



4.3.2024

NOTICE TO MEMBERS

Subject: Petition No 0699/2023 by Daniel Gurguta (Romanian) on regulating social media and their algorithms at EU level

1. Summary of petition

The petitioner expresses serious concerns about the impact of social media platforms on people's daily life, often exacerbating issues such as FOMO feelings, hate speech, and group polarisation. He considers that legislation and policies should be developed at EU level in the sense of encouraging social media to integrate mood detection algorithms, by means of artificial intelligence and machine learning technologies, to analyse and understand users' moods and emotional states, based on their online activities. In his opinion, these algorithms should be able to identify depression, anxiety, suicidal thoughts and other mental health issues and recommend content to improve the user's mood, instead of recommending the same type of content the respective users were accessing in first place. He suggests that the algorithms should be able to also generate tailored recommendations on mental health tips, professionals, outdoor activities, group events, sports, and well-being services, with a view to promoting a balanced and fulfilling lifestyle.

2. Admissibility

Declared admissible on 27 October 2023. Information requested from Commission under Rule 227(6).

3. Commission reply, received on 4 March 2024

The European Commission takes note of the petitioner's suggestions on encouraging social media providers to integrate mood detection algorithms using artificial intelligence and machine learning to address issues such as mental health, hate speech, and group polarization. Digital tools can have a positive impact on mental health, through more accessible, personalised

and cost-effective solutions, improved diagnosis and prevention. At the same time, digital technologies can also contribute to the creation of risks such as cyberbullying or can contribute to negative effects on mental and physical health of its users, in particular children and teenagers, for example by the set-up of algorithmic systems of online platforms that amplify the visibility of certain content.

To tackle these issues, the European Commission has already launched several major initiatives. First, the Digital Services Act (DSA)¹ requires providers of very large online platforms and of very large online search engines to take into account mental and public health impacts for users of online platforms, as well as any negative effects related to protection of minors. Second, the EU Code of Conduct on Age-Appropriate Design² aims to bring together a wide range of stakeholders. Third, the Better Internet for Kids³ strategy supports children's mental health when online via the Safer Internet Centres, and the BIK portal.

The Digital Services Act (DSA), a comprehensive regulatory framework adopted by the European Union legislator to address challenges associated with online platforms, aims to establish a safer and more transparent online environment by addressing a wide range of issues, including the impact of algorithms on user experiences and to ensure a high level of safety of minors using such platforms.

In the context of mental health and the potential risks associated with algorithmic recommendations, the DSA recognizes the need to mitigate such risks, for example through responsible algorithmic design and deployment. The regulation includes provisions that require providers of online platforms providers to adhere to strict rules, ensuring that algorithms do not amplify harmful content or contribute to the spread of misinformation. The DSA promotes the responsible use of algorithms by encouraging transparency, accountability, and user empowerment. Providers of online platforms are required to provide clear explanations of how algorithms impact users' experiences and to offer users greater control over the content they are exposed to.

Additionally, the DSA emphasizes the importance of protecting users' fundamental rights, including their mental health. As part of their obligations, providers of online platforms must implement measures to identify and mitigate the risks associated with algorithmic recommendations, including those that may contribute to negative mental health outcomes. While the DSA does not prescribe specific mood detection algorithms or require platform providers to recommend content related to mental health, it establishes a framework that encourages such providers to prioritize user well-being and safety and requires them to ensure a high level of safety for minors. Furthermore, the DSA prohibits providers of online platforms from presenting online advertising on their interface based on profiling using personal data of the recipient of the service, when they are aware with reasonable certainty that the recipient of the service is a minor.

In the context of the obligations set out by the DSA, the providers of online platforms and search engines that were designated as Very Large Online Platforms or Very Large Online Search Engines (i.e. those with more than 45 million users per month in the EU) will have to carry out a dedicated risk assessment, submit this to independent external audit, submit it to the Commission as the authority responsible for supervising and enforcing the specific obligations

¹ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act).

² [Special group on the EU Code of conduct on age-appropriate design | Shaping Europe's digital future \(europa.eu\)](#)

³ [A European strategy for a better internet for kids \(BIK+\) | Shaping Europe's digital future \(europa.eu\)](#)

of such providers, and publish their assessment and mitigation measures taken as a result of the assessment as part of the annual risk assessment cycle. The Commission has already started monitoring compliance for such very large online platforms and search engines and will take proportionate enforcement measures where necessary.

In addition to the DSA, the Commission has other mechanisms in place to ensure that mental health in the digital age is taken seriously. The Commission will continue to implement the Better Internet for Kids strategy (BIK+), offering support on children's mental health when online via the Safer Internet Centres, and the Better Internet for Kids portal. In particular, the Commission will support practical guidance for authorities on improving the protection of children in the digital world, complemented by a monitoring of the impact of the digital transformation on children's well-being through the Better Internet for Kids portal. Similarly, an EU Code of Conduct on Age-Appropriate Design, which the Commission plans to facilitate, will build on the framework provided in the Digital Services Act.

Conclusion

The Commission recommends pointing the petitioner to the action taken at EU level through the Digital Services Act and the Better Internet for Kids strategy.