Who speaks and who is heard?

Civil society participation and participatory justice in DSA systemic risk management

THE MECHANISMS OF PARTICIPATION IN DSA SYSTEMIC RISK MANAGEMENT

Note 1: This table is based on a previous mapping of spaces of participation in DSA and AIA risk management, based on a legal-doctrinal approach; see **Mateus Correia de Carvalho, 'It Will Be What We Want It to Be: Sociotechnical and Contested Systemic Risk at the Core of the EU's Regulation of Platforms' AI Systems' (2025) 16 JIPITEC – Journal of Intellectual Property, Information Technology and E-Commerce Law**. Based on the gathered empirical data we have refined this mapping here. First, we took out the spaces/mechanisms of participation that were not mentioned; or whose usefulness was not reflected upon by any participant for lack of information (all workshop participants were given and asked to reflect on the preliminary mapping). Second, we also took out those mechanisms of participation relating exclusively to the AI Act and with no connection with VLOPs systemic risk management. Third, we added mechanisms of participation mentioned by participants in the workshop and interviews. And fourth, we have offered some information on any remarks made by participants about their perception of these mechanisms' usefulness.

Note 2: those mechanisms highlighted in ***italic bold*** are those that were the object of agreement of workshop participants as to their perceived usefulness.

Mechanisms of participation	Type of mechanism	Rationale	Observations about usefulness
Audits of platforms' risk assessment and mitigation action by vetted researchers (within the context of research supported by privileged access to information in accordance with DSA)	Research	Conduct research based on privileged access to information aiming to contribute to the understanding of systemic risks and/or the assessment of systemic risk processes.	In a breakout exercise done in groups, Groups 1 (participants 1, 2, 7 and 9) and 2 (participants 4, 5, 8, 12 and 13) found this useful in theory; and Group 1 explicitly stated this is a mechanism missing in practice. Participants 2 and 7 (as well as several participants of Workshops 1 and 3) expressed the sentiment that DSA's Art.40 can be viewed in a participatory way as it may enable obtaining information that can feed into more research, litigation and complaints.
Hold bilateral talks with platforms	Lobbying & advocacy directed at VLOPs	Call attention/appeal specific content moderation practices, discuss risk assessments and/or share research output	Most participants in the workshop agreed this was the least effective way to influence DSA systemic risk management. Participants 1, 3, 9, 11 and interviewees 12 and 13 mentioned that this is something their organisations either regularly do or had experience doing.
Supporting Digital Service Coordinators in data access processes pursuant to art. 40 DSA	Lobbying & advocacy directed at policymakers & regulators	Support and facilitate the exercise by DSCs of their decisional function regarding the determination of whether and how much data should be shared by VLOPs with vetted researchers pursuant to art. 40 DSA.	In a breakout exercise done in groups, Groups 1 and 2 found this useful in theory; and Group 1 explicitly stated this is a mechanism missing in practice.

Mechanisms of participation	Type of mechanism	Rationale	Observations about usefulness
Commission audits with the involvement of individual experts	Research + Lobbying & advocacy directed at policymakers & regulators	Support the performance of Commission-led audits to assess platforms' risk assessment and mitigation choices. If the Commission finds shortcomings and pursues corrective action, contestation will be involved.	In a breakout exercise done in groups, Group 2 found this useful in theory; and Group 3 (participants 3, 6, 10, 11 and 14) stated they were unsure about the usefulness of this mechanism, as it would depend on how meaningful civil society participation would be.
Submission of evidence to Commission and/or national regulators	Research + Lobbying & advocacy directed at policymakers & regulators	Provide evidence to public supervisory authorities about emerging AI risks, their societal impact, and how platforms and other AI deployers and providers contribute to, assess and manage those risks.	In a breakout exercise done in groups, Group 2 found this mechanism useful and Group 1 stated they were unsure about it.
Participation in public consultations and calls for evidence for the development of guidelines or elaboration of risk assessments	Lobbying & advocacy directed at policymakers & regulators	The Commission, national regulators or even the European Board of Digital Services seeks to receive the contributions of experts and impacted individuals and communities to help with DSA enforcement or the preparation of guidelines. Stakeholders provide information and give their opinions on what are relevant risks, what methodologies or metrics for risk assessment should be considered, and/or what risk mitigation best practices should be contained in the guidelines.	In a breakout exercise done in groups, Groups 1 and 2 found this mechanism useful; and Group 3 stated they were unsure about the usefulness of this mechanism as it would depend on how meaningful civil society participation would be. Participants 1, 7, 9 and 11 explicitly underlined the usefulness of this mechanism in subsequent plenary discussions; interviewees 12 and 13 also expressed similar ideas.
Collaborative development of codes of conduct and codes of practice	Lobbying & advocacy directed at policymakers & regulators	Hear experts and impacted individuals and communities and have them contribute to the drawing up of codes of conduct. An example of this is the collaborative development of the AIA code of practice on systemic risk management which, indirectly, may influence how one conceptualises systemic risk and thinks about appropriate systemic risk management techniques in the DSA.[294]	In a breakout exercise done in groups, Group 2 found this mechanism useful; and Group 3 stated they were unsure about the usefulness of this mechanism as it would depend on how meaningful civil society participation would be. In interview 9 and Workshop 1, several people casted doubts about one such initiative, namely the development of the AI Act code of practice on systemic risk management. This would be consistent with some media reports on this initiative.[295] Interviewee 16 was less negative about this initiative, stating that, in the early rounds of the drafting process civil society was well-heard and the process was, in their mind, democratically and transparently run; this was not the case in the later rounds of development, also with some opacity regarding what contributions were taken into account and how certain structuring decisions were made.

[294] Correia de Carvalho 2025, pp. 39, 46, and 60.

[295] **Jacob Wulff Wold 2025a**; **Jacob Wulff Wold 2025b**; **Queslati and Nemitz 2025**.

Mechanisms of participation	Type of mechanism	Rationale	Observations about usefulness
Involvement in platform audits at the invitation of VLOPs and VLOSEs	Lobbying & advocacy directed at VLOPs	To test platforms' assumptions regarding the effectiveness of their risk management choices with impacted stakeholders, in platform-organised initiatives.	In a breakout exercise done in groups, Group 3 found it not useful and Group 2 stated they were unsure about it. The perceptions related to holding bilateral talks with platforms (see above) may also be of relevance here.
Involvement in red teaming exercises and other adversarial testing	Research + Lobbying & advocacy directed at VLOPs	Have independent experts test platforms' algorithmic systems for bias and other risk sources by seeking to game/exploit their design and other vulnerabilities.	In a breakout exercise done in groups, Groups 2 and 3 found this mechanism useful, with their participants signalling that they, had, however, not engaged significantly with this mechanism.
Ad hoc cooperation projects, expert consultations, and constructive dialogues between platforms and civil society	Lobbying & advocacy directed at VLOPs	Obtain extensive feedback and additional insights on risk management policies and actions.	In a breakout exercise done in groups, Group 2 stated that this mechanism was not useful; while Groups 1 and 3 said this would be useful in theory. The perceptions related to holding bilateral talks with platforms (see above) may also be of relevance here.
Cooperation between public authorities, platforms and independent fact-checking organisations	Lobbying & advocacy directed VLOPs/ policymakers & regulators	Capacity-building for adopting risk mitigation measures applied by platforms to manage systemic risks to electoral processes and civic discourse.	In a breakout exercise done in groups, Group 3 stated that this mechanism was not useful; while Group 2 stated this would be useful in theory, but they had no experience of this participation mechanism.
Workshops with affected communities or documentation of their experiences of platform harms	Research	Bring together affected communities to co-construct key legal definitions and best practices and/or to co-design technological systems. Documentation of online harms and violence experienced by affected users and non-users.	Participants 4, 8, 11 and interviewees 7, 9, 10, 14, 15 and 17 emphasised the need for these initiatives in different ways, stating that regulators need to pay attention to such existing initiatives in civil society or proactively reach out to affected communities. Some of these participants mentioned that the usefulness of this would depend on regulators and platforms not distorting the perceptions of affected communities.
Membership of DSA expert groups at European or national level	Lobbying & advocacy directed at policymakers & regulators	To support the Commission and Digital Services Coordinators in their supervision tasks under the DSA, including overseeing risk management processes.	In a breakout exercise done in groups, Group 3 found this mechanism useful. Participants 6, 9 and 11 also expressed the idea that this mechanism would be useful in the plenary discussions. Interviews 2, 3, 14 and 15 also confirmed this idea of usefulness, although interviewee 15 and participant 4 mentioned that certain national regulators may lack capacity and knowledge of the civil society space to organise this mechanism in a meaningful way. Group 1 stated that, while it does not yet exist, it would be useful to set up a permanent expert group of civil society at EU level.
Invitation to attend meetings or to be consulted by the European Board for Digital Services (EBDS)	Lobbying & advocacy directed at policymakers & regulators	Enhanced public scrutiny: to support the EBDS in its meetings and the fulfilment of its advisory and coordination tasks.	In a breakout exercise done in groups, Group 2 and participants 3 and 10 of Group 3 stated that this would be useful in theory. Group 1 stated that they were unsure about it.

Mechanisms of participation	Type of mechanism	Rationale	Observations about usefulness
Participation in regulatory sandboxes	Lobbying & advocacy directed VLOPs/ policymakers & regulators	Involvement in the testing and, accordingly, in the design and/or structural adaptation of AI models/systems under development in the sandbox.	In a breakout exercise done in groups, Group 2 stated this mechanism would not be useful, and Group 1 stated that this would be useful in theory, but they had no practice of engaging with it. Interviewee 17 said that this mechanism could be incredibly useful, especially in their field (development of algorithmic systems with affected queer communities), but only according to certain conditions – namely the participation from as early as possible of affected communities in determining how impact assessments are performed, the prior ethical approval of the sandbox by an independent body, and a meaningful inclusion of participants, according to their needs and interests, at every stage of the sandbox.
Collaboration and dialogue between members of civil society, public authorities, and/or regulated private actors in conferences, multi-stakeholder workshops or other roundtable events	Lobbying & advocacy directed VLOPs/ policymakers & regulators	Members of public authorities seek additional information and insights over their area of regulation. Researchers and members of other civil society organisations seek to both gain new insights from their colleagues and members of public institutions about their research interests, but also to shape regulatory dialogue through the dissemination of their research findings.	In a breakout exercise done in groups, Group 3 stated that this mechanism was not useful. Group 1 stated that it was useful, but some of their members (as well as participants 3 and 11), in the subsequent plenary discussions, raised some questions on how meaningful multi-stakeholder workshops actually are (interviews 9, 13 and 18 confirmed this impression). A more detailed description of participants' opinions is described in the remainder of this section.
Innovation-fostering initiatives promoted by Commission and/or private sector	Lobbying & advocacy directed VLOPs/ policymakers & regulators	Have researchers contribute to regulatory dialogue with new ideas for designing technical solutions for platform services and systems to be compliant with legal requirements.	In a breakout exercise done in groups, Group 1 stated that this mechanism was not useful (with participants 7 and 9 stating that this would be the least effective of all mentioned mechanisms during the workshop). Group 3 found the mechanism useful in theory and Group 2 was unsure about it.
Publication of research through policy reports, academic articles/ books	Research + Public & media advocacy	Contributing to or influencing the regulatory dialogue on the implementation of the DSA These publications can be highly persuasive and be considered or taken up as evidence by both public authorities (Commission or national regulators) or by platforms.	All groups and subsequent plenary discussions agreed that this is a highly useful mechanism. Participant 7, interviewees 4, 6 and 10, as well as several participants in Workshop 1 highlighted that academic freedom and creative research work are necessary in this area. Participant 6 mentioned that some of these studies are commissioned by national regulators.
Contact independent researchers or research organisations to produce independent findings	Research	This helps civil society organisations gain some evidence that they may then use in public consultations and similar events, complaints and strategic litigation.	Participants 3, 10 and 11 mentioned this mechanism as a necessary basis for other mechanisms.

Mechanisms of participation	Type of mechanism	Rationale	Observations about usefulness
Publication of press releases, open letters and manifestos	Public & media advocacy	Contributing to or influencing the regulatory dialogue on the implementation of the DSA/AIA. These publications can be highly persuasive and be considered by both public authorities (Commission or national regulators) or by platforms. They can be used to directly respond to regulators or platforms actions.	All groups and subsequent plenary discussions agreed that this is a useful mechanism. Some participants mentioned that this could build into contacts with regulators, the presentation of complaints or strategic litigation.
Online activism and journalistic work	Public & media advocacy	Contributing to or influencing the regulatory dialogue on the implementation of the DSA/AIA. These publications can be used by supervisory or parliamentary authorities, thus broadening their informational resources. Informing less knowledgeable/lay audiences, as well as peers, about some issues related to platform and AI harms.	All groups and subsequent plenary discussions agreed that this is a highly useful mechanism.
Complaints to national authorities or Commission	Strategic litigation & administrative complaints	Challenge how platforms have identified or mitigated a potential AI systemic risk, as well as their overall compliance with the DSA.	In a breakout exercise done in groups, Groups 1 and 3 stated that this mechanism was useful; and Group 2 stated that it would be useful in theory, but they had no experience with this.
Strategic challenge of Commission's transparency policy regarding its enforcement actions	Strategic litigation & administrative complaints	Challenge the Commission's information policies and seek bigger transparency regarding how they monitor compliance with DSA risk management obligations. This often takes place in the form of a challenge to the European Ombudsman of a Commission's individual decision to deny access to information to a certain individual.	In a breakout exercise done in groups, Groups 1 and 2 stated that this mechanism would be useful in theory. Interviewee 5 explicitly stated that they had pursued this route and obtained some results (even if non-binding).
Engaging in and/or supporting strategic litigation	Strategic litigation & administrative complaints	Challenge platforms' DSA compliance before national courts. Strategic litigation may in this field escalate all the way up to the CJEU.	All groups and subsequent plenary discussions agreed that this is a highly useful mechanism.
Hearing of impacted individuals in preparatory stages of regulatory decisions	Lobbying & advocacy directed at policymakers & regulators	Allow affected individuals or organisations to articulate their interests and be heard by the administrative regulator or adjudicator before a decision is made. This could be organised both by the Commission, DSCs, or out-of-court dispute settlement bodies.	In a breakout exercise done in groups, Group 2 stated that this mechanism is useful; Group 1 stated that it would be useful in theory; and Group 3 that it would not be useful.

Mechanisms of participation	Type of mechanism	Rationale	Observations about usefulness
Being a trusted flagger	Lobbying & advocacy directed at policymakers & regulators	Identifying potential instances of illegal content online.	Workshop participants mentioned this was missing from the preliminary mapping but did not reflect on its usefulness. Interviewee 2 stated that this would be useful in theory but that national accreditation processes of trusted flaggers are not always clear; and interviews 3 and 7 stated that this mechanism was presented to them by regulators as the only option for them to contribute to DSA governance, even though they have no interest and are not suited for it (see Section 3 below); interviewee 18 highlighted this as a form of participation of their organisation.