DOT Europe input

on the discussions on the INI on Addictive design of online services and consumer protection in the EU single market

DOT Europe welcomes the work of the European Parliament on an own-initiative report on addictive design of online services and consumer protection in the EU single market and the discussions that this work brings forward. DOT Europe recognises the importance of better understanding the impact online services may have on society and its citizens as well as the mental health thereof. Our members constantly strive to better understand the impact (both positive and negative) and ensure that users/customers have a positive and safe experience online. We would emphasise the need for further work in this space and are committed to working with policy makers, civil society, experts, and regulators in a holistic manner.

Against this backdrop, DOT Europe remains committed to taking an active and constructive part in the discussions and would like to suggest key principles on which to base the discussions.

- **Build a better understanding of the impact online services may have on society and its citizens;**

- **Ensure alignment with existing/recently adopted legislation and relevant upcoming initiatives and only focus on areas where there might be gaps;**

- **Acknowledge industry initiatives promoting a safer and positive experience online;**

- **Bring all stakeholders around the table;**

- **Consider all aspects of the issue rather than focus on a -non-existent- silver bullet.**

1. **Build a better understanding of the impact of online services**

Research into the impact of online services is increasing but, at this stage, there are diverging opinions on the matter within the academic field. For example, recent research by the Royal Society Open Science (which explored the association between Facebook adoption and well-being in 72 countries across the world) found no evidence suggesting that the global penetration of social media is associated with widespread psychological harm. Importantly, the researchers emphasised that "to better understand social media's roles in people's lives, and their potential causal effects, we need more transparent collaborative research between independent scientists and the technology industry.[1]"

In conducting research, certain academics have also highlighted the importance of taking a more nuanced approach to the discussion considering all factors, as well as both positive and negative impacts.[2] In addition, complications arise due to the, at times, diverging definitions of medical terminology (e.g. addiction) or diverging considerations on the elements thereof (e.g., while there is a current focus on time-spend, the quality and intentionality of usage may be a better metric by which to assess the impact[3]).

2. **Ensure alignment with existing/recently adopted legislation and relevant upcoming initiatives and only focus on areas where there might be gaps**

The EU has nonetheless taken steps towards better understanding and addressing the potential effects on the population including through legislative (e.g. DSA) and non-legislative (e.g. new Code of Conduct on Age Appropriate Design) action. In fact, existing legislation works to resolve these issues in different ways, such as the GDPR guaranteeing personal data protection by outlining the data subject's rights and providing crucial definitions, such as informed consent in the digital realm. The recently adopted Digital Services Act sets clear transparency and risk management requirements or provisions on the use of recommender systems requiring an easily accessible functionality that allows users to restrict algorithms' use of profiling (as well as further important provisions on dark patterns, or personalised advertising generally). However, the DSA is very recent and thus it is important that the policies and provisions therein are allowed the necessary time to make an impact and be evaluated. Similar discussions, with a particular focus on the impact on minors, are ongoing in the special group on the EU Code of Conduct on age-appropriate design as part of the 2022 European strategy for a better internet for kids (BIK+). Many of the issues raised are also being discussed in the context of the European Commission's Digital Fairness Fitness Check and the European Commission's approach to mental health. The Digital Education Action Plan (DEAP) 2021- 2027 also factors into these discussions as it aims, among other things, to enhance digital skills and competences for the digital transformation.

These are only a few examples that show the need to place the present discussion within a wider context, in order to complement existing legislation and discussions to avoid overlap. Overall, a key focus should be to identify potential gaps in existing frameworks through evidence-based exercises and discussions and remedying these where necessary. DOT Europe and our members have been

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[1] *"Estimating the association between Facebook adoption and well-being in 72 countries,"* https://royalsocietypublishing.org/doi/10.1098/rsos.221451.

[2] See Amy Orben, from the U.K. Medical Research Council's Cognition and Brain Sciences Unit at the University of Cambridge

[3] *Johnson and Keane (2017).*

working closely with the EU institutions in this regard and our members have also taken proactive steps to support the well-being of their users.

3. Acknowledge industry initiatives promoting a safer and positive experience online.

Building on the research done to-date, members are committed to working proactively to better understand and address the potential effects of misuse of their digital services on human health. Progress has already been made in this space with industry striving to consider all factors that may impact mental health as well as consider any potential future factors. A key common element of industry efforts has been to involve a wide spectrum of stakeholders to create meaningful solutions. Our work aims to involve the widest spectrum of stakeholders to truly understand the concerns and develop informed and user-led solutions.

DOT Europe members have developed tools to ensure users have agency over their experience (e.g. time spend, ability to hide certain types of content or words that can be offensive, limit or mute notifications and parental controls). These can help mitigate the risks of misuse, as can guides and resources to encourage empathy and positive interactions. Several of our members also have sets of robust "rules" which outline prohibited behaviours that can impact the overall wellbeing of the community and of individual users, such as policies on bullying and harassment. It is important to note that our members are continually developing what they offer and using the learnings gained from these tools to contribute to industry learning, as well as support academic research.

DOT Europe therefore urges policymakers to consider existing industry-led best practices, which have often proven effective at tackling underlying factors. As such, a first aspect of the discussion should be to assess their effectiveness and, where appropriate, provide constructive feedback. Industry and experts do not start from scratch here and a first step could be to catalogue existing successful initiatives and consider them as possible solutions.

4. Bring all stakeholders around the table

This very discussion is a multifactorial one which thus requires input from all sectors of society. In this spirit and in view of reaching effective, informed and user-led solutions, DOT Europe encourages policymakers to take this opportunity to establish constructive discussions between stakeholders representing all relevant sectors of society, including industry, users, academia, civil society, regulators, policymakers, and healthcare professionals.

5. Consider all aspects of the issue rather than focus on a -non-existent- silver bullet.

The multitude of causes to the problem require a multifactorial solution. A simple solution does not exist and as such DOT Europe encourages policymakers in the discussion to consider the various factors and cautions against focusing on a single actor, single technology or binary solution to the issue. Furthermore, the very complex nature of mental health issues require an analysis of different aspects and actors in society. Industry undoubtedly has a role to play, for example through better technologically tailored solutions, or programmes empowering parents, or even collaborations with researchers. At the same time, solutions are needed in a wider spectrum of society: education and digital literacy will be particularly important for example. In developing solutions, we would encourage policy-makers to consider focusing on quality and intentionality of usage, not time spent, and the importance of user agency.

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Based on the above, DOT Europe would further caution against basing the discussion on a one-size-fits-all approach. Education, mental health training and awareness, industry initiatives and more will all play a key role in better understanding and addressing the potential effects of misuse of digital services on human health. As such, the discussion should in parallel consider all these points and beyond. At the same time, the variety of different services and products offered should be recognised. A one-size-fits-all approach to the solution would not only not be as effective as a tailored approach based on the characteristics of the service or product in question, but might even hinder the effectiveness of existing initiatives. The discussion should thus be flexible in nature, principle-based and not solely focus on one method to match the diverging characteristics of the services and products offered as well as their unique relationship with their consumers. Addiction and mental health issues are very complex. Different and varying solutions - from self-regulation to improved media literacy, or individual company action and user awareness and education efforts - can be combined with legislation for a holistic approach.

Conclusion

Overall, DOT Europe and its members have ample experience in the topics raised by the INI and are keen to be involved in the discussion. Our members continue to be committed to playing a role in supporting the well-being of our users and the broader community. We are ready to take an active, proactive and collaborative role in the discussions. In view of these discussions, we reiterate our support for an evidence-based and multifactorial approach which takes into account existing successful initiatives and policy. We urge policymakers leading the discussions to include all relevant stakeholders in the spirit of collaboration as well as consider multifactorial solutions. We also urge policymakers to engage in an open debate about both the potential positive and negative impacts, not focus on single actors, products or technologies, nor mischaracterise the intentions of industry. We very much look forward to engaging in the discussion and providing our input thereto.

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