

ЗАЧАРОВАННАЯ АЛГОРИТМАМИ ЛЕНТА НОВОСТЕЙ: ИДЕЯ *ESSE EST PERCIPI* В КОНТЕКСТЕ НОВОСТНЫХ АГРЕГАТОРОВ И АЛГОРИТМОВ РАНЖИРОВАНИЯ

ENCHANTED BY THE ALGORITHM: *ESSE EST PERCIPI* IN THE DIGITAL CAVE OF NEWS FEEDS AND RANKING SYSTEMS

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Аннотация. Рассмотрены проблемы правового статуса новостных агрегаторов, использующих алгоритмы приоритетного показа — ранжирования — контента: сервисов, получивших распространение в последние годы, призванных, как заявляют разработчики, улучшить пользовательский опыт, но на деле стремящихся выйти далеко за обозначенные рамки. Детальное исследование влияния алгоритмов на равный доступ к достоверной информации показывает возможные угрозы для формирования независимого общественного мнения. Проблемы, связанные с борьбой за баланс между охраной коммерческой тайны алгоритмов и пониманием их работы обществом, рассматриваются нами через оптику антимонопольных дел с участием крупных IT-компаний. Анализ судебных решений демонстрирует, что владельцы новостных агрегаторов стремятся всеми силами, с одной стороны, минимизировать регулирование деятельности по составлению индивидуальной новостной ленты, а с другой — ограничить собственную ответственность за формирование объективной новостной подборки. Мы приходим к выводу о важности определения различных подходов в регулировании

- алгоритмов для ленты новостей и ленты поисковой выдачи в целях учета и поддержания баланса интересов всех сторон: не только владельцев новостных агрегаторов и слушателей, зрителей и читателей, но и самих медиакомпаний.
- **Ключевые слова:** агрегация новостей, алгоритмы ранжирования, цифровые медиа, черный ящик, недобросовестная конкуренция

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Abstract. This study examines the legal status of news aggregators that employ algorithmic ranking systems, tools that have become widespread in recent years. While their stated purpose is to enhance user experience, in practice they pursue goals that may reach far beyond that. A close analysis of how ranking algorithms affect equal access to reliable information reveals potential threats posed to the integrity of independent public opinion. We approach the tension between protecting algorithmic trade secrets and enabling societal understanding of their operation through the lens of antitrust cases involving major tech companies. Case-law shows a consistent pattern: aggregator operators seek, on the one hand, to minimize regulatory oversight of personalized news feed construction, and on the other, to limit their own responsibility for the objectivity of the content selections produced.

Acknowledgments: We argue for a differentiated regulatory approach to news feed algorithms as opposed to search result algorithms, one that reflects the distinct role of each system in shaping public discourse. This distinction is essential for maintaining and enhancing a balance of interests among all stakeholders: not only the operators of news aggregators and their audiences, but also the media organizations that produce the content upon which the entire system depends.

Keywords: news aggregation, ranking algorithms, digital media, black box systems, unfair competition

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Tell me do you think that these men
would have seen anything of themselves
or of one another except the shadows
cast from the fire on the wall
of the cave that fronted them?

Such prisoners would deem reality to be nothing else
than the shadows of the artificial objects.

*Quite inevitably.
Plato, The Republic, Book 7, 515a–c*

Modern news aggregators rely on ranking algorithms to sort and prioritize content: by category, by perceived relevance, by visibility. These algorithms, used across search engines and recommendation systems, are complex formulae built to determine the order in which users encounter information [1]. In theory, they offer efficiency: delivering content that is timely, useful, and relevant. In practice, however, they do far more. In Russia, several major platforms function as news aggregators, including *News@mail.ru*, *SMI2*, *Rambler/News*, *Zen.News*, and *24SMI* [2].

At the heart of the regulatory challenge is the opacity of these algorithms. They are central to the business models of the companies that own them and are therefore almost always protected as trade secrets. Disclosure is discouraged not only by commercial interest, but by design. And so, the only way to observe an algorithm is by tracing its shadow, by analyzing the outcomes it produces. We argue that in the realm of news, this creates a dangerous ambiguity: what the user reads is no longer determined by editorial decisions, but by invisible code. The algorithm thus becomes the editor, and the interface the front page.

The implications are far-reaching. The act of ranking news, we believe, does not merely organize information; it shapes the user's worldview. In doing so, it intersects with a fundamental human right — the right of free access to information. When news exposure is determined by proprietary logic, the line between aggregation and manipulation begins to blur. At scale, this carries the potential to influence public opinion itself.

In this paper we explore the concrete effects of such algorithmic systems, focusing in particular on large technology companies and how their business logic intersects

with the legal frameworks of both Russian and foreign jurisdictions. To complete this comprehensive analysis, we direct our attention primarily toward the specifics of antitrust disputes in which ranking algorithms are challenged not for being faulty, but for being too effective in entrenching corporate advantage. We have chosen this specific remedy as an object of examination for a good reason: upon researching the case-law for this study, we discovered a steady trend for various governments and legal systems to exercise their coercion toward technology companies through antitrust proceedings. Understanding their unique characteristics, and as we'll demonstrate, many more identical patterns, presents a detailed overview of evident shortcomings in the current reaction of the authorities and allows us to speculate about probable advancements to existing legal solutions.

RUSSIAN EXPERIENCE

In the context of the Russian legal practice, the most telling case on the influence of ranking algorithms on users is the dispute between Russia's Federal Antimonopoly Service (FAS) and several national IT companies against *Yandex LLC (Yandex)*, a leading IT corporation in Russia [3]. This case reveals in the most comprehensive way the core issue of our inquiry: the mechanisms through which news aggregators operate.

In 2019 and 2020, several Russian IT companies, including major market actors such as *Ozon* and *Avito*, filed a complaint with FAS, accusing Yandex of abusing its dominant market position. At the heart of their claim was the covert use of anti-competitive mechanisms to promote Yandex's own services within its search results, a practice that the claimants alleged gave Yandex an unfair advantage [4].

Their objection focused particularly on the operation of so-called "wizards" (*koldunshchiki*, a coined word roughly meaning "little wizardry practitioners") — a Yandex algorithm that generates an interactive content block within the search results. These blocks might display, for example, a preview image which, when clicked, would either open the relevant information directly within the search interface or redirect the user to a Yandex service. According to Yandex, these "wizards" functioned as helpful hints, quickly delivering relevant data and sparing users from unnecessary further actions [4].

However, the complainants argued that this functionality led to a substantial diversion of user traffic away from third-party services. The design of the "wizards", and especially their privileged placement in the search results, encouraged users to rely solely on what was shown there, ignoring all subsequent search entries, most of which belonged to competitors. In practice, this

algorithmic shortcut significantly boosted Yandex's internal services at the expense of others [5].

FAS agreed with this reasoning and issued a formal order instructing Yandex to cease the violation. When the company failed to comply, the authority initiated proceedings for unfair competition [6].

Little information is publicly available about the subsequent investigation, as it was conducted behind closed doors to protect trade secrets. Nevertheless, the dispute ended with a settlement agreement. Yandex accepted a number of binding obligations related to its algorithmic infrastructure. Due to the confidential nature of the case, the only official public document is the FAS decision to terminate the case following the settlement — published with extensive redactions [5].

As a result, it is impossible to definitively assess, based on that document alone, whether the ranking algorithm used by Yandex at the time was legally permissible. Still, there are indirect indicators pointing to the inadmissibility of its original implementation. These include the commitments Yandex accepted as part of the agreement.

According to the terms of the settlement, Yandex was required to:

- a) Develop and publish documentation for site administrators seeking to be indexed in prioritized results;
- b) Grant third parties equal access to the advantages of the wizard algorithm;
- c) Cease providing exclusive benefits to Yandex services within its search results [7].

Notably, the arguments presented by both FAS and Yandex during the proceedings were redacted from the final document, presumably to protect commercially sensitive information.

In effect, Yandex was compelled to eliminate certain discriminatory practices from its platform, and a previously proprietary algorithm was made accessible to all. Yet, in our view, this cannot be seen as the conclusion of FAS's scrutiny of Yandex's ranking technologies.

Of particular interest is a public statement issued by FAS long before the formal case began. In it, the service warned that Yandex was capable of manually adjusting search result rankings by modifying the algorithm's criteria, essentially "manually" [8].

This trajectory in regulatory and judicial practice raises a broader concern: the potential for web traffic manipulation not only in search results but also in the generation of users' news feeds. In such scenarios, algorithmic behavior, particularly when configured to structure a personalized news stream, begins to resemble editorial judgment. The aggregator thereby ceases to function as a neutral conduit and assumes characteristics of a media actor, engaged not in passive distribution but in active content curation.

INTERNATIONAL EXPERIENCE

The cases we have identified involving foreign technology companies being held accountable for how their algorithms function in several instances reflect the same structural patterns observed in the *Yandex* case. Much like in Russian practice, beginning with the FAS complaint, some major technology companies sought to voluntarily modify their ranking systems or adjust interface logic, often without waiting for a formal decision by the regulator. On the one hand, this approach offers a useful opportunity to examine the implemented changes. On the other hand, it deprives us of any insight into the detailed position of the antitrust authority, for such cases, more often than not, end in negotiated settlements, and this is no coincidence.

In our analysis of international practice, we selected several specific antitrust cases for close examination. Some of them arise from concerns directly related to news aggregation, while others illustrate the interplay between the cutting-edge solutions of technology companies and antitrust laws. Said cases allow us to have a better perspective not only on the European regulatory measures but also on the Canadian and Australian anti-monopoly case-law.

The analysis of these selected cases follows a consistent structure: we begin by outlining the subject matter of the dispute, the factual background, and the parties' arguments. We then examine the decision rendered by the court or regulatory body and assess its implications. Each section concludes with our observations on the broader patterns emerging from the body of case law under review.

Bundeskartellamt v. Google News Showcase

This case concerned the relatively recent launch of *Showcase*, a Google News feature, designed to grant priority exposure to selected news stories in Google News, the Google mobile application, and in some cases, in Google Search itself [9]. To have their content featured in Showcase, editorial publishers were required to enter into licensing agreements with Google, whereby Google committed to paying remuneration and, in some instances, displaying parts of publishers' paywalled content at its own expense [10].

In 2020, Google announced the rollout of Showcase in Germany, entering into cooperation with 20 major German media companies. The product introduced a "Story Panel", a prominent banner at the top of the page, aggregating the most relevant headlines [11].

The core issue in the dispute was the German regulator's concern that this ranking method, prioritizing news from publishers who had entered into contracts with Google, would unfairly restrict other media outlets from

distributing their content. The Cartel Office conducted a prolonged investigation, examining the internal mechanisms of Showcase and the algorithm's effect on news visibility, and then reached a final position.

In support of its findings, the regulator advanced the following arguments. *First*, it noted that Google could integrate Showcase content into general search results via the Story Panel, giving a substantial visibility advantage to media outlets partnered with Google, at the expense of others. *Second*, the licensing terms raised intellectual property concerns: the agreements allowed Google to use any material protected by copyright or related rights not just in Google News but also across other Google services, without additional compensation or separate consent. *Third*, the Cartel Office argued that Showcase partnership terms were not uniform: different publishers were granted access under varying conditions, giving some an unjustified advantage and excluding others [11].

To address these concerns, Google took the following voluntary steps: it provided internal documentation to the regulator confirming the abandonment of any plans to prioritize Showcase content through the Story Panel; it revised the agreement clauses pertaining to copyright and neighboring rights; and it pledged to grant all media outlets equal access to the Showcase program, including an obligation to notify the authority three months in advance of any future changes to this policy [11].

Based on these measures, the *Bundeskartellamt* discontinued its investigation without issuing a binding decision against Google. Nevertheless, the regulator explicitly stated that the risk of abuse had not been eliminated and that it would continue monitoring the situation [12].

This case once again illustrates the recurring tendency of tech platforms to preempt formal legal orders by taking preventive actions. Still, it is worth emphasizing that the *Bundeskartellamt* succeeded in securing concrete revisions to Google's licensing practices — thus upholding the rights of media actors and reinforcing the normative framework for mass communication.

Autorité de la concurrence v. Alphabet Inc., Google LLC, Google Ireland Ltd, and Google France

This case is closely and directly connected with the adoption of the Directive on Copyright and Related Rights in France in 2019. Thanks to it, publishers and news agencies obtained the right to prohibit the reuse of their content, as well as the right to demand remuneration for such use. In response to this regulation, Google, which provides the Google News and Google Discover aggregation services in France, decided to block the display of news from French publishers, offering them an alternative of signing an agreement for the gratuitous provi-

sion of materials [13]. In reaction to this policy, Agence France-Presse and other publishers turned to the Autorité de la concurrence, the French antitrust authority. They argued that Google's actions deprived them of fair compensation for the use of their materials, drawing attention to the general decline in attention to print media, the growing role of information technologies in news distribution, and the imbalance of power and capacities in the digital news environment [16].

This resulted not in a single case, but in several proceedings before the antitrust authority; proceedings that, in essence, revolved around the same core arguments. Publishers asserted that the situation had arisen in which, *first*, Google occupied a dominant position in the digital news market; *second*, it forced content creators to waive their rights to remuneration; and *third*, it failed to ensure sufficient transparency of its service [13].

Google, in turn, argued that, *first*, its actions demonstrated its commitment to providing high-quality news from respected publishers; *second*, that potential punitive measures would be disproportionate to the company's efforts to seek compromise; and *third*, and this was both the most fascinating and the most significant for the development of the case, Google offered not to contest the publishers' claims and to comply with the authorities, in exchange for the voluntary implementation of conditions and the adoption of framework commitments to conduct negotiations [13].

As a result of the case hearings, in 2020, the competition authority limited itself to issuing Google a series of injunctions to negotiate. Not much later, disputes arose over the good faith of these negotiations, leading to a second case, where the authority found that, with the introduction of the already-mentioned Showcase service, Google had focused on advancing its own interests in the course of the talks, and imposed a fine of €500 million [14]. Google initially appealed the decision but subsequently withdrew its appeal, concluding a settlement with the competition authority in 2022 and accepting obligations to continue negotiations with publishers and to ensure greater transparency of its service [15].

However, just two years later, a new decision was issued against the company, imposing a fine of €250 million: this time Google was accused not only of failing to uphold its obligations regarding good-faith negotiations and remuneration, but also of using copyright-protected data to train its newly-emerged artificial intelligence models, without the consent of authors and without providing them any possibility to opt out of such use of their intellectual property [16].

Much is telling in this case. First, we must note its multiplicity and fragmentation across different domains; Google was accused of violations through four

of its products at once: Google News, Google Discover, News Showcase, and the AI assistant Gemini — and was accused simultaneously on several fronts: copyright protection and fair competition. The company's behavior in this context is also expressive, though, regrettably, not new. What is new here, nevertheless, is the case-law itself: French legislation, reflecting the new EU Directive on Copyright, was applied on such a scale for the very first time. Google itself underscored this point, insisting it was merely seeking a compromise between publishers and the requirements of the law. Thus, this case became, perhaps, one of the earliest indicators of a major trend, one that ultimately turned into a major stumbling block between publishers and technology companies, and to which the concluding part of this section of our study is devoted.

[Directorate-General for Competition v. Google Shopping](#)

The second case, while focused on a different type of ranking, again involves Google. This time, the dispute centered on the order of product listings in Google Search. The company prioritized product cards from its own service, *Google Shopping*, which enables price comparison, while rival services were relegated to standard links and de-ranked by the *Panda* algorithm [17].

In 2017, after a seven-year investigation, the European Commission's Directorate-General for Competition concluded that Google was in violation of competition law and imposed a record fine of €2.4 billion [17]. Google challenged the decision first before the General Court of the European Union and then before the Court of Justice of the European Union. Both courts upheld the Commission's ruling [18].

The Commission's key arguments were as follows. *First*, it claimed that Google had granted unlawful preference to its own comparison service over competing ones, thereby distorting competition. *Second*, it argued that this conduct produced an anticompetitive effect, not only in the comparison-shopping sector but also in the broader search engine market, generating a "disbalance of market power" [19].

In its defense, Google presented several counterarguments. It claimed that the changes to the search layout improved the quality of the service and benefited users. It also invoked the *Bronner* precedent, which limits the obligation to grant competitors access to "essential facilities". Moreover, Google insisted that the Commission had defined the relevant markets too broadly and had failed to prove actual anticompetitive effects [19].

In the first round of appeal, the General Court rejected all of Google's arguments, except for the claim that the Commission had erred in framing the search engine market issue.

At the second stage of appeal, before the Court of Justice, *Google* argued that any finding of harm must be based on a counterfactual scenario: an analysis of how the market would have developed had the conduct not occurred. Google also proposed a legal test to evaluate the competitiveness of rival comparison services. *The Commission*, for its part, reiterated its existing claims without adding new arguments [20].

The Court sided with the Commission. It confirmed that Google's conduct exceeded the limits of fair competition and that the company's use of the *Panda* algorithm was discriminatory, producing a direct causal link to the distortion of the comparison of goods market.

This ruling makes it clear that what often appears as voluntary compliance by digital giants is in fact shaped by the long shadow of past enforcement, particularly when it has involved exceptionally high fines. It also confirms that manipulative use of ranking algorithms is not an isolated or recent phenomenon but a widespread practice dating back at least a decade.

Moody v. NetChoice, LLC and NetChoice, LLC v. Paxton

In turn, this case directly and unequivocally points us to the issue already touched upon implicitly in this study: the issue of public interest, namely, the constitutional right to freedom of speech. It is hardly surprising that the matter was considered in the United States, a country renowned for the breadth and striking inviolability of the First Amendment to its Constitution.

At the heart of the Supreme Court's review lay the question of whether it is permissible to restrict the promotion or removal of certain content by social networks and digital platforms. The case did not emerge in a vacuum: it arose from legislative initiatives in Florida and Texas, where lawmakers in 2021 passed acts requiring, in particular, justification for any modification or deletion of user content. These acts were challenged by an association uniting major digital platforms such as YouTube and Facebook¹. The association achieved a certain degree of success: federal district courts in both states issued preliminary injunctions, and the Court of Appeals for the Eleventh Circuit upheld the injunction against Florida's law.

The states argued that their legislation was intended to safeguard users' freedom to "balance" the expression of any opinions, as guaranteed by the First Amendment, and further emphasized that the number of posts requir-

¹ The Tverskoy District Court of Moscow has banned the corporation's social networking activities in Russia, considering them to be extremist in a decision dated 22 March 2022. Article 13.15 of the Russian Federation's Code of Administrative Offences mandates the indication of the prohibition of the organization's activity in Russia.

ing additional regulation was negligible in comparison with the total volume of content. The plaintiffs, however, maintained that the legislation, on the contrary, violated the First Amendment, as it compelled social networks to endorse opinions with which they disagreed and to uphold restrictions that ran counter to their own operating principles [21].

In this case, alongside a number of precedents, the Supreme Court invoked the doctrine of editorial discretion, extending its reach to social networks. The doctrine itself is grounded in the right of an editorial board to determine the content of its materials, to edit them freely, and to decide unilaterally on their publication [22, 23]. Such freedom of action is justified, ultimately, by the editorial board's responsibility for the materials it releases. Although the responsibility borne by digital platforms may appear to be of a lower order compared to that of traditional media, the Supreme Court affirmed the fairness of applying this doctrine to digital platforms as well. It upheld the lower courts' decisions to restrict the enforcement of the contested legislation and remanded the cases for further proceedings.

The significance of this case lies in its illustrative nature, in the fleetingness and malleability of the notion of public interest, especially against the backdrop of recent legislative and law enforcement practices in a world where political polarization has come to seem almost routine. From this case, it becomes evident that the legislators of both states, even if motivated by the idea of protecting collective interest, in reality acted in favor of a narrowly defined social group, one whose communications were regulated by digital platforms not out of personal animosity.

By declaring that the state has no right to interfere in the affairs of private entities in order to impose its own model of ideological equilibrium, the Supreme Court, albeit with several concurring opinions, in effect drew a line under this fragile balance, casting doubt on the impartiality of state regulation of digital platforms and aggregators. At least within the United States.

*Competition Bureau v. Meta News*¹

The final case in this section stands out for one key reason: it was not triggered by a regulator's internal review, but rather by a collective request from affected media organizations seeking protection of their rights, a strategy similar to that in the case of the French antitrust regulator which was earlier covered in this section of our paper.

The conflict began after Canada adopted Bill C-18, widely known under the name of the *Online News Act*, and which obliges news aggregators to compensate media publishers for using their content to attract attention and generate profit [24]. In response, Meta¹, which oper-

ates news aggregation within Facebook¹ and Instagram¹, prohibited Canadian publishers from posting content on its platforms.

Following this restriction, Canadian media outlets filed a complaint with the Competition Bureau, alleging that Meta (recognized as an extremist organization in Russia) had violated their right to compete [25].

Their arguments were twofold. *First* they accused Meta of abusing its dominant market position to influence both the media landscape and legislative process. *Second*, they argued that Meta's behavior was knowingly harmful, especially given that other aggregators in Canada had agreed to pay publishers under the new law [26].

Meta denied all allegations. It stated that blocking news was the only feasible way to comply with Bill C-18, since the company could not practically monitor all posted content. It also asserted that the law unfairly imposed financial liability for content published by third parties. Finally, Meta¹ claimed that Canadian news provided little commercial value to its platforms and that its decision reflected a business model choice, not an anticompetitive strategy [27].

In March 2024, after reviewing the complaint, the Bureau referred the case to the Competition Tribunal, a quasi-judicial body that adjudicates antitrust matters in Canada. As of the date of submission of this paper, no final decision has been rendered [28].

This case is significant for several reasons. First, it reverses the usual scenario: here, a tech company may have *restricted* access to news, rather than secretly privileging it. Second, it highlights a different procedural model. Unlike the other cases examined in this study, where the investigation originated within a regulator, here it began with a formal petition from *media stakeholders*.

It is also worth noting that another major tech player, Google, managed to negotiate a more favorable outcome in Canada. Although it publicly expressed strong reservations about what it called a "link tax", Google agreed to pay qualifying media organizations \$100 million per year for five years (adjusted to inflation), and in return, the Canadian government postponed the law's application to Google specifically [29].

More broadly, this case invites reflection on the very architecture of regulatory innovation that has been previously reviewed by our colleagues [30]. The Canadian *Online News Act* is not the first law to require compensation for the use of media content by digital platforms. That distinction belongs to Australia's *News Media and Digital Platforms Mandatory Bargaining Code*, enacted on 18 February 2021. The Australian model introduced a framework of mandatory negotiations between news outlets and aggregators — and, notably, involved the same corporate actors: Facebook¹ and Google. The im-

mediate reaction of both companies was to block their news services in Australia. But Facebook's¹ ban lasted only five days before being lifted through a negotiated compromise.

Australia's bold and assertive move proved too attractive to ignore. It sparked a legislative chain reaction: in the EU, lawmakers adopted the *Digital Services Act* (DSA) and the *Digital Markets Act* (DMA), both of which contain provisions requiring digital platforms to notify publishers of any changes to ranking algorithms, effectively barring them from keeping those systems entirely secret [31].

In conclusion, existing research confirms that the Australian approach appeared highly appealing, even tempting, to European lawmakers, both at the supranational and national levels. But its implementation has faced criticism. Some scholars argue that regulation through the mechanisms of copyright law rather than antitrust logic could ultimately entrench structural imbalances. Under such a system, smaller media outlets may be forced to provide seemingly voluntary consent for unpaid content use, under the implicit threat of being excluded from aggregators altogether [32].

INTRODUCING SCALPEL TO SURGEON WITH AN AXE

The studied case-law, we argue, demonstrates that existing state-reliant mechanisms for monitoring compliance with antitrust law can hardly be regarded as sufficient in issues arising from the launch of new technological solutions. As demonstrated by the previous section of this paper, in practice, large corporations would prefer to rely on their dominant position to introduce profitable products built on technologies whose application has, in several cases, been shown to affect the rights of individuals and other market participants. The revenues these products generate, however, tend to far exceed the scale of subsequent sanctions, diminishing every antitrust decision to a mere interim measure. Such vicious dynamics are reinforced by the fact that investigations in this area may, and usually do, last for years, while procedural costs seldom discourage companies from increasing revenue from objectionable technologies and creating new solutions with little consumer protection in mind. The cases of *Autorité de la concurrence v. Google France* and *Directorate-General for Competition v. Google Shopping* among others, clearly illustrate these challenges of long-lasting proceedings.

A different regulatory approach appears to us more appropriate. A framework that promotes the development of industry standards, whether initiated by companies themselves or encouraged by the state, can

provide greater output and encourage the market players to adapt their approaches toward consumer rights collectively and equally. Furthermore, there are already existing precedents that demonstrate two models of a state-influenced self-regulatory approach: the EU Code of Practice on Disinformation (CPD) and the Global Internet Forum to Counter Terrorism both show how voluntary non-binding instruments can evolve into effective standards. In the first instance, the initiative came from the state in the figure of the European Commission; in the second, from an alliance of major technology companies. Taken together, these examples present a new perspective, allowing us to envision that even issues of high public importance, such as countering terrorism or disinformation, can be addressed through more impartial and non state-centric mechanisms.

With regard to the Russian news aggregation market, conversely, the conditions for self-regulation are currently limited. We believe it to be tied to the rapid development of algorithmic applications in the sector. Combined with the specifics of relations between business and government, the voluntary establishment of standards by companies is made unlikely. For this reason, the most suitable model appears to be one in which the state initiates the framework while still involving key technology companies in its implementation. The CPD provides a relevant example of something that may be defined as chosen coercion, a situation in which major players agree to undertake certain obligations so as not to be subjected to anti-suit action from the state. For instance, the EU's CPD requires participant platforms to publish compliance reports twice per year. Although this model has been criticized due to the apparent tendency of companies to provide incomplete information on their adherence, it nonetheless introduces an important degree of transparency and regularity, and contrary to antitrust cases, showcases willingness to cooperate from businesses, particularly when supported by external oversight [33].

We are certain that applied to news aggregation, such a framework would allow for meaningful accountability without demanding full disclosure of recommendation algorithms. By making visible the differences in how various platforms shape the informational environment, essentially mobilizing their own resources in an effort to address existing and emerging issues, it would help restore a measure of balance between commercial interests, public oversight, and eventually return societal trust.

CONCLUSIONS AND RECOMMENDATIONS

This study has shown that the legal status of news aggregators is both socially significant and profoundly elusive,

a paradox born from the deep integration of digital technologies into the very principles by which these systems operate. Drawing from both Russian and international experience, we have demonstrated that news aggregators are, more often than not, owned by global IT corporations.

Given that their business models are fundamentally built on search and ranking algorithms, it is inevitable that these same algorithms permeate their news products. As ranking mechanisms grow increasingly opaque, it is unsurprising that the companies behind them rarely disclose how they function. Instead, they prefer to settle, to yield to regulatory pressure only as much as needed to preserve secrecy. Some refuse cooperation altogether, opting for silence over transparency.

While such evasiveness may be commercially rational, our research suggests that it cannot and should not be accepted as a fair compromise. We truly believe that it is unacceptable for the ranking algorithm at the heart of a news aggregator to remain a black box. Nonetheless, the evidence from judicial and regulatory practice reveals that these systems are not designed to balance commercial and public interests, but rather to optimize profit, albeit at the cost of fair competition and public trust.

Naturally, companies should retain the right to keep confidentiality of the mechanics of algorithms that power their core search and recommendation functions, where those algorithms serve only their business operations. But, as we have shown, once these algorithms are used to rank news, they begin to affect the interests of third parties. At that point, the algorithms no longer serve only their creators; they begin to shape society itself. And that, we believe, is perilous.

Moreover, we are convinced that the cases reviewed in this paper expose the tacit stand held by many owners of news aggregation services, a position that could be paraphrased as: "It is not our job to ensure the objectivity of our users' news feeds. That is the users' responsibility". But how can one verify or limit what they don't even know exists? If readers, viewers, and listeners are unaware of the algorithms shaping their information, they cannot reasonably be expected to scrutinize them.

In light of this, we do not believe that a rigid, punitive regulatory framework would be effective. Such an approach would harm smaller tech firms and merely encourage larger players to find ways around the rules. From our perspective, the solution lies elsewhere.

It is no coincidence that this paper opens with Plato's cave and invokes Berkeley's *esse est percipi*. We are convinced that, like the prisoners in Plato's allegory, today's users of news aggregators see only shadows of reality, fragments selected and shaped by algorithmic design. Yet unlike in Plato's cave, where shadows merely mimic real objects, in our digital cave, the shadows *become* real

ity. Here, a different principle governs perception. The one articulated by Berkeley: *to be is to be perceived*.

As we argued earlier, a blunt demand for full algorithmic disclosure is bound to fail. Instead, we advocate for a model grounded in risk-based regulation, a concept already embedded in the *FAS v Yandex* and the practice of the EU, in which news-ranking algorithms are subject to greater scrutiny than general search mechanisms. Transparency should be targeted where it matters most.

We also advocate for collective self-regulation: the content aggregation policies of major platforms should be developed in consultation with media organizations. Only through such cooperation can we create a framework that balances the rights of all participants in the digital information ecosystem. Not only those who build and maintain its infrastructure, but also those who generate its content and those who daily rely on it as their primary source of perceiving the world.

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