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The Meta US Settlement and Its Implications for EU DSA Enforcement

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On August 26, 2026, Meta Platforms (“Meta”), agreed to an \$18 billion settlement with a coalition of 52 attorneys general across U.S. states over the platforms’ safety and addictive design to better protect teenagers from harm. The landmark settlement imposes binding changes to Meta’s flagship Facebook and Instagram platforms respectively, and may serve as an important benchmark for enforcement of the Digital Services Act (DSA) in the EU. Said design changes will automatically apply to under 18s on Instagram and Facebook, whilst the majority of the changes are required to remain in place for 10 years.

META’S KEY OPERATIONAL COMMITMENTS UNDER THE US SETTLEMENT

1. A default two-hour daily limit on minors’ combined use of Instagram and Facebook.
2. Default restrictions on overnight access, as well as on push notifications during specified hours.
3. Strengthened age-verification measures.
4. Measures to detect and prevent circumvention of age and usage restrictions by minors, including through multiple accounts.
5. Disabling cosmetic surgery and extreme makeup filters for minors.

PARALLEL EU DSA PROCEEDINGS AGAINST META

Across the Atlantic, the EU is pursuing a broader approach under the DSA, looking beyond safeguards layered onto existing platforms and instead scrutinizing their underlying design and operation.

On July 10, 2026, the European Commission issued preliminary findings that Meta had breached its DSA obligations to assess and mitigate systemic risks

arising from the addictive design of Facebook and Instagram. Said preliminary findings are part of the Commission’s formal proceedings to investigate Meta’s compliance with the DSA, launched on 16 May 2024. The Commission identified features including infinite scroll, autoplay, push notifications and the platform’s highly personalised recommender systems, preliminary finding that Meta had not adequately assessed their risks to users’ physical and mental wellbeing, including minors and vulnerable adults, and that its existing safeguards were insufficient to mitigate those risks. If non-compliance is ultimately established, Meta may face fines of up to 6% of its total worldwide annual turnover.

IMPLICATIONS FOR DSA ENFORCEMENT

Against this backdrop, the U.S. settlement informs the broader regulatory environment in which the DSA is applied at EU level.

- Establishing an Operational Baseline: While a U.S. settlement cannot set a formal judicial precedent, it demonstrates that Meta is capable of intervening in its core design features to the extent these are potentially harmful and alter these, affecting arguments that similar changes sought by EU regulators are technically unfeasible.
- “Upping the Ante” on DSA Enforcement: The U.S. settlement increases pressure on the Commission to secure equivalent or stronger protections for EU users. With nine of the twelve U.S. measures already addressed by the DSA, the focus increasingly shifts from the rule to its enforcement and the expectation for a more structural approach to addictive platform design by the EU.

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