr/dyn/16/rapports/duel16b2385_rapport-information

60 Pressemitteilung: Gesetz gegen Hass und Hetze im Netz zeigt Wirkung. (n.d.). zew.de. Retrieved April 22, 2026, from <https://www.zew.de/das-zew/aktuelles/gesetz-gegen-hass-und-hetze-im-netz-zeigt-wirkung?>; The effect of content moderation on online and offline hate: Evidence from Germany's NetzDG. (n.d.). Retrieved April 22, 2026, from https://warwick.ac.uk/fac/soc/economics/research/centres/cage/publications/workingpapers/2024/the_effect_of_content_moderation_on_online_and_offline_hate_evidence_from_germanys_netzdg/

61 <https://www.sciencedirect.com/science/article/pii/S0308596124000168?>

62 Lithuanian court upholds fine for website for spreading disinformation | Baltic News. (2023, December 14). <https://balticnews.com/lithuanian-court-upholds-fine-for-website-for-spreading-disinformation/>; Pūraitė, A., & Banelis, A. (2024). Information threats and legal means to combat them: the case of Lithuania. *Public Security and Public Order*, (35), 208-230.

63 Premier refus d'application de la loi Fake News par le Juge des référés. (n.d.). Retrieved April 22, 2026, from <https://www.ddg.fr/actualite/premier-refus-dapplication-de-la-loi-fake-news-par-le-juge-des-referes>; Pūraitė, A., & Banelis, A. (2024). Information threats and legal means to combat them: the case of Lithuania. *Public Security and Public Order*, (35), 208-230.

by lower courts regarding a message on YouTube and Facebook pertaining that the Czech government was preparing a nuclear attack on Russia, upholding freedom of speech also for statements that are exaggerated, shocking or untrue. In this particular case, the defendant made statements in public and under his own name so that recipients would have been able to assess their credibility.⁶⁴ A Lithuanian court then upheld a decision regarding a fine for publishing illegal content written by a third party on a tv website that pictures Ukraine as an aggressor run by fascists and nazi's and using targeted military action against civilians. Although this did not concern information that was disseminated via social media, the fine was based on the same legal framework that applies to social media. The court decision thereby shows what Lithuanian law would consider illegal, also under the DSA.⁶⁵

Regulatory measures require adequate investment in enforcement and enforcement capacity. In the Netherlands, a Facebook channel spreading defamation and subtle ethno-nationalist and racist information since 2014, with up to 1 million visitors a day, that was maintained by two members of parliament of the PVV-party was demasked by a Dutch newspaper in 2025 (a lawsuit has now been filed).

Summary conclusions

In the period between 2015 and 2025, national legislation became more restrictive towards platforms, moving sometimes towards criminalization based on content. Fully liberal democratic government, memory from the past, borders with the Russian Federation and the presence of internal anti-democratic forces are presented as factors that coincided with a high degree of regulation. Regulation of types 1-5 as presented in table 1 appears to be viable to be upheld. For category 4, absence of appliance of the Vienna rule presents an inherent weakness.

Coincidence of factors with high levels of legislation does not follow a consistent pattern. For example, some countries with an internal threat have a high degree of regulation, while, for example, the Netherlands and Czech Republic have not. A possible explanation for the Netherlands could be that the pro-Russian Partij Voor de Vrijheid (PVV) presents itself as a one-issue movement (anti-Islam). For the Czech Republic, an overall right-leaning composition of government may have been of influence. By all means, the conjectures at the national level that were explored in this essay do not represent a causal chain, if only because governments have managerial discretion about the legislative choices they make. Further research will be needed to develop an explanatory framework that explains cause and effect relationships between factors and degrees of legislation.

Outlook

Increasing strictness of regulation did not coincide with a curbing of disinformation. For example: in a report published in December 2025 the French cyber agency VIGINUM signals a structural increase of informational

64 Advokát, M. D. N. (2024, January 19). Šíření poplašné zprávy (§ 357 trestního zákoníku). Trestní Advokáti s.r.o. <https://trestniadvokati.cz/sireni-poplasne-zpravy-§-357-trestniho-zakoniku/>

65 Lithuanian court upholds fine for website for spreading disinformation | Baltic News. (2023, December 14). <https://balticnews.com/lithuanian-court-upholds-fine-for-website-for-spreading-disinformation/>; Pūraitė, A., & Banelis, A. (2024). Information threats and legal means to combat them: the case of Lithuania. *Public Security and Public Order*, (35), 208-230.

threats against French interests.⁶⁶ Increase in regulation apparently did not coincide with curbing the rise to power of the (partly pro-Russian) far-right.

How could a road to convergence of legislation unfold?

At the EU- level, current proposals for legislation bring no change in the relation between EU-law and national legislation regarding disinformation. The so-called Digital Omnibus Regulation Proposal that was forwarded in November 2025 will, when adopted, introduce centralized oversight at the EU-level in a sense that the EU AI-office will not just oversee general-purpose AI models, but also AI embedded in VLOPs and Very Large Online Search Engines (VLOSEs) under the Digital Services Act. Also, the Omnibus regulation will postpone the obligation for high-risk AI, now set for august 2026, to provide insight and transparency regarding its internal operation.⁶⁷ This theoretically may involve AI that is embedded in social media platforms. In short, EU law will continue to have its focus on procedural measures for transparency and will remain to a large extent agnostic regarding content.

Regarding the national level, and for countries with fully liberal democratic government, we tentatively propose that a tendency towards repressive legislation may well continue to increase when hybrid warfare increases and stakes get high. In this essay, we have shown that some measures are already presented as being under development, in particular in Lithuania and France. In his wishes to the French people for 2026, the French president Macron made three promises one of which was a vow to do the utmost to protect presidential elections in spring 2027 from foreign interference.⁶⁸

Harmonisation of regulation as advocated by Ó Fathaigh et al . (categories 1 and 2 in table 1) remains a viable option.⁶⁹ Preventive and repressive measures for restriction of algorithms and tools that spread and amplify disinformation by platforms may affect freedom of speech concerns less and have larger quantitative effects. An advancement of legislation may also follow the path of stretching what is defined as being illegal disinformation. This will indirectly also enhance the scope of the DSA but will not be easy to uphold in the face of freedom of speech concerns. Further repression by some countries may lead to further divergence of legislation between countries. In depth consideration and debate on security, past experience with authoritarianism, external and internal threats to democracy, and a sense of common interest should be the guide to convergence, also with respect to proportionality between demands regarding protection of democracy and freedom of speech concerns.

Moreover, new legal approaches may emerge for the regulation of social media. Related to public health, an emerging perspective of social media platforms not just as “speech” and neutral hosts of third-party content, but as products that contain algorithmic recommendations and reinforcement which cause harm (just as an

66 *Rapport d'activité 2024—Viginum* | SGDSN. (n.d.). Retrieved April 22, 2026, from <http://www.sgdsn.gouv.fr/publications/rapport-dactivite-2024-viginum>

67 Digital omnibus regulation proposal | shaping europe's digital future. (n.d.). Retrieved April 22, 2026, from <https://digital-strategy.ec.europa.eu/en/library/digital-omnibus-regulation-proposal>

68 Vœux aux Français pour 2026. (2025, December 31). [elysee.fr](https://www.elysee.fr). <https://www.elysee.fr/emmanuel-macron/2025/12/31/voeux-aux-francais-pour-2026>; Darame, M. (2026). Pour ses avant-derniers vœux aux Français, Emmanuel Macron cherche le consensus et promet d'être au travail « jusqu'à la dernière seconde ». *Le Monde*. https://www.lemonde.fr/politique/article/2026/01/01/pour-ses-avant-derniers-v-ux-aux-francais-emmanuel-macron-cherche-le-consensus-et-promet-d-etre-au-travail-jusqu-a-la-derniere-seconde_6660224_823448.html?random=1715888124

69 Ó Fathaigh et al (2021), See fn 16.

exploding battery in a cell phone causes harm) opens an avenue of appliance of laws on product liability to platforms.⁷⁰ In the Philippines, a legislative proposal has been submitted that requires platforms to secure a legislative franchise or license to be allowed to operate in the country.⁷¹

How can harmonization of legislation be advanced?

Ó Faithaigh et al. advocated a larger role for the Council of Europe (CoE), next to the EU, for coordination and standard setting with regards to European disinformation policy.⁷² The authors build the argument on a complementary role for the CoE on the question of content-based restrictions on disinformation, and on tackling the diverging approaches of the member states on the track record of the CoE regarding matters of human rights and freedom of expression. Given the origin, nature and consequences of disinformation, we argue an approach based on the aspect of security appropriate, which would point to a role for the OSCE as a platform for debate on the advancement and harmonisation of regulation.⁷³ When illiberal parties get involved in government then, either by own force or by invitation, we tentatively propose that further regulation of anti-democratic disinformation will be obstructed, and that the spreading of such disinformation will increase.



70 <https://www.nytimes.com/2026/03/14/opinion/social-media-trial-addiction.html>

71 An Act Requiring Social Media Platforms to Secure a Legislative Franchise to Operate within the Country, HB00934, Republic of the Philippines House of Representatives (2025). https://docs.congress.hrep.online/legisdocs/basic_20/HB00934.pdf?

72 Ó Fathaigh et al (2021), See fn 16.

73 Kooten, M. van. (2025, December 19). *The fight against disinformation: A role for the Swiss OSCE Chairpersonship lies ahead*. Security and Human Rights Monitor. <https://www.shrmonitor.org/the-fight-against-disinformation-a-role-for-the-swiss-osce-chairpersonship-lies-ahead/>

Appendices

Appendix 1: Overview of the literature

The table below presents an overview of papers, the pre-dominant lens of analysis, the research aim, the level of analysis, and allusions that are given in the paper to the antecedents of measures to counter disinformation.⁷⁴

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
Literature review	Pérez-Escolar, M., Lilleker, D., & Tapia-Frade, A. (2023). A Systematic Literature Review of the Phenomenon of Disinformation and Misinformation. <i>Media And Communication</i> , 11(2). https://doi.org/10.17645/mac.v11i2.6453 .	An overview of the general definitions, trends, patterns, and developments that represent the research on disinformation and misinformation. What we know about disinformation and what gaps in research should be pursued.	Not explicated	Reference is made to the integrity of knowledge, problems for democratic societies
	Broda, E., Strömbäck, J. (2024). Misinformation, Disinformation, And Fake News: Lessons From An Interdisciplinary, Systematic Literature Review. <i>Annals Of The International Communication Association</i> , Vol. 48, No. 2, 139–166.	To conduct a systematic and interdisciplinary review of research on contemporary disinformation, misinformation, and fake news (disciplines, methodologies). Identify research gaps.	Not explicated	Reference to increasing misperceptions and knowledge resistance, which in turn pose significant threats to the health and well-being of individuals as well as organizations, countries, democratic deliberation and democracy per se.

⁷⁴ Papers were selected based on a search on Google scholar for peer reviewed papers in English through the queries: Disinformation +legislation+ literature review; Disinformation +legislation + <country>; Disinformation + legislation + EU.

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
Literature Review	Rød, B., Pursiainen, C., & Eklund, N. (2025). Combatting Disinformation – How Do We Create Resilient Societies? Literature Review and Analytical Framework. <i>European Journal For Security Research</i> , 10(1-2), 73-114. https://doi.org/10.1007/s41125-025-00105-4 .	Taking stock of the academic literature on societal resilience to disinformation. Develop an analytical framework, as a checklist for planning and implementing democratic countermeasures to strengthen societal resilience to disinformation by various responsible actors and agencies.	Not explicated	Reference to threat to democratic information security, eroding trust in public information and policies, and challenging the very foundations of democratic political systems.
	Stieglitz, S., Fromm, J., Kocur, A.; Rostalski, F., Duda, M., Evans, A., Rieskamp, J., Sievi., Pawelec, M., Heesen, J., Loh, W., Fuchss, C., Eyilmez, K. (2023) What Measures Can Government Institutions in Germany Take Against Digital Disinformation? A Systematic Literature Review and Ethical-Legal Discussion. <i>Wirtschaftsinformatik 2023 Proceedings</i> . 20. https://aisel.aisnet.org/wi2023/20 .	Identify measures government agencies can apply to counter digital disinformation campaigns based on a systematic literature review of IS research.	Nation state, Germany	Reference to confusion, loss of trust, emotional suffering, economic costs and mortal danger, societal cohesion, democratic processes and the rule of law.

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
Constitutional Order	Datzer, V., Lonardo, L. (2022). Genesis and evolution of EU anti disinformation policy: entrepreneurship and political opportunism in the regulation of digital technology. <i>Journal Of European Integration</i> , 45(5), 751 –766. https://doi.org/10.1080/07036337.2022.2150842 .	Explores the establishment of policy-formulation in the EU.	EU	External threat perception, especially for those that share borders with third countries, like the Baltics
	Juhász, K. (2024). European Union defensive democracy's responses to disinformation. <i>Journal Of Contemporary European Studies</i> , 32(4), 1075 –1094. https://doi.org/10.1080/14782804.2024.2317275 .	To provide an overview and analysis of the EU's counter-disinformation policy and measures within the theoretical framework of militant and defensive democracy	EU	Threat to democracy, the Union's public order and security.
	Pūraitė, A., Banelis, A. (2024). Information Threats And Legal Means To Combat Them: The Case Of Lithuania, <i>Public Security And Public Order</i> , (35), 208-230.	Evaluate the legal possibilities for countering disinformation, in particular weighing threats to freedom of speech against the threat of propaganda.	Nation state, Lithuania	Threat by activities of hostile states, aimed at demeaning and distorting our state's historical memory, questioning its sovereignty, and justifying the actions of terrorist states.

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
	Balčytienė, A., Dāvidsone, A., & Siibak, A. (2025). What a Human-Centred Approach Reveals About Disinformation Policies: The Baltic Case. <i>Media And Communication</i> , 13. https://doi.org/10.17645/mac.9548 .	To expose inconsistencies and gaps in the current strategies and agendas for countering disinformation, The Baltics compared with EU-wide approaches.	Nation state, includes Lithuania, EU	Reference to the geographic closeness to Russia, as well as historical memories also explain why the Baltic states often adopt more robust measures than the EU-wide approaches.
	Durach, F., Bârgăoanu, A., Nastasiu, C. (2020). Tackling Disinformation: Eu Regulation Of The Digital Space. <i>Romanian Journal Of European Affairs</i> . Vol. 20, No. 1, 5-20.	Provide an overview of responses to fake news (self regulation, co-regulation, legal measures , audience centred solutions).	Eu, nation state (includes Germany, France, Lithuania, Czech Republic)	Issues regarding elections, negative effects on political attitudes, distrust, polarisation.
	Marsden, Meyer, Brown (2020). Platform values and democratic elections: How can the law regulate digital disinformation? <i>Computer Law & Security Review</i> 36, p. 1-18.	Examine the effects that disinformation initiatives have on freedom of expression, media pluralism and the exercise of democracy.	EU, nation state (Germany)	Skewing the results of elections and referenda and amplifying hate speech.
	Prokopović, A.M., Vujović, M (2020).The European Approach To Regulating Disinformation, <i>Facta Universitatis Series: Law And Politics</i> Vol. 18, No 3, 175-183.	Present an overview of measures to counter disinformation.	EU	Threat to democratic processes.

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
	Hedling, E. (2021). Transforming practices of diplomacy: the European External Action Service and digital disinformation. <i>International Affairs</i> , 97(3), 841–859. https://doi.org/10.1093/ia/iab035 .	Explore the transformative role of practices of countering digital disinformation in European Union diplomacy.	EU	Safeguarding democracy.
	Casero-Ripollés, A., Tuñón, J., & Bouza-García, L. (2023). The European approach to online disinformation: geopolitical and regulatory dissonance. <i>Humanities And Social Sciences Communications</i> , 10(1). https://doi.org/10.1057/s41599-023-02179-8 .	To analyse the underlying logic of the emerging European policy on counter disinformation practices and regulations.	EU	Threat to the health of democracy (geopolitical logic); digitalization of the public sphere as such requires regulation (regulatory logic).
	Dragomir, M., Rúa-Araújo, J., & Horowitz, M. (2024). Beyond online disinformation: assessing national information resilience in four European countries. <i>Humanities And Social Sciences Communications</i> , 11(1). https://doi.org/10.1057/s41599-024-02605-5 .	To tackle the question of what makes a country vulnerable to or resilient against online disinformation.	National level, includes Austria, Spain, Czech Republic, Finland	Undermining trust in democratic institutions manipulating political discourse and in particular swaying election results.

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
	<p>Oleart, A., Petrosyan, Z. (2025). From self to co-regulation in the EU's approach to disinformation: the framing power of Big Tech business lobbies in the lead to the Digital Services Act. <i>International Review of Public Policy</i>, Vol. 7, N°2, 235-256, https://doi.org/10.4000/13zey.</p>	<p>How did the European Commission come to adopt a co-regulatory approach to disinformation.</p>	<p>EU</p>	<p>Reference to election manipulation.</p>
	<p>Cabada, L. (2023). Struggle against Disinformation in the Czech Republic: Treading the Water. <i>Politics in Central Europe</i>, 19(s1), 371–391. https://doi.org/10.2478/pce-2023-0017.</p>	<p>Analyse the Czech response to disinformation, in a period that the leading persons in the executive belonged to the disinformers and in a period they did not.</p>	<p>Nation state, Czech Republic</p>	<p>Reference to Russian hybrid warfare, the invasion of 2022 in Ukraine; the legacy of the totalitarian rule of Communist ideology and parties and general inclusion into the Eastern Bloc controlled by the Soviet Union; the direct Soviet interventions against the liberalisation processes in Poland, Hungary and Czechoslovakia; the continuation of older Russian imperial project; the geographic proximity of the region and security dilemma related with the Russian activities and geopolitical conceptions.</p>

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
	D'Andrea, A., Fusacchia, G., D'Ulizia, A. (2025). Policy Review: Countering Disinformation in the Digital Age - Policies and Initiatives to Safeguard Democracy in Europe. <i>Information Polity</i> 2025, Vol. 30(1) 82–91.	To examine the interactions between government actions, private sector involvement, and citizen engagement; analysis of the European Union's strategy against disinformation; assess the challenges and future directions necessary to sustain democratic resilience .	EU	Reference to threats to democratic processes and public welfare.
Law	Teles, J.E., De Lira, Laíse Mariz, L., Coelho, I.M.F.C. (2024). Regulatory Challenges Of Online Disinformation: Analysis Of National Legislation And International Approaches To Disinformation And Fake News; <i>Rvgsa</i> , No. 18, 1-21.	Understand regulatory approaches, specifically in relation to freedom of speech.	Nation state (includes France, Germany)	Not explicated.
	Van Hoboken, J., Ó Fathaigh, R. (2021). Regulating Disinformation in Europe: Implications for Speech and Privacy. <i>UC Irvine Journal of International, Transnational, and Comparative Law</i> , 6(1), 9-35.	To examine the implications of disinformation regulation in the European Union on both the right to freedom of expression and the right to privacy.	EU, nation state, includes France, Lithuania, Austria, Hungary, Poland, Germany	Protection against manipulation, user autonomy, transparency.

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
Law	Couzigou, I. (2021). The French Legislation Against Digital Information Manipulation in Electoral Campaigns: A Scope Limited by Freedom of Expression. <i>Election Law Journal: Rules, Politics, and Policy</i> Vol. 20 (1), 98 – 115.	To study how election interference occurred in 2017 and: how the new laws aim to prevent manipulation of digital information in relation to freedom of speech	Nation state, France	Election manipulation (implicit).
	Harcourt , A (2021). Legal and regulatory responses to misinformation and populism. Bookchapter :The Routledge Companion to Media Disinformation and Populism.	To analyse legislation related to existing legal instruments on hate speech and privacy.	Nation state, Germany, France	Populism
	Bayer, J. (2024). The EU policy on disinformation: aims and legal basis. <i>Journal Of Media Law</i> , 16(1), 18–27. https://doi.org/10.1080/17577632.2024.2362478 .	Analysis of policies from the viewpoint of economic integration, freedom and pluralism of the media, and the protection of human rights.	EU	Threatening the political stability of the Union: democracy, the rule of law and human rights.
	Clausen, V. (2018). Fighting hate speech and fake news. The Network Enforcement Act (NetzDG) in Germany in the context of European legislation. <i>Media Law Journal</i> 3/2018.	Explore effectiveness and constitutionality of EU and German legislation.	EU, nation state (Germany).	Reference tot he need for a legal framework to guarantee fair competition, consumer protection and individual rights.

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
Law	Espaliú-Berdud, C. (2022). Legal and criminal prosecution of disinformation in Spain in the context of the European Union. <i>Crisis en el espacio público/ Crisis in the public space</i> , vol. 31, 3, 23-38.	To analyse the different legal ways to prosecute disinformation in Spain.	National level, Spain	Risk to society.
	Calò, A., Longo, A., & Zappatore, M. (2023). Comparative Analysis of Disinformation Regulations: A Preliminary Analysis. In <i>Lecture notes in computer science</i> (pp. 162–171). https://doi.org/10.1007/978-3-031-47112-4_15 ,	To explore the complexities of Fake News and the need for regulatory measures.	EU, nation state (Germany, France, Italy)	Reference to election manipulation.
	Fathaigh, R. Ó., Helberger, N., & Appelman, N. (2021). The perils of legally defining disinformation. <i>Internet Policy Review</i> , 10(4). https://doi.org/10.1007/978-3-031-47112-4_15 .	To discuss the national legislation applicable to the definitions of disinformation, and crucially, to examine the implications for European policy, in particular the EU's proposed Digital Services Act.	EU, nation state (includes France, Hungary, Czech Republic)	Reference to impact on democracy to tackle the spread of disinformation.

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
	<p>Krotoszynski, Jr. RJ, Koltay, A, Garden, C, eds. (2025). Regional Regulatory Approach to Disinformation: Europe. In: <i>Disinformation, Misinformation, and Democracy: Legal Approaches in Comparative Context</i>. Cambridge University Press; 2025:131-196. https://doi.</p>	<p>To review the measures taken by the European Union and its Member States to limit disinformation, mainly through regulatory instruments.</p>	<p>EU</p>	<p>Reference to election interference and interference in democratic processes that force all parties concerned to reassess the previous European understanding of the proper regulation of freedom of expression.</p>
	<p>Kudrna, J. (2022). The Possibilities Of Combating So-Called Disinformation In The Context Of The European Union Legal Framework And Of Constitutional Guarantees Of Freedom Of Expression In The European Union Member States. <i>International Comparative Jurisprudence</i> 2022, 8(2): 138-15.</p>	<p>To pay attention to the constitutional enshrinement of freedom of expression (and the related right to information) and what legal and practical problems would have to be dealt with if restrictions on the dissemination of disinformation were to be introduced.</p>	<p>EU, nation state (Czech republic and Poland)</p>	<p>Reference to the Russian invasion of Ukraine in 2022.</p>

Lens	Paper	Aim	Level of Analysis	Allusion to antecedents
Internet regulation	Nieminen, H., Padovani, C., & Sousa, H. (2023). Why Has the EU Been Late in Regulating Social Media Platforms? <i>Javnost - The Public</i> , 30(2), 174–196. https://doi.org/10.1080/13183222.2023.2200717 .	To answer why the EU has been late in regulating social media platforms given industrial policy and media regulation, specificities of internet governance, US market dominance and ensuring democracy, pluralism, social cohesion, and cultural and linguistic diversity.	EU	Promoting democratic values, human rights and the rule of law.

Appendix 2: Far-right in votes

Total np = national house of representatives; all parties, largest party between brackets.

Total EU = EU-parliament; all parties, largest party between brackets.

InGov – far-right and Eurosceptic in government

*Pro-Kremlin⁷⁵

		2014	2015	2016	2017	2018	2019	2020	2021	X2022	2023	2024	2025
Lithuania	Total np			0,56 (0,56)									
	Total eu						1,9 (1,9)						
	InGov	-	-	-	-	-	-	-	-	-	-	-	-
France	Total np	13,6 (13,6*)			14,3 (13,2*)					19,2 (18,7*)			
	Total eu	28,6 (24,8*)					26,8 (23,3*)					31,3 (31,3*)	
	InGov	-	-	-	-	-	-	-	-	-	-	-	-

⁷⁵ A party does not need to be pro-Kremlin to be ordered in the category Far-right. . Strict criteria that mark a party as pro-Kremlin are more difficult to find. We added information on whether a party can be considered as Pro-Kremlin with an asterisk. <https://www.atlanticcouncil.org/in-depth-research-reports/report/the-kremlin-s-trojan-horses-2-0/>; <https://www.atlanticcouncil.org/in-depth-research-reports/report/the-kremlins-trojan-horses-3-0/>; <https://euobserver.com/eu-and-the-world/ard6335aae?>; <https://popu-list.org/>

		2014	2015	2016	2017	2018	2019	2020	2021	X2022	2023	2024	2025
Germany	Total np				12,6 (12,6*)				10,4 (10,4*)				20,8 (20,8*)
	Total eu	7 (7*)					11 (11*)					16 (16*)	
	InGov	-	-	-	-	-	-	-	-	-	-	-	-
Austria	Total np	20,5 (20,5*)					16 (16*)					28,9 (28,9*)	
	Total eu	19,7 (19,7*)					17,2 (17,2*)					25,3 (25,3*)	
	InGov	-	-	-	X*	X*	-	-	-	-	-	-	-
Poland	Total np	30 (30)					59,1 (43)				52,7 (35)		
	Total eu	33,1 (31,7)					54 (45)					60 (36)	
	InGov	-	X	X	X	X	X	X	X	X	-	-	-
Italy	Total np	1,9 (1,9*)				21,9 (17,4*)				34,8 (26*)			
	Total eu	9,9 (6,2*)					40,7 (34,3*)					37,8 (28,8*)	
	InGov	-	-	-	-	X*	X*	-	-	X*	X*	X*	X*
Spain	Total np		0,2 (0,2)	0,2 (0,2)			15,1 (15,1)				12,4 (12,4)		
	Total eu	1,6 (1,6)					6,3 (6,3)					9,6 (9,6)	
	InGov	-	-	-	-	-	-	-	-	-	X*	X*	X*
Netherlands	Total np	10,1 (10,1*)			14,8 (13*)				19,2 (10,8*)		30 (23,5*)		29,3 (16,6*)

		2014	2015	2016	2017	2018	2019	2020	2021	X2022	2023	2024	2025
	Total eu	13,3 (13,3*)					14,5 (11*)					25,5 (17*)	
	InGov	-	-	-	-	-	-	-	-	-	X*	X*	X*
Slovenia	Total np	2,2 (2,2)				4,2 (4,2)					1,5 (1,5)		
	Total eu	4 (4)					4 (4)						
	InGov	-	-	-	-	-	-	-	-	-	-	-	-
Czech rep	Total np				10,6 (10,6*)				9,5 (9,5*)				
	Total eu						9,1 (9,1*)					5,7 (5,7*)	
	InGov	-	X*	-	-	-	-	-	-	-	-	-	X*
Hungary	Total np	64,5 (44,1*)				71,1 (47,9*)					58,2 (52,5*)		
	Total eu	69,5 (51,5*)					65,5 (52,5*)					44,9 (44,8*)	
	InGov	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*	X*
Slovakia	Total np	6,2 (4,6)		23,2 (8,6)					22,3 (8,2)		8,6 (5,6)		
	Total eu	4,9 (3,6)					7,3 (4,1)					2,4 (1,9)	
	InGov	-	-	X	X	X	X	X	X	X	X	X	X

Appendix 3: Major Legislation Adopted Since 2015

Country	Category 1	Category 2	Category 3	Category 4	Category 5	Category 6	Degree of Regulation	DSA Implementation
<i>Lithuania</i>	-	-	-	2019	-	2025 Law proposal	HIGH	X
<i>France</i>	-	-	-	2019	-	2019 2025 (stretching of existing penal code; Digital majority proposed)	HIGH	X
<i>Germany</i>	-	-	2017	-	2017; 2020	-	HIGH	X
<i>Austria</i>	-	-	2020	-	2020	-	HIGH	X
<i>Czech Republic</i>	-	-	-	-	-	-	LOW	-
<i>Hungary</i>	-	2020*	-	-	-	-	LOW	X
<i>Slovenia</i>	-	-	-	-	-	-	LOW	X
<i>Spain</i>	-	2015, 2022	-	-	-	-	LOW	-
<i>Poland</i>	-	-	-	-	Proposed in 2024/2025, not adopted	-	LOW	-
<i>The Netherlands</i>	-	-	-	-	-	-	LOW	X
<i>Italy</i>	-	-	-	Proposed in 2017/2018, not adopted	-	Proposed in 2017/2018, not adopted	LOW	X
<i>Slovakia</i>	-	-	-	-	Proposed in 2023, not adopted	-	LOW	X


* Related to COVID-19

The Digital Services Act

The DSA was adopted by the EU parliament in July 2022 with 77 % of votes for, 11% against and 12% abstentions.⁷⁶ Out of the group Identity and Democracy, 34% of members voted for the law and 66% against. Members of the Identity and Democracy group included at the time the far-right and Eurosceptic parties Rassemblement National (France), Alternative fur Deutschland (Germany), Freiheitliche Partei Osterreich (Austria), Lega (Italy), Freedom and Direct democracy (Czech Republic), and Partij voor de Vrijheid and Forum voor Democratie (The Netherlands). Out of the group European Conservatives and reformists 56% of members voted for the law, 27% against, and 18% abstained. Members of the Conservatives and Reformist group included the far-right and Eurosceptic parties Law and Justice party (Poland), Fratelli (Italy), and Vox (Spain). Fidesz (Hungary) was not part of a larger group at the time.



⁷⁶ *Vote results: Digital services act.* (2022, January 20). HowTheyVote.Eu. <https://howtheyvote.eu/votes/139040?>



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