

# Albania's TikTok U-Turn: Trading Regulation for a Ban

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# LIST OF ABBREVIATIONS

<b>Abbreviation</b>	<b>Definition</b>
DSA	Digital Services Act
EU	European Union
AMA	Audiovisual Media Authority
US	United States
GDPR	General Data Protection Regulation

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# INTRODUCTION

Last December, Albania [announced](#) **a one-year blanket ban on TikTok**. The government blamed TikTok for rising incidents of violence and bullying, especially among young people, and framed this move as part of new action plan on school safety. It [reportedly](#) held 1300 meetings with teachers and parents in mid-November, claiming that 90% of them support the ban. However, the consultation has been dismissed as a [farce](#) and the planned ban has faced [backlash](#), especially from the very group it aims to protect. Political actors have also criticized the ban, arguing that it suppresses freedom of speech, particularly in light of this year's the parliamentary elections. Lastly, [civic actors](#) have warned that it poses a threat to both free speech and commerce.

The shutdown is expected in March 2025, two months prior to the elections. Despite submitting freedom of information requests<sup>[1]</sup> to both the Audiovisual Media Authority and the Prime Minister's Office to clarify key aspects - the analysis, evidence, and the process behind the ban - these inquiries have gone unanswered. The lack of transparency, particularly on matters of public interest that should have been disclosed proactively, only serves to raise further eyebrows. Ultimately, much remains [unknown](#) on how it will be carried out.



TikTok has been accused of serious operational issues, leading to various responses from regulators. It has been accused of [censoring content](#), promoting [discriminatory practices](#) and unethical moderation policies that harm marginalized groups and perpetuate harmful stereotypes, and pushing time-wasting videos to sow apathy and disengagement. TikTok's highly intelligent algorithms, which prioritize showing videos that other users find appealing over content from subscribed accounts, are designed to quickly [hook users](#) by predicting their preferences more accurately the longer they spend on the platform. TikTok enacted some [child safety measures](#), yet its operations continue to be highly problematic.

Despite the mounting scrutiny, TikTok remains incredibly [popular](#) in Albania with over **1.5 million users**, mostly young people. Given the concerns raised, a policy response is welcomed, but the question remains: **is a ban a smart policy choice**, or will it prove ineffective and leave the underlying issues unresolved?

Experiences from **European countries suggest** that **regulation** is the more effective approach, with bans serving only as a temporary fix rather than addressing the systemic problem.

<sup>[1]</sup> On 13/01/2025, IDM submitted FoI requests to AMA and Prime Minister's Office, seeking information on the data that informed the decision, evidence justifying TikTok's singled-out treatment compared to other platforms, evidence of public consultation, the future of platform cooperation with the regulator, the steps planned for implementing the ban, and AMA's role in the decision-making process.

# THE STORY PRIOR TO THE BAN

Concerns of online harm affecting children and youth in Albania have been [reported](#), with cyberbullying emerging as the most prevalent issue, followed by hate speech and blackmail. The available data also reveals a clear gendered impact, with girls being nearly twice as likely to be affected as boys. However, policy measures on online safety appear to have been genderblind so far. In terms of platforms that host such harmful content related to minors, TikTok (leading) and Instagram stand out, together accounting for 74% of the reported incidents in 2023. Despite this, public debate and policy responses have focused on TikTok, overlooking other platforms.

Months before the proposed ban, Albania had pursued a completely different course of action with TikTok.

In August 2024, the Albanian Audiovisual Media Authority (AMA) [partnered with TikTok](#) to address harmful content like hate speech, violence, and child rights violations on the platform. This voluntary collaboration aimed to encourage users to report problematic videos, which AMA would then flag to TikTok—mirroring, in some respects, the [trusted flagger system](#) within the EU Digital Services Act (DSA). This was part of a broader [effort](#) by TikTok to collaborate with various stakeholders to improve digital safety for children and women across the Western Balkans – signaling the platform’s attention to the region.

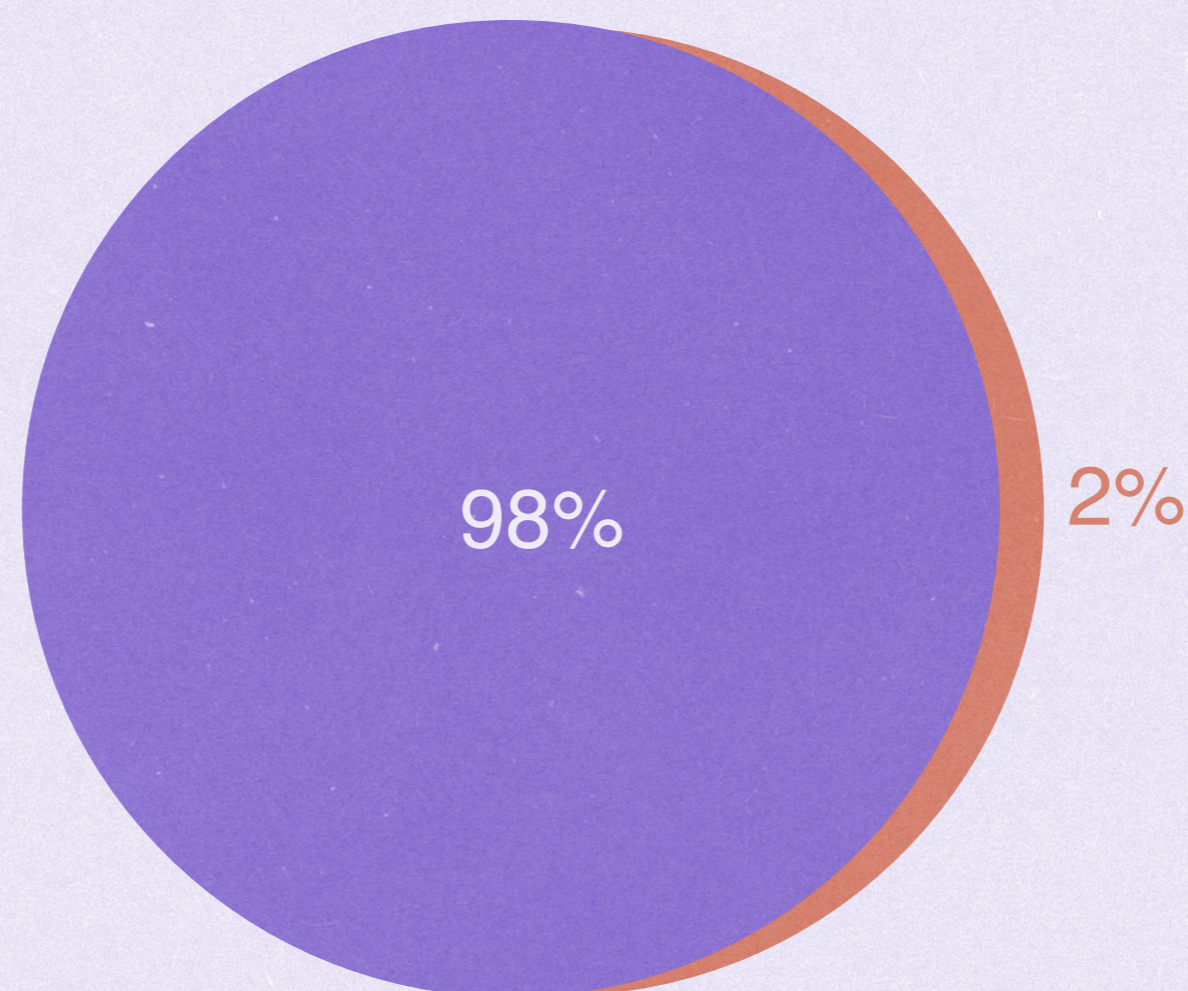
AMA praised this partnership with TikTok as a [success story](#) and encouraged other Western Balkans regulators, gathered in Tirana to discuss children’s online safety, to adopt a similar approach. Both regulators and TikTok representatives agreed on the importance of closer collaboration between regulators and platforms and highlighted the need to establish a co-regulation model for a safer digital environment – a policy mood that appears to be a far cry from the idea of bans.

However, on December 21<sup>st</sup> the Albanian government reversed course, suddenly announcing a TikTok ban. This abrupt policy shift, given the previous collaboration, raises questions about the reasoning behind the decision. In the policy and legal realm, such a move should be backed by solid evidence and a clear explanation demonstrating that it is the least restrictive and most proportional way to serve the public interest.



Yet, what does the official data tell us? Interestingly, only the day before the announcement of the ban, AMA routinely published data on its cooperation with TikTok. The [report](#) covering August-December 2024, revealed that AMA had received 730 complaints about TikTok content, with 15% of these related to child safety violations. Of the total complaints, 39% were considered legally problematic by AMA, although it is unclear how many of these involved child-related issues. Notably, **98%** of the flagged content **was removed by TikTok**, indicating

a strong response rate. It is not clear if and how these data which present TikTok as cooperative, or other independent studies on the matter, informed the decision on the ban. The government has stated that it will use the one-year ban to observe how other countries respond before deciding whether to allow TikTok to resume operations. However, many other countries have already [made up their mind](#). The EU has repeatedly emphasized that it is more effective to regulate and “master” new technologies rather than attempt to ban them entirely.



*98% of the content considered legally problematic by AMA, was removed by TikTok.*

# A LOOK AT TIKTOK BANS

TikTok has been in the governments and lawmakers' crosshairs for quite some time and the sentiment to ostracize it is spreading. However, it cannot justify a poor policy choice.

**The US** has taken action in response to privacy concerns surrounding TikTok, which been accused of collecting users data and [handing it over](#) to the Chinese government – claims that TikTok refutes. While the option of a ban is on the table, it is seen as conditional, with the alternative being a push for the company to sell itself. Strong critics argue that a [ban is unconstitutional](#), infringes on freedom of speech and violates a company's right to exist, advocating instead for [comprehensive privacy legislation](#). Meanwhile, others highlight the harm to [teenagers' mental health](#) but maintain that regulation, not a ban, is the appropriate response. They suggest embedding safety by design, ensuring transparent algorithms, holding platforms accountable for failure, and establishing proper oversight.

The discussions surrounding TikTok [in Europe](#) highlight a different set of concerns. **EU** authorities have raised alarms about the app's potential for addiction, particularly among young users, and its possible contribution to other psychological harms. Some governments have sought to balance security concerns with the protection of free expression. [Several countries](#)<sup>[2]</sup> have banned the app on government devices due to cyber-hygiene issues. In March 2023, a wave of actions from governments followed, with [Albania proposing](#) a similar measure but ultimately not following through.

**France, Germany, and Belgium** have placed restrictions on children's access to social media, while **Australia** has banned it entirely for those under 16, citing concerns such as bullying, peer pressure, anxiety, scams, and online predators. However, critics argue that such measures may push young people into greater isolation and allow platforms to operate with less accountability. Additionally, [the Italian Competition Authority](#) fined TikTok 10 million EUR for failing to protect minors.

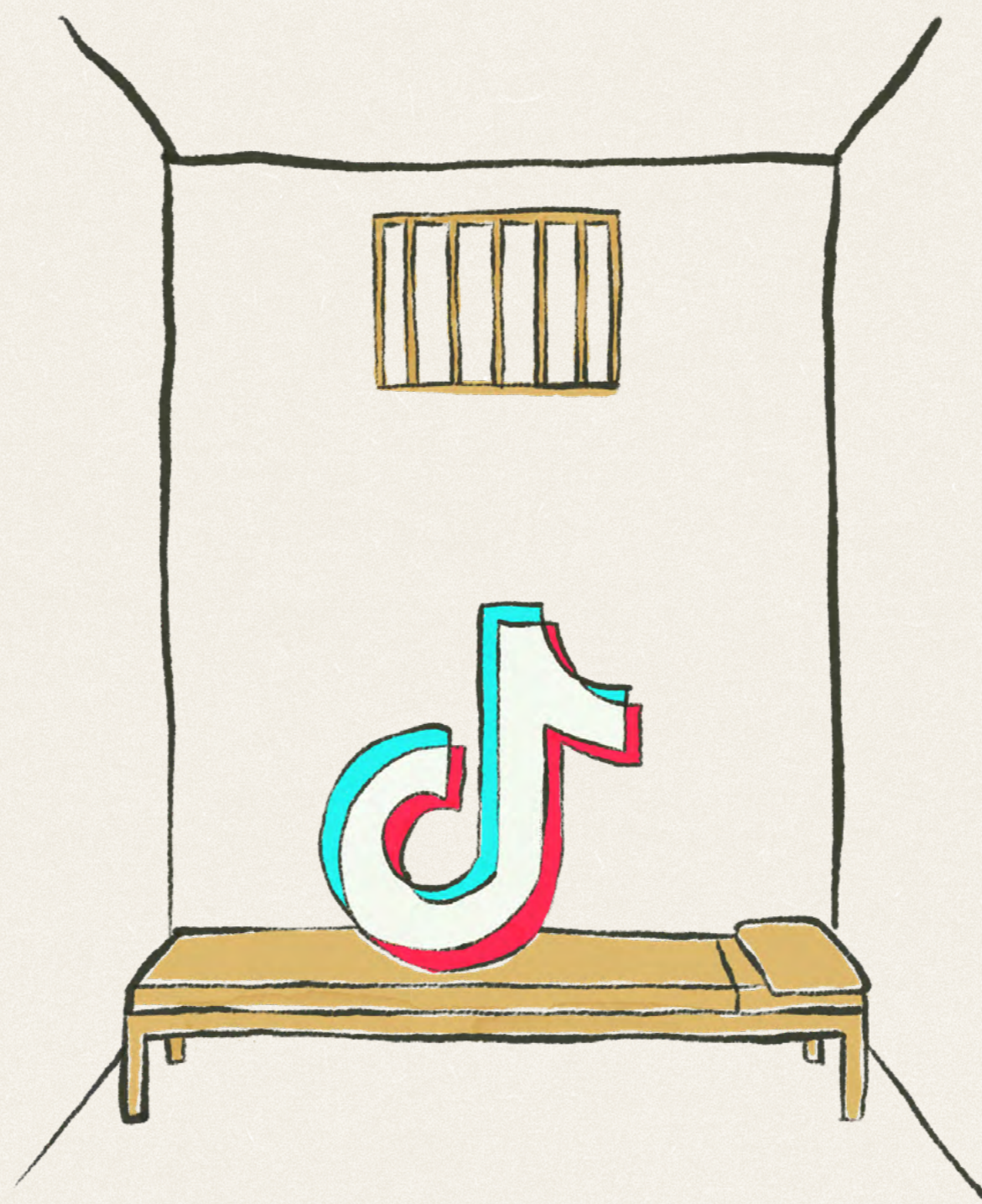
Unlike the cases mentioned above, **Albania** is contemplating a TikTok ban for reasons related to content moderation. Therefore, using the experiences of these countries as justification does not apply in this context. The only other countries to ban TikTok for similar reasons are **Afghanistan**, which cited the protection of youth from being "misled," **Pakistan**, which raised concerns over immoral content (lifting the ban after the company adjusted its filters), **Nepal**, which blamed TikTok for disrupting "social harmony" and the spread of indecent materials, and **Somalia**, where it was accused of promoting extremist content, nudity, and offensive material to Somali culture and Islam.

Most countries have avoided a blanket ban, instead opting for targeted measures that address specific issues. These actions are often in response to TikTok's alleged violations of national laws, whereas the Albanian government has yet to clarify whether the platform has breached any laws. Additionally, these measures have typically been based on thorough [analysis](#) of the situation.



Overall, Albania appears to have different motivations, as it plans to implement a blanket ban rather than a targeted one, such as age restrictions or limiting governmental use. Unlike other countries, its move is not driven by legal violations, and the process for enacting the ban remains unclear. Furthermore, the institutions have not provided any public analysis to support the decision, which raises concerns about the ban's potential to pass a constitutional review.

The decision could also be viewed as infantilizing, as it assumes that the public, especially young users, are incapable of making informed decisions about their online behavior. This top-down, blanket approach overlooks the opportunity for education, regulation, and empowerment. It oversimplifies the issue and may hinder the development of more thoughtful, nuanced solutions.



<sup>[2]</sup> [Estonia](#), [UK](#), [EU institutions](#), [France](#), [Netherlands](#), [Norway](#), [Belgium](#), [Denmark](#)

# THE SOLUTION: DIGITAL SERVICES ACT

When it comes to policing tech platforms, the EU's 25-year-old [e-Commerce Directive](#) was no longer up to the task of keeping pace with their fast-evolving landscape and the complex legal and societal challenges they bring. These platforms were often exploited to spread harmful content or trade in prohibited goods and services, posing serious risks to user rights, the flow of information, and public participation. Faced with a choice between outdated inadequate regulation, sweeping bans, or stronger oversight, the EU chose the latter.

**The Digital Services Act (DSA)** was introduced to rein in the increasing power of big tech. It seeks to ensure digital platforms operate in the public interest, addressing their societal impact while enforcing stricter rules on illegal content moderation and banning abusive dominant practices.

Through the DSA, **the EU** made itself [clear](#) – [regulation is the way to go, instead of an outright ban.](#) The aim is to keep big tech accountable, ensuring user safety while safeguarding spaces for free speech and social participation, offering a more rational and sustainable solution.

The DSA requires platforms to take consistent action against the spread of harmful or illegal content, with a particular emphasis on protecting minors. It empowers users to challenge content removal decisions, restrictions, or account suspensions through internal complaints processes, out-of-court settlements, and the judicial system – putting an end to their powerlessness against the arbitrary actions of platforms. The DSA also mandates transparency in online advertising by requiring platforms to disclose information about targeted ads, their reach, and how algorithms determine ad delivery. Additionally, it bans manipulative [“dark patterns”](#) that coerce users into spending more time on platforms. These issues are relevant also to TikTok, as the platform's highly sophisticated algorithm is believed to “hook” users and predict their preferences with striking [accuracy](#). In response, the DSA provides users with more control over the content they encounter, the reasons behind its presentation, and the means to address harmful or illegal content.

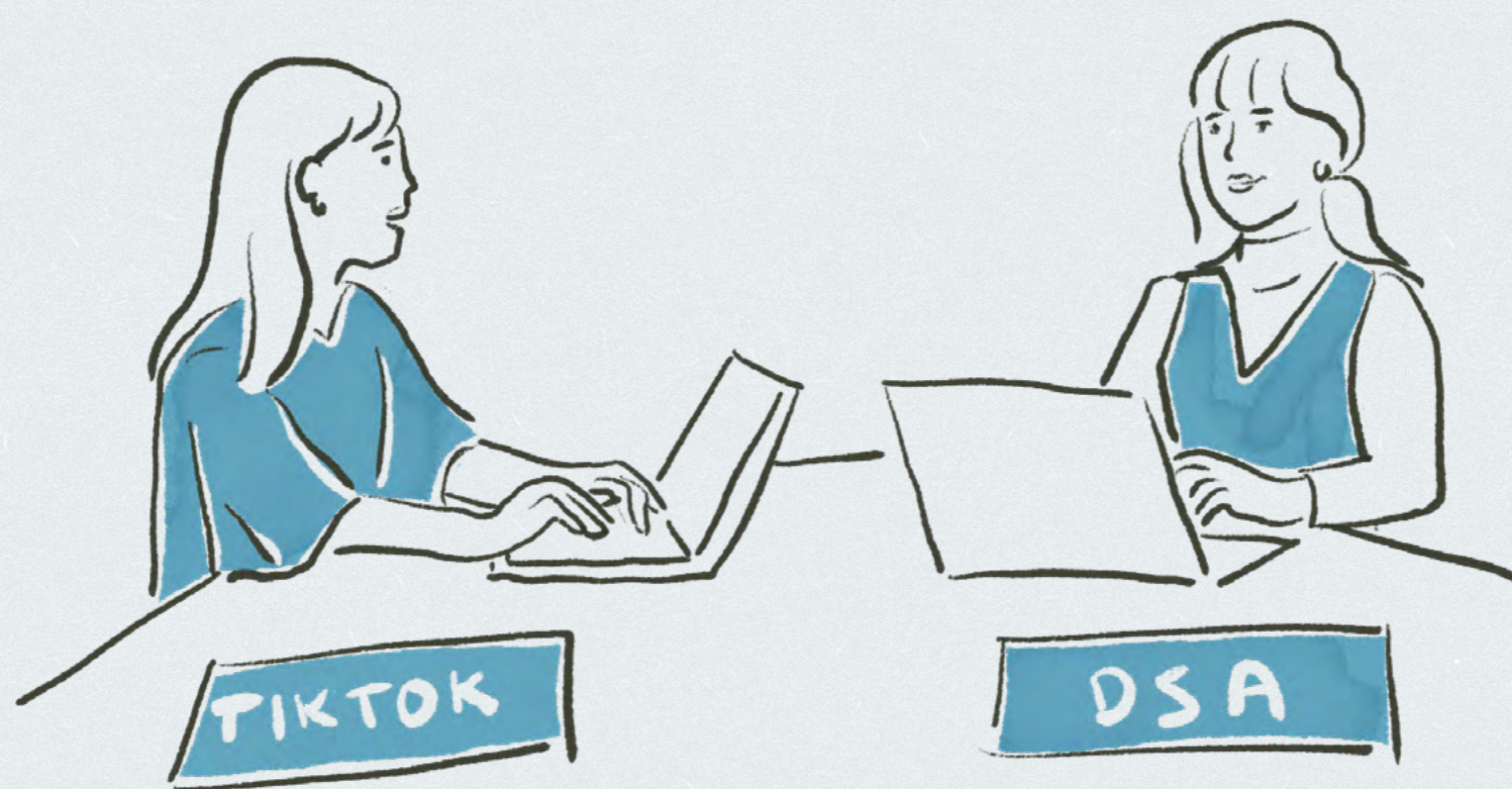
As a trailblazer in the EU, the DSA holds platforms accountable by imposing significant fines or even [temporary bans](#) [only] in cases of non-compliance - however, not applied so far. The EU Commission and national authorities oversee compliance, investigate violations, and enforce penalties when necessary.

# TIKTOK MEETS DSA

Since its adoption, DSA has been utilized in several cases to address concerns surrounding tech giants, including TikTok. For example, two days after the DSA came into effect, the European Commission announced an [investigation into TikTok](#) for potential breaches related to the protection of minors, advertising transparency, data access as well as risk management of addictive design. [Similar proceedings](#) on protection of minors are ongoing also on Meta's Instagram and Facebook. Additionally, [another](#) investigation into TikTok Lite's reward program examined, among other issues, the platform's efforts to mitigate negative impacts on mental health, especially for minors, due to features that may encourage addictive behavior.

Oversight on TikTok also extended to election integrity concerns. Romanian courts [made history](#) by annulling 2024 presidential elections' results due to TikTok interference, under electoral laws. In addition, the Commission initiated [proceedings](#) under the DSA to assess whether TikTok complied with its obligations to mitigate systemic risks to the integrity of Romania's elections.

Beyond DSA-related concerns, TikTok is also under General Data Protection Regulation ([GDPR](#)) scrutiny as it faces complaints on unlawful transfers of EU citizens' personal data to China. The GDPR, the world's most powerful privacy law, works together with the DSA on strict data protection and user consent. With DSA still only one year into effect, and GDPR for much longer, regulation continues to prove itself and its potential in addressing platform abuses and holding tech giants accountable.



# THE WAY FORWARD FOR ALBANIA

The Digital Services Act shows that regulation is a more effective policy approach to achieve the desired impact, ensuring that platforms operate responsibly. On the other hand, bans tend to be ineffective and more symbolic, as they are [technically difficult](#) to enforce and often [circumvented](#).

Banning a platform might make sense for smaller countries that lack the regulatory power, technical resources, or leverage to confront big tech independently, if the public interest justifies such an action.

However, Albania's situation differs, particularly with its EU accession process. As a candidate country, Albania benefits from the EU's support, which strengthens its negotiating power and provides a framework for aligning with European regulatory standards. This relationship enables Albania to tackle these challenges through regulation rather than relying on a ban.

Albania has followed the EU's lead by [harmonizing with the GDPR](#) in 2024. Additionally, the [National Reform Agenda 2024-2027](#), a key policy document within the EU's "Reform and Growth Facility for the Western Balkans," includes a commitment to align with the DSA by 2026, marking a clear policy-driven path toward harmonization with EU regulations on platform regulation.

In the EU, the European Commission is responsible for overseeing very large online platforms and has the authority to take legal action against them. While Albania cannot yet access the full range of tools available to EU member states, there are steps it can take in the meantime. Albanian authorities can work closely with the European Commission, and the future national Digital Services Coordinator can integrate into the EU landscape by engaging with European counterparts for peer learning, exchanges, and coordination. Furthermore, in collaboration with the EU Commission, national institutions can design [in-country solutions](#) to address pressing local issues.

When pursuing a regulatory approach, institutions must also be mindful of the risks posed by poor platform governance. Effective enforcement of the DSA is crucial to mitigating these risks, though it faces significant challenges. Successful enforcement will rely on adequate resources, independent national authorities and judiciary, as well as expertise in both technical and human rights matters. Additionally, active participation from civil society, fact-checkers, and the media is essential. These elements are particularly important in smaller digital markets like Albania and the broader Western Balkans region, where the capacity for enforcement may be more limited.

[Studies](#) are available to support the harmonization of the DSA in the Western Balkans. Additionally, in October, a coalition of civil society organizations released a [joint advocacy position](#), providing recommendations for a harmonization process that protects media freedom, safeguards human rights, and upholds the rule of law.

In conclusion, the government should uphold its commitment to regulate, as outlined in the Reform Agenda, and move away from the ban as a policy option. Instead of opting for a ban, which has shown to be ineffective and counterproductive, the focus should shift to creating a comprehensive regulatory framework centered around the Digital Services Act. This approach would align with European standards and allow Albania to address the challenges posed by platforms like TikTok in a more sustainable and effective way.



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