

ADVOCACY POSITION ON REGIONAL INTERVENTIONS UNDER THE EUROPEAN DIGITAL SERVICES ACT (DSA)

As part of our regional efforts to ensure effective alignment of the Western Balkan countries with the recently adopted Digital Services Act (DSA), organizations across the region have adopted a unified position concerning the alignment with this especially relevant legislative act. This joint stance focuses on enabling approaches and priority interventions that uphold the rule of law, protect media freedom, and safeguard the human rights of all citizens in the region. By focusing on these critical areas, we aim to promote effective DSA implementation while ensuring that digital service reforms do not compromise fundamental freedoms in the region.

Our approach and interventions are informed by the years of extensive experience in the field of media and platform regulation and governance and recommendations that stem from a [joint research](#) we conducted on this topic specifically. We invite you to explore similar research prepared by our colleagues from [Share Foundation](#).

PRIORITY REGIONAL INTERVENTIONS

1. RED LINES IN THE DSA APPROACH

To ensure the DSA's success in the Western Balkans, it is critical to avoid misinterpretations and misapplications that could undermine its core objectives:

- › **Content Governance, Not Content Control:** The DSA should focus on regulating content governance processes rather than directly controlling content, such as hate speech, disinformation, or online media. This approach respects freedom of expression and avoids censorship.
- › **No National Regulation of Very Large Online Platforms (VLOPs) and Very Large Search Engines (VLOSEs):** The regulation of these actors is the responsibility of the European Commission, particularly on due diligence obligations. National interventions could lead to fragmented and inconsistent regulatory landscapes, undermining the uniform application of the DSA.
- › **The DSA legislative intention is clear:** the DSA does not aim to reduce online hate speech, or disinformation, or regulate online media but rather focuses on ensuring safe, transparent and accountable content governance processes.

2. ENABLING THE DSA MODEL

A robust and coherent implementation of the DSA in the region hinges on the following enabling measures:

- › **Legal Representatives for Platforms:** Platforms operating in the region should appoint legal representatives or designated points of contact in each country to ensure effective communication and compliance with local requirements.
- › **Safeguards Against Illegal Content:** The DSA mandates procedural safeguards, such as clear notice-and-take-down requests and robust legal mechanisms to handle illegal content efficiently while respecting users' rights.
- › **Trusted Flaggers:** Establishing independent trusted flagger programs will help streamline content moderation processes and enhance platform accountability while maintaining independence from undue influence.
- › **Data Access for Research:** Facilitating data access for researchers is crucial for transparency and accountability in platform operations, ensuring that public interest research can inform future regulatory adjustments.
- › **Independence of DSA and Multi-Stakeholder Approach:** Promoting an independent implementation of the DSA that involves multiple stakeholders, including civil society, ensures that the DSA aligns with local contexts and needs while upholding fundamental rights.
- › **Independent Digital Services Coordinator:** Ensuring institutional, political and financial independence of the Digital Services Coordinator is essential for unbiased enforcement of the DSA, safeguarding transparency, accountability, and the protection of fundamental rights while preventing conflicts of interest with governmental or corporate entities.
- › **Cooperation Among Digital Services Coordinators (DSCs):** Effective cooperation between national DSCs, the European Board for Digital Services, the European Commission, and other Member States' DSCs is essential for the seamless application of the DSA across borders.

3. INVOLVEMENT OF CIVIL SOCIETY ORGANIZATIONS (CSOS)

In line with the DSA governance framework, civil society plays a crucial role in the DSA alignment process, and their involvement should be actively encouraged:

- › **Formation and facilitation of the work of Digital Service Coordinators:** In our research, we proposed three models that we will explore in the future and in close consultation with the European Commission.
- › **Build a Regional Network of Experts and Allies:** Creating such a network will provide a support system for implementing the DSA, facilitating shared learning, and ensuring cohesive advocacy efforts.
- › **Raise Awareness Among CSOs:** It is vital to educate stakeholders across the countries on the DSA principles and its impact on the media legal landscape, moving away from the wrong assumption that the DSA is a tool for regulating hate speech or disinformation online.

Against this background, we call upon the key stakeholders in the Western Balkan countries, international organizations, donors, and in particular the European Commission to bolster the DSA transformative framework for enhancing digital governance across the region.

By adhering to the red lines and embracing enabling measures, the region can leverage the DSA to foster a safer and more accountable digital space. Active involvement of all the stakeholders, including civil society and building robust regional coordinated and unified interventions will further ensure that the DSA is implemented in a manner that respects local contexts but also ensures a consistent and legally-unified DSA approach in line with the European Union values.

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