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Platforms, Equity & Safety

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ABSTRACT

This exploratory policy paper analyzes platform governance in the European Union (EU) and Latin America and the Caribbean (LAC), focusing on labor regulation, free expression, and intermediary liability. It contrasts EU's comprehensive regulatory framework – epitomized by the Digital Services Act and the Platform Work Directive – with LAC's fragmented, often judicially driven approach. Country cases such as Chile's Ley Uber, Brazil's Marco Civil, and Mexico's pilot on platform-worker social security illustrate diverse strategies as well as enforcement gaps. The paper also explores the tension between free speech and platform responsibility, emphasizing asymmetries in institutional capacity across regions.

The findings show that LAC countries contribute valuable insights through creative and adaptive regulatory experiments that respond to local realities, yet these remain uneven due to weaker oversight institutions and high levels of informality. The EU, in turn, demonstrates the strength of structured, harmonized instruments that embed clear compliance obligations and accountability mechanisms across member states, though it also faces challenges of regulatory complexity and implementation gaps. Taken together, the two regions illustrate complementary approaches: The EU offering institutionalized models with broad scope, and LAC providing innovative, context-driven practices – both of which can inform a more balanced and cooperative framework for platform governance.

This exploratory paper is a product of HEMISPHERES, an international collaboration exploring technology, policy, and regulation across the EU and Latin America and the Caribbean. It represents the culmination of a joint effort by a Working Group of academics from both regions, reflecting the rich diversity of their experiences and opinions. While individual contributors express their views in a personal capacity and may not agree with every statement, they are united by a shared commitment to fostering mutual learning between these distinct regulatory landscapes.

1. INTRODUCTION

This exploratory policy paper is drafted in the context of HEMISPHERES, an international collaboration that explores technology, policy, and regulation across the EU and LAC. Within this broader landscape, the regulation of online platforms stands out as a central pillar of technology governance. Platforms have become deeply embedded in daily life—shaping how we connect socially, find employment, sustain our economic activity, and consume entertainment. Their reach, however, is uneven: while some platforms operate globally, many remain region-specific. One might expect this diversity to produce equally diverse regulatory responses, yet the reality is more complex. Harms linked to the use of social media platforms often converge across regions, and regulatory approaches in the EU and LAC show important parallels, particularly under the influence of the "Brussels Effect" (Bradford, 2012). At the same time, developments such as the blocking of problematic platforms in LAC are closely monitored in EU, both with interest and with a measure of concern.

The aim of this policy paper is to provide an overview of current practices in platform regulation in the EU and LAC. It delves into platform definitions, regulatory trends, and topical issues such as freedom of expression and enforcement of platform regulation. The ultimate purpose is to form a basis for facilitating regulatory learning between the two regions, which is needed given their differing approaches to platform governance, regulatory and judicial activities, economic priorities, and institutional capacities.

More specifically, the paper seeks to map out existing understandings and approaches to platforms across the two regions, focusing on different types of platforms. It will highlight current challenges to platform regulation, such as balancing fundamental rights and regulation, and enforcement in a challenging geopolitical landscape. The paper will also identify some use cases or practical illustrations of a regulatory learning or experimentation process in a region or country (e.g., social media, podcasts, marketplaces) and propose collaboration opportunities to foster regulatory learning.

2. MAPPING THE PLATFORMS REGULATORY LANDSCAPE

This section maps the landscape for platform regulation in the EU and LAC countries. It consists of 4 subsections: Section 2.1 outlines how platforms are defined, as that determines what regulatory instruments are involved. Platforms come in many shapes and forms, and even though some of the largest platforms operate globally, there are differences in the types of platforms that are used across jurisdictions. Section 2.2 then provides an overview of applicable regulations across the EU and LAC. This is a broad overview; it is not possible to account for all the regional nuances, but it gives an overview of regulatory trends emerging in both regions. Section 2.3 focuses specifically on the balance of freedom of expression with platform regulation. This discussion is often at the core of platform regulation, and is addressed differently across jurisdictions, often dependent on local speech traditions. A comparison can illuminate how the balance between regulation and freedom of expression is struck in each of the regions. Section 2.4 explores the enforcement of platform regulation in the current geopolitical landscape. It addresses the question whether it is feasible to enforce platform regulation in a 'Trumpian' world. Both regions suffer distinctly from American pressures to govern large platforms in a certain manner. How they respond to those pressures will shape how effective platform regulation will be.

2.1. Defining Platforms

Before addressing the needs for platform regulation, one needs to acknowledge that platforms come in different shapes, forms, fulfill different societal functions, cater to different groups, and offer different affordances. It is exactly this variety that makes platform regulation a difficult field to navigate: How do you regulate a field that encompasses simultaneously AirBnB, Facebook, and Wikipedia?

Van Dijck et al. propose a general definition for platforms: "an online "platform" is a programmable digital architecture designed to organize interactions between users – not just end users but also corporate entities and public bodies. It is geared toward the systematic collection, algorithmic processing, circulation, and monetization of user data."(Van Dijck et al, 2018) However, they note that "single

platforms cannot be seen apart from each other but evolve in the context of an online setting that is structured by its own logic. A “platform ecosystem” is an assemblage of networked platforms, governed by a particular set of mechanisms [...] that shapes everyday practices.” As such, we must not see platforms as singular entities, but rather as cogs in a machinery offering a ‘platform ecosystem’.

Defining platforms is especially challenging in light of the increasing scope of services that they offer (Van der Vlist et al, 2024). This is the rise of the super-app: apps that simultaneously offer social networking, e-commerce, entertainment, and messaging. Legally, however, platform regulation can be based on two characteristics: the nature of the services offered by the platform, or the potential outcome of those services. Due to the diversity of services offered on a single platform – let alone in a platform ecosystem – it is possible that multiple regulations apply simultaneously.

2.1.1. Platform Definitions in the European Union

The EU-regulator has created a range of definitions to capture platform services. In the information society services directive it sets a standard definition for ‘information society services’ that forms the basis for other regulations: a service normally provided for remuneration, at a distance, by electronic means and at the individual request of a recipient of services (Directive 2015/1535, art. 1(b)). This definition applies for example in the setting platform-to-business operations as well (Regulation 2019/1150).

In the Digital Services Act (Regulation 2022/2065, ‘DSA’), the regulator differentiates information society services into a range of categories and subcategories based on both functionality and impact. Primarily, intermediary services are divided in three different categories based on functionality: (i) mere conduits; (ii) caching; and (iii) hosting services (art. 3(g)). For the purpose of this working paper, platforms fall under hosting services: ‘a service, consisting of the storage of information provided by, and at the request of, a recipient of the service. Online platforms are a subsection of this category: a hosting service that, at the request of a recipient of the service, stores and disseminates information to the public (art. 3(i)). This is a differentiation based on functionality; a private online storage is a hosting service, but not an online platform. Online platforms can

simultaneously be online marketplaces that facilitate the conclusion of distance contracts with online traders, triggering a range of additional requirements (art. 30 et. seq.). The DSA further makes a distinction based on impact; once an online platform exceeds 45 million active monthly users, it has to abide by a range of due diligence and risk mitigation measures (art. 33 et. seq.).

However, platforms are covered by different legal regimes as well: for example, the Directive on Copyright in the Digital Single Market (Directive 2019/790, 'CDSM') speaks of online content-sharing service providers, defined as "an information society service of which the main or one of the main purposes is to store and give the public access to a large amount of copyright-protected works or other protected subject matter uploaded by its users, which it organises and promotes for profit-making purposes (art. 2(6) CDSM))." This overlaps with, but does not map exactly on the definition of online platforms outlined abp|ove, targeting primarily services such as Netflix, Spotify, and Youtube. The distinction here is made on the basis of purpose – the profit-making purpose is the factor distinguishing it from other information society services; and functionality, being the provision of access to a large number of copyright-protected works.

Similarly, the Digital Markets Act (Regulation 2022/1925) differentiates another category in the general category of information society services based on impact, namely 'gatekeepers'; gatekeepers are actors that can limit the access of products to the market while simultaneously limiting access of end-users to certain products. The gatekeeping role is defined by significant internal market impact, providing a core platform service and enjoying an entrenched and durable position (art. 3(1)). Specific providers that fall under these provisions are Apple, Google, Amazon, Bytedance, Meta, and Microsoft.

2.1.2. Platform Definitions in Latin America and the Caribbean

In contrast to EU's established regulatory definitions, LAC's approach to defining digital platforms has been largely ad hoc and evolving. No LAC country – aside from Brazil's pioneering 2014 Marco Civil da Internet law – initially had a comprehensive legal category for internet platforms, resulting in a patchwork of terms and frameworks (Calderón 2020). Recently, some nations have begun crafting definitions within sector-specific laws. For example, Chile's 2023 ride-hailing statute defines app-based transport firms as "Empresas de Aplicación

de Transporte" and requires those platforms to register as local legal entities (Sáenz 2025). Still, the region lacks the uniform classifications seen in the EU's Digital Services Act or Digital Markets Act; platform governance in LAC is typically reactive, addressing issues through targeted laws or court decisions rather than via an overarching taxonomy (Calderón 2020).

Digital platforms have transformed various sectors in LAC countries, including domestic care, governance, and the gig economy. They promise to formalize employment in LAC where job informality is widespread (Bensusán & Santos, 2021); however, ensuring workers' rights and establishing legislation remain challenging due to the ambiguous nature of the workforce, as discussed below (Bensusán & Santos, 2021). Some authors consider that the quality of digital work depends on the platform's characteristics and the regulatory efforts of the state or other actors (Bensusán & Santos, 2021). It may become a problem due to the formalization of the work and the social context in some countries.

Digital platforms can be understood as multifaceted socio-technical systems (Calispa-Aguilar et al., 2025). They function as powerful intermediaries between users, reducing costs and enabling value creation by leveraging network effects (Calispa-Aguilar et al., 2025). Although some LAC countries have digital rights frameworks in place for entrepreneurship, they face severe limitations, including digital literacy, access to financial facilities, and digital freedom (Calispa-Aguilar et al., 2025). The most digitally advanced LAC countries, such as Chile, present significant areas for improvement when compared to North America, EU, or Asia (Calispa-Aguilar et al., 2025). However, some countries, such as Colombia, Venezuela, or Ecuador, present regulatory gaps related to social security and labor rights protection.

Digital platforms in LAC have facilitated the creation of governance structures to address the challenges faced by the community of workers, such as WhatsApp or Facebook groups. These practices remain informal and promote user agency while introducing new informal institutions that exist in "a gray space between the extractive platform economy, heterodox sharing economies, and democratic platform cooperativism" (Lozano-Paredes, 2021, p. 14). In this sense, Lozano-Paredes (2021) argues that Global South platforms differ radically from those in the Global North due to the potential emergence of new organizational

forms and institutions (Lozano-Paredes, 2021). In line with regulatory trends, policy tools may differ between regions, ultimately leaving social gaps.

In the early 2010s, there was widespread euphoria about the impact of digital platforms on the economy and politics, as they increased access to the Internet, facilitated the development of businesses for people in LAC, and served as democratic tools against autocratic governments, such as those in Venezuela (Mattelart, 2023). An example of this outcome is the rise of digital activism, which, since the 1980s, has seen the proliferation of innovative and dynamic forms (von Bülow, 2022). Notwithstanding, the advancement of this phenomenon has not been linear, and obstacles to achieving real change persist in the digital gap, infrastructure inequalities, and gaps in digital literacy (von Bülow, 2022).

Those perspectives assumed a neutral view of the platforms; instead, they are sociotechnical constructions shaped by market pressures and power dynamics (Mattelart, 2023). Even the most prominent actors in the LAC digital ecosystem, such as Mercado Libre, depend on global technologies, which hinder their ability to attain a significant level of autonomy that would make them more relevant to the region's needs (Franco et al., 2024).

Moreover, the unequal economic weight of countries in the global digital economy limits their ability to negotiate or impose standards on powerful platforms. As Becerra & Waisbord (2024) argue, the lack of bargaining power and institutional leverage explains the region's historical underregulation, even in moments of crisis such as the COVID-19 pandemic. This power asymmetry translates into limited capacity to influence the internal content governance practices of global tech companies

Discussing dependency emphasizes the issue of digital sovereignty in LAC. In other words, increasing monopolies over digital technologies hinder less developed countries, such as those in LAC, from building strong digital ecosystems. This makes them vulnerable to external interference in their socio-political and economic processes. Instead, countries are keen on developing national competencies in advanced technologies, addressing the issue of ensuring digital sovereignty in critical sectors of the economy, creating a favorable environment for doing business in the digital sphere, and enhancing legislative regulation (Simonova & Ponomarev, 2023). Then, it is essential to

design regulatory frameworks that consider the workers' rights, the trends related to digital commerce, and the social dynamics of each country.

2.2. Regulatory Trends on Platform Regulation

The previous section illustrated how platforms are conceived differently across regions. This is often a reflection of the economic landscape, and varying regions have led to the rise of various types of platforms offering different sets of affordances. This also means that regulation tackling 'platforms' will develop differently. The following section illustrates how platform regulation has developed differently across the EU and LAC. In the EU, platform regulation has been largely subjected to successful lobbying by platforms, creating a regulatory vacuum for most of the early 2000s. Manifesting platform harms have led to the rise of a comprehensive regulation on platform services and additional sectoral regulation to target specific harms. In LAC, regulation develops differently across individual countries, resulting in different outcomes. Simultaneously, platforms have made a tremendous impact on how employment is created and regulated in LAC countries, creating the need for more comprehensive regulation on work platforms. These developments are discussed below.

2.2.1. European Union

Platform regulation in the EU has developed significantly since the early nineties. As soon as internet intermediaries were aware that facilitating the sharing of content could imply becoming legally liable, there was an industry lobby for creating clarity on the responsibilities of internet intermediaries and the provision of a 'safe harbour' (Edwards, 2019). This 'safe harbour' was initially rooted in U.S. Regulation such as Section 230 Communications Decency Act and the Digital Millennium Copyright Act ('DMCA'). While Section 230 provided full immunity for internet intermediaries and their content moderation practices, Title 512 DMCA limits that full immunity to the extent that internet intermediaries abide by a 'notice-and-action' paradigm: internet intermediaries are not liable for content they host, as long as they disclose the identity of IP infringers, follow a detailed code of practice on notice-and-takedown, and ban repeat infringers. In the EU, the ascent of internet intermediaries as key economic players led to the adoption of the e-Commerce Directive (Directive 2000/31). The e-Commerce Directive adopts largely the model of limited liability laid down in Title 512 DMCA (Husovec

2023). This model strikes a balance between creating remedies for illegal content, by allowing the user to request takedown, but ensures that internet intermediaries are not bound to take full editorial responsibility for content they host. Full editorial responsibility was perceived to limit economic growth, because of the operational cost of moderating content and the potential liabilities associated with that; and protect freedom of expression on the internet, as over-moderation of content may have a chilling effect on free speech. The e-Commerce Directive applies to three types of services: mere conduits, caching, and hosting services. The resulting framework lays down that hosting providers – the most common internet intermediary - are not liable for hosting content if they are unaware of illegal content, or, once becoming aware, act expeditiously to remove that content. How circumstances affect whether an internet intermediary qualifies as a hosting provider or whether they are aware of illegal content has been developed in case law of the Court of Justice of the EU.[1]

This intermediary liability exemption forms the cornerstone of EU platform regulation over the past 25 years. However, since the advent of social media platforms, streaming services, social marketplaces, the landscape of the internet has changed significantly. The internet user is afforded a wide variety of internet services, each with their own distinctive harms. Those harms have long remained relatively unaddressed, and internet users were left to rely on the principles of the e-Commerce Directive. In the meantime, internet intermediaries had developed into some of the most powerful companies, bearing state-like resemblance in their sovereignty in the digital realm (Klonick, 2018). This is evidenced by hosting providers governing essentially by their own rules, namely the community guidelines and terms and conditions applicable to interactions on the internet. This creates the remarkable reality where the governance of the digital realm is done predominantly through private regulation.

Regulators have since played catch-up. The first significant increase in responsibilities with regards to online communications for internet intermediaries to address societal harms came only in 2016, when the General Data Protection Regulation (Regulation 2016/679) was adopted. Since then, the EU has adopted a variety of sectoral directives and regulations addressing specific harms, for

[1] Court of Justice of the European Union, 23 Maart 2010, Google France v Louis Vuitton, C-236/08; Court of Justice of the European Union, 12 July 2011, L'Oreal v eBay, C-324/09; Court of Justice of the European Union, 22 June 2021, Peterson v Google & Elsevier v Cyando, C-682/18.

example the Regulation countering the dissemination of terrorist propaganda online (TERREG, Regulation 2021/784), the Directive on Copyright in the Digital Single Market (CDSM, Directive 2019/790), and the Audiovisual Media Services Directive (AMSD, Directive 2018/1808). Internet intermediaries, or some subsections of this category, were faced with more stringent responsibilities pertaining to specific types of content or services. Aside from 'hard' regulation, some co- and self-regulatory instruments emerged since 2010, amongst which the Code of Conduct against Illegal Hate Speech Online and the Code of Practice against Disinformation Online.

The most significant revolution since the e-Commerce Directive has been the Digital Services Act (DSA, Regulation 2022/2065) (Wilman, 2022). The DSA is not sector- or content specific. Rather, it is a horizontal harmonisation of the liabilities and responsibilities of internet intermediaries. It adds onto the existing framework for intermediary liability by creating a set of due diligence-, transparency-, and risk-mitigation obligations for hosting providers. This is a layered approach: smaller platforms are subject to a less stringent regime, whereas platforms with more than 45 million active monthly users (Very Large Online Platforms and Very Large Online Search Engines) are subject to the most stringent set of norms. The Regulation is a clear example of risk-based regulation (De Gregorio & Dunn, 2022). The DSA provides some remedies for individual harms, but is mainly aimed at reducing the risks posed by widespread use of internet intermediary services. These risks are mitigated based on a layered approach: the larger the risk, the more stringent the due diligence and accountability mechanisms that internet intermediaries need to answer by (European Parliamentary Research Service, 2018). Simultaneously, the DSA empowers a multistakeholder network including trusted flaggers, out-of-court dispute settlement bodies, and NGO's to take part in internet governance (Griffin, 2025; van de Kerkhof, 2025).

Aside from the DSA, other regulations that form a part of the Digital Acquis also target platforms, such as the P2B-regulation (Regulation 2019/1150) and the DMA (Regulation 2022/1925). These regulations aim to mitigate harms that have arisen in the regulatory vacuum after the e-Commerce Directive. Some harms can be addressed on a sectoral level, such as unfair competition between Uber-drivers and traditional cab-drivers, or mitigation of negative effects of tourism arising from AirBnB rentals. On a general level, however, the P2B-regulation regulates platforms in the provision of services towards businesses. This is aimed at

creating a safe online business environment, in which businesses, traders and service providers are protected from platforms who they are dependent on for their livelihood by providing requirements for transparency on terms and conditions, ranking, complaint handling and data access. Similarly, the DMA ensures that market participants dependent on gatekeepers are safeguarded from those very gatekeepers through a quasi ex-ante antitrust protection. The Digital Markets Act addresses the market dominance of platforms that essentially determine the access to markets of other economic actors. It can be seen as a form of ex ante competition law, in which potential harms rising from market dominance are addressed before they manifest (van Cleynenbreugel, 2021). As such, the DMA creates a number of obligations for 'gatekeepers' to ensure that their services are interoperable and do not unnecessarily exclude smaller operators from acquiring market access.

2.2.2. Latin America and the Caribbean

In LAC, the regulation of digital platforms has followed a markedly diverse trajectory, with countries experimenting with distinct approaches and levels of legal recognition. Peru was among the first in the region to advance a dedicated legislative proposal, the Proyecto de Ley del Empleo Digno que Regula a los Trabajadores de Plataformas Digitales (2019), which explicitly sought to establish a formal labor relationship between workers and platforms. Other countries have pursued different regulatory strategies, often framed as broader labor law reforms rather than standalone initiatives. For instance, in Brazil, debates crystallized in the Projeto de Lei PL 2884/2019, which also aimed at defining rights and obligations for platform workers within the national labor framework. These examples illustrate the lack of a uniform model in the region: while some legislatures emphasize labor formalization, others approach platform regulation more cautiously, reflecting different political priorities, economic contexts, and social pressures.

Against this backdrop of fragmented national approaches, organisations such as REGULATEL, UNESCO, the Organisation of American States (OAS) and the Inter-American Commission on Human Rights (IACHR) are working to promote convergence and standardisation. Their initiatives seek to foster regulatory models that respect human rights while ensuring fair and inclusive digital governance. This Section provides a bird's eye overview of these regulatory

developments regarding platforms in LAC, focusing specifically on different levels of development and trends in work platforms.

The regulation of digital platforms is undergoing consolidation due to the responsibility to protect freedom of expression and the need for transparent and inclusive governance. However, the region faces significant challenges related to the opaque application of digital laws, which negatively impacts the protection of fundamental rights. The regulatory proposals envision regulatory frameworks that impose judicial controls on moderation decisions, all with the aim of facilitating citizen and expert participation in the design of such rules. Thus, there is consensus on the need to regulate how platforms manage their internal content policies, emphasizing the importance of transparency in moderation criteria and accountability to users and authorities.

In some countries, there is a tendency to establish the direct legal responsibility of platforms for illegal or harmful content. For example, the Federal Supreme Court (STF) has ruled that social media such as Meta, or platforms such as X, can be held responsible for posts that incite hatred, aligning its position with international standards.[2] This may force companies to implement protocols to prevent the dissemination of content that could be considered harmful, as well as transparency mechanisms regarding their moderation practices. However, concerns may also arise regarding possible over-moderation and preventive censorship, especially in the case of actors with fewer resources to comply with strict obligations. These are further addressed in the section below on balancing free speech and content moderation.

A primary aspect of platform regulation in LAC is regulation of work platforms. Digital work platforms have become a primary means of organizing labor worldwide. Their impact is especially notable in LAC countries due to the high levels of informality and low income. Digital work platforms connect service providers with customers. Sometimes providers carry this out entirely online; at other times, it is done in person, as in the cases of transportation, delivery, domestic service, and others (González, 2021). Other researchers consider the following as essential features of digital platforms: they are mediated by technology, allow interaction between user groups, and enable certain individuals

[2] https://www.courthousenews.com/brazils-justices-clear-road-for-tech-platform-liability-while-congress-stalls-in-gridlock/

to perform specific tasks (Bonina et al., 2021). These platforms rely on human labor, either directly, as providers perform a job, such as in Uber or delivery apps, or indirectly, as a good requires work.

A related distinction among digital work platforms is between location-based and web-based platforms (Cruz & Gameiro, 2023). In the former case, low-skill tasks necessitate the physical presence of a worker, whereas in the latter, dispersed individuals across the world can perform the job. On web-based platforms, a wide range of possibilities can be found, namely, micro-task platforms, where tasks of short duration are paid, such as filling out forms or surveys, without demanding a relationship between clients and "workers", while freelance platforms require higher qualifications.

In this sense, some authors refer to digital labor as a value-adding activity performed by an individual on Internet platforms (Casilli, 2017). Furthermore, Schmidt (2017), mapping the previous types of platforms, offers a taxonomy of online labor that distinguishes between crowd work and online freelancers.

There is significant debate regarding the implementation of labor standards and rights (Casilli, 2017). Digital work platforms often regard workers as entrepreneurs, independent contractors, or freelancers, which obstructs their ability to grant them the same job rights as traditional employees. As a result of this categorization, the experience of precarity arises among digital platform workers. Other studies on digital work platforms in the domestic service industry suggest the opposite. According to them, this type of platform offers a level of formalization that these jobs often lack in Colombia and other LAC countries with middle- or low-income economies (Quiceno et al., 2024).

Another argument used to avoid the responsibilities of normal employers is to claim that workers are not in a state of subordination to the digital work applications. However, case studies in Perú have shown that drivers working for transportation apps are mediated by algorithms, which follow a series of guidelines and provisions set by the owner company. As a result, a de facto relationship of subordination to companies and their algorithms emerges (González, 2021).

In LAC countries, some authors have shown that specific vulnerable groups are particularly susceptible to precarious digital labor. For example, in Argentina,

women often manage home care without any economic compensation for their efforts. Because of this, they need to explore alternative income streams that are compatible with their home activities. Microtask platforms appear particularly attractive due to their flexibility, as well as their digital marketplaces for products (Scasserra & Partenio, 2021).

In this context, the need for regulation becomes apparent to guarantee that people can disconnect from platforms (Scasserra & Partenio, 2021). Platforms often claim that they respect this right because workers are free to connect whenever they like to perform their tasks. However, such an approach assumes that workers should lose the opportunity to take breaks and vacations that are not adequately accounted for as working hours (Scasserra & Partenio, 2021).

Thus, some LAC laws have sought to establish the right to disconnect from work (Torres et al., 2024). In Ecuador, after the COVID-19 pandemic, the Labor Code and the Organic Law of Public Service stipulate that employers should respect the right of teleworkers to disconnect, ensuring that employees are not obligated to respond to communications or other requirements. The disconnection period must be at least 12 continuous hours within 24 hours. Argentina has enacted Law 27555, which establishes that individuals working under the telework modality have the right to be uncontactable and to disconnect from digital devices or information and communication technologies outside working hours and during periods of leave. In Colombia, Law 2129 of 2022 contains articles that provide the right to digital disconnection, guaranteeing the free time and rest of all workers and public servants. The employer refrains from issuing orders and other requirements by any means or tool, whether technological or not, for issues related to their field or work activity.

Regarding the status of digital workers and the regulations that address their ambiguous nature, three countries in LAC are worth mentioning. One of them is Colombia, where the Substantive Code of Work has defined two types of relationships between a person and another person or company to receive a salary, according to the formal dependency of the worker and the legal entity, namely, employees and contractors. Digital workers constitute a third category between the first two, as they are free to establish their working hours, work across multiple platforms, and have limited liability for damages (Sánchez Vargas et al., 2022). The recent labor reform, Law 2466 of 2025, establishes that gig

workers can choose between dependent/subordinate and independent/autonomous and accordingly receive social security. Thus, platforms must pay a part of the social security for both types of workers. In the case of independent workers, the platform will cover 60% of pension and health benefits and 100% of occupational risk contributions; the worker will cover the remaining 40%.

On June 24, 2025, the Agreement ACDO.AS2.HCT.270525/132.P.DIR, issued by the Technical Council of the Mexican Social Security Institute, has approved the General Rules for the pilot program to incorporate digital platform workers into the mandatory social security regime. This law enables workers to determine their working hours. It requires platforms to register the workers in the nation's social security program, which covers occupational risks and provides access to health and housing benefits. However, digital workers would need to earn at least a net monthly income from their work equivalent to the minimum wage, which is approximately USD 418 per month. If they receive less than that, they would be regarded as independent workers.

Chile stands out for enacting dedicated legislation to protect gig workers. Law No. 21,431 (effective 2022) introduced minimum standards for app-based drivers and couriers, such as mandated rest periods, occupational insurance, and access to social security, while still classifying most of these workers as independent contractors (IOE 2022). In 2023, Chile also adopted the "Ley Uber" to regulate ride-hailing services, requiring platforms to incorporate in Chile and comply with safety, insurance, and consumer protection rules akin to those for taxis (Sáenz 2025). These Chilean reforms exemplify a proactive approach that strikes a balance between labor flexibility and fundamental rights and have been noted as potential models for other countries in the region (Sáenz 2025).

In other countries of LAC, however, platform work remains largely governed by piecemeal measures. Brazil legalized ride-hailing nationally in 2018, mandating driver insurance and social security registration but leaving specific labor conditions to municipal regulation – and to date it has not passed a broader "gig economy" law (Spring 2018). Courts in Brazil and other countries have occasionally ordered platforms to recognize or compensate workers as employees in individual cases, but such rulings remain isolated and have yet to prompt sweeping legislative change (Sáenz 2025). Overall, this landscape is one

of patchy regulation and limited protections, especially in contrast to the EU's more comprehensive effort to address platform work at a regional level.

2.3. Free Speech and Platform Governance

Regulating platforms inevitably means balancing a range of interests with the freedom of expression of users seeking to express themselves on the internet. How that balance is made is often based on the traditions of a state regarding the constitutional protection of the right to freedom of expression. This can be protected either in national constitutions, or in supra-state instruments, such as the American Convention on Human Rights, the European Convention on Human Rights, or the Charter for Fundamental Rights of the European Union. This section illustrates how that balancing act is made across the EU and LAC countries.

2.3.1. Free Speech and Platform Governance in the EU

In the timespan from development of the e-Commerce Directive to DSA, civil society and regulators have emphasised the importance of protection of fundamental rights in the digital sphere. The harms alluded to above affect the enjoyment and protection of fundamental rights of internet users. This raises questions about the degree to which internet intermediaries need to respect and protect fundamental rights, especially in light of their state-like sovereignty in the digital realm. Rights such as respect for private life, data protection, freedom of expression, freedom of assembly, right to consumer protection, right to property, can all be the traditional struggle in this context is that private actors are not the primary addressees of fundamental rights norms, and therefore need to be subjected to them indirectly. As such, the EU digital acquis is borne primarily from the desire to limit or mitigate harms.

The DSA underlines this struggle with many references to the Charter for Fundamental Rights in the European Union. These references do not only address protection in the enforcement of the DSA by state actors, but also e.g. respecting fundamental rights in the enforcement of terms and services by hosting providers (article 14(4)). The DSA somewhat limits the degree of freedom hosting providers have in the way they operate their platforms, creating a tension with the freedom of enterprise. As mentioned above, the relative regulatory vacuum caused mostly hosting providers to create their own rules to govern by. This is particularly

relevant with regards to the freedom of expression of internet users, as the internet has taken a key place as democratic forum. In the EU, freedom of expression is not an absolute right. Under article 10(2) of the European Convention on Human Rights and article 52(1) of the Charter for Fundamental Rights, the right to freedom of expression can be limited if the limitation is provided for by law, the limitation pursues a legitimate aim, and is necessary in a democratic society. Freedom of expression extends both to expressions in the offline world, but also to the online world. Because the online world is still largely self-regulated, the democratic process is governed by private actors. On the one hand, this creates a tension with safeguarding fundamental rights in that sphere, on the other hand, freedom of expression may stand in the way of government interference with how hosting providers facilitate that democratic dialogue. The DSA aims to strike a balance in that regard; it aims to safeguard freedom of expression by limiting government interference to judicial takedown, but sets up safeguards around the content moderation process to ensure that democratic dialogue is facilitated in an orderly fashion. This is inherently a devils' conundrum. On the one hand private regulation is at odds with the public role hosting providers fulfill in providing a digital infrastructure; on the other hand state regulation of the online sphere is at odds with freedom of expression and can have negative effects, especially in states where the rule of law is under pressure.

2.3.2. Freedom of Expression and Platform Governance in Latin America and the Caribbean

Regulations are developed under the premise of respecting the rights guaranteed in the American Convention on Human Rights, especially the right to freedom of expression. Therefore, regulations must be designed under the principles of legality, necessity, and proportionality to avoid arbitrary restrictions. Brazil has been considered a benchmark in digital regulation in Latin America and the Caribbean, especially after the approval of the Marco Civil da Internet in 2014, which defined principles such as net neutrality and data protection. However, in 2023 and 2024, the Federal Supreme Court ordered the temporary blocking of platforms such as Telegram for failing to comply with orders related to electoral disinformation, sparking widespread debate about the proportionality of these measures. In Mexico, telecommunications reform gives the executive branch the power to block digital platforms, which has drawn criticism for its potential negative impact on freedom of expression and media pluralism.

It is worth noting that legislation in LAC countries has followed some principles established in EU(Zuniga, 2024). For instance, the European Data Protection legislation served as an inspiration for multiple LAC data privacy laws. In that sense, establishing a digital competency regulation has become a question for these countries (Zuniga, 2024). However, some debate this necessity based on bigger and local issues, such as the digital divide and the lack of human and financial capital (Zuniga, 2024).

Another approach considers that LAC debates over online content moderation and free expression have also unfolded differently from EU's co-regulatory approach. In Mexico, for example, a controversial bill in 2021 sought to empower the government's telecommunications regulator (IFT) to oversee major social media networks – requiring large platforms to obtain an operating permit and subjecting their account suspension policies to official scrutiny (CIVICUS Monitor 2021). This proposal, introduced after high-profile deplatforming incidents abroad, was framed by its proponents as a way to protect "freedom of speech." Yet civil society groups warned that the vague obligations and broad regulatory powers in the bill would likely encourage overzealous content removal and state interference, harming online free expression and pluralism (CIVICUS Monitor 2021). After considerable criticism and debate, the initiative was shelved, underscoring the tension in Mexico between concern over platform power and the country's constitutional commitments to free expression.

Brazil, by contrast, has moved more assertively to curb harmful content on platforms – in some ways mirroring EU's goals, but through its mechanisms. The Brazilian Congress is considering the Lei das Fake News (Bill 2630/2020), which would obligate social media and messaging companies to actively monitor for illegal content and report it, imposing hefty fines for failures (Boadle 2023). This draft law, touted as one of the world's strictest and explicitly compared to the EU's Digital Services Act, has provoked pushback from major tech firms and raised domestic concerns about censorship; as a result, its passage has been delayed amid heated debate (Boadle 2023). Separately, Brazil's judiciary has taken a hands-on role in platform governance. In 2025 the Supreme Federal Court struck down key portions of the Marco Civil's liability protections, ruling that internet platforms can be held liable if they fail to remove certain unlawful content after notification – effectively replacing the prior requirement of a judicial takedown order with a notice-and-takedown regime (Alimonti 2025). While the

Court preserved some safeguards (for example, defamation remains under the old rule requiring a court order), this decision marks a significant shift toward stricter intermediary responsibility. It aligns with Brazilian authorities' broader efforts to combat disinformation and hate speech online (especially after unrest that was inflamed by online falsehoods), yet it also invites debate over potential impacts on legitimate speech in the absence of the more formalized due-process provisions found in EU's DSA (Alimonti 2025; Boadle 2023).

In addition, the LAC region has mostly taken a heterogeneous approach to digital platform regulation, resulting in deeply intertwined struggles for autonomy in governance and economic development (Becerra & Waisbord, 2024). Additionally, unlike traditional media, LAC has not established a position in the media landscape. It has not felt the need to create local state and private digital media or to regulate international platforms, even during the COVID-19 pandemic when anti-vaccination campaigns became widespread. This absence is because, in the current context, it is more difficult to establish the terms of negotiations, as LAC's GDPs are significantly lower compared to the massive income of digital platforms (Becerra & Waisbord, 2024).

However, multilateral agencies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO) have established regulatory systems that governments can use. It proposes a multistakeholder approach to ensure that digital platforms facilitate freedom of expression and access to information while limiting the spread of illegal or harmful content. It explains the roles of states, platforms, intergovernmental institutions, and civil society, introduces an independent regime of regulation, and formulates five foundational principles for platform conduct – respect for human rights, transparency, empowering users, stakeholder accountability, and human rights due diligence.

Aside from Brazil and Ecuador, LAC countries lack a legislative framework to address intermediary liability in the digital age. Consequently, in most cases, stakeholders must rely on legislation established before the advent of modern digital technologies, which may prove inadequate for the unique challenges posed by new contexts. In this scenario, the judiciary plays a key role in defining the boundaries of intermediary liability.

Despite their differences, these examples reveal common structural constraints. First, most countries lack updated legal frameworks tailored to the platform

economy. Second, enforcement often falls to courts rather than administrative agencies, leading to inconsistent jurisprudence and legal uncertainty. Third, regulatory capacity remains a major challenge. Unlike the EU, LAC lacks supranational coordination mechanisms and generally has weaker oversight institutions. This results in a "governance asymmetry," where platforms maintain transnational standards while local authorities struggle to adapt or enforce rules effectively.

2.3.3. Comparative Perspective

The EU and LAC regions have contrasting and unequal approaches to the regulation of digital platforms, the protection of freedom of expression, and the internal governance of digital environments. While both regions face common challenges – such as content moderation, manifesting harms from economically dominant platforms, and the fight against disinformation, and algorithmic abuse- the degree of regulatory development, institutional capacity, and political conditions mark clear differences.

In the EU context, the Digital Services Act (DSA) represents the most significant step towards structured and binding regulation of large digital platforms. This regulation establishes clear obligations regarding algorithmic transparency, content moderation mechanisms, and appeal systems for users. In addition, it is supported by a solid institutional framework, with oversight by independent authorities and cooperation among Member States. Overall, the EU approach integrates various actors and is based on principles of proportionality and protection of fundamental rights, including freedom of expression.

In contrast, legal frameworks in LAC countries are still emerging. Countries such as Brazil have promoted relevant legislative proposals (such as PL 2.630), but lack a supranational strategy like the EU one. In many cases, laws seek to address real challenges – such as electoral disinformation or hate speech – but do so with ambiguous legal tools. In contexts where democratic systems are at risk, this can lead to restrictions on freedom of expression, especially against journalists, activists, or dissidents.

A major difference between EU and LAC countries is the institutional capacity to supervise and implement the regulations that apply. While EU has comparatively (cf. Orlando-Salling 2025; van de Kerkhof 2025) specialised bodies (such as the

DSA Board) tasked with enforcing platform regulation, enforcement in LAC often lacks the necessary technical resources, political stability, or sufficient autonomy to demand transparency and accountability from large platforms. This asymmetry reduces the effectiveness of any attempt to enforce regulatory standards.

The internal functioning of platforms – that is, the rules, algorithms, and practices that determine which content is displayed, removed, or penalised – operates globally, but affects users differently depending on their region. In EU, institutions are increasingly pressuring platforms to provide information, while in LAC these decisions are not usually subject to external oversight. Thus, while EU moves towards digital governance with the coordination of the actors involved (in dialogue with international organisations, civil society and users themselves), LAC faces the challenge of reconciling the protection of rights with institutional strengthening, while avoiding the political capture of regulation.

2.3.4. Challenges & Open Questions

Some questions remain open, in spite of emerging regulation. A perpetual struggle for regulators in the EU and LAC countries is how to balance the public interest of compelling internet intermediaries to remove illegal and harmful content with the fundamental right to freedom of expression. Similarly, EU and LAC need to navigate a complex regulatory framework consisting of regulation, co-regulation, and self-regulation, and determine what is the most effective way to tackle manifesting harms online. In both regions, the question also arises what mechanisms can ensure accountability in contexts where there is no strong state capacity.

Firstly, a perpetual issue of regulating platforms is the balancing of freedom of expression with the moderation of illegal and harmful content. This precarious balancing act is done differently across jurisdictions: some jurisdictions may emphasise freedom of expression more, where others aim to promote public health and safety through stricter norms for platforms to remove illegal content. A clear example of a regulatory approach that emphasises freedom of expression is the U.S. Section 230 Communications Decency Act, which essentially exempts platforms from any liability for illegal content, thus not providing them with any incentive to remove such content. While this prima facie seems like an approach that emphasises free speech, the flip side of this approach is that there is no

must-carry obligation that would force platforms to host content they would originally seek to remove. This has caused some U.S. states, notably Florida and Texas, to develop regulation that aims to limit the degree to which platforms can moderate content, to create a pseudo-must-carry obligation. This would subsequently limit the freedom of expression of hosting providers. Shifting the balance to the removal of illegal content could force platforms to moderate content to an excessive extent. This would risk them overremoving content, and thus unnecessarily limiting the freedom of expression of internet users. This is equally true when targeting harmful but legal content – this approach, while perhaps justifiable from a societal perspective, would inevitably be at odds with the rule of law and silence minority or dissenting opinions. (Del Campo et al, 2025)

Similarly challenging across jurisdictions is striking the balance between ‘hard’ and ‘soft’ regulation. Hard regulation of online platforms may be constitutionally challenging due to freedom of expression implications, or impractical difficult because of the time it would take to develop legislation and pass it through national legislative procedures. In such instances, national and supra-national entities have sought to develop ‘soft’ regulation, often together with platforms. Such ‘soft’ regulation is usually formed in agreement with platforms, who ultimately need to ‘enforce’ the agreements made with regulatory authorities. This has the distinct advantage that agreements are made on a practical level, and can be enforced immediately. Similarly, they can represent a broad range of interest groups and be the result of multistakeholder deliberation. However, ultimately, they are still, ‘soft’ regulation, meaning that platforms may not be inclined to comply and there is no way of forcing them to. Simultaneously, the development of codes of conduct and soft-regulation does not offer legitimacy in restricting the freedom of expression on the internet in the same way that ‘hard’ regulation does. Such agreements can therefore also be used to silence minorities can coerce platforms into removing content without legitimation offered by democratically established law.

The willingness for platforms to cooperate with the development of co-regulatory instruments can vary significantly across jurisdictions. In some instances, the pressure exerted from states can proverbially coerce platforms to partake in co-regulation. In other instances, the market power of a state may not be significant enough for a platform to be seduced into co-regulation. This means

that co-regulation can be an attractive instrument for economically powerful regions, but may not be an option for the majority world.

This leads us to a final open question, which is how to ensure platform accountability where there is no strong state capacity to enforce platform regulation. It is beyond the scope of this report to formulate a conclusive answer to this question, especially in light of geopolitical developments explored in the next section. However, it becomes clear that in lieu of state enforcement, there are a number of possibilities to ensure improved platform practices. Civil society involvement and public campaigning on platform practices have at times influenced platform practices. Previous efforts have shown that, although at times symbolic, platforms can be susceptible to multistakeholder efforts seeking to engage in formulating co-regulatory norms. These norms may steer platforms in the right direction, especially when there is a promotional gain to be made. Similarly, when state enforcement is lacking, judicial authorities can be called upon to make strides in enforcing against platforms, as the Brazilian cases have shown. Finally, users have a responsibility too (see e.g. Helberger et al., 2018). Users can engage with platforms through flagging illegal content, which could contribute to a safer environment on the internet. If users principally disagree with platform practices, they could opt to abandon the platform and 'vote with their feet', as for example the relative exodus of X has shown.[3]

2.4. Enforcement of Platform Regulation Against a Shifting Geopolitical Backdrop

As noted above, enforcing platform regulation is becoming challenging in a changing geopolitical landscape. The Trump administration has caused several of the largest platforms to rescind multistakeholder moderation efforts and publicly denounce regional regulation as 'unconstitutional' and 'censorship' (Goanta 2025, van de Kerkhof 2025). These public displays of disagreement are backed up by a U.S. administration that is increasingly pressuring governments under the threat of tariffs and decreasing military aid. This has caused officials to openly consider not enforcing or 'simplifying' existing platform regulation.

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[3] https://www.nbcnews.com/tech/tech-news/x-sees-largest-user-exodus-musk-takeover-rcna179793

Both LAC and the EU are navigating significant changes in the way platforms are regulated – particularly around issues of content moderation and freedom of expression. Two key arenas are emerging as focal points: (1) the enforcement of formal regulatory frameworks, such as the EU's Digital Services Act (DSA) and legislative efforts in LAC like Brazil's Bill No. 2360 (which is the focus on this subtopic), and (2) the internal governance models adopted by platforms themselves, with companies like Meta moving away from third-party fact-checkers toward more decentralized moderation mechanisms such as "community notes".

In the EU, there is a noticeable decline in political momentum to enforce the DSA with full rigor, especially as geopolitical tensions and economic uncertainty – such as shifts in US foreign policy or the specter of retaliatory tariffs – put pressure on regulatory priorities. This has already caused significant shifts in other aspects of the digital strategy, notably the withdrawal of the AI liability directive, the rumoured delay of the enforcement of the AI Act, and potential simplification of the DMA and DSA. The latter three have not yet been made official, however. The rumours show that enforcement of the digital acquis is contentious. It also shows that digital regulation in the European Union can be subject to political pressure, and that the extent to which platforms are regulated is partially dependent on the geopolitical leeway the EU receives to do so.

Meanwhile, LAC countries have adopted a more "interventionist" stance. In Brazil, for instance, the Supreme Court declared Article 19 of the Internet Bill of Rights (Marco Civil da Internet) unconstitutional – a case with far-reaching implications akin to potential revisions of Section 230 in the United States – and the country has just recently experienced a stalemate between Justice Alexandre de Moraes and Elon Musk that led to the temporary suspension of X in the country. Across both regions, momentum on platform regulation is increasingly influenced by broader geopolitical uncertainty, with several countries stalling or reassessing their legislative agendas on platform and AI regulation in response to perceived instability in global digital governance.

The geopolitical dimension of platform governance in LAC countries reflects both limitations and new assertiveness. Unlike the EU – which can leverage its single market to enforce regulations on Big Tech globally – LAC countries often act individually, sometimes resorting to drastic measures to uphold national laws.

Mexico, for instance, has added a “kill switch” sanction to its tax code that allows regulators to block access to foreign digital services that fail to remit local taxes. Its commitments under the US–Mexico–Canada Agreement now oblige Mexico to maintain a U.S.-style liability safe harbor for internet platforms (Alamilla and Cabaas) 2022). Brazil has likewise begun wielding its jurisdiction more boldly: regulators and courts have ordered platform companies and executives to comply with local content takedown orders on pain of hefty fines or country-wide suspension of services – steps seen in high-profile clashes with Telegram and Twitter/Elon Musk’s X. These actions even sparked diplomatic friction with U.S. stakeholders, as some American officials and companies accused Brazilian judges of attempting to “censor” content beyond Brazil’s borders (Martins 2025). At the same time, EU regulatory models are influencing LAC’s agenda. Brazilian lawmakers explicitly cited the EU’s DSA as an inspiration for the robust transparency and accountability requirements in the pending fake-news bill (Boadle 2023). In sum, while LAC lacks a unified regulatory bloc, leading nations are increasingly asserting regional interests in platform governance – borrowing international best practices where useful but also employing locally tailored enforcement tools to address the power of digital platforms.

2.4.1. Comparative Perspective

The evolving stance of the United States on platform governance has created a ripple effect across both the LAC region and the EU. In both regions, regulatory momentum is increasingly shaped by anticipation of U.S. policy shifts, with several governments choosing to pause or recalibrate ongoing legislative discussions until a clearer picture emerges. The following examples highlight how this geopolitical uncertainty influences national approaches to platform regulation, showing both the strategic calculations of policymakers and the vulnerabilities of regulatory agendas in such a fluid global environment.

1. Brazil: PL 2630 (Platform Regulation Bill) – the bill was introduced by Senator Alessandro Vieira back in 2020 to fight disinformation in the context of COVID-19. However, throughout the years it was substantially reformed and became a DSA-like proposal. Conservatives in Brazil argue that it is an attempt to censor political speech online, which led to the bill coming to a halt in 2024. The Supreme Court, however, just recently declared Article 19 of Brazil’s Internet Bill of Rights (Marco Civil da Internet) unconstitutional, the country’s safe harbor

provision. It is unclear how the decision by the Supreme Court was perceived by the US government, but one must recall that Justice Alexandre de Moraes has often been cited by Elon Musk as a "threat to free speech" in Brazil, which eventually led to X being temporarily blocked in the country in 2024. Any decision weakening the legal protection enjoyed by digital platforms, especially US-based big tech companies, will surely draw Washington's attention.

2. European Union: DSA/DMA and others – the EU's role as a "super-regulator" for digital matters is now a focal point for the growing tensions between EU policymakers and the US government. Recent developments during the AI Action Summit in Paris and the Munich Security Conference help illustrate this point, with the new US government taking issue with current developments in the EU's regulatory landscape. See, for instance, a collection of statements on the enforcement of tech regulations in the EU: <https://www.techpolicy.press/tracking-recent-statements-on-the-enforcement-of-eu-tech-laws/>

2.4.2. Challenges & Open Questions

The resurgence of a Trump-led US government is likely to disrupt established patterns of transatlantic cooperation on platform governance and regulation. During the previous Trump administration, we witnessed a retrenchment of multilateral engagement and a pivot toward deregulation and politicized enforcement of platform rules. These tendencies, given recent developments, are likely to return for the following years, threatening not only the collaborative frameworks underpinning initiatives like the EU's Digital Services Act (DSA) but also undermining the normative convergence between the US and EU on key digital governance principles. In response, both the EU and LAC regions are called to assess the viability of US-centered regulatory alliances and may explore strategic partnerships with one another (and other countries too) to sustain rights-based approaches to platform oversight, particularly on issues like content moderation, misinformation, and algorithmic accountability.

Amid this geopolitical realignment, regulatory learning between LAC and the EU becomes both more urgent and feasible. While regulatory traditions differ, both regions are actively experimenting with innovative forms of platform regulation. From Brazil's Supreme Court interventions targeting disinformation on platforms like X to Spain's "Riders Law" on gig labor rights and Germany's enforcement of

the NetzDG, these diverse cases offer a rich laboratory for mutual observation and learning. Importantly, the shift away from the US regulatory model opens space for a more pluralistic exchange of ideas. This moment should be seized to institutionalize inter-regional dialogue, not just as diplomatic signaling, but as a substantive method for refining policy tools, enforcement strategies, and oversight mechanisms.

To move beyond ad hoc collaborations, the EU and LAC must invest in robust infrastructures for regulatory learning. This means creating mechanisms to systematically evaluate, document, and share regulatory experiments across jurisdictions. The diversity of legal traditions and institutional capacities between both regions is not a barrier, but an asset – offering a spectrum of enforcement strategies and political conditions under which regulation either thrives or fails. By making these differences legible and accessible, both regions can engage in a form of structured comparative analysis that helps avoid regulatory dead-ends.

The emphasis should be on building ecosystems that support experimentation and co-evolution of regulatory practices. Think-tanks, civil society groups, and academic institutions can act as intermediaries in this ecosystem, facilitating low-cost but high-impact channels for learning. Instead of only reacting to political signals from Washington – or retreating into isolated experimentation –, EU and LAC can co-develop a distinct regulatory path that centers democratic values, social protection, and enforcement credibility. In a world where the United States may retreat into techno-nationalism, the EU-LATAM alliance offers not just a counterweight, but a forward-looking model for global platform governance

3. Opportunities for Regulatory Learning & Cooperation

In light of what was highlighted above, collaboration between both regions could take place through a variety of institutional and informal avenues. Structured dialogues between EU and LATAM regulators – possibly under the umbrella of existing multilateral institutions like UNESCO or regional organizations like REGULATEL – could facilitate regular knowledge exchange. Joint observatories or research networks could document and evaluate regulatory innovations and enforcement outcomes, especially regarding gig work, content moderation, and intermediary liability. Moreover, leveraging the comparative experiences of both regions in areas like electoral disinformation, digital labor rights, and platform accountability mechanisms could help to co-develop regulatory toolkits that are both adaptable and rights-oriented.

Nonetheless, cooperation is not without obstacles. Asymmetric regulatory capacity remains a central barrier – EU bodies often have greater resources and enforcement leverage than their LAC counterparts. Political volatility and institutional fragility in parts of LAC can further hinder sustained cooperation or the uptake of complex governance models. There is also the challenge of regulatory capture and divergent digital sovereignty discourses: while the EU often promotes a multistakeholder, rules-based approach, LAC actors may oscillate between laissez-faire frameworks and state-centric interventions depending on domestic politics. These misalignments could complicate the creation of joint standards or enforcement mechanisms.

Yet, even in light of these barriers, the urgency of transregional cooperation has never been greater. In a shifting geopolitical landscape marked by increasing techno-nationalism, EU and LAC countries have an opportunity to forge a strategic alliance grounded in democratic values, social justice, and mutual regulatory capacity-building. By prioritizing peer-to-peer learning, multistakeholder engagement, and transparency, both regions can not only improve their own governance models but also contribute meaningfully to the global debate on platform accountability and digital rights.

To foster meaningful regulatory learning between the EU and LAC, both regions should adopt a strategic approach grounded in (1) mutual observation, (2) structured dialogue, and (3) institutional capacity-building:

1. Both regions should encourage sustained and institutionalized knowledge-sharing on how platforms govern speech and content, promoting mutual observation of relevant policy developments. This includes not only formal regulation, but also jurisprudence, soft law instruments, and civil society-led accountability initiatives. Comparative reflection on these elements can enrich understanding of how different legal systems interpret freedom of expression, balance rights, and manage platform responsibilities and obligations.
2. There is a need to develop shared benchmarks and frameworks for transparency through structured dialogue between both regions, especially around content moderation practices and algorithmic curation. While legal requirements may differ, aligning around common expectations for disclosure, due process, and redress mechanisms can support regulatory convergence and improve leverage over large tech companies.
3. Finally, both regions must invest in mutual reinforcement of institutional capacities, particularly in the area of intermediary liability. This means not only improving regulatory know-how, but also strengthening the ability of oversight bodies (including courts) and civil society organizations to monitor and evaluate platform behavior. LAC's experience with judicial remedies and fundamental rights, combined with EU's regulatory infrastructure, provides a complementary foundation for building more resilient and accountable digital governance models.

HEMISPHERES can play a strategic role as a platform for practical cooperation on the governance of work in the era of artificial intelligence (AI), by facilitating institutional capacity mapping and promoting shared agendas between EU and LAC. The current landscape reveals substantial asymmetries: while EU is advancing in regulatory adaptation and workforce transition policies – such as reskilling programs and the EU AI Act – LAC continues to face structural challenges, including high levels of informality, a persistent digital divide, and limited institutional readiness, though it also presents opportunities for inclusive innovation. These differences highlight regulatory tensions: EU seeks to balance technological adoption with labor protection, whereas LAC countries must first

establish the enabling conditions for effective AI governance amid the growing prevalence of precarious digital labor and algorithmic management. A key takeaway is that regulatory responses must be context-sensitive and adaptive; HEMISPHERES can facilitate this bidirectional learning, fostering shared strategies that align innovation with labor rights and inclusive development in the age of AI.

4. RECOMMENDATIONS & NEXT STEPS

4.1. Short-Term & Long-Term Recommendations

This report explored and compared the legal frameworks and public governance mechanisms applicable to online platforms, to highlight similarities and differences between the EU and LAC. In what follows, the recommendations below reflect some of the core points of this synthesis:

- Using established platform taxonomies (CBS 2018), to further clarify which platforms are currently regulated and what level of legal uncertainty arises out of such classifications across the two geographical areas;
- Beyond the comparison of legal regimes, understanding the technical, social and economic factors affecting the regulation of online platforms. This requires interactions with civil society organisations and academics with backgrounds other than law, predominantly platform studies and computer science. These collaborations can help understand the situations from which platform practices arise and lead to better regulation in the future;
- Engaging with stakeholders involved in the enforcement of platform regulation across the EU and LAC, such as telecommunications, consumer, competition or media authorities tasked with the application of relevant legislation, in order to better understand and compare differences in strategies and approaches to enforcement;
- Engaging with civil society stakeholders in the platform ecosystem across the EU and LAC, such as trusted flaggers, fact-checkers or content moderators, to better understand supply chain differences that platforms shape through their private governance ecosystems.

4.2. Proposed Next Steps for the Working Group

A next step for this Working Group would be a more in-depth comparative law study, using regional surveys with experts and a structured approach to compare platform regulation in its many facets across regions. Such an overview could guide more useful discussions on regulatory learning.

Another next step, especially in light of the points made in Section 2.4 of the report, is to keep track of enforcement (both private and public) of platform regulation to see how enforcement takes shape. What public authorities are active, and what are not? In addition to engaging with relevant stakeholders, a comparative case law analysis will also be pursued: how loosely are judiciaries in LAC and the EU enforcing platform liability exemptions? Creating an overview of these questions allows us to keep better track of the evolving enforcement of platform regulation across continents, and understanding which might foster future regulatory learning.

Especially pertinent in light of that last point is keeping track of enforcement around elections, as both regions have displayed cases of alleged election interference borne from platform practices. Keeping track of enforcement around elections can strengthen democratic discourse in electoral periods.

PROJECT INFORMATION

CALL: ERASMUS-JMO-2024-NETWORKS (Jean Monnet Policy Debate)	**TOPIC:** ERASMUS-JMO-2024-NETWORKS-HEI-NON-EU-LATIN-AMERICA
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