

DSA Research Network's Circle of Friends | Recap of the 2nd meeting

Monday, 14 April 2025 – 3-4:30 pm (CET)

The second meeting of the Circle of Friends of the DSA Research Network built on the conversations from the kick-off meeting in November 2024 to further discuss issues around the implementation of the Digital Services Act (DSA). Current DSA-related issues, like the “censorship” narrative, the independence of supervision at the European level, and the risk-based governance approach, formed the basis of this discussion.

The following provides a summary of the second meeting's discussion:

1. “Censorship” vs. protection of freedom of speech

- The discussion explored how the narrative of “censorship” is increasingly dominating public discourse around the DSA, often overshadowing more substantive issues. It was noted that right-wing framing has infiltrated mainstream media, making it more challenging for civil society to advocate effectively while remaining true to its values.
- A way for civil society organisations to counter this could be to focus on user safety and vulnerable communities, utilising DSA Articles 20, 21, and 86, as well as other direct support tools. Still, the “censorship” label is emotionally powerful and strategically used to discredit both regulation and researchers.
- Participants agreed the DSA has a PR problem, partly due to the European Commission's dual role as political actor and regulator. There's concern that vague risk assessment benchmarks can enable misuse, while examples like Turkey show how European models can be distorted towards actual censorship. To push back, civil society and academia must reframe the debate without reinforcing the narrative of censorship.

2. Independence of supervision on a European level

- The discussion focused on the issue of independent and effective enforcement of the DSA by the EU Commission. A central issue was the institutional setup of the Commission, which combines political (College of Commissioners) and administrative (Directorates-General) elements. This dual role creates tensions between democratic legitimacy and strict legal commitment. The case of [Thierry Breton's public letters](#) highlighted the difficulty: while individual commissioners may act politically, legally binding decisions must come from the Commission as a whole.
- It was noted that [DG COMP](#), long responsible for competition enforcement, enjoys a reputation for objectivity despite a similar structure to [DG CONNECT](#), now handling the DSA. This suggests that governance structure alone does not determine perceived regulatory quality – factors like expertise, public perception, and political communication also matter. The closeness of the DSA

to content regulation was seen as particularly sensitive, especially in light of Germany's constitutional tradition of *Staatsferne* (state distance) in media oversight.

- A key question was whether the Commission can act as an objective and effective DSA enforcer in its current form. While Article 50(1) DSA mandates independence for national regulators (DSCs), comparisons with GDPR enforcement – especially in Ireland – raised doubts about practical effectiveness despite formal independence. It was argued that enforcement often depends less on structural independence and more on staff resources, institutional culture, and political will, as seen in the still under-resourced Bundesnetzagentur in Germany.
- The idea of a fully independent EU-level enforcer – possibly in the form of a new agency – was discussed. However, while independence might improve objectivity, it was pointed out that effective enforcement also requires flexibility, including deal-making mechanisms like those under Article 71 DSA. Some participants suggested that political influence can at times make enforcement possible when regulations fall short, though this is more a workaround than a sustainable model.
- As for the feasibility of creating a new EU agency, it was argued that the Commission was chosen simply because it was the only institution capable of rapid action during the DSA's drafting. Any structural change would have to be gradual to preserve accumulated expertise. Moreover, transferring powers away from the Commission could unintentionally signal a downgrading of the DSA's importance.
- Finally, alternatives to structural independence were considered. Beyond the formal checks of the European Council and Parliament (e.g. Art. 234 TFEU), the role of the DSA Board, national DSCs, and public scrutiny by experts and civil society was seen as a crucial balancing mechanism. These could support both accountability and legitimacy in the ongoing evolution of DSA enforcement.

3. Enforcement of the risk-based approach

- There remains uncertainty regarding the precise legal implications of the DSA's risk-based approach and how the European Commission (EC) will interpret and enforce it. More clarity is needed on its objectives, its connection to fundamental rights, and why this model was chosen over others. Plans are underway to explore this option further, comparing it to alternative regulatory models, such as China's.
- With the [Code of Practice on Disinformation](#) evolving into a [Code of Conduct under Article 45](#) DSA, its role in shaping risk assessments is growing. [Reports like the one by the European Partnership for Democracy](#) highlight how civic discourse and elections might be evaluated under these frameworks. These voluntary codes will become more meaningful once they're subject to Article 37 audits. However, there's still a need to better define the relationship between Codes of Conduct and risk assessments.
- Dual-track approach: broad research to support systemic risk understanding and a clear, transparent compliance process. Others warn against confusing DSA-defined systemic risk with similar concepts in the AI Act. Risks that are hard to quantify – like societal harm or platform design flaws – often fall through the cracks. Additionally, the platform owners themselves may pose a risk. As a result, the platform itself is inherently a systemic risk, and it is unlikely that platforms will identify themselves as a risk.
- Civil society plays a key role, especially around disinformation and elections. Yet, practical issues persist: risk assessment reports are often not machine-readable or detailed, and platforms reuse old content without addressing actual effectiveness. There is a growing call to focus not only on

risk assessments (Art. 34) but also on concrete mitigation efforts (Art. 35), which are more likely to reveal platform accountability – or the lack of it.

Discussions during the second meeting of the Circle of Friends highlighted the challenges of countering the "censorship" narrative in public discourse, the complexity of EU regulatory independence, and the need for clearer guidance on the DSA's risk-based approach. While the effectiveness of the current enforcement structure was debated, there was a common focus on the importance of transparency, civil society engagement and clear mitigation efforts to ensure platform accountability.

The next meeting of the Circle of Friends will take place on 4 November 2025.