



Date: 27 August 2025

**Re: Meta's non-compliance with Articles 27.3 and 38 of Regulation (EU) 2022/2065**

To Bits of Freedom,

EU DisinfoLab is an independent non-profit organisation that is a leading expert on disinformation in Europe.

We are writing in support of Bits of Freedom's case against Meta because:

1. Meta's services are incontrovertibly not in compliance with Articles 27.3 and 38 of the DSA.
2. This non-compliance removes the power of users to protect themselves from the manipulation of their information ecosystem by the marketing-driven platforms owned by Meta. Furthermore, and hence our support for this legal action, this non-compliance arbitrarily removes the right of users to protect themselves from manipulation of recommender systems by third parties. Malign actors, in particular, have proven adept at exploiting these systems to distort the platforms' systems in order to influence elections. The detrimental exploitation of recommender systems in this way has been demonstrated again<sup>1</sup> and again<sup>2</sup> and again<sup>3</sup>. It even led to the first round of the Romanian Presidential election being annulled<sup>4</sup>. As the commercial drivers behind these systems are obvious, it will always be a trivial matter to predict and, hence, exploit them.

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<sup>1</sup> <https://civitates-eu.org/platforms-algorithms-and-recommender-systems-are-dangerous-for-democracy/>

<sup>2</sup> <https://theconversation.com/facebook-algorithms-fueled-massive-foreign-propaganda-campaigns-during-the-2020-election-heres-how-algorithms-can-manipulate-you-168229>

<sup>3</sup> <https://globalwitness.org/en/campaigns/digital-threats/tiktok-algorithm-continues-to-push-multiple-times-more-far-right-content-to-users-ahead-of-romanian-election/>

<sup>4</sup>

[https://www.sgdsn.gouv.fr/files/files/Publications/20250204\\_NP\\_SGDSN\\_VIGINUM\\_Rapport\\_public\\_Elections\\_roumanie\\_risques\\_france\\_VFF.pdf](https://www.sgdsn.gouv.fr/files/files/Publications/20250204_NP_SGDSN_VIGINUM_Rapport_public_Elections_roumanie_risques_france_VFF.pdf)

3. We took notice of the complaint filed by Bits of Freedom in April 2025 in response to non-compliance with Articles 27.3 and 38. While the European Commission responsible in general for investigating the many harmful breaches of the DSA by big tech, these actions typically take years, before then being automatically appealed, to delay justice and increase enforcement burdens on regulators.
4. Recent cases elsewhere in the EU have shown that Member State national and even regional courts have the power to use the DSA to act against very large online platforms.<sup>5</sup> It is therefore very much to be welcomed that the Dutch courts will have the opportunity to take a leading role and to clarify that egregious breaches, such as the one at issue in Bits of Freedom's case, can be quickly and effectively decided on a national level. It is rarely more true that justice delayed is justice denied. With the imminent legislative elections in the Netherlands, it is legally possible and politically necessary for the Dutch courts to rule on this self-evident breach of the law, thereby giving Dutch voters at least the minimal protection clearly intended by the drafters of the DSA, and supported by 80% of Dutch MEPs.

A handwritten signature in black ink, consisting of a large, stylized 'A' and 'L' that loops around the text.

Alexandre Alaphilippe  
Executive Director

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<sup>5</sup> <https://techcrunch.com/2025/02/07/german-court-orders-x-to-give-data-access-to-democracy-researchers-ahead-of-federal-elections/>