



*Expanding the reach and impact of the EU digital regulatory and co-regulatory framework relevant for improving the information integrity, media credibility and protection of human rights of citizens in the Western Balkans countries*

## **Digital Services Act DSA and the Code of Practice on Disinformation**

### **(3.) Civil Society Organizations**

*Advocacy Brief*



The citizens of the Western Balkan countries (WB6) are significantly exposed to illegal, harmful and fraudulent content online. The decline of media freedom and information integrity, as well as the growing impact of disinformation and external malign influences, continue to pose a serious threat to democratic processes, rule of law and European integration in the region.

At the same time, there is no systematic, adequate and functional cooperation with the major online platforms. Stakeholders point to numerous shortcomings with regard to effectiveness of content moderation and availability of mechanisms that would allow users to report illegal content or effectively appeal content moderation decisions. Online platforms are also not seen taking accountability for allowing and incentivizing dissemination of harmful content which further deepens the disinformation disorder.

The existing legislation in WB6 does not provide an adequate regulatory response to the challenges of the digital environment. On the other hand, the European Union recently introduced regulations that offer a systemic and comprehensive approach to regulating the online platforms and addressing illegal and harmful content online. Alignment with these regulations - primarily the Digital Services Act (DSA) - is the only way to ensure platform accountability, improve information integrity and online safety and ensure protection of fundamental digital rights for the WB6 citizens. It is also the candidate countries' obligation in the accession process.

These processes are not without risks, given the political, social, and economic instability and fragile institutions in the region. In addition, lack of transparency and inclusiveness of the legislative process poses a particular risk for adopting new legislation that might negatively impact freedom of expression. Currently, there are regulatory and media policy initiatives that have demonstrated precisely this tendency.

**The role of civil society organizations, both at the level of individual WB6 countries, and within regional networks, is crucial in this process.**

## **1. Supporting appropriate, meaningful and enforceable level of alignment with the EU digital services package**

National legislation should not depart from the DSA principles of systemic and multistakeholder approach to online platforms regulation. Transitory regimes legally diverging from the DSA, including national regulation of VLOPSEs, should be strongly discouraged in WB6. Interim solutions applying to the period before the accession might be misused in a way that is not respectful of fundamental rights or democratic processes, or in order to control information and censor critical voices online.

Risks of abuse and/or misinterpretation are even higher in case of national legislation that would apply to Very Large Online Platforms and Search Engines (VLOPSEs). The DSA-like risk-based approach cannot be implemented in a context that does not have the regulatory infrastructure and capacities to support it. This could further exacerbate the risk of implementing content-focused rather than a system-focused approach.

In order to support that, civil society organizations should unanimously demand a closer involvement of the European Commission in this process, with clear timelines and milestones for the DSA alignment process, as well as stronger commitment of major online platforms to ensure compliance in key priority areas for the region.

## **2. Monitoring and informing the alignment and implementation process**

It is crucial that the legislative process continues to be informed by the efforts of civil society organizations from the region aimed at ensuring effective alignment with the DSA, as well as by their extensive experience in the fields such as digital human rights and freedom of expression.

It is equally important that they are actively involved in the implementation mechanism at the national level, as well as included in the structured dialogues and exchanges at the EU level. These stakeholders can bring local expertise and insights valuable for the implementation, including by collecting and providing evidence related to risk assessment and mitigation obligations, as well as contributing to understanding and assessing the nature of risks.



In order to ensure this, support of European and international partners should be actively sought, and existing networks, partnerships and relationships with stakeholders utilised and/or strengthened.

### **3. Region-wide engagement**

Cohesive advocacy efforts, such as through region-wide multistakeholder coalitions, are needed to obtain a commitment of VLOPSEs to extend their risk mitigation obligations to some of the most pressing risks in WB6, such as disinformation and other negative effects on democratic and electoral processes, through compliance with commitments under the Code of Practice on Disinformation.

The same applies to engagement with the EU institutions in obtaining their support for an enabling environment for “extended compliance”.

This requires further strengthening of capacities, educating stakeholders on the principles of platform governance and empowering them for active participation in advocacy and regulatory processes.

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