Google, Meta, TikTok defeat Austria’s plan to combat hate speech



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On Thursday, a top European court ruled that Austria cannot force Google, Meta, and TikTok to pay millions in fines if they fail to delete hate speech from their popular social media platforms.

Austria had attempted to hold platforms accountable for hate speech and other illegal content after passing a law in 2021 requiring tech giants to publish reports as often as every six months detailing content takedowns. Like the European Union’s recently adopted Digital Services Act, the Austrian law sought

to impose fines—up to $10.69 million, Reuters reported—for failing to tackle illegal or harmful content.

However, soon after Austria tried to enforce the law, Google, Meta, and TikTok—each with EU operations based in Ireland—challenged it in an Austrian court. The tech companies insisted that Austria's law conflicted with an EU law that says that platforms are only subject to laws in EU member states where they're established.

Because there is still plenty of legal uncertainty as to how EU member states can regulate services originating from other member states, the Austrian court asked the Court of Justice of the European Union (CJEU) to weigh in.

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Ultimately, the CJEU agreed with tech companies, deciding that the language of Austria's law was too general and abstract, potentially applying to too many platforms without distinction. The court ruling said that allowing Austria to enforce the law risked restricting "the free movement of information society services" between EU member states and undermining "mutual trust" between member states.

The ruling represented a major victory for platforms attempting to comply with ever-stricter user protections recently enforceable in the EU. According to Reuters, CJEU's ruling cannot be appealed. Next, the Austrian court will conclude its legal proceedings, likely sealing the win for platforms and setting an important precedent that could shield platforms from other potential legal attacks as EU regulators continue to crack down on Big Tech.

Meta and TikTok did not immediately respond to Ars' request to comment on the ruling, but a Google spokesperson confirmed that the judgment will inform how Google's trust and safety efforts are managed in the EU.

"We are pleased with today's decision, which reaffirms the

importance of the EU’s country of origin principle,” Google’s spokesperson told Ars. “We will study the judgment and continue to invest in the trust and safety of our users across our platforms.”

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