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## The transatlantic battle over free speech

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The EU's efforts to regulate the digital sphere are under attack from the Trump administration and, increasingly, Silicon Valley in a culture war that shows no sign of abating.

The views of Stephen Yaxley-Lennon, the British far-right activist known as Tommy Robinson, are too extreme for any major political party in the UK. Even Nigel Farage, the standard bearer for Britain's right wing, has said Robinson has no place in his Reform UK party.

Yet Yaxley-Lennon, who is known for making incendiary remarks about Muslims and immigrants, was welcomed to the US state department last week as a "free speech warrior".

His warm reception in Washington is only the latest instance of the Trump administration promoting an anti-immigration advocate as a martyr of free speech, in an intensifying culture war that has spread across the Atlantic.

For years, US President Donald Trump has accused leftwing politicians, academics and Big Tech groups in the US of colluding to deliberately silence conservatives through online moderation and enabling a so-called cancel culture. But as Europe steps up efforts to roll out and enforce rules covering the digital sphere, Trump and his allies are now levelling similar accusations at EU regulators and individual European governments — this time with some Silicon Valley companies on side.

In December, when the European Commission posted a video on X announcing that it was fining the social media platform €120mn for breaching its flagship digital rules, Elon Musk responded below with one word: "Bullshit." X's billionaire owner was not alone in conveying his contempt.

US vice-president JD Vance accused the EU of "attacking American companies over garbage", while US secretary of state Marco Rubio said the penalty represented "an attack on all American tech platforms and the American people by foreign governments".

In February, an explosive report by the Republican-led US House judiciary committee went further, declaring that Europe had conducted a "decade-long" campaign to "censor the global internet", trampling on US free speech in the process.

For Big Tech, joining the pushback is as opportunistic as it is idealistic. Musk has invoked similar rhetoric as French and EU prosecutors last month raided X's offices in Paris over concerns related to AI-generated non-consensual sexual imagery. He and other tech executives have cried censorship as France, Spain and others explore banning social media for under-16s.

For Trump, meanwhile, the debate offers opportunities for broader geopolitical manoeuvring, according to analysts. "For Trump, this is all a negotiation. And berating his negotiating partners for censorship is one of the many levers he has to get what he wants in relation to tariffs or Nato or Greenland," says Daphne Keller, director of platform regulation at Stanford University's Cyber Policy Center.

In Brussels, the criticism has been met with disbelief and anger, according to officials, lobbyists and civil society groups, especially given the crackdown on physical protests in the US as well as retributive moves taken by the new administration that critics say stifle the free speech of Trump's dissenters.

French President Emmanuel Macron last month lambasted social media platforms and tech chiefs who claim to be defending free speech. "Some of them claim to be in favour of free speech. We are

in favour of free algorithms, totally transparent,” Macron said. “Free speech is pure bullshit if nobody knows how you are guided through this.”

As the rapid development of AI adds urgency to the already fraught debate over who sets the global standards for the digital world, there are no signs that the EU will reduce its regulation, raising the possibility of more dramatic showdowns to come.

“This is traditional brinkmanship,” says Kate Klonick, associate professor of law at St John’s University Law School. But, she added, “there is a tech infrastructure in Silicon Valley that Europe is reliant on that there is no way they can stand up on their own”.

The free speech dispute between Brussels and the Trump administration first burst into public view over a year ago, when Vance told the Munich Security Conference that he feared Europe’s “threat from within” in a confrontational speech that hit out at the state of democracy on the continent and warned about “the retreat of Europe from some of its most fundamental values”.

Much of the tension has centred around the EU’s Digital Services Act, which entered into force two years ago and requires large online platforms to limit the spread of illegal content and increase the transparency of the platforms’ workings. This applies to social media companies, such as X, TikTok and Meta’s Facebook and Instagram, but also pornography platforms and large online marketplaces such as Amazon, Shein and Temu.

Under the DSA, regulators can also probe attempts of foreign influence, for example in December 2024 announcing an investigation into TikTok for failing to “properly assess and mitigate systemic risks” related to alleged electoral interference in Romania’s elections.

If the companies do not comply, they risk fines of up to 6 per cent of their global revenue — although Brussels usually tries to avoid such fines by ensuring compliance via negotiations with the respective companies.

Europe insists its approach enhances free expression by forcing transparency and accountability, by requiring large online platforms to address systemic risks such as disinformation, the spread of illegal content or influencing elections via algorithms.

“The DSA has nothing to do with censorship,” the EU’s tech chief Henna Virkkunen told reporters in Brussels just after the report of the House judiciary committee. “We are fully respecting the freedom of speech.”

Martin Husovec, associate professor of law at the London School of Economics and Political Science, notes that without a unified EU law that involves an element of compromise, there could be a patchwork of legislation from the 27 member states including more “draconian” rules. “Most of the [US] complaints are either completely misinformed, baseless or potentially trying to inflate” the risk that the rules are abused, he adds.

But Trump’s supporters in the Republican Party counter that the bloc is exporting bureaucratic authoritarianism beyond its borders under the guise of online safety.

Benoît Coeuré, who leads the French competition authority, recently acknowledged that there “have always been misgivings in the US” on the DSA but that in the current administration these concerns are “more extreme or more vocally voiced”.

Criticism of the DSA in the US is not just from the Republican Party. “There are due process questions about the remedies that are asserted here,” says Anupam Chander, a Georgetown law professor, warning that it could theoretically be wielded by individual EU governments for political censorship and lacks transparency.

In a speech in Paris in early 2025, Vance directly attacked the DSA, stating: “It is one thing to prevent a predator from preying on a child on the internet, and it is something quite different to prevent a grown man or woman from accessing an opinion that the government thinks is misinformation.” The EU took note. In much of Trump’s first year in office for his second term, EU officials working on the DSA focused on “safer” areas such as the protection of minors, tackling financial fraud online or combating the sale of illegal products on marketplaces such as Temu and Shein. But regulators were also under pressure from lawmakers to ensure compliance with its rules and to conclude their investigations under the DSA, even if that would lead to fines on American tech companies.

When Brussels eventually fined Elon Musk’s X €120mn over violations of transparency rules under the law, it led to a flurry of anti-European statements from US government officials.

The same month, the US instituted a visa ban against former EU commissioner Thierry Breton and four other people over what it said was “censorship” and coercion of American social media platforms.

Another flashpoint has been European countries such as Spain and France calling for social media bans to protect children from the harmful effects of social media such as Instagram or TikTok.

When Spanish Prime Minister Pedro Sánchez announced such a ban recently, Musk called him a “tyrant and a traitor to the people of Spain”. In the US, there are no federal restrictions banning social media for under-16s.

Some US and European experts argue that the US censorship claims appear designed to provide ammunition to farright European parties so they can complain about it during their own elections. For European officials, the US national security strategy, unveiled in December, was a clear sign in that direction. It said that the US should be “cultivating resistance to Europe’s current trajectory within European nations” and lauded “the growing influence of patriotic European parties”.

In Brussels, officials are pushing back. European regulators are mandated to enforce the DSA, says Jérémie Jourdan, a competition lawyer who works on cases related to the act, often against Big Tech companies.

“Attempts by foreign political actors to pressure the Commission into suspending or weakening enforcement amount to interference with EU regulatory sovereignty, and EU institutions should resist such pressure,” he says.

Alexandra Geese, a Green European lawmaker from Germany who has strongly defended the EU’s digital regulation, says the censorship debate is a “smokescreen that conceals the reality that a tiny circle of billionaires allied with the Trump administration now pulls the strings of public opinion”. For Silicon Valley, the transatlantic spat about censorship presents certain opportunities. Having long complained about EU regulatory overreach, American tech companies now have a vocal and powerful ally in the White House.

Many European officials saw the presence of Silicon Valley’s elite front and centre at Trump’s inauguration last year as a clear sign that Big Tech was siding with the US government in part to secure regulatory relief outside of the country. Since then, tech bosses and their businesses have remained close to the administration, attending dinners and accompanying Trump to announce investment pledges.

For some observers, Trump’s complaints about free speech are a form of lobbying. “It is a way more compelling argument if you frame anti-regulation as censorship,” says Husovec at the LSE. “For tech companies, it’s convenience. It’s very opportunistic.” In Brussels, the US ambassador to

the EU, Andrew Puzder, uses every opportunity to raise concerns about the bloc's digital rules, both in his public and private conversations, to ensure that they do not "punish" US interests.

Publicly aligning with the administration's free speech framing can also curry favour in Washington. X's Musk as well as Meta's Mark Zuckerberg have rolled back moderation efforts in alignment with Trump's free speech rhetoric.

Some Big Tech lobbyists and lawyers in Brussels have privately acknowledged that the US accusation of censorship is overstated. Several acknowledge fierce debates within the industry about the right approach to appease both the new US administration and European regulators. "Some want to play into the tensions for short-term gains, while others think about the company's interests in the longer run," says one.

Most American tech companies have a longstanding presence in Europe and want to keep their business interests on the continent safe.

Geopolitical tension leads to economic instability and helps the push for more European tech sovereignty.

The rapid development of AI has added further cause for disagreement between the US and EU. At the recent AI summit in India, the country's push to widen access and introduce a framework for global AI governance was largely dismissed by Washington and the US's leading tech companies. The summit's declaration, which was endorsed by both the US and the EU, did not include any binding measures to keep the technology safe.

In the US, where the debate has moved away from how to ensure AI is safe to winning the global "race" for dominance, the Trump administration has championed deregulation despite fierce push-back from Democrats.

The EU on the other hand is struggling with a difficult balancing act: it wants to set the guardrails via its AI Act, which was the world's first attempt to regulate the technology, while at the same time attracting investment and supporting the application of AI to boost its struggling economy. Both the US government and several Big Tech companies have lobbied hard to water down Brussels' rules. Now the transatlantic spat is set to flare up again as the EU works on the AI Act's transparency code.

The guidance is likely to require companies to label AI-generated content, such as deepfakes, to avoid the risk of deception. Some Big Tech companies fear the bloc will go too far, leading to "labelling fatigue".

If a new draft of the text "still insists that everything is labelled as AI — from spellchecked emails to selfies with a basic photo filter — users will quickly tune out. The end result would be counterproductive," says Boniface de Champris of the Computer & Communications Industry Association, whose members include many Big Tech groups.

With Europeans countering that the deepfake provisions are necessary given the potential for the technology to harm individuals and undermine democracy, the chance of transatlantic agreement on the problem seems slim.

"This is likely to be the next clash," says Patrick Van Eecke, a partner at law firm Cooley.