

Facebook content moderation governance in the European Union

Four institutions govern Facebook content moderation in the European Union: Meta Platforms Ireland, Appeals Centre Europe (ACE), the European Commission and Coimisiún na Meán, with the EU courts as backstop. Their framework is the Digital Services Act (DSA),¹ which governs *how* Meta moderates, but not *what*: **procedure has become public — substance remains private.**

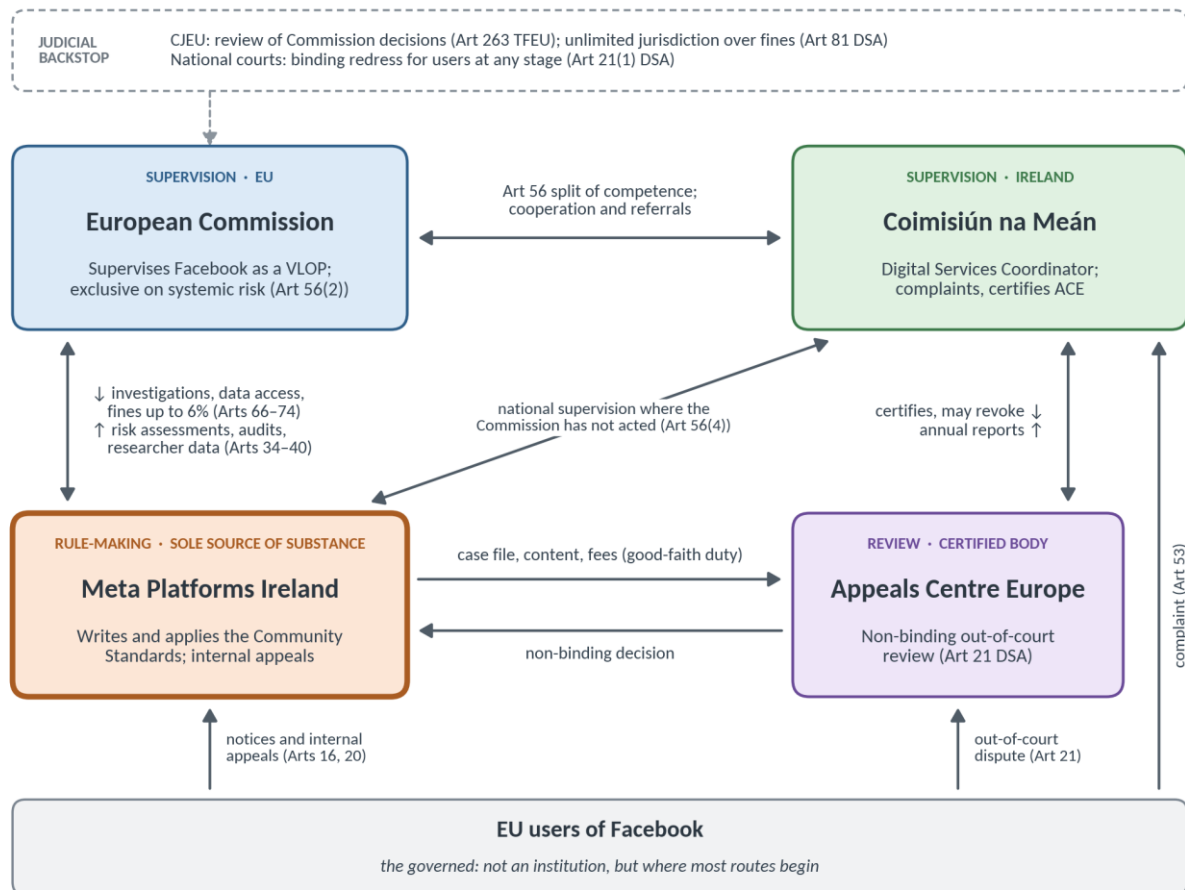


Figure 1. Functional map of Facebook content-moderation governance in the European Union. Article numbers refer to the DSA unless stated otherwise.

Rule-making & revision: Meta

Meta's authority rests on ownership, technical control and user contracts. Its instrument is the Community Standards, which are presented as protecting voice, safety, dignity, and privacy. These rules, not law, drive moderation: 99% of large platforms' EU

¹Regulation (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) [2022] OJ L277/1.

moderation decisions in early 2025 enforced their own terms.² Meta can rewrite them unilaterally, as when it lifted 'restrictions on topics like immigration, gender identity and gender' worldwide in January 2025.³ The weakness is concentration: **one commercial firm writes, applies and revises the rules.**

Review: ACE

Certified by Coimisiún na Meán under Article 21 DSA, ACE reviews disputes over removals, retained content, and suspensions under its Rules of Procedure, promising an expert, impartial, and accessible review. Its independence is qualified: the Meta-funded Oversight Board Trust financed its launch, and it initially assessed cases against platform policies.⁴ Its decisions are non-binding, and its scale is marginal; it knows of only a 'handful' of harmful-content removals following them, while large platforms received 165 million internal appeals in two years, and out-of-court bodies reviewed some 1,800 Facebook, Instagram and TikTok disputes in early 2025.⁵

Public supervision

The European Commission supervises Facebook as a Very Large Online Platform (VLOP), focusing exclusively on systemic risks and prioritising other areas (Article 56). Its instruments, ranging from investigations to fines of up to 6% of worldwide turnover (Article 74), protect fundamental rights and user safety. Its limitation is procedural: its October 2025 preliminary findings concern Facebook's reporting and appeal tools, *not* its rules,⁶ and it calls moderation policies the platforms' 'responsibility'.⁷

Coimisiún na Meán, Ireland's Digital Services Coordinator under the Digital Services Act 2024, protects users by handling complaints (Article 53), acting where the Commission has not and certifying ACE. Its weakness: users struggle to tell who answers for what.

²European Commission, 'The impact of the Digital Services Act on digital platforms' (*Shaping Europe's digital future*, last updated 19 May 2026) <<https://digital-strategy.ec.europa.eu/en/policies/dsa-impact-platforms>> accessed 20 September 2026.

³Joel Kaplan, 'More Speech and Fewer Mistakes' (*Meta Newsroom*, 7 January 2025) <<https://about.fb.com/news/2025/01/meta-more-speech-fewer-mistakes/>> accessed 20 September 2026; on worldwide application, Center for Countering Digital Hate, 'How will Meta's policy changes affect European users?' (24 February 2025) <<https://counterhate.com/blog/how-will-metas-policy-changes-affect-european-users/>> accessed 20 September 2026.

⁴Lorenzo Gradoni and Pietro Ortolani, 'Vying for the Scales: Content Moderation Made in Europe after One Year of DSA' (*Verfassungsblog*, 12 March 2025) <<https://verfassungsblog.de/vying-for-the-scales-dsa-ace/>> accessed 20 September 2026.

⁵European Commission (n 2).

⁶European Commission, 'Commission preliminarily finds TikTok and Meta in breach of their transparency obligations under the Digital Services Act' (Press release IP/25/2503, 24 October 2025).

⁷'Do Meta's announcements run counter to the European regulation on digital services?' (*Euronews*, 10 January 2025) <<https://www.euronews.com/next/2025/01/10/do-metas-announcements-run-counter-to-the-european-regulation-on-digital-services>> accessed 20 September 2026, quoting Commission spokesperson Thomas Regnier.

Judicial backstop

The EU courts review Commission decisions, with unlimited jurisdiction over fines (Article 81), and have annulled a decision imposing a supervisory fee on Meta.⁸ National courts offer the binding redress ACE cannot (Article 21(1)), yet they too proceduralise: Germany's Federal Court of Justice allowed Facebook to remove lawful speech, provided users are informed, heard, and given a fresh decision.⁹

Assessment & conclusion

Black's decentring¹⁰ is confirmed with a twist: the state has not withdrawn but become, in Lobel's terms, an orchestrator of private norm-making.¹¹ Disaggregating by function, as DeNardis & Raymond urge,¹² shows where accountability thins: **adjudication, supervision and certification are dispersed, but rule-making stays with Meta.** Klonick's 'New Governors'¹³ are now governed, but only in *how* they govern. Systemic-risk duties (Articles 34–35) may reach substance indirectly, but the DSA leaves terms and conditions to providers (Article 14) and bars general monitoring (Article 8). Whether this restraint shields expression from the state or surrenders it to a commercial actor remains a central question in EU platform governance!

⁸Case T-55/24 *Meta Platforms Ireland Ltd v Commission* (General Court, 10 September 2025).

⁹Bundesgerichtshof (BGH), III ZR 179/20 and III ZR 192/20 (29 July 2021).

¹⁰Julia Black, 'Decentring Regulation: Understanding the Role of Regulation and Self-Regulation in a "Post-Regulatory" World' (2001) 54 CLP 103.

¹¹Orly Lobel, 'The Renew Deal: The Fall of Regulation and the Rise of Governance in Contemporary Legal Thought' (2004) 89 Minn L Rev 342, listing 'legal orchestration' among the principles of the governance model.

¹²Laura DeNardis and Mark Raymond, 'Thinking Clearly about Multistakeholder Internet Governance' (Eighth Annual GigaNet Symposium, Bali, October 2013).

¹³Kate Klonick, 'The New Governors: The People, Rules, and Processes Governing Online Speech' (2018) 131 Harv L Rev 1598.